

UNIVERSITY OF DURHAM  
مركز دراسات الشرق الأوسط  
مركز دراسات الإسلام  
CENTRE FOR MIDDLE EASTERN  
AND ISLAMIC STUDIES

# THE CONDOMINIUM REMEMBERED

Proceedings of the  
Durham Sudan Historical Records  
Conference 1982

Volume 1:

# THE MAKING OF THE SUDANESE STATE

---

23 SEP 1993



Edited and Introduced by  
**DEBORAH LAVIN**

© Centre for Middle Eastern & Islamic Studies.  
University of Durham 1991

Typeset on the Oxford University Computing Service Monotype Lasercomp

ISBN 0-903011-24-7

The views and interpretations in these papers are those of the authors and should not be attributed to the Centre for Middle Eastern & Islamic Studies or to the University of Durham.

The cover photograph shows the 50th meeting of H.E. the Governor-general in Council, 25 July 1942

Seated at rear: H.E. Sir Hubert Huddleston, KCMG, CB, DSO, MC

Left from rear:

Major-General B.O. Hutchinson, CB, CBE, Kaid

Mr D. Newbold, CBE, Civil Secretary

Brigadier E.D. Pridie, CMG, DSO, OBE

Dr J.D. Tothill, CMG

Standing: Mr K.D.D. Henderson, Secretary to Council

Right from rear:

Mr T.P. Creed, MC, Legal Secretary

Sir Francis Rugman, KCMG, MC, Financial Secretary

Mr R.C. Couldrey, CBE

Mr C.R. Williams

Mr R.V.H. Roseveare, MC

SAD 10/5/1

Reproduced by permission of Durham University Library

PK 1543.5

TO THE MEMORY OF  
GEORGE RICHARD FREDERICK BREDIN, CBE

## CONTENTS

Introduction, <i>Deborah Lavin</i>	vii
Foreword, <i>Sayed Ibrahim al-Nur</i>	i
<b>Part I: Administration</b>	
Local Government in the Sudan 1899-1956, <i>L.M. Buchanan</i>	5
The District Officer in India and the Sudan, <i>A.J.V. Arthur</i>	11
Differences between the Northern and Southern Sudan and the administrative problems these raised, <i>J. Winder</i>	17
In discussion—administration	25
K.D.D. Henderson hits the historians for six	33
<b>Part II: Law</b>	
Law in the Sudan under the Condominium, <i>Sir Donald Hawley</i>	39
The Sudan Police Force in the final years of the Condominium, <i>L. James</i>	54
Land Law in the Sudan, <i>S. Rowton Simpson</i>	60
The High Court of the Sudan at work, <i>R.C. Stanley-Baker</i>	70
The role of the Native Courts in the administration of justice in the Sudan, <i>Judge Mohammed Ibrahim al-Nur</i>	78
English Law and its appropriation to societies in the South, <i>W.C. McDowell</i>	86
In discussion—law	89
<b>Part III: Defence</b>	
The story of the Sudan Defence Force 1925-1955, <i>Col. J. Orlebar</i>	99
Actions in aid of the civil power	107
The Jebel Gulud patrol 1926	
The Tuleshi patrol 1926, <i>G. Bredin</i>	
The Nuer patrol 1927-28, <i>Gen. L. Thomas</i>	
Goraaan raids, <i>Maj.-Gen. Sir R. Scoones</i>	
Defensive measures to counter invasion	113
War and the defence of the Sudan	114
Gallabat—Asmara—Kassala May 1939-July 1940, <i>Col. P.G.L. Cousens</i>	
The recapture of Kassala and the Battle of Keren, <i>Brig. R.H.S. Popham</i>	



The Eritrean and Abyssinian campaigns	122
The Frontier Battalion, <i>Brig. G. Campbell</i>	
Kufra Oasis and the formation of the SDF Brigade, <i>Brig. R.H.S. Popham</i>	
Logistics, <i>Maj.-Gen. E. Lonsdale</i>	
Internal security and the Sudanisation of the SDF	132
and contributions from discussants	
The external and internal roles of the Sudan Defence Force, <i>Gen. Mohammed Idris Abdullah</i>	135
The Sudanisation of the Equatorial Corps 1954, <i>Lt Col. W.B.E. Brown</i>	141
<b>Part IV: The transfer of power</b>	
The growth of Sudanese nationalism, devolution and the road to independence, <i>Sir Gawain Bell</i>	147
Reminiscences around the transfer of power, <i>John Kenrick</i>	157
Constitutional development to independence, <i>Sayed Meccawi Sulaiman Akrat</i>	165
A note on the possible effects of different promotion prospects before and during independence, <i>John Wright</i>	175
The Neguib riots, <i>Maj.-Gen. Sir Reginald Scoones</i>	178
In discussion—the transfer of power	180
<b>Appendices</b>	
I: Chairmen of the subject panels	189
II: Members of the Durham Sudan Historical Records Conference	190
III: Brief notes on contributors	192
<b>Map</b>	

## INTRODUCTION AND ACKNOWLEDGEMENTS

*Deborah Lavin*

The Durham Sudan Historical Records Conference was held in Trevelyan College, Durham, 14-16 April 1982. Unusually for a conference on African empire, it examined a single territory in depth rather than a theme treated comparatively across a number of territories (as in the African conferences in St Antony's College, Oxford). The Sudan, as a Condominium between Britain and Egypt, came under the Foreign Office rather than the Colonial Office in London; its Services were as akin to Indian models as to African. They were probably more highly specialised than any others in colonial Africa, and built up a unique professional closeness and continuity. Many of their expatriate members spent the greater part of their careers in the Sudan. The conference thus combined a defined territorial focus with a refreshing and salutary mixing of disciplines, political, legal, military, economic, technical, administrative and social. Its success was due to the seemingly tireless appetite for recollection and debate on the part of the participants. Most were British, but we were fortunate in being able to invite to Durham a number of Sudanese participants of the same generation and professional interests (see Appendix II). The discussions exemplified the sense of shared experience and a shared sense of humour. The conference produced a torrent of valuable source-material; yet perhaps its most striking feature was that it had the air of a family reunion.

Memory was stirred by the family album—in this case an exhibition from Durham's Sudan Archive (launched in 1957 as the first area archive of its kind in this country), two of whose begetters, Richard Hill and K.D.D. Henderson, chaired panels. Lesley Forbes, Keeper of Oriental Books in the University Library, illustrated the style of British administration and life in the Sudan from the Archive's holdings, ranging from policy documents and personal letters to railway timetables, from Mahdist battle flags to handkerchief maps. Archive films were shown; Dr John Bloss mounted a display of magnificent photographs.

Limitations on time and space meant invidious selection. The programme was partly governed by the needs of the Archive, but many aspects of the Condominium went undiscussed on this occasion. With the help of the specialist advisers, the conference organisers identified nine themes and approached the chairmen of the discussion panels (see Appendix I); the chairmen then recruited the authors and negotiated the topics. Chance intervened: the Ambassador, Sayed Amir al-Sawi, who had done much to encourage the conference from its inception, was transferred shortly before it took place; participants from Southern Sudan whom we had hoped would come were in the event unable to do so. Some of the senior generation of Britishers were unable to do more than send their good wishes, among them

T.F.G. Carless, Sir Christopher Cox, Sir Arthur Gaitskell, V.L. Griffiths, T.R.H. Owen, M. Parr, A.G. Pawson, Sir George Schuster, Maj.-Gen. Sir Reginald Scoones and Miss Mabel Wolfe.

The single most significant finding was the extent to which the conference illumined a common mind among its participants. Probably this historiography has been consciously or unconsciously articulated and refined over the years in the annual reunions of the various Services—the Political Service, the Plantation Syndicate, the Defence Force Dinner Club, the Sudan Church Association, etc. Yet their members had never before met formally all together to discuss the past. At all events it produced, as Professor Ronald Robinson pointed out, an astonishingly finished piece of historical writing, and discussions in which clashes of fundamental principle or conflict of experience were barely discernable. As the portrait of a generation of Sudanese and British colleagues took shape, so did historical understanding. Professor Mohamed Omer Beshir, who had been taught by Messrs Hill, Hodgkin and Holt, had been a colleague of Professor Sanderson and had come to the study of the transfer of power after two spells of imprisonment, described the cumulative effect: 'The generation of collaborators—I admire them more than I did!' There was consistent interest in the contemporary Sudan, not only how things had begun but how they had turned out—local councils, filing systems, survey markers. Sudanese precedents were advanced for current British problems—a condominium in the Falklands? Mamurs in Toxteth or Brixton?

Many points of historical importance emerged. Each session searched its conscience: in each the same judgement was made—that Sudanisation had been too long delayed. The reason appeared to be one of process rather than principle in every branch of government, civil and military, as well as in the churches, in commerce and communications—yet why, as Anthony Kirk-Greene was to ask, had localisation been so slow, given the Sudan's justifiable claims to advanced thinking? Lawrence Buchanan raised the important question as to whether the Condominium had posed its servants with a conflict of loyalties between British, Egyptian and Sudanese considerations. It seemed that the paradoxical effect of Egyptian involvement (especially in the latter stages of the Condominium) had been to consolidate the expatriates' sense that they were working for the Sudanese rather than for Britain, and Sudanese acknowledgement of the fact. In this, surely, the Sudan was a special case, perhaps unique in the psychology of imperialism.

The papers and discussions contained significant omissions. Relatively little reference was made to the South, although many of the conference members had Southern experience. Most strikingly, perhaps, the external factors went undiscussed in relation to Egypt and London alike, although every major change in the Sudan's circumstances—1924, 1936, 1952—was predicated on factors extraneous to the Sudan.

The conference was planned to be an archival record by those who had served in the Sudan; few historians attended. Those who did agreed to abstain from intervening in the discussions, but circulated a list of questions they

hoped the conference might address. The answers took shape cumulatively with the different perspectives of each session; on occasions the historians found themselves hit for six (see 'K.D.D. Henderson hits the historians for six', pp.33-35 below). Only in a final, extra session did some of the historians comment.

The conference proceedings have now been edited in two volumes. The first, *The Making of the Sudanese State*, covers administration, law, defence and the transfer of power. The second, to be published shortly, is entitled *The Transformation of the Old Order in the Sudan*, and deals with economic development (including irrigation and the Gezira, forestry, agriculture, the private commercial sector and the Jonglei and Southern Development Investigation team); communications (railways, river, ports, air, roads and telecommunications); education; missions, and medical services. It will also include a glossary and index.

The generosity of participants in the conference not only enlarged the Sudan Archive with many valuable new deposits but sustained an archivist to calendar them. The (unavoidably belated) published version of the proceedings, together with the full taped record which is placed in the Archive, now makes the findings available to protagonists and scholars alike. The proceeds of publication have been assigned to the Durham Sudan Archive, which continues to grow from donations of papers, photographs, film and other material.

#### *Acknowledgements*

We gratefully acknowledge the advice given by the late George Bredin, whose wise guidance informed the planning of the conference throughout, and by the specialist advisers, Professor M.O. Beshir, Professor R.O. Collins and A.H.M. Kirk-Greene. The Conference was made possible by generous sponsorship from the University of Durham, the British Academy, the Gordon Memorial College Trust Fund and the Oxford Development Records Project. Its success was ensured by the enthusiasm of those who helped to run it, often from behind the scenes—Lt. Col. Bill Brown, Bursar of Trevelyan, and Mrs June Brown, Mrs Jane Barbour, Ms Elizabeth Cory, Messrs Robert Beckley and David Porter, and Ms Clare Wright. Finally, we are grateful to Paul and Janet Starkey for taking on the task of seeing these papers through the press on behalf of the Centre for Middle Eastern and Islamic Studies of the University of Durham, thus enabling the conference proceedings to be shared by a wider audience.

Lesley Forbes, *Keeper of Oriental Books, Durham University Library*

Deborah Lavin, *Principal of Trevelyan College*

## THE OPENING ADDRESS TO THE DURHAM SUDAN HISTORICAL RECORDS CONFERENCE

*Sayed Ibrahim al-Nur*

Cultural Counsellor, Sudan Embassy

I have been asked to say a few words at the opening of the Durham Sudan Historical Records Conference, so it is most appropriate to begin by thanking firstly the University of Durham and its Vice-Chancellor for giving us the opportunity of meeting in their beautiful campus; and also to thank all those who contributed by their research, their presence, their means, their time or in other ways to achieve this grand gathering of old friends from the Sudan and the U.K. I must however mention in particular George Bredin, Deborah Lavin, Professor Robert Collins, Anthony Kirk-Greene, Lesley Forbes and Professor Mohamed Omer Beshir for their continuous and untiring work during the greater part of the last twelve months.

Two distinguished Sudanese participants are unfortunately unable to be with us in this important conference. Sayed Nasr al-Hag Ali is in hospital and H.E. Amir al-Sawi left Britain on 3 April at the end of his term of office as Ambassador to the Court of St James. Both of them have asked me to convey to you their gratitude for your kind invitation and their best wishes for the success of the conference.

During the historical period we will be discussing, the Sudan (like all other countries, developed and underdeveloped) witnessed spells of distress and even suffering but also experienced for the first time in its history achievements which I feel bound to enumerate:

- a) In education, the Gordon Memorial College turned out to be the nucleus of the University of Khartoum and Bakht er Ruda the reformer of primary education.
- b) In agriculture, the Sennar Dam and the Gezira Scheme opened new horizons for irrigated production.
- c) In administration, a system was introduced which secured law and order in the whole country.
- d) In transport, Sudan Railways and Steamers linked some of the remote parts of the country together.
- e) In health, a modern medical service was introduced to a country which did not know it before.
- f) In law.
- g) In defence.



The list is long. I may be accused of seeing too much of the bright side of the Condominium era. But I mean to take this position because it is much easier to be critical of others than of ourselves. If we can discipline ourselves to see the goodness and moral excellence in others (a very difficult exercise indeed) we will not be only just and fair—which is the ultimate reward—but also, strangely enough, expedient. If we try this simple exercise (which I have learnt from Islam, Christianity and Hinduism) with our friends, our families or indeed with other nations and governments, we will not fail to discover its virtues and rewards.

I am not advocating that the truth and historical facts should be waived to accommodate the principles of love I believe in. Indeed, I am advocating that these very principles of love should deter Sudanese historians and politicians (as well as British historians and politicians) from all forms of pride and prejudice.

The Sudan did learn a lot from that short Condominium period. This is a fact of history. We all learn from each other and there should be neither pride nor shame in this process. The modern approach of a self-conscious and commercial donor-recipient attitude did not exist in the period we are dealing with. Many of those who came to the Sudan did so from a sense of adventure, religious zeal, or a sense of duty or patriotism in service of the empire, or by accident. Very few came for self-aggrandisement and fewer still came for personal enjoyment—a thing which is now the prime target for any traveller or tourist. I am not trying to attribute imaginary values or lofty moral standards where they are not applicable—but historical evidence in the fields of education, agriculture, medical service, administration ... etc. is abundant; and the different panels dealing with these subjects will certainly give vivid examples.

I did not mean to take as much of your time as that—I cannot dare to go on any longer, because amongst my audience are some of my teachers and trainers (and I have the honour to mention them by name: Alan Theobald, Robin Hodgkin, Richard Hill, Peter Holt, Louis Brown and John Farquharson-Lang) and many others; these people have tutored and disciplined me as they have done the same valuable service for thousands of other Sudanese. Part of this discipline included when to listen and when to speak, when to learn and when to teach, and when to combine both, and much more important—when to stop. What I should do now in gratitude and appreciation of their wisdom is to stop and listen to them.

**Part I:**  
**ADMINISTRATION**

## LOCAL GOVERNMENT IN THE SUDAN DURING THE CONDOMINIUM 1899-1956

*L. M. Buchanan*

*Open the Door* is the title of collected stories by Osbert Sitwell, such also is the evident purpose of the Sudan Archive at Durham for historians trying to assess the achievements and mistakes of the Sudan government during the Anglo-Egyptian Condominium, a short period of history lasting little more than half a century including the two world wars (nine years). I served in the Sudan during the second half of the Condominium ending as Director of Local Government 1952-1954. Thirty years later I will try to put the matter in the perspective of those years rather than catalogue many tedious facts available in the Archive.<sup>1</sup>

Most of what follows was discussed at the time in detailed reports (see note 1), and I have simply selected from them what seem to me in retrospect to be milestones on the road forward, together with some judgements for reassessment, if required, and questions to ask—albeit with a measure of hindsight.

In this context 'local government' means delegated authority upon local people through democratic local bodies as developed in the last hundred years in Britain and as adapted and fostered in the Sudan during the second half of the Condominium—as also in other parts of the erstwhile British empire. I emphasise this, as local government in its broadest sense simply means the delegation of sovereign power in some degree or other—but not necessarily upon local people or democratically, as in the case of foreign District Commissioners in Africa or Gauleiters in Germany. Whether the structure of local government be locally delegated or centrally controlled authorities, or a mixture of the two (as in France), is a matter of basic policy to be settled and reviewed from time to time in any state. What is always required is adequate coordination of effort between the local communities concerned and sufficient direction from central government—a nice balance, difficult to achieve. Watertight compartments of indirect local government would spell disaster to any component country, while direct government through local agents would tend to stultify initiative and to foment local discontent and irresponsibility. In short, the crux is the degree of interplay between central and local authorities, the interplay of local democratic impulse and specialised central guidance. And the local government potential in any state depends, of course, upon many

1. I have deposited in the Durham Archive nearly all my detailed reports and papers on this and related subjects, including most importantly an annotated copy of the 1949 Marshall report, its concurrent assessment by the Sudan government and the consequential legislation to independence in 1956, and a copy of a lecture I gave in 1955 to an audience at Makerere in Uganda on the subject of local government in the Sudan.



current factors, more especially the social structures of local communities, the degree of mutual confidence and stability, the resources available (both human and financial), and the adequacy of communications.

*Structure—1899 to 1949*

In the Sudan the Condominium government, established by conquest at the end of the nineteenth century, consisted necessarily at first of foreign bureaucrats, mostly military. They took direct control following a period of terror which had results in the partial extermination of local communities and the breakdown of communal discipline and order. Their resources were negligible; their goodwill was paramount and inexhaustible. The establishment of law and order, the restoration of reasonably stable conditions and of tribal cohesion were the first tasks, and in that process it was early recognised, bearing in mind the vast size of the country and the chronic lack of finance, personnel and communications, that the keynote of administration must be decentralisation and the employment of native agencies wherever possible. Fortunately, the Sudan had virtually no problems of foreign settlers or communities in their midst, and the harsh climate discouraged such possibilities.

By 1914 the first phase was basically achieved and a measure of mutual confidence had been engendered. Then the 1914-18 World War delayed essential economic growth, but afterwards the 1919-24 period saw substantial economic expansion, notably the construction of the great Sennar Dam and the Gezira Irrigation Scheme, and there was simultaneous expansion of the railway system and other communications. At the same time the Sudan government accepted the recommendations of the 1920 Milner Commission which confirmed and underlined that the administration of the country should be left as far as possible in the hands of native authorities. These were the tribal and other traditional leaders, and the small cadre of native officials in government service. The policy of delegation and dilution together with concomitant education and economic expansion was a logical but inevitably slow process. Indeed, there was, it would seem, no alternative except autocratic and negative stagnation, considering the external political circumstances which had given birth to the Condominium (a consequential device both novel and ingenious), followed by the post-war unrest in Egypt which was brought to a head in 1924 by the assassination of the Governor-general in Cairo. Ironically, this political and personal climacteric accelerated the internal process of decentralisation and dilution—especially the latter—in the Sudan, for the consequential disappearance of the Egyptian Mamur (and Egyptian officers) left an obvious gap in the administrative machine to be filled with Sudanese. The development of 'Native Administration' (already a feature of Nigeria) proceeded apace in the following years before the Second World War, particularly on the judicial side. Relatively simple administrative, budgetary and judicial responsibilities of Native Authorities were developed both in law

and practice, and simultaneously the training and appointment of Sudanese Mamurs (and departmental officers) went ahead as fast as the supply and Sudanese education permitted. But then, once again, war slowed down for six years most major political and economic developments.

After 1945, however, the stopper was out of the bottle and British imperial policy moved at an unprecedented and radical pace towards self-government. Independence in India, Burma and Ceylon had set the pace by 1947, and discussion in British colonies indicated a similar ordered movement. The Sudan government followed the same policy (which was not revolutionary), adapted to its peculiar constitutional circumstances, particularly the Egyptian connection and interests (Nile waters). Constitutional developments towards parliamentary self-government, which was finally established in 1953, naturally influenced the direction and tempo of local government.

#### *1949-1956*

Following the comprehensive report made in 1949 by Dr A. H. Marshall, City Treasurer of Coventry, the Sudan government decided to adopt a comprehensive structure of local government broadly resembling English local government adapted to local conditions; and obsolescent legislation was replaced by the Local Government Ordinance of 1951 under which 'all purpose'-type local councils were quickly established. But local government, being a component of the general administrative machine, was organised under the general control of the nine provincial Governors, and it is most important to understand that each Governor remained responsible for the proper administration and security of his province.

By 1953 each Governor had a Local Government Inspector on his staff who was required to inspect, advise and assist the 70 independent and representative councils (of which seventeen were Municipalities) which had by then been set up. They had become responsible for an increasing range of services, particularly in the spheres of public health, education, planning and marketing—but not public security (police). On the other hand the Director of Local Government in the Khartoum Secretariat (later Ministry) had wide powers of technical control, e.g. in formulating staff regulations, audit and budget controls. He also approved all capital expenditure and borrowing and had plenary powers of supervision and, if required, suspension of councils. In the less developed three provinces of the Southern Sudan where experiment was still necessary, the District Commissioners were given all the statutory powers of a Council and then proceeded to associate 'shadow' councils with themselves. Elsewhere, the District Commissioner was not normally a member of the council and he attended only to the residual duties of government; he was, in fact, gradually and deliberately detaching himself from the operation and work of local councils. Council staff were all-important: without really competent and sympathetic staff all would be lost. The principal officers were the Executive Officer (Town Clerk) and the Treasurer, and these two

appointments needed the sanction of the Governor of the province. They were permanent local government officers, the Executive Officer having a status and training comparable to that of the District Commissioner—indeed, he was often a seconded Sudanese District Commissioner.

### *Finance*

The principles and details of local government finance were vital and are set out in the papers lodged in the Durham Archive. The corollary of placing duties on autonomous local government councils was, of course, to put adequate sources of finance at their disposal, and they needed to know what their income and other resources were likely to be for a reasonable period ahead. Their sources of income were mainly assigned taxes (subject to a fixed annual contribution therefrom to central government), town rates, local charges and dues, and grants-in-aid for specific services in which the central government had a direct interest such as schools and dispensaries. This system acted as an automatic measure of equalisation between councils of different wealth and opportunity. Capital and reserve accounts were obligatory and carefully supervised. They were fed from surpluses and from capital grants and loans. (For the period 1951-56 the Government Development Programme voted one million pounds for local government loans and half that amount for grants.)

### *Native Courts*

This paper does not cover the development of Native Courts. (For this, see Part II below.) In the last ten years of the Condominium they had been effectively separated from local government executive functions and were then separately organised under a special Inspectorate and ultimate oversight by the Legal Department. In earlier days these functions were not clearly distinguishable in the minds of tribal authorities, whose magisterial and judicial functions tended to overshadow their relatively minor and uncodified administrative powers and duties.

### *Problems*

By the end of the Condominium in 1956 there were two particular and continuing problems. The first was the need for adequate Sudanese staff which had pervaded the whole administration of the Sudan in all departments, both central and local, since 1945. Sufficient trained and experienced Sudanese did not exist to meet post-war development, rehabilitation and accelerating Sudanisation. Posts were filled not only from expatriates but also direct from Khartoum University, ex-army/police officers and other pensioners. This problem was, however, being progressively tackled by special courses abroad and at home. For example, Khartoum University ran a two-year course on Public Administration (successor to the School of Administration), the entry

limited to sixteen graduates annually, who were absorbed at once by the two parallel administrative services. The University also ran summer courses on a lower level for local recruits, less well qualified academically. In 1954 special arrangements were made at the Juba Training Centre in Equatoria for a nine-month course to train local Southern executive cadets whose qualifications were junior-secretary plus local vernacular languages. Technical departments of government were apprenticing cadets as engineers, medical assistants, teachers, accountants etc.—though the demand inevitably outstripped the supply.

The second problem could likewise be resolved only in the fullness of time and in a favourable political internal climate: the sensitive relationship between modern local councils and their staff and the traditional tribal hierarchy (some well educated) who still wielded much personal authority and upon whom local stability still depended in large measure. Legislation was in hand in 1954 to cover the legal position of Tribal Authorities. They were to derive all their powers directly from the central government; they were to act as executive agents of the local councils and not their servants or employees, and they could be disciplined only by central government. This raises an area of speculation not widely discussed in the Sudan in the last decade of the Condominium.

#### *The French system*

Dr Marshall in his report foresaw the eventual end of the District Commissioner in the Sudan, partly because many of his duties would progressively be taken over by democratic local government councils and partly because the Sudan would not be able to afford two parallel government agencies at local level. Nevertheless and contrariwise, there was the possibility of a reverse development: a potential movement towards the French system of local government dominated by the Prefect (responsible to the Ministry of the Interior) and the Mayor of every Commune. Their approximate counterparts were already in position both in Egypt and the Sudan, and had been Sudanised by 1956, as the Province Governor and the District Commissioner/Mamur. In June 1949 the Civil Secretary proposed the Franco-Turkish system in principle as an ultimate goal, rather than the Marshall recommendations, but the proposal was rejected by the Executive Council. It was not widely debated at lower or popular levels.

The French system, born of the Revolution and finally established in its present form under the Third Republic in 1884, is, in effect, a mixture of direct decentralised control and delegated powers (except in the Paris area). The Mayor of a Commune, whether of a great city or a small village, is elected locally for seven years (not annually) but has a dual role, firstly as agent of the state for non-delegated affairs (cf. the District Commissioner), and secondly as both Chairman and Executive (Managing Director) of the local Municipal Council. Again, the Prefect of a department (county), a very powerful individual, also has a double role and wields great authority analogous to that



of the Governor of a Province in the Sudan or Egypt. He is responsible to and appointed by the Minister of the Interior. He is directly responsible for security and the police and is the overall agent of the government in his prefecture/department with a cabinet of senior officers of other ministries in that department. He is also the supervisor (*le tuteur administratif*) of the Commune, while at the same time he is the *administrateur* (Chief Executive) of the elected General Council of his department which, like an English County Council, has many statutory and delegated responsibilities. The French system is thus at once less democratic and more centrally controlled: the Prefect has a crucial role of leadership in every sphere of government in his department and has important social responsibilities. He is nevertheless liable to transfer by the Minister to another department to avoid, if necessary, too close an identification with one department/province. It is, however, interesting and ironic that Monsieur Mitterand proposed in 1981 to make substantial changes in this structure and to transfer greater local authority from the Prefects and Mayors to the local elected councils. In explanation it is said that France needed a strong central authority in order to build herself; today she needs decentralised authority in order not to fall apart.

In the Sudan such a structure might (with hindsight) have more readily suited a post-independence situation where governments have necessarily proved less stable than a government imposed and backed by imperial power, and where effective control and loyal agencies in the provinces are essential to their credibility. But the objectives of a (temporary) Condominium government were different, inherently so. It was necessary to preserve social equilibrium at all costs, and this predicated a sensible and fair balance between the impatience of the growing educated classes and the respected, loyal but sensitive tribal hierarchies. Too heavy a hand at local level was avoidable and unwarranted. Such speculation serves perhaps no useful purpose now and it is put forward in ignorance of current local government trends in the Sudan since independence in 1956: it was not even debated in 1950. The main interest now lies ahead.

'The Moving Finger writes; and having writ  
Moves on: Nor all thy Piety nor Wit  
Shall lure it back to cancel half a line  
Nor all thy Tears wash out a Word of it.'  
(*Omar Khayyam*).

## THE DISTRICT OFFICER IN INDIA AND THE SUDAN

*A.J.V. Arthur*

The main differences between India and the Sudan were size, population, and complexity of administration. Although the Sudan is the largest country in Africa, with an area of approximately one million square miles, its population is sparse (about ten millions in our day) compared with a population of 300 millions in India, a sub-continent the size of Western Europe and as divided linguistically, historically and culturally as the nations of Europe.

British India comprised about three-fifths of India and consisted of twelve provinces, administered by the Indian Civil Service (ICS). The remaining two-fifths included the Princely Indian States and Political Agencies such as those on the North-West Frontier and in Baluchistan, where the Indian Political Service, recruited one-third from the ICS and two-thirds from the Indian Army, exercised advisory functions. Each province was ruled by a Governor, who was responsible to the Viceroy and Government of India in New Delhi. The ICS numbered 1,200 officers, of whom half were Indian at the time of independence. Officers were appointed to a province and served there throughout their service, apart from periods of secondment to the Government of India. This was a sensible arrangement as each province had a different language from its neighbour.

### *The Punjab and the Sudan*

The Sudan was more akin to a province in India, and therefore I propose to compare the Sudan with the Punjab, which was my province. The Punjab—the land of the five rivers—was annexed after the Second Sikh War in 1849 and was administered by the Punjab Commission, numbering approximately 150 ICS officers, and thus similar in strength to the Sudan Political Service. The Governor and Secretariat, headed by two Financial Commissioners, sat in Lahore, the capital of the Punjab. The province was divided into five divisions, each under a Commissioner, equivalent to the provincial Governor in the Sudan, and 29 districts, each under a Deputy Commissioner. The Punjab had a population of 28 millions and the languages were Urdu and Punjabi. Urdu was a composite language introduced by the Mogul invaders in the sixteenth century and was derived from Hindi, Persian and Arabic, using Persian or Arabic script. Punjabi was the language of the Sikhs and employed the Gurmukhi script, which was written from left to right. The inhabitants were Muslims, Sikhs and Hindus, who all got on pretty well together until the serious communal riots in March 1947 and the partition of the province between India and Pakistan prior to independence.

*Training*

I was appointed to the ICS in 1937 and returned to Cambridge for my probationary year, where I studied Indian law, Indian history and Urdu, along with 25 other probationers, half of whom were Indian. Similar courses were held at Oxford and London. I sailed for India in the autumn of 1938 and was posted to Amritsar. For the first six months I was busy studying for my departmental examinations, which I took in the spring in criminal law, civil law, revenue law, local government, accounts and Urdu. Then followed six months at district headquarters, trying simple criminal cases and learning about district administration, local government, excise and treasury. After my first year of training, I remained in Amritsar for six months for revenue and settlement training. The principal tax was land revenue, and every thirty years a settlement was carried out in each district by an experienced ICS officer, when all the land records, maps and rights of ownership were checked, and each village was assessed for land revenue, which assessment would remain in force for the ensuing period of 30 years. During this training, I was out on trek most of the time. The next stage was judicial training, particularly in the civil law, but by this time we were at war and this was dispensed with. After eighteen months' training in Amritsar, I was posted to Lahore as personal assistant to the District Commissioner (DC), and I really began to earn my pay.

*Law and order*

After a brief spell as Sub-Divisional Officer (SDO) of Murree in the hill tracts of the Rawalpindi District in the summer of 1941, I was appointed SDO of Kasur in January 1942: this comprised two-thirds of the Lahore District and had a population of 800,000 and was notorious for crime. I had two years there and then went as DC to Campbellpur between Rawalpindi and Peshawar, a great recruiting ground for the Indian Army; and finally in October 1946 I was posted as DC to Multan in the West Punjab, the largest and wealthiest district in the province with a population of one and a half millions and having an area the size of Wales.

The most important task of the SDO and the DC was the preservation of law and order, and this applied just as much in the Sudan as in India. As District Magistrate (DM), the DC was responsible for the supervision of the work of his stipendiary magistrates, of whom I had six in the Kasur Sub-division and double that number in Multan. These magistrates were all Indians and officers of the Punjab Civil Service: they had first-class powers (two years' imprisonment) and the more senior ones had special powers of up to seven years' imprisonment. Murder cases, of which there were many (approximately 100 annually in Kasur Sub-division) were all tried by the District and Sessions Judge, often an ICS officer, and appeals were heard in Lahore by the Punjab High Court, consisting of ICS officers, Indian barristers, and occasionally a barrister from the English Bar.

The main difference between the Punjab and the Sudan was that the incidence of crime was much greater in the former, and there were many more stipendiary magistrates, all exercising powers similar to those of the Police Magistrate in Khartoum. The Sudan Penal Code and Code of Criminal Procedure were based on the Indian codes, and so the law administered was the same. I tried a number of criminal cases as Sub-divisional Magistrate, but comparatively few as District Magistrate.

As DC, Khartoum I had no magisterial work, but in Shendi I did a good deal of criminal work and the Judge of the High Court, Northern Province, deputed me to preside over Major and Minor Courts. This was a system peculiar to the Sudan: in India, I could never have tried a murder case, as all cases of culpable homicide were tried by the District and Sessions Judge.

In the Punjab, there were also Benches of Honorary Magistrates, with second-class powers, who sat in pairs in the towns and tried simple criminal cases. They were roughly equivalent to Branch Courts of Sheikhs or Khut in Shendi. There was no equivalent of the Gism or Nazir's Court, but *panchayat* (literally committee of five) or village courts corresponded to Omdas' courts with powers of fine only.

The police was a much larger service in India than in the Sudan. Each district had a Superintendent of Police assisted by one or more Deputies, several Inspectors, some 20 Sub-inspectors, each in charge of a Thana or Police Station, and a similar number of Assistant Sub-inspectors (ASIs). The total police force in a district must have numbered some thousand men, compared with 100 police in Shendi District, half stationed at Shendi under a Sub-mamur and half at El Damer under a Sol. In the Punjab, the Superintendent of Police was entirely responsible for the discipline and organisation of his force but, naturally, worked closely with the DM, who was ultimately responsible for law and order, and for authorising the police to open fire on rioting mobs. In Shendi, the Sub-mamur of Police looked very much to the DC for orders, although his administrative boss was the Commandant of Police in Atbara. In India, head constables and constables were only armed with *lathis* or long staves: only police officers (ASI and above) were armed with revolvers. Districts with large towns had an Armed Reserve armed with rifles, used only in an emergency.

#### *Revenue administration*

In the Punjab, the DC of a district was designated as Collector for revenue matters. Each district was divided into four or more *tahsils* (there were seven, and two sub-*tahsils* in Multan). The Collector's number two was the Revenue Assistant, and in each *tahsil* there was a *tahsildar*, a *naib tahsildar*, and half-a-dozen Field *kanungos*, each of whom was in charge of a circle comprising some twenty villages, each in the charge of the *patwari*, the village accountant. The *tahsildar* was akin to a Mamur.

The Collector and his Assistants were responsible for the administration of



the revenue law and decided disputes regarding land and ownership. The Collector also appointed village headmen or *lambardars*, who were the equivalent of the Sheikh of a village in the Sudan. Villages were grouped together in *zails*, and the Collector appointed the *zaildar* and his assistant the *safedposh*. The *zaildar* was roughly equivalent to an Omda in the Sudan, but had no magisterial powers, unless he were an Honorary Magistrate.

The Collector was also responsible for the collection of the Land Revenue (hence his title Collector). As explained previously, the Land Revenue was assessed in each district every 30 years at the time of Settlement. Great importance was attached to the collection of the Revenue and *abiana* (water rate or canal dues): indeed, after the preservation of law and order, it was the next most important duty of the DC. Large sums were involved, and the annual amount collected in Multan was 1.35 millions or a tenth of the Province's revenue.

In the Sudan, the system was completely different. For instance, in the Shendi District, a multitude of taxes existed, including taxes on dates, land, *sagias*, and *mataras*, and *ushur* and land tax. These produced an income of £(E)41,000, and were collected by the District Council and spent by it. The only tax collected by districts for the central government was Business Profits Tax (BPT) levied on traders in the towns and assessed arbitrarily and haphazardly by boards of traders presided over by the DC. No great importance was attached to the recovery of this tax and, when I arrived in Khartoum, I was surprised to find that arrears amounted to £11,462, due over a period of five years, compared with an annual assessment of £7,000.

In India, there was also Income Tax, assessed and collected by the Finance Department of the Government of India. Income Tax did not exist in the Sudan, and Business Profits Tax was assessed on and collected from large firms and trades by the Finance Department, which scrutinised and audited accounts submitted to it by those companies.

### *Local Government*

As a general rule in the Punjab, the DC was President of one or more Municipal Councils in towns and also President of the District Board. The Municipal and District Councils in the Sudan were run on very similar lines. For my first year in Shendi, I was president of the Municipal Council in Shendi and also of the Shendi District Council, but then handed over the presidency to non-officials in each case, to the Nazir el Gism in the case of the latter. In a large city like Multan, the Municipal Council was composed entirely of elected non-officials, and I was not a member of the Council. In the same way, I was not a member of the Khartoum Municipal Council but attended meetings of the Planning Committee. Naturally, I kept in close touch with the Town Clerk. Daud Effendi Abd el-Latif, a Sudanese officer of the Sudan Political Service with the rank of DC. We cooperated closely over BPT and the assessment of the Rates.

*Lands and town planning*

In the Punjab, I had very little to do with the auctioning of land and town planning, whereas in Khartoum this was my main preoccupation. Khartoum was developing fast as a result of the Town Lands Scheme prepared by the Commissioner of Lands, Dr Rowton Simpson, C.B.E., and was expanding rapidly to the south. I attended meetings of the Central Town Planning Board and held auctions of land regularly and ensured that houses were completed within the prescribed time limit. The main problem was the location of the Old Deims in the path of future development to the south. Several attempts had been made to move the Old Deims but without success. Eventually, a Deims Re-settlement Officer was appointed—Ali Effendi Nadim, M.B.E.—and the scheme got under way. It has been described by Ustaz Saad El Din Fawzi as a gigantic operation of slum clearance and social re-settlement. It involved the demolition of 5,855 houses and shops in the Old Deims between June 1949 and January 1953, the construction of 3,721 houses in the New Deims up to 31 October 1953, and the removal of a population of approximately 30,000 people at an initial cost of £(E)9,482 and a total cost of £(E)27,794.

I used the experience gained in Khartoum between 1949 and 1951 to good effect in Shendi between 1951 and 1954, but, of course, on a much smaller scale.

*Cooperative Societies*

Cooperation was very strong in the Punjab, and each district had a cooperative bank and many cooperative credit societies. When SDO, Murree, I started a Cooperative Marketing Scheme for fruit and vegetables, and always maintained a keen interest in cooperative societies both in the Punjab and in Shendi. The main problem in both countries was not starting up the societies but recovering the loans from the members.

*Touring and trekking*

Great importance was attached to touring, particularly on horseback, in the Punjab, and to trekking in the Sudan as this enabled the District Officer to get to know his district and its people. A DC had to submit an annual return to the Punjab government, giving the mileage toured on horseback. In both countries, a great deal of time was given up to seeing visitors: indeed, in the Punjab, the DC set aside at least an hour each day at a specified time in the morning to see visitors or *mulaqatis*. In both countries, a knowledge of the vernacular was essential as English was spoken by few people in either country.

*Politics*

I arrived in Lahore in October 1938 in time for the official opening of the Punjab Legislative Assembly, and I arrived in Khartoum in January 1949, a few days after the opening of the Sudan Legislative Assembly by the

Governor-general on 23 December 1948. In the Punjab, the Premier and Council of Ministers—all belonging to the Unionist Party consisting of Muslims, Hindus and Sikhs—ruled the Province subject to the advice of the Governor. The system worked extremely well and the Unionist Party continued in power right through the war, whereas the Congress Ministries in the other provinces of India resigned office soon after the declaration of war. In the Sudan, the Civil, Financial, and Legal Secretaries all took part in the debates in the Assembly, but no official participated in the deliberations of the Punjab Assembly. However, during the period of dyarchy following the Montagu-Chelmsford Reforms in 1919, ICS officers in the Government of India took part in the debates of the Indian Legislative Assembly, and indeed my grandfather, Sir William Vincent, G.C.E.I., K.C.S.I., who was Home Member of the Viceroy's Council, was the Leader of the Assembly.

### *Conclusion*

In my view, the District Officer system was one which worked extremely effectively throughout the British empire—in India, the Sudan, and the colonial territories. It was an efficient and cheap method of administration, and was particularly well suited to rural areas where the majority of the inhabitants were unsophisticated peasant farmers. The District Officer really was the father of his people and defended their interests with enthusiasm. He travelled extensively throughout his district and was always approachable by high and low. The system smacked of paternalism, which nowadays is frowned upon. Indeed, it was the supreme example of benevolent despotism, which is a splendid system of administration so long as the despot remains benevolent and is seen to be just. The District Officer in the Sudan was a dedicated person, and his integrity was beyond question: consequently, his benevolent despotism was accepted by the public in general and the system operated very efficiently.

The District Officer was more successful in rural areas than he was in the towns, and more successful in dealing with unsophisticated peasant farmers whose main concern was to earn their livelihood in peace with their neighbours, than with the urban educated intelligentsia, whose members naturally resented this paternalistic system and were more interested in the political development of their country and the eventual attainment of its independence.

## DIFFERENCES BETWEEN THE NORTHERN AND SOUTHERN SUDAN AND THE ADMINISTRATIVE PROBLEMS THESE RAISED

*J. Winder*

Of my 27 years' service in the Sudan I spent some 17 years in the South, starting with three years (1930-33) in the extreme south of Mongalla Province (as it was then called) and then for the years 1936 to 1942 among the Nuer in the Upper Nile Province. I returned to that Province from 1946 to 1951, for the first two years of which I was engaged on the preliminary investigation into the Jonglei Scheme and after that as Deputy Governor. While working on the Jonglei Scheme I travelled all over the South apart from the districts on the Nile-Congo Divide so that geographically at least I gained a unique knowledge of the three Southern provinces. I returned to the Upper Nile in 1953 as Governor. I never served in the Bahr el Ghazal Province. I do not think any other member of the Political Service served so long in the South.

My knowledge of the Northern Sudan is restricted to my service in Port Sudan (1928-30), two years as Assistant District Commissioner Headquarters in Khartoum Province, the years 1942-46 as District Commissioner in wartime Shendi and the years 1951-53 as Assistant Civil Secretary (Departmental). This did not give me at all a typical Northern experience though I have travelled in Darfur, Kordofan and some of Kassala and the Blue Nile Provinces.

### *Outline of the differences between the North and the South*

No-one would call the peoples of the North homogeneous. There must have been various waves of emigrants down the ages, most of them probably from the west or south-west; there must have been some infiltration up the Nile valley and, indeed, from Ethiopia. But from the arrival, gradually, of the Arabs through Egypt and from the Hejaz, there had grown up a common culture, based on a common language—Arabic, and a common religion—Islam. They had come to regard themselves as one people.

The South experienced nothing like this. Here was a hotch-potch of peoples with very little in common, living in a land with very poor communications and having nothing to bind them into a common culture. There could be no bond between the cattle culture of the Nilotic people, living on the vast grass-covered plains liable to devastating floods, and those living in forest or heavily bushed country with perennial fast-flowing rivers and mountain ranges. In the North the river was an artery—the great channel of communication—but in the South the Nile was an obstacle.



The North had long known a money economy and trade. Crops were grown and herds kept with a view to exchange. There were markets and, in the Nile valley, irrigation had been practised from immemorial times, whether by basin, *sagia* or *shadouf*. Here, too, there had always been animal transport available, whether by camel, bull or ass, and the country was criss-crossed with well-known routes. The South knew none of these things—no money-based economy, no markets and the only form of transport head-loads.

Not only were the people completely different, so were the climate and the terrain. The North was generally dry for most of the year and much of it sandy; the South had much heavy rainfall, deep clay soils, torrential streams, forests and deep bush on a red laterite soil. The peoples, having little in common, never developed routes of communication.

The differences between the peoples and the lands of the North and South could hardly have been greater.

#### *The tasks of the new Condominium government*

In 1898 when Egyptian and British troops defeated the Khalifa they found themselves in an impoverished country which had gone through a period of torment by war, starvation and pillage. Prior to the Mahdia the Egyptians had set up a fairly sophisticated administration, albeit dictatorial. Taxes were assessed and collected, foreign merchant houses operated from Khartoum, steamers plied the Nile and there was even a telegraph network. Everything had broken down in the latter years of the Mahdi but the foundations of the old administration were there under the surface. The first priority of the new Condominium government was the restoration of law and order and, after that, the restoration of trade and the provision of a currency which was worth its face value. At first the Inspectors, as they were called, were seconded soldiers from the British and Egyptian armies, but a cadre of civilians was soon introduced. Experts were brought in to set up a new legal system (the panel and Criminal Procedure Codes) and to advise on education. Funds were extremely short and staff few so there was little alternative to trying to govern through resurrected tribal authorities. The objects were clear though the fulfilment might be long and difficult.

So far as the South was concerned the incoming government can have felt little incentive to try to set up an administration. They had plenty on their hands. What was important, however, was to gain undisputed control of the Nile Waters. The French were camped at Fashoda and the Belgians on the Nile beyond the Sudd. The army was given the task of opening up the blocked Bahr el Jebel (as the Nile was there called), penetrating the interior and confronting the Belgians. This policy was dictated by the circumstances of the time. Apart from restoring some law and order in a society beset with tribal warfare little more was to be attempted for a number of years. When, in later years, it was decided to administer the country, the facts of geography, lack of

communications, lack of a common language, lack of common ethnic base and particularly lack of funds were to hinder this object.

The problems of administering the South hinged generally on these factors. Let us examine some of these more closely.

#### *Transport and communications*

In the North steamers had long plied the various reaches of the Nile, and before long a railway network was developed. There was always animal transport and, when mechanical transport arrived, most parts of the country could be reached, though the going might be hard. Moreover the telegraph system was soon in operation again. The South had only the river and the use of this meant passing through the difficult Sudd region, where it was often blocked. In any case the distance from Khartoum to the navigable head at Rejaf was immense and tortuous, traversing a barren land. In some areas, where conditions were better, the presence of tsetse fly prevented the use of animal transport. In the low-lying parts of the Upper Nile and Bahr el Ghazal Provinces the country was liable to disastrous floods, and only when the ironstone parts further south were reached was roadmaking at all possible. Even there the many torrents were a hindrance. The South was, therefore, largely out of touch with the North and, even when reached, had generally to be traversed on foot. There was little to transport, even had better means been available. The staple exports had been slaves and ivory: slaves could no longer be transported and ivory was limited. The people lived on a slim basis of self-sufficiency and there was literally nothing to send down the winding Nile. It must have been obvious from the first that the South would be a financial drain on the North and the strictest economy was, therefore, sound policy.

#### *Lingua franca*

While there were parts of the North where other languages were used, Arabic was the common language and, generally, the mother tongue of the people. There was no equivalent of this in the South where few tribal languages were intelligible outside the particular areas in which they were spoken. True, in the country round Yei there was a 'made up' language called Bangalla, and there was Mongaltese Arabic—a pidgin Arabic, which could be used in many parts. But these were only useful to give instructions and for simple conversation. In the Nilotic areas the people refused to speak anything but their mother tongues. In the North when an official had some competence in Arabic he could make himself understood wherever he went. This was not the case in the South and proved a great handicap to the administration. It was not easy for an official to learn a local language as they had not been reduced to writing, and there were no grammars or vocabularies. Interpreters had therefore to be used, and they are never satisfactory. Nevertheless, a number of administrators did become proficient in local languages; in the 1920s there were at least two men who spoke Nuer fluently, two who spoke Shilluk and an agriculture

inspector who passed a Shilluk exam but failed his Lower Arabic! Doubtless there were others who spoke Dinka and some other Southern languages. Most missionaries spoke local tongues.

#### *Ethical foundations of society*

In the North, Islam controlled the lives and habits of the people. Consequently an administrator, once having learnt the basic features of Islam, had the key to understanding the society he worked in. In the South there was no such basis. While belief in some all-powerful deity was normal, the way this impinged on society varied from tribe to tribe: there was no common ethnic foundation to assist the administrator to an understanding of his people, and this, again, was a handicap. Further, in the North, *Shari'a* Law governed personal behaviour. In the Kadis there were men learned in interpreting and, if necessary, enforcing it: the people were used to a body of law. In the South tribal custom differed from one people to another: no single code of behaviour was recognised. As a result, it was not difficult to graft in the new Penal Code in the North. This was not the case in the South, where indeed no distinction was recognised between criminal and civil offences.

#### *The Southern administrator*

In taking immediate steps to gain control of the Nile Waters, the government employed army officers seconded from the Forces. The country was very hard of access, the people had been harried by the slave traders and were suspicious, while tribal warfare was endemic. It took a long time to establish even reasonable law and order; in fact it was not completed until the Nuer Settlement in 1929-30. The circumstances called for a certain type of man: one who was able to live under difficult conditions, accept isolation and yet be decisive. Malaria, blackwater fever and other health hazards prevailed, food was monotonous and of poor quality.

Circumstances changed only slowly and the same type of man continued to be needed, though to a lesser extent, right to the end of the Condominium period. The first civilian officers were not posted to Mongalla Province, for example, until 1929 when a civilian Governor and a Deputy Governor were posted there and, in 1930, three Political Service Assistant District Commissioners were sent. All the other District Commissioners at that time were ex-army officers recruited on contract, posted to their districts on arrival and rarely transferred. This meant they enjoyed tenure of office in the same locality for long periods which, while it tended to stability, also meant that administration occasionally got frozen in the image of the incumbent. Communications were such that Governors had difficulty in visiting and, even in 1954, one district in Upper Nile Province was without telegraph or radio communication. These men knew little of any government policies and ruled their districts as seemed to them best. They gradually became known as 'Bog Barons' and did an essential job in the early days. Professor Collins, in his

article entitled 'The Sudan Political Service, a portrait of the "Imperialists"' wrote with regard to the 'Bog Barons' that if they had not existed, they would have had to be invented.<sup>1</sup> In my view, however, the influence of the 'Bog Baron' has been exaggerated. He was gradually superseded by Political Service personnel who had enjoyed Northern experience, but the conditions continued to make the man: the Southern DC continued to be an independent individual because his circumstances demanded it.

#### *Central government policy towards the South*

As time went on and the country was pacified, Lugard's Dual Mandate formula was enjoined on the South—to rule through native institutions. The 1930 MacMichael Memorandum stressed that this was the aim and District Commissioners were encouraged to delegate what government they could to such authorities as were recognised. Endeavours were immediately made to learn more about the tribal systems and Nalder, in Mongalla, instructed his staff to compile what amounted to an anthropological survey (the results to be embodied in his book *A Tribal Survey of Mongalla Province*.<sup>2</sup>) A linguistic expert was introduced (Tucker) and a professional anthropologist engaged (Evans Pritchard) who made surveys of the Zande, Nuer and Anuak tribes. The results of these efforts were to show that, except in the sphere of the administration of tribal customary law, little power could be delegated. The struggle to find a natural executive long continued with but little success. Southern society did not work on those lines: tribal obedience was due to lineage heads, rain makers, land chiefs and so on. The MacMichael Memorandum also stressed that Arabic in any form should be suppressed in favour of English and that the Northern *jellaba*-type merchant should be discouraged. In fact, partly also for economic reasons, Northern staff were removed from districts to be replaced by Southern boys from the Wau School, who were not up to the responsibilities thrust upon them. In my view, these aspects of the Memorandum were never very effectively pursued, though the removal of Northern staff tended to prevent the emergence of any sort of bureaucracy in the District Offices: there was to be none between the DC and the people.

#### *Government finance*

Central government funds were always in short supply and only after the 1939-45 war was there ever much surplus which could be put into development. In any case, so far as the South was concerned, few could suggest economically profitable fields for investment there. Not until the war years did Dr Tohill manage to persuade the government of the advantages of what

1. Collins, R.O., 'The Sudan Political Service, a portrait of the "Imperialists"', *African Affairs*, Vol. LXXI, no. 284, July 1972, pp.293-303.

2. London, 1937.



became known as the Zande Scheme and after the war the government enthusiastically poured considerable funds into this.

Nevertheless when the Gezira scheme began to pay in the mid-1920s some money was certainly earmarked for the South: a short agricultural survey was undertaken, cotton growing was started in favourable areas, local ginneries built and a coffee officer appointed. A road-building expert was brought in and new roads were constructed between Nimule and Juba and between Wau and Juba (the new capital of the province, then being built). The road from Aba to Juba was improved to take advantage of the transit trade being carried by the Belgian firm of SHUN. Some new steamers were built for the White Nile route. But this munificence was shortlived: everything came to an end with the economic depression and the Southern Provinces were then put on a 'care and maintenance' basis. Little money could be spared in the 1930s, but powerful earth-moving machinery was brought in to the Upper Nile Province and some attempt was made to find better alignments for the major routes—unfortunately with little or no success. Then came the 1939-45 war and again funds and personnel had to be cut back. The central government can hardly be blamed: what money there was had to be put to the best use. The government has been blamed for not setting up government schools. But there were no educated Southerners capable of teaching and Southern Policy prohibited the posting of Northern teachers even if any had been available or prepared to serve there.

#### *The machinery of government compared*

It may be of interest to compare the staffing position in a busy Northern Merkaz and a normal Southern one in, say, 1953. In the North there was generally a District Headquarters which housed a DC, an ADC, a Mamur and one or two Sub-mamurs or *mu'awin* of Arabs. There would be a senior accountant, a *saraf* and senior and junior clerks. There might be a Lands Office and there would be a peripatetic Judge trying civil and even important criminal cases. Outside the office the tribal structure was usually headed by a Nazir. There might be Sheikhs of Khuts, Omdas and Sheikhs of villages or tribal sections. There would be markets, and clerks to run them. In fact there would be quite a bureaucracy.

In the South the Merkaz would house a District Commissioner and maybe an ADC, a bookkeeper-*saraf* and a clerk—no Mamurs or Sub-mamurs.

Outside, there was a stereotyped hierarchy: except among the Zande and, in a different way, among the Shilluk, there was no-one who might be called a paramount chief. The people owed allegiance to their heads of families, to rain makers, to land chiefs, leopardskin chiefs—the position differed from tribe to tribe. The DC did not expect to deal with his people in his office, he went to meet them at their places of assembly, chiefs' court centres and so on. The personal relations between the DC and the people, important always in the Sudan, were paramount in the South and good personal relations were the key

to good government. Tribal law and custom predominated, while the Penal Code and the DC's magistrates courts were reserved for important cases outside tribal custom.

### *Missions*

Missionary societies were active only in the South (apart from in the Nuba Mountains and for educational and medical work in the Three Towns) and they there performed a magnificent job under very trying conditions and with very little financial help, either from the government or their own Societies. What education there was was undertaken by them—theirs were the only primary schools, and the Verona Fathers' Secondary Schools at Wau and Okaru and the CMS school at Loka were the only outlets for the educated Southerner. They undertook education because it helped with their main *raison d'être* of evangelism. In the same way, they undertook medical work and the mission doctors were the only trained medical men and women outside the government hospitals in Province capital towns. At the time I do not think their evangelical efforts were of more than local success though, later, the foundations which they laid were to be of the utmost importance, as Bishop Allison describes. [See Volume II, ed. Lavin, D.M., *Transforming the old order in the Sudan*]. A few of the boys educated by the missions were drafted into the administration as Administrative Assistants but soon most of these were sent off to represent the South in the General Assembly and, later, in Parliament. Not until the last years of the period were many men available to assist the DCs.

### *A unitary Sudan*

Once it was decided that on independence the Sudan should be a unitary state, central government policy towards the South was clarified: every effort must be made to educate more Southerners so that the South could take its proper place, whether in parliament or in government; government schools were to be built and staffed with Northerners; the use of Arabic was to be encouraged and taught in all schools, even missionary ones. Northern traders were to be encouraged to trade in the South and Northern administrative staff were to be posted, ready to take over when the British left. Northern doctors took their places in Southern hospitals. Funds were to be devoted to the setting up of a network of local government on lines similar to those already functioning in the North. However, apart from what Buchanan has described as 'shadow' councils in the three province capital towns, very little seems to have been achieved. (Gogrial council seems to have been an exception and there may have been others of which I am unaware.) Certainly plans were well advanced to set up councils in the Districts of the Upper Nile Province, with budget provision and scratch staff, to start in 1955. The Condominium came to an end before anything could come to pass.

*Conclusions*

The Condominium government started with no policy for the South save the establishment of law and order and the protection of the sources of the Nile. Gradually, as the country was pacified, it was forced to administer more tribes and territories. The general policy as enunciated was to administer, as far as possible, through tribal institutions, but it seems the South was to be held aloof from the North by discouraging the use of Arabic and the spread of Islam, by hindering Northern merchants and trading there, and discouraging the posting of Northern civil servants to the Southern provinces. It seems doubtful, in retrospect, whether the central government really knew what it intended for the South or what the future there should be, until the decision that, on independence, the country should be governed as a unitary state. Then very considerable efforts were made into welding the two parts of the country together.

But the administrative problems remained and could not be solved in the few remaining years of the Condominium. When independence came the problems were still there: lack of communications, lack of a *lingua franca*, lack of funds and lack of an ethnic foundation. The differences between the different peoples of the South still defied the coming of a single culture. Unfortunately, 30 years later the difficulties are still, apparently, there.

## IN DISCUSSION—ADMINISTRATION

(Chairman: *K.D.D. Henderson*)

**Sirr Khatim al-Khalifa:** I think it would be of great interest to those of you especially who took part in the development of local government in the Sudan following the Marshall report, to know that ... the experience which has been gained since the inception of the local government system in the Sudan has all been of great help and of great use to us in our efforts to decentralise and to develop a system of regional and local government which may be different from the Rural District Council, the Town Council and the Provincial Councils which were established during the Condominium period. But there are great similarities. When the present government [of General Nimeiri] took over, it came with definite ideas about obstacles to development. One aspect for instance which has been attacked very energetically, and which has been the subject of great controversy throughout the country, has been the question of the Native or local administration (*al-idāru al-ahliyya*). This was regarded by the present government as a bulwark of conservatism and therefore various steps have been taken to wipe it out almost completely.

In place of the old system of local government the first attempt made by the present regime was to introduce *al-hukm al-sha'bi al-mahalli* ['Popular local government']. This was a more theoretical attempt. It was a blueprint which was imposed on the whole country rather than a system which had grown from the grass roots in the Sudan. I think everybody has realised now that this was a false step and people have been trying very hard to work and rectify it. Unfortunately, in working out this system *al-hukm al-sha'bi al-mahalli* was started, with something like the parish council and, as Sayed Abu Sinn has pointed out, owing to the fact that they had no financial responsibility they became talking-shops and people lost interest in them and respect for them.

The present government is working on a principle of decentralisation and handing over as much authority as possible to the Provincial and Regional authorities. People disagree; I think the ultimate objective is almost agreed by everybody, but the rate at which the change has been introduced is rather questionable. Personally, I think that the experience of *al-hukm al-sha'bi al-mahalli* has been of great use to us in pointing out the difficulties which beset a system of local government to be introduced in a vast country like the Sudan.

At the moment we are going back to the old experience and we are making use (although not all of us publicly admit this) of past experience in Rural District Councils, in Town Councils, throughout the five Regions of the Sudan.

There is one important point to remember in connection with this development, and that is that politics come more into local government now than they used to previously. It is not only the political parties which you used



to know and perhaps to handle, NUP, the Umma Party and so on, but there is the Socialist Union which is a one-party system and its influence percolates throughout from the centre down to the most local organisation. I think if there is any danger to the good functioning of the system which we are attempting to try now it may emanate from this. Too much politics creeping into the local government and the regional system might not work ultimately in the interests of the provinces.

**Lawrence Buchanan:** Did we, as individual expatriate servants of the Sudan government, have cause to feel, particularly at different times of crisis, any genuine conflict of loyalties? How mutual or otherwise did we in our personal judgements regard the vital interests of the Sudan of Britain and Egypt?

**Meccawi Sulaiman Akrat:** In the view of the Sudanese members of the Civil Service at that time, and as I know from other Sudanese, the loyalty of the expatriate District Commissioners and Medical Officers of Health and all of them was to the Sudan, almost on the verge of disloyalty to their own country; *all of them.*

**Philip Pawson:** Of course when you get a dual system of local and central government running parallel it does require a considerably added number of staff. I think in the Sudan it wasn't until post-war that the first Sudanese was promoted to Assistant District Commissioner or District Commissioner rank. And in the very short time that was left it did create a tremendous need for additional staff. In retrospect I think that was probably a good thing because it meant that a lot of people—young men who had the qualifications but not the experience, and older men who had the experience but not the qualifications—were given the opportunity to be put into more responsible posts in central or local government. Quite a lot of the members of the Political Service of the central government administration were in fact moved across to be Town Clerks and so on in local government. When Sudan became independent there was a need also for diplomatic cadre, which is an additional manpower requirement of educated and trained personnel.

**Alan Theobald:** ... Would the Panel agree that 'native administration' as envisaged by Sir John Maffey was unsuited to the riverain tribes ... and only successful with the big nomad tribes like the Shukriya, and that by and large it was not a success?

**Lawrence Buchanan:** Between approximately 1930 and 1950 the development of native administration and urban devolution towards what eventually was to be an autonomous and democratic local government system, was in practice, the protection of a DC by encouraging both tribal and urban leaders, that is respected and prominent citizens, underpinned by trained Sudanese—district level and essential departmental officials, like doctors—to participate in and thereby to understand and appreciate normal and essential administrative, judicial and financial controls and procedures.

Basically I am sure it was a process of training and preparing local leaders to take responsibility and initiative for local services eventually on an orderly basis. The missing ingredients were constitutional identity or corporate existence. Urban Councils, for example, had no powers to sue, or to own property or to borrow capital. Executive and senior staff, particularly the Treasurers, were seconded or lent by the merkaz, often only part-time, liable to transfer without notice, and were supervised and disciplined by the DC. Often there were no premises separate from the merkaz, which didn't add to the prestige of the local council. Principal Councillors were in the rural areas usually nominated by the Governor or DC and were rarely elected, although that was not so in the larger towns. There were no real budgets or separated financial resources except for rates and dues of that kind.

Thus, there was no real financial accountability or responsibility to balance resources and expenditure, and to service things like loans. Just a financial straitjacket of income and capital grants controlled by the DC. It was really what one might call shadow-boxing at that level, a practical preparatory school for local administration. It was later and systematically translated into real responsibility under the enabling 1950 legislation.

Now I think that this gradual and graduated process of schooling ... was essential and was an excellent, necessary and practical business, but it was slow except in the larger towns and they were almost ready after the Marshall report to switch straight over, as a lot of them did.

I am sure this preparatory situation was a *sine qua non* for the later transfer of real local authority and I would not agree that native administration was in any way a failure. It was something which Marshall thought would be assimilated slowly, just as the merkaz was assimilated in many respects slowly from the other side, into a new system of corporate local authorities.

**Maurice Lush:** I would disagree that it was a total failure. I happen to have been reading the reports of 1930-1940. They may have been optimistic but in Northern Province and in White Nile, in both of which I served, indeed even in the Upper Nile, all the reports (I may have written them myself, I don't know!) gave the reader the quite clear evidence that the form of native administration as laid down by Maffey was in its initial stages a success.

**Peter Hogg:** Is it not true that the Kababish administration is the only local authority administration that is still in being, and is it also not true that that administration alone is still collecting its taxes and that in all the other districts that went over to a different form of administration, taxes are no longer collected?

**Meccawi Sulaiman Akrat:** Definitely the Kababish still retain their native administration and pay their taxes to El Obeid.

**Robin Hodgkin:** To what extent were the District Commissioners impoverished by the slowness with which the Political Service drew Sudanese of great ability into their senior ranks? I'm not asking about handing over power; I'm asking

about the isolation, in a sense loneliness of the political officer. Looking back on our rather struggling ... educational experiments, sometimes successful, we were incredibly fortunate in having people of the calibre of Sayed Sirr Khatim working alongside us even in the 1930s, certainly in the 1940s and 1950s, offering critical feedback, sympathetic understanding, harsh judgements ... I can remember how Douglas Newbold, a very sensitive man, a very imaginative and far-seeing man, was thrilled to get the remarks of someone like Sayed Meccawi Sulaiman Akrat, a young nipper, a Mamur, who came and stayed the night and talked about politics during the war.

**John Orlebar:** We in the SDF used to have a school for young officers, and a very successful school it was—to wit we've got Major General Mohammed Idris here today. Did the Political Service have a similar school for the young political Sudanese officers?

**Bill Henderson:** The Sub-mamur school was opened in 1924-25 and I must confess I do not know of any similar institution in other parts of Africa.

**Meccawi Sulaiman Akrat:**<sup>1</sup> In 1927 the school for Sub-mamurs closed and until 1937 no Sub-mamur joined the administration. I remember Sir Douglas Newbold saying that the ten years from 1927 to 1937 were the dark days of administration because there were no Sub-mamurs. I raised it with Sir Harold MacMichael, the Civil Secretary, who was incensed that the matter should be raised with him. The school did not reopen until 1937 and I and two of my friends were the first Sub-mamurs to graduate after the reopening.

**Alleyne Nicholson:** I think possibly the failure was that we did not realise that some of our Mamurs were definitely doing a job above their original status. I could mention two who served with me whom I would have trusted in charge of a district at any time. One was my friend Abd Salim Abdulla Khalifa, with whom I still correspond, and the other was Ibrahim Bedri. They both had the ability and the qualifications, and I think it was probably something to do with whole organisational set-up that they were not promoted to higher ranks at an earlier time.

**Douglas Dodds-Parker:** I think later we are going to talk about the transfer of power—but things went on in the Sudan not always known in Khartoum. In fact that started 20 years before in the Southern Fung where the Assistant District Commissioner transferred his not inconsiderable powers to Meccawi Sulaiman Akrat, an up-and-coming young man who ran that district extremely successfully for two years [hear, hear] allowing the Assistant District Commissioner to ride around on a mule, and only required him to sign monthly reports.

1. This contribution was made in the discussion on the transfer of power, but has been transposed to complete the discussion of the training of Mamurs [—Ed.]

**Rowton Simpson:** Both the last speakers have shown that the District Commissioners got on exceptionally well with the Mamurs—it was exactly the reverse of the argument which has been put forward by Robin Hodgkin. We can all remember Mamurs who knew a lot more about the job than we did. When we started we were given districts. I was left in charge of a district when I'd been three or four months in the country and had to rely solely and absolutely on the Mamur. Perhaps the fault was that we didn't call him by the name of Assistant District Commissioner. But that is what in effect a lot of them were. When the first Sub-inspector was posted to Khartoum North District, I asked what in fact he was supposed to be. He wore three small rings like a Super-mamur, he was called in English, Sub-inspector (not Assistant District Commissioner) and in Arabic of course he was called *Na'ib Mufattish* which meant Assistant District Commissioner anyway. I think a lot of the mistake, if it was indeed a mistake, was merely in terminology. But the actual relationship, and that's what matters, was there.

**John Kenrick:** Did not the powers of the native courts precede local government and the Native Authorities?

**Mohammed Ibrahim al-Nur:** The native courts were in my opinion as a Judge a very good system in the Sudan, not comparable to any other system in any other country in Africa. People say it was brought from Nigeria when Lord Lugard started native administration there, but in my view it started from within the Sudan. Throughout its historical stages Sudan was not ruled directly. When the Funj Sultanate started 600 years ago, the Monarch sat in Sennar. He ruled the Sudan, one million square miles in area, scattered tribes, nomads and settlers. He ruled them through the local *sharifs* and so on. They ruled their own countries—it was something like the feudal system in England. Their own people had their own disputes. They came to their rulers, the *sharifs*.

**Stewart MacPhail:** *The greatest native administration experiment (I was there for one year under Ned Mayall and Mr Henderson for three years) was the Hama administration, and that was not a nomad tribe. It was worked out with a tribe that was more or less resident and not nomad, and I would have thought that the Duama also in Eastern Kordofan could hardly be described as nomads. I've read Mr Hodgkin's paper. I was rather depressed by it: there seemed to be a lot of latent feeling against the administration.*

**Allan Arthur:** I was welcomed most generously by the SPS when I arrived from India. Admittedly, the SPS regarded itself as just as good as the ICS, or should I say even better, and as you know it is always much easier to deal with people who enjoy a superiority complex than with those who suffer from an inferiority complex!

**Bill Henderson:** It just occurs to me now that that may have been one of the reasons we got on well with the Sudanese—because of all people with a superiority complex ... [General Laughter]



**Edward Aglen:** It seems to me that our task was made immensely easier by the fact that the Sudanese and the British have the same sense of humour, and that is what got us through an awful lot of difficult incidents.

**John Owen:** Pat Bacon, whose enthusiasm for the administration fell short of ecstasy, asked me to run the agricultural/commercial division for two years, and I could therefore look at the Political Service from outside. And I think it was a pity when in the early 1920s quite without any statutory approval we changed our name from the Sudan Administrative Service to the Sudan Political Service because I think we made slight asses of ourselves by doing so. Of course those who have been in India will appreciate the Indian Political Service on which this was based is not what a DC does in the Sudan. As it happens I've looked at the sort of records and our Service was one of the few I think where your chances of promotion and distinction were probably rather better if you got a Fourth than if you got a First.

**Bill Henderson:** Sir Angus Gillan thought the change in the name might be connected with the abandonment of the title Inspector and the adoption of the title District Commissioner which was never of course carried out in Arabic and he said that the word political, *per contra*, was a translation of the Arabic word *siyāsī*, which he said had many connotations and was applicable amongst other persons to the chap who looked after your horses and he said that he thought it was accidental.

**John Owen:** I think we were less than sensitive in our relations with many of the departments.

**Bill Henderson:** Whatever the advantages or disadvantages were of building up what we used to call a native administration in the North (and I agree with Mr MacPhail that the Hama experiment was a roaring success), in the South the problems were entirely different, as indeed they were in the Nuba Mountains. The government was apt to assume that a man who held authority over a tribe, backed probably by supernatural support, could be appointed to collect taxes when his job was something quite different in the sight of God, or could be dismissed when he had been appointed.

**John Winder:** I must stress the very great importance of lack of communications. One has to realise that until the arrival of air transport in the early 1930s it took a month for anyone to reach the South from Khartoum and return. There was only a fortnightly service, so that an official would have to be absent from his office in Khartoum for at least six weeks if he were to do more than just return on the steamer that had taken him South. The difficulties of getting to Wau were even worse. This meant that for the first 30 years and more it was virtually impossible for a Director of a Department or a Secretary to make a visit, or for officials in the South to keep in touch with opposite numbers in the North except when passing through Khartoum on leave.

For most of those 30 years there was nothing better than a pretty poor land telegraph line between Khartoum, Malakal, Mongalla and Wau. It was inevitable that a feeling of separateness should arise between the two halves of the country, which in any case were so different in character. The fact that early officials in the South were either seconded Egyptian Army officers or DCs contracted *ad hoc* to be stationed there augmented the problem.

This attitude of separateness can be whimsically shown by relating two short stories. The first is that soon after I arrived in the Sudan a Senior District Commissioner, I suppose intending to educate me, told me how to dispose of unwanted correspondence which might reach my desk. He said I should quietly put it in an envelope and address it to Governor, Wau, when I could rest assured that I should not hear about it for another three months at least, by which time hopefully I should have gone on leave. That District Commissioner obviously regarded Wau rather as the Greek geographer Pytheas regarded Ultima Thule, which he was said to have described as a land inhabited but producing nothing and surrounded by a gelatinous substance which he called *pulma marina* which made navigation and progress almost impossible. Clearly Pytheas was thinking of something very like the South.

The second concerns two District Commissioners from the South passing through Khartoum on leave. It is related that they were found wandering around the Secretariat, apparently somewhat lost. Someone asked them if he could help them but they turned away muttering, 'We shouldn't think so'.

**John Thompson:** Did we not fail in the Sudan by bequeathing a system of central government which in the event proved not to work? And did we not repeat in the Sudan the mistake which I believe we made in all the colonies by failing to recognise that politicians do not spring fully armed and adequate to their task, but require training and experience?

**John Wright:** Was the best DC not always a foreigner? When the Sudan became independent and they had their own DCs, are they always careful never to send a Sudanese DC to his own district where he comes from?

**Bill Henderson:** This was a question which was raised time and again before the war when the whole question of Sudanese DCs was under discussion. It was said, 'Who would like to be a DC in Devonshire?' Of course, a Sudanese DC had more family pulls on him—I mean, if I went to Devonshire, all my cousins wouldn't come and live in my house. The importance of that to my mind was that it did hold things up, and that was combined with Margery Perham's conviction (and Margery Perham carried a lot of weight in those days, particularly with Douglas Newbold) that the whole system of DCs, Governors and so forth was a scaffolding inside which the building came up, and when the building was finished you discarded the scaffolding. In other words she did not think that DCs, Governors and so forth would survive independence. Now on that she was in fact completely wrong. So were we all, but it was one of the things which held up the creation of a Sudanised Administrative Service.

Were we too late in starting devolution at the centre? There are two points I'd like to make. When I went out to the Sudan in the 1920s, I asked one of my superior officers 'What is your policy? Your policy is presumably a self-governing independent Sudan'; and they said 'Yes.' And I said, 'Then what sort of a Sudan do you envisage in terms of India—for instance, as a British India or as a collection of native states?' He said, 'My dear boy, that question will never come up in your time.' Now you have got to remember that that was an attitude of mind. The other thing that I think you have to remember, is the great world crash of 1930 to 1931. It hit everything that we wanted to do for six. It accelerated Native Administration because it was so infinitely cheaper. It was an efficient organisation which didn't require government cadres and Merkaz after Merkaz was closed down and handed over.

**Elliot Balfour:** I obviously did not serve in the Sudan from 1900 to 1930 but I was brought up largely by and among the people who did ... At the beginning of the century it was essential for a time to give peace and security and modest advancement, and the early DCs gave that. Their task was completed about the time of the building of the Sennar Dam. After that there was a hiatus. Nobody really knew; the task had been done, we were carrying on the same old thing and not quite certain where we were going. I remember being stopped by a very strong-minded Assistant District Commissioner in the Bog (I won't mention his name because he's here) who asked me to sign a document to the central government asking them where the hell they thought they were going. I signed the document because I knew the chap. But I knew that we wouldn't get any answer because no British government has ever known where it is going ... And that's what happened to us in the Sudan. We went on; native administration proved a stop-gap, and then new elements began to arise and we suddenly realised we were going to get an almighty wallop on the nose and we went. We may not have gone at absolutely the right time—in fact as regards the South we probably didn't, but we hadn't the time to deal with that problem and the Sudan has had to deal with it itself. It's been a very hard and very sorrowful time in some ways. But every nation goes through that. It goes to the making of a nation. I think we went as near as possible about the right time. After all, perfection is finality, and finality is death.

K.D.D. HENDERSON  
HITS THE HISTORIANS FOR SIX

[At the end of the discussion on administration, K.D.D. Henderson, from the chair, addressed himself to the questions that had been circulated by the historians. His virtuosity drew prolonged applause.]

*How did a few officials manage to administer millions over a vast area? Was it prestige, force, or divide and rule?*

It was not a question I ever asked myself the whole time I was in the Sudan, not once. It never occurred to me that the authority was likely to be questioned even in the last years and I think the answer probably is first of all, as Mr Aglen said, that we shared a common sense of humour and these things didn't arise very much. Secondly, the idea that there was behind us some vast, irresistible force of *hukūma shadīda*. The chap would say, when you put down a railway line from A to B or something, that the *hukūma* was *shadīda*. I was racking my brains when I read this thing and I remembered that when we announced our intention of departure, the Nazir Ibrahim Musa Riza Gat came in to see me in Fasher and he said, 'You've said you're going; go. Don't linger here, because you've forfeited your claim to my obedience. You are not a Muslim power. I can do what you tell me to do for just so long as there is no alternative to you, you are in an irresistible position. The moment you say you are going you have no claim on my allegiance at all.'

Now I don't know how far that was responsible for a general Sudan attitude or not, but there it was. Divide and rule simply didn't ever come into the scheme of things. You spent your entire life trying to stop divisions, not create them. I spent my life in the provinces in trying to get tribes who didn't like each other very much, to cooperate, come together, form one unit, a bigger unit, and so forth. And I spent my entire time in the Secretariat in a long and misguided effort to persuade Sayed and Sayed to come to some form of agreement to further the future of the Sudan, and it wasn't until we had gone that they apparently did it. Divide and rule was a practise which I must confess was almost laughably inapposite. The only context in which it might be used, and I think it could be rebutted, was over North and South and the objective. Nobody was then thinking of retaining authority—they were thinking what was going to happen afterwards.

*Sources and limits of authority?*

Well, everybody knew what the source and limit of their authority was: the DC knew what he could do without consulting the Governor. The Governor knew what he could do without consulting the Secretariat. Lucky Governors like I



was in Fasher hadn't got much communication with Khartoum and no telephone line I regret to say, although they put one in right at the end, but you knew what you could do, you knew what you couldn't do. It wasn't laid down in any statute that I ever knew of, but there it was. That applied all the way down I think through the hierarchy.

*How was Sudanese resistance overcome and their cooperation obtained?*

Well, that had all happened long before my time, although I suppose Sudanese resistance developed to a certain extent you might say in post-war days. I never sort of felt that it was 'Sudanese resistance'. Certainly their cooperation had been obtained by 1900 as far as I know, except in certain areas.

*What was the role of the Sudanese in government Services?*

I would like to make one point. It never occurred to me, either in my Service or any other Service, that there was any difference in the nationality of the man who was in the Service. If he was in that Service he was a member of it. It had never occurred to me to wonder whether because he happened to have been either Northern or Southern, Mawalik, English or in early days Scotch, it didn't really occur I don't think, but we have discussed the important part of that and that was what the historians meant.

Again, we've discussed the practical workings of district administration and how it took place as a result of a switch from native administration to local government. I was not conscious of any switch at all in the middle of 1930s, which has been referred to. But the day when they dropped NA [Native Administration] rather like a hot coal was the day when the government was kind enough to publish the book I'd written about the Hami NA and how it had been built up. When I read Robin Hodgkin's paper ['The reform of the Sudan's primary education' in Vol. II, Lavin, D. M., ed., *Transforming the old order in the Sudan*] I said to my wife 'What's biting the chap?' and she said 'Well of course, he was at Bakht er Ruda when John Reed was into NA'. Now that I think was very significant because NA to some meant John Reed and to others meant Douglas Newbold. To me it meant Douglas Newbold. But I could see there were people (just as there are people now whom one refers to as ecumaniacs who determine at all costs to get a nominal union of all the churches in the world), so there were NA maniacs who regarded it all as a splendid thing and everybody ought to sit under a tree and no Sheikh should have a table to write upon. We all know those but that wasn't what NA meant.

*The effect of politics on local authorities and the District Officers' authority?*

Now that has happened I gather since independence. It has happened in the last decade in this country. ... But I don't think it affected local authorities in the Sudan in our time. Politics hadn't seeped down there and they certainly didn't affect the District Officer's authority unless in so far as there was a civil



disturbance or a riot or something of that kind, as happened in Port Sudan in 194-? I forget what it was all about now. Lumps of coral they had, all the building material was loot from Suakin—very trying—and also palings with nails driven through them. But I don't really remember any other thing.

*Strain of the Second World War on British authority?*

Well, the staff were stretched pretty thin; men had leave time shortened, that sort of thing, but I don't think it strained the authority because again it wasn't as though we were fighting somebody that the Sudanese didn't approve of our fighting. When we didn't invade Abyssinia in May 1940 chaps like old ..... came into me and said, 'We used to chase these fellows with spears; what on earth are you waiting for?' It happened to be a local war that they approved of because they had fought the Italians in the Mahdia, those who were old enough. So those are those points.

I would like to make one point before I close and that is: in all this business of administration in Africa whether it's in the Sudan or anywhere else, we all look upon it from our armchairs, academic or non-academic, from above. Nobody ever, least of all journalists, dreams of thinking of the man at the bottom. And if you ask me why we were able to go on there I would say that it was so long as the man at the bottom thought we were the lesser of many evils. In the early days he had had a hell of a doing in the Mahdia and he was only too happy to have somebody who didn't do certain things to him which he was accustomed to getting. I do think that one ought to look at it from the grass-roots view because after all it's the man in the field who matters in Africa. It no longer matters in this country—he's finished, gone. It's the man in the slums of the towns who matters now with us, but not in the Sudan. The ordinary man.

If you ask me for one curious little factor which to my mind oiled the wheels of all administration, it was an institution—I don't know who invented it or whether it was peculiar to the Sudan or anything else about it: the petition box. Any man who had any grievance against anybody could pay 5 piastres to a petition writer, could put his petition into the box and have the right of personal interview with the Mamur or the District Commissioner or the Governor as the case might be, the next morning before any other business began. It was the District Officer's job on arrival in the morning at 9 o'clock to open the petition book which had been prepared for him and to interview every petitioner on that list so that he had a chance of saying his piece, of uttering what he thought. The chap mightn't listen to him, but he did say what he wanted to say, and I have always thought that that was the secret of successful administration. I wish to heaven that the Salisbury District Council would give me a chance of getting in with a petition and saying what I think of them to their Chief Executive Officer.

Part II:  
LAW

## LAW IN THE SUDAN UNDER THE ANGLO-EGYPTIAN CONDOMINIUM

*Sir Donald Hawley*

'Most Notorious and Litigious, Sir' was the opening address of a petition addressed to the Legal Secretary of the Sudan government in the late 1940s. This expresses clearly—if quaintly—the respect in which holders of this office were held. The Legal Secretary was one of the three most important officers of the Sudan government, one of three 'funnels' to the Governor-general, the others being the Civil and the Financial Secretaries. The three Secretaries were—at least for the greater part of the Condominium period—equals in status, a fact recognised by the invariable appointment of the senior of them as the Acting Governor-general in the absence of the Governor-general himself. The most serious attempt to upset this arrangement, which differed from that prevailing in Colonial territories, was made when Sir Geoffrey Archer was Governor-general from 1925 to 1926. He tried to introduce the concept of a Chief Secretary, based on his own Colonial experience in Uganda and elsewhere. This was strongly resisted by the Secretaries and in particular by Sir Wasey Sterry, then Legal Secretary, who addressed him in as powerful a minute from a subordinate as I have ever read, ending with a plea in Cromwell's words: 'I beseech you, in the bowels of Christ, think it possible you may be mistaken'.

The Legal Secretary was at different times likened generally to a Minister of Justice or to the Lord Chancellor and his role combined judicial, legal, administrative and political functions. The Legal Department embraced not only the Civil and Sharia courts but also supervision of judicial work—done originally by military and later civil officers acting as magistrates, civil judges and presidents of courts—and of quasi-judicial functions such as land settlement and registration. The Department was also responsible for legal advice to the government, the drafting of legislation, registration of Non-Mohammedan marriages and births (complex subjects in a predominantly Muslim country containing nevertheless nearly all the Christian faiths and sects of the Middle East), the administration of estates, the authentication of documents, the licensing of advocates and control of lands policy, latterly under a Commissioner of Lands. However, *par excellence* the Legal Secretary could be regarded as the guardian of the administration's conscience and ultimate insurer of strictly legal standards throughout the whole sphere of government.

The stamp of impartiality, objectivity and legal excellence as an aim was put on the administration in the earliest days by Mr (later Sir Edgar) Bonham-Carter, the first Legal Secretary, who created the whole essential framework of

the legal system of the Condominium period. Sir Harold MacMichael wrote of him:

'Bonham-Carter started work in 1899 assisted by one clerk for the purposes of civil law, and seven *kadis* of Mohammedan law and their staff of ten clerks. On his retirement in 1917 he left an organisation consisting of the Legal Secretary's Department, a High Court, Province Courts, and Advocate-General's office, a system of land registration and a department for the administration of government lands.'

Bonham-Carter's initial appointment was as Judicial Adviser to the government of the Sudan, and he stated his philosophy in his Annual Report for 1899, saying that the aim of the Penal Code just introduced was to provide the country 'with a system of criminal law at once simple, just and well suited to the habits of the people'. Later Sir Wasey Sterry, in *Some Notes on the Administration of Justice in Africa*, restated the philosophy by stressing the importance of:

1. taking into account that ... local ideas ... as to what is justice, in a particular case, may differ widely from ours;
2. proceeding by stages, by evolutionary methods, not by destruction and new creation—in other words using practical common sense in adapting means to ends rather than to logic;
3. recognising that the personal touch is of the greatest assistance in making British justice acceptable.'

The traditional blood feud provided an example of the way in which British ideas of justice were modified to accommodate local custom. On this Sir Wasey Sterry wrote:

'In the Arab conception the family of a murdered man has a right to retaliate on the murderer or his family, and so alternate murders may persist for generations, especially where the two families are of different tribes. The Mosaic law recognised the right but modified its severity by the institution of the cities of Refuge. So in Africa today no European Government can recognise the right, much less the duty, to retaliatory murder, and therefore the Penal Code can hardly lay down any exception to meet Arab ideas, but in practice the Administrative Authority can take them into consideration.

Our code (the Sudan's) provided that the Court might inflict capital punishment for murder, or, for reasons stated imprisonment for life. In a case of retaliatory murder, in which there was, according to European conceptions, no extenuating circumstances, what usually happened ... was a petition to the Governor-general to remit the death penalty followed perhaps ... by a petition from the other side to have the man executed.

The Governor-General would then refer the matter to the Provincial

Governor to try and make a settlement between the two sides. The payment of the blood price (*dia*) is a well understood practice among Arabs, but it is entirely a matter, according to their customary law, for the murdered man's family to accept it or not. Here was where the Government came in to persuade or enforce a settlement through the medium of a Council of Elders representing each family. Their influence would, with the assistance of the Governor in the background, effect a settlement by a payment of a fine in camels, and the Governor-general would then remit the extreme sentence and substitute a moderate term of imprisonment, so that the people might recognise that the Government had its rights too for the loss of one of its men, and that criminal offences were not matters of private interest only.'

This practice, somewhat modified, was applied until the end of the Condominium, and well illustrates the continuing effort to reconcile local Sudanese ideas and customs with what were—at least then—firmly believed to be the highest conceptions of justice in the civilised world.

The very legalities, which it was the function of the Legal Department to supervise, were framed to suit local conditions, customs and susceptibilities and also with an eye to the qualifications and background of those officers and officials—whether British/Egyptian or later Sudanese—who had to administer the law.

For example, immediately after the Reoccupation, the whole of the Sudan was under Egyptian martial law and consequently the administration of justice as well as the maintenance of law and order was in the hands of officers of the Egyptian Army. This fact to some extent actually shaped the substantive law, for initially the military administration had little indigenous structure upon which to build.

Thus the Sudan Code of Criminal Procedure, which was introduced in 1899 at the same time as the Sudan Penal Code, was based partially on the Indian Code of Criminal Procedure, but, having regard to the fact that the Magistrates were all military officers, the forms and methods of Egyptian military law, with which they were familiar and which was itself an adaptation of English military law, were so far as possible retained—though modifications came later.

The 'Sudan Penal Code', the first piece of substantive legislation to prescribe the law to be followed by the courts, was an adaptation of the Indian Penal Code, which had already been employed with success in Zanzibar and the East African Protectorates. Both Codes were drafted by Mr W. E. Brunyate of the *Contentieux de l'Etat* in Egypt. They appear to have proved generally satisfactory from the outset and provided a sound basis for the administration of the criminal law, for Bonham-Carter in his Annual Report of 1900 wrote:

'Having, during the year, perused all the proceedings of the Mudir's Courts (Governors' Courts set up under the original code) and many



proceedings of other courts, I am able to report that in essential respects the administration of justice reaches a high level of excellence. Accused persons are brought to trial with as little delay as possible, having regard to the difficulties of communication. Criminal trials are not only characterised by the sense of fairness which one could have expected from the constitution of the Courts, but are also as a rule conducted with a regard for legality and a patience in exacting evidence which might not have been expected.'

Much the same could, I suspect, have been said with equal truth of magisterial and judicial work done by District Commissioners (DCs) and Assistant District Commissioners (ADCs) throughout the Condominium period.

The principles of the civil as well as the criminal law were laid down at an early date and in his report for 1900 Bonham-Carter reported that in the previous April the Civil Justice Ordinance had been promulgated. This again was drafted by W. E. Brunyate and in general followed the adaptations of the Indian Civil Procedure Code, which were in force in Burma and British Bechuanaland. Lord Cromer in his report to the Foreign Secretary in 1903 wrote that it was 'not thought advisable to create a body of substantive civil law at a time when all that was known of the customs of the people was that they probably differed from those of any country whose legislation could have been taken as a precedent. Section 3 of the Civil Justice Ordinance provides for the recognition of customary law, so far as applicable and not repugnant to good conscience, in matters of succession, etc. and section 4 provides for the administration of 'justice, equity and good conscience', a phrase which has stereotyped custom in large parts of the East, and filled up the interstices with the principles of English law.' This remained the essential position throughout the whole period of the Condominium. Bonham-Carter stressed that his general aim was to establish a 'sound and simple system of legislation'.

There were, however, limits as has been illustrated over *dia*, to what custom the Condominium government could and would tolerate. For instance, slave trading was customary, but it was one of the main objects of the administration to root it out—a task more formidable than would now seem possible—and likewise a civilised government could not recognise certain beliefs, however deeply held. This dilemma was summed up in a case reported by Bonham-Carter in his 1903 Annual Report:

'It appears that a Shilluk named Kwat Wad Awaibung was tried on the charge of murdering Ajak Wad Deng. He pleaded guilty, and made the following statement:

"The murdered Ajak Wad Den owed me a sheep, but would not pay me. He said he would show me his work, and next day my son was eaten by a crocodile, which was, of course, the work of Ajak Wad Deng, and for that reason I killed him. We had a feud for years, as I

was a more successful hippopotamus-hunter than he was, and for that reason he was practising witchery over me and my family.”

Bonham-Carter added—thus showing the sympathy with which tribal customs were viewed in the distant capital:

‘The accused’s belief that the crocodile was acting as agent of the murdered man in killing the accused’s son was supported by several other witnesses, and represents a common local belief. The court sentenced the accused to death, but on the recommendation of the Moudir, this sentence was reduced to a term of imprisonment and a fine.’

Comments on strange cases in considerable detail fill the early legal reports and reveal the sympathy felt for the local people and their customs.

A particular difficulty sometimes arose because it was customary to administer the oath on the Koran in court. This was regarded by those familiar with advanced systems of law as properly legally binding and sacred and indeed it was the only practical way of binding a Muslim witness in the court itself. However, it sometimes happened that an aggrieved party would not accept an oath so given and would press for the other party to swear on the tomb of some particular holy man—one particularly venerated tomb was that of Wad Hassuna near Rufaa—because a false oath given in such circumstances was greatly feared in local custom. Sometimes ways had to be found to meet local custom in order to satisfy the parties.

Such cases perhaps explain why the government believed in a happy mix between officers formally trained and qualified in the law and those who gained their qualifications after practical experience of administration.

At the beginning of the Condominium, however, it was necessary to build up a staff of qualified legal men and in 1901 Mr (later Sir) Wasey Sterry was appointed as the first Civil Judge. By 1904 there were four Civil Judges and the calibre of these men appointed so early did much to set the tone for members of the Legal Department and Judiciary subsequently. They apparently enjoyed special respect and in 1912 the *African World* reported the popularity ‘among the natives’ of members of the Legal Department. At a later stage, in the late 1940s and early 1950s, trials of a political nature became increasingly common and, in a number of cases, accused petitioned that their cases should be tried by professional judges rather than by a DC. They apparently made no distinction between the judges who were long-standing qualified lawyers but had not served in the administration, and those—by then the majority—who had started their careers in the Political Service.

This respect would perhaps have been due to the jealous manner in which British judges from the start guarded their judicial independence. It is possible even, I suppose, that some of us became *plus royaliste que le roi* over this and the assertion of independence was not always very popular with members of the administration. For example, in 1905 the redoubtable Slatin Pasha, then Inspector-general, strongly protested to the Governor-general about some

remarks made by Wasey Sterry criticising his treatment of a leading member of an influential Sudanese religious family. Sterry in criticising Slatin and the Intelligence Department had argued against Slatin that '*Vox populi vox Dei*', i.e. that public opinion should have weight 'in a country ruled by foreigners'.

Judgements including *obiter dicta* critical of government were not uncommon in the Civil Courts, but there was just occasionally some tendency for officers in the Administration to feel that they knew best what sentence might be appropriate in a particular case with strong political connotations. So, in the 1940s, a letter was sent by an official in the Civil Secretary's Department to the Police Magistrate suggesting a sentence in a particular case. It was returned with a somewhat blistering reply by the Magistrate, who had himself only a year or two before been serving in the Political Service.

When I had been in the Legal Department for a year or two I was sent to Atbara to try a complex case involving eleven or twelve accused of being involved in a major riot. It was a case with heavy political overtones, illustrated by the fact that the principal accused later became a Minister in 1953 and another a Deputy Minister under the Self-Government Statute. I sentenced the former to six months imprisonment and the second to five months with tapering sentences for the others. I was, I believe, thought by several of my former colleagues in the Political Service to have been soft. But from my own political experience I realised that, whereas it might look initially as if a heavy sentence would be politically expedient, such a heavy sentence could easily in a relatively short time seem politically very inexpedient. I, therefore, tried so far as possible to eliminate political considerations from the mind and reach a fair decision. On the other hand the Auditor-general on one occasion thought that I had been unduly harsh in sentencing one of his junior officials and telephoned to threaten that in retaliation he would 'audit my court'. This threat was not a terrible one, as my books were in order!

No judge relishes political interference and a serious situation arose in 1908, the year of the rising in the Gezira. A British Inspector, Mr C. C. Scott-Moncrieff and an Egyptian officer, Yuzbashi Mohamed Effendy Sharif were murdered and two officers and fifteen men were killed in a subsequent engagement with rebels led by Abd al-Qadir Mohammed Imam. 30 rebels were also killed in the fight. Abd al-Qadir was tried under the Sudan Penal Code for murder and rebellion and hanged in public at his market town, Hilet Mustafa, chief market of the Halawin tribe. All the remaining leaders were tried by a Civil Court under the Sudan Penal Code and sentenced to varying terms of imprisonment. In fact several others had been sentenced to death but the British government had intervened and ordered Sir Reginald Wingate, the Governor-general, to commute all the remaining death sentences. This greatly incensed Bonham-Carter and Slatin, who both submitted their resignations. These were later withdrawn at Wingate's insistence, but on this occasion the Judicial officer and the Inspector-general were on the same side. In fact Bonham-Carter had a high regard for, and friendship with, Slatin and, when Slatin was under some pressure in 1907, Bonham-Carter wrote saying that it

would be a bad day for those who remained when he left: 'May you continue to serve in this blasted Sudan as long as I do!'

Bonham-Carter's vision and hard work, for which he was warmly praised in many of the early reports both by the Governor-general and Lord Cromer, led him to set about the delicate matter of reform of the Mohammedan Courts. These were in a parlous state at the Reoccupation and Bonham-Carter wrote in his 1901 Annual Report:

'Under the old Government every place of any pretensions had its Cadi, who, however, received little or no salary, but made what he could from fees and presents.'

Early measures were, therefore, necessary to ensure that the personal law of the Muslim majority in the country was properly and efficiently administered. It was an uphill struggle: though new Sharia courts were established in most of the principal towns it had not been possible, except in one or two cases, to find suitable candidates to fill the post of Kadi. Injustice resulted and supervision was difficult. But in 1902 a vigorous and enlightened Egyptian Grand Kadi, Shaikh Mohamed Shakir, was appointed together with an Inspector of Mohammedan Law Courts, Shaikh Mohamed Haroun. They set out to bring about 'an unprecedented epoch of advance in the history of reform'. Shortly afterwards a training school for Shaikhs—all apparently from well-known Arab families—was started at the Gordon College. In 1902 the Sudan Mohammedan Law Courts Ordinance was promulgated and this remained on the statute book, virtually unchanged, throughout the Condominium. It provided for a Court of Appeal, High Courts, Courts of Kadis of the First and the Second Class and gave the Grand Kadi power to make regulations, with the approval of the Governor-general, regulating the decisions, procedure, constitution, jurisdiction and functions of the Mohammedan Law Courts and other matters connected with such Courts, and the position and duties of the judge and officials, as well as to fix scales of fees.

The Sharia courts, however, had no power to execute judgements, but they were empowered to 'require the authority charged with the execution of judgements to execute them'. This authority was at one stage the Administrative authority but later the District Judge. There was a particular difficulty over judgements ordering the obedience of a wife and the Sudan Mohammedan Law Courts Ordinance Organisation and Procedure Regulations provided that such a judgement might be repeated three times, after which the husband was required to obtain a fresh judgement. Sometimes differences arose between the Sharia and the District Courts, because the custom in most of the civil courts was to regard a judgement of obedience as satisfied, whatever happened when the parties left the court, by merely requiring the wife to place her hand on her husband's in the Court Room.

It was nonetheless a feature of the Sudan that there was, throughout the Condominium period, a happy rapport between the British members of the Legal Department and the Grand Kadi, the Mufti and the Sharia Kadis



generally, and it was in this division of the Judiciary that indigenous Sudanese were able to rise to very senior posts before this was possible in the Administration at large. The impossibility of British expatriates dealing directly with Islamic law ensured this. Nonetheless this rapport enabled the sound development of the Sharia Courts, which became very impressive. The atmosphere, which was to prevail throughout, was described by Lord Cromer in his report of 1904:

'Sheikh Mohamad Harun evidently regards Sir Reginald Wingate and Mr Bonham-Carter as friends, who desire to assist him in the work of reform on lines which may commend themselves alike to devout Moslems and to those of other creeds. The situation in the Sudan in this connection is therefore full of good augury for the future.'

It was indeed and, if I have dwelt overmuch on the early days of the Condominium, it is because it was at this stage that the very sound organisational foundations of the Legal Department were laid and that the spirit which animated the Legal Department and subsequently the Judiciary, was first breathed. The same applies to the actual bricks and mortar, for the Legal Department building, subsequently known as the Law Courts, in which we worked throughout the period, was opened in 1908 by the Duke of Connaught in the name of His Majesty King Edward VII and the Khedive Abbas Hilmi Pasha of Egypt. It was a fine and imposing building well suited to guardianship of law and government conscience.

Although a cadre of educated Kadis emerged fairly early on under the Condominium as we have seen, it was not until 1936 that active steps were taken to train Sudanese for the highest positions in the Civil Judiciary. In that year the Kitchener School of Law was founded and the first Dean was Mr (later Sir Cecil) Cumings, who became Legal Secretary from 1947 to 1953. From this school emerged the first group both of Sudanese judges and members of the Bar. Amongst those on this initial course were Mohamed Ahmed Mahjoub, who later became Prime Minister; Ahmed Kheir, later Minister for Foreign Affairs; Mohamed Saleh Shingeiti, the first Sudanese Judge of the High Court; Mohamed Ahmed Abu Rennat, the first Sudanese Chief Justice; and Ahmed Mitwalli Atabani, a Judge of the High Court and later the first Sudanese Attorney-General; Mohamed Ibrahim el Nur, one of the most senior Sudanese judges; Mubarak Zarrouq and Dardiri Mohamed Ismail, both leading advocates. It was a group of distinguished Sudanese, all of whom were men of very considerable calibre and character.

The codes introduced in Bonham-Carter's time had been modified between 1925 and 1929 but the law remained substantially as originally introduced. The same was true of the organisation of the Civil and Criminal Courts, the number of which had grown as more professional people became available to man them. The earlier arrangement was modified and by the late 1920s and 1930s a pattern emerged, which was to last well into the 1940s and 1950s. The Civil Courts comprised the High Court with a Court of Appeal and Courts of



original jurisdiction and by the early 1950s there were Judges of the High Court resident in Kordofan, Blue Nile, Kassala, Northern Province and latterly in the South at Juba, as well as in Khartoum. The system of professional District Judges, latterly all Sudanese, in effect replaced the Province and Town Courts, although these two categories of court remained on the statute book. Under the High Court came the Province and Town Courts and the Governor functioned as the Province Judge in default of other appointment, but where there was a resident High Court judge he also enjoyed the power of Province Judge. Under the latter there were District Judges of the First, Second and Third grades, whose functions under the Civil Justice Ordinance before the appointment of the legally qualified Sudanese were performed by DCs and ADCs, who were mainly British, and Mamurs and Sub-mamurs, mainly Sudanese.

The Criminal Courts consisted, after the reorganisation, of Major Courts, which comprised a President, who had to be a Judge of the High Court or a Magistrate of the First Class, and two members selected from subordinate magistrates or a panel of local notables, to whom magisterial powers had been granted. Such courts had maximum powers including the power to pronounce the death penalty. Secondly there were Minor Courts, which were similarly constituted except that the President could be a Magistrate of the Second Class. Then there were magistrates of the First, Second and Third Classes and courts of three Third Class magistrates, notables rather like J.P.s sitting together to form a Bench, sometimes known as the Town Bench. Under the Code of Criminal Procedure the Chief Justice had to confirm the proceedings of every Major Court and he also had powers of revision.

The Legal Department as such had no direct contact with the police, who were responsible to Provincial Governors operationally though there was a Commissioner of police in the Legal Secretary's Department. But it was a feature of the procedure in the Sudan that police officers were required to submit cases to magistrates for decisions and directions and it was a particular feature of the Sudan system that the police investigation was available to the magistrate or higher courts. Such a system could be criticised on principle but in fact magistrates in my experience always treated the police investigation proceedings with the greatest objectivity and impartiality.

Where a death sentence was imposed and confirmed on legal grounds by the Chief Justice, the case was submitted to the Legal Secretary, who had to decide whether there were grounds for recommending that the Governor-general should exercise the prerogative of mercy or not. In each case a very carefully considered and prepared recommendation was made and no death sentence was executed until the Governor-general's decision was made. It was open to a Major Court itself to make a recommendation to mercy and this was frequently done. In exercising his discretion, the Governor-general inclined to remit the death penalty wherever possible, but seldom did so where the murder was accompanied by premeditation, robbery or brigandage, resistance to authority or circumstances of peculiar atrocity.

In 1949 a Court of Criminal Appeal was constituted through the efforts of the then Legal Secretary, Sir Cecil Cumings, and the first case was heard on 16 December 1950. This court only had jurisdiction when a case was referred to it by the Chief Justice, which he increasingly found it proper to do.

In the earliest days of the Legal Department the greatest attention was given to the settlement and registration of land and there was a considerable concentration on this. It was the early work done on this quasi-judicial function which did much to enhance the standing of British judges and officials of the Legal Department. Sir Wasey Sterry remarked:

'When the Sudan was first occupied, Lord Kitchener had the foresight to see that not only was it most important to settle and register native rights in land, but that it was absolutely necessary to protect the native in its possession and one of the first things he did was to ensure that hungry European speculators did not buy up native rights ... If the first Governor of Palestine had remembered this I venture to say that many of the troubles of the mandatory there would never have happened.'

Within the Legal Department a distinction of function grew between the role of the Legal Secretary, who sometimes nonetheless sat judicially like the Lord Chancellor, and the Chief Justice. The three core members of virtually all government committees were the Civil, Financial and Legal Secretaries or their representatives. It was the legal advice of the Department which was of particular value to these committees, and consequently some officials, in particular the Advocate-General—and later the Attorney-General and the Solicitor-General—concentrated on this side of the work. There was also a general-purpose Deputy Assistant Legal Secretary who was a sort of 'maid of all work'—usually whilst he was undergoing training before going to England to take his Bar exams. Thus the very small number of recruits from the Political Service—recruiting was at the rate of one every two years or sometimes one a year—were given a wide and general experience of various forms of legal work.

This could involve drafting experience with the Advocate-General, appearances in court on his behalf both in civil and criminal cases, drafting submissions to the Governor-general, liaison with the Grand Kadi, the Mufti and Sharia judges as well as general administration in the Department. The Registrar-General of Lands' Office, the Commissioner of Lands' Office and the Administrator-General's Office were all run by experts in somewhat watertight compartments.

In the latter years of the Condominium, the administration of justice was becoming more professional in the sense that more work was done by legally qualified judges and magistrates. And a further step in this direction was made in 1953 with the institution of the Resident Magistrate system more or less contemporaneously with the new self-governing constitution. These full-time magistrates in the most populous areas were drawn from members of the Political Service, but such officers were by no means devoid of legal knowledge

and training and practice for, as we have seen, much of the judicial work of the country in the Civil and Criminal courts had fallen on them. Moreover, every single member of the Political Service was required to pass an examination in Law, as well as Arabic, before he could be confirmed in his appointment and receive a rise in salary or be appointed a Magistrate of the First Class. This examination was not just a simple test on the principal codes, but also included papers on the law of evidence, tort, contract and jurisprudence.

Nonetheless, however much work was done by professional judges and administrators, the great bulk of the judicial work in the country was done by the traditional tribal courts just as the greater part of the court work in Britain is done by the lay magistracy. Such courts were constituted by the Native Courts Ordinance 1931 and the Chiefs Courts Ordinance 1932. Native Courts and Chiefs Courts were bound to administer the native law and custom prevailing in the area or in the tribe over which the Court exercised its jurisdiction, and they also had powers to administer the provisions of any Ordinance, where such provisions were not part of native law and custom and where the Court was expressly authorised by its warrant, order or regulations to administer such provisions. Those sentenced by local courts were always brought before a DC or ADC before their committal to gaol when sentenced by such courts, and at this stage powers of revision were sometimes exercised. A number of categories of person, including government officials, were expressly not subject to the jurisdiction of local courts.

However, there had been moves in the direction of formalising traditional powers from the early 1920s when 'native administration' or 'devolution' became the fashionable policy and the preamble to the first Powers of Nomad Sheikhs Ordinance revealed the philosophy:

'Whereas it has from time immemorial been customary for sheikhs of nomad tribes to exercise powers of punishment upon their tribesmen and of deciding disputes among them, and whereas it is expedient that the exercise of these powers should be regularised ...'

The extensive powers given to these courts were often criticised—not totally without reason—by the Sudanese intelligentsia on the grounds that they appeared to show the bias of the administration towards countrymen rather than more advanced townspeople and towards old-fashioned traditional authority rather than the growing educated élite. However, the essential aim—a sound one—was to admit Sudanese to share of the management of their own affairs and to fit them for increased responsibility.

Nonetheless, whatever the policy and philosophy, the civil and criminal courts would in practice have been swamped with litigation if there had been no well-functioning local courts with wide powers, for by the 1950s there were about 1000 of such courts. These courts were, however, in a sense divorced from the regular judiciary in that all the powers of supervision were exercisable by the District Commissioner and the Governor of the Province and not by the Judge of the High Court and the Chief Justice.



This apparent anomaly—though the system worked extremely well in practice—was removed after the Self-Government Statute came into operation in 1953. For this provided for the establishment of the Judiciary as a separate and an independent department of state, and powers previously exercised under the Native Courts Ordinance and the Chiefs Courts Ordinance by the Governor-general, the Legal Secretary or the Governor of the Province were transferred to the Chief Justice, who thus became Head of the whole Judiciary and Legal system. At the same time a Commissioner of local courts was appointed, again a member of the Political Service with considerable judicial and administrative experience, and the Chief Justice was empowered to delegate some of his powers to the holder of this newly created post.

The concept of the Legal Department being custodian of the conscience was continued and formally extended when the Self-Government Statute came into operation on 21 March 1953. Provision was made for a considerable degree of administrative autonomy, subject to salaries and conditions of service being laid down by Parliament—though not in such a way as to vary existing conditions to the disadvantage of any member of the judiciary—and also subject to the consent of the Governor-general to regulations made by the Chief Justice, where relevant to the Sharia Division in consultation with the Kadi. A separate Judicial Service Board was created at the same time and as Chief Registrar of the Judiciary I was heavily involved in all these administrative changes. Judicial independence was ensured by the fact that the appointments to the office of Chief Justice or to the High Court Bench were made by the Governor-general after consultation with the President or retiring President. For two divisions of the Judiciary were created, the Civil Division and the Sharia Division, of which the Chief Justice and the Grand Kadi were the respective Presidents and judicial heads.

The Statute also provided that the Judiciary should be the custodian of the Constitution and should have jurisdiction to hear and determine any matter involving interpretation of the Constitution. This was particularly important in connection with the Fundamental Constitutional Rights enshrined in Chapter II, i.e. right to freedom and equality, freedom from arrest and confiscation except by due process of law, freedom of religious opinion and association, the rule of Law, the Independence of the Judiciary and the right of the individual to constitutional remedies.

With the move towards first a larger professional Judiciary, other steps were taken. First in 1953 arrangements were made for Sudanese to be admitted to two initially of the Inns of Court in England and a small number of Sudanese judges became members of the English Bar. All the British judges, whether they came from the Political Service stream originally or were directly recruited, were already members of the Bar. But it was an irony that the first Sudanese judge to be sent for this training should have been Babikr Awadallah, who later became Prime Minister and also virtually destroyed the Judiciary so carefully built up, in the process scattering some of the best Sudanese judges abroad in the 1960s.

Then on 2 February 1953 judges' robes and wigs were assumed for the first time—incidentally, just in time for the opening of the first Parliament under the Self-Government Statute. These were not precisely the robes worn in the colonial judiciary, which usually mirrored those of English judges exactly. It is significant that the Sudanese judges were very much in favour of this innovation, even though some politicians claimed that such robes and wigs were contrary to local custom, though in fact Kadis had long worn distinctive robes.

Another step taken in the 1950s was the introduction of regular law reporting. An earlier digest of cases was prepared by Messrs Dun and Francoudi for the period 1915-1926 and the intention in 1926 was 'to issue annually notes of decisions to be inserted in the digest.' Nothing further was published, however, until a digest of cases together with a number of judgements in full was prepared by Mr Charles Stanley-Baker, then a High Court Judge, and published in early 1955. An earlier publication containing the judgements of the Court of Criminal Appeal, prepared by me, had appeared in 1954.

In the early 1950s too, as a result of pressure from law students who had studied in Egypt, arrangements were made for such men to be admitted to the Bar, provided that they passed an examination in the law of the Sudan, which contained a considerable amount of English law by then. Several Egyptian-trained lawyers did this and practised at the Bar.

Although great attempts had been made to insulate the Judiciary from politics by the Self-Government Statute, this proved impossible. It had been hoped by some that a few British judges would continue to serve in the Sudan for several years after complete independence. However the Judiciary came into conflict with the all-Sudanese government over a case involving a major riot in Khartoum on 1 March 1954, when General Neguib, President of Egypt, came to the Sudan at the invitation of the newly elected Premier Ismail al Azhari. The case was tried by the Major Court and later remitted by the Chief Justice to the Court of Criminal Appeal. In its judgement the appellate court included two paragraphs which read:

'It is clear that the Government itself cannot escape all blame for the events of 1 March 1954. It had allowed a situation to develop which at the end it was incapable of controlling ... The security measures taken to deal with the situation were utterly inadequate and hastily improvised.'

'The shortcomings of the Government are explicable on the grounds that it had no experience of how to govern.'

This caused—perhaps not unnaturally as it now reads rather patronisingly—considerable annoyance in a government already taking a rather anti-British line and determined to weaken the British influence in the Judiciary as well as in nearly all other parts of the government. Their anger was not mitigated by the fact that the unanimous judgement was that of two Sudanese judges as well as the British Chief Justice, Sir William Lindsay.



These *obiter dicta*, however, probably only slightly accelerated a trend already observable.

When in 1954 the Chief Justice was summoned before the Sudanisation Committee, whose jurisdiction over the Judiciary was legally highly questionable, they purported to Sudanise it and the British judges were placed in an impossible situation. Consequently all submitted their resignations to the Governor-general, who had no alternative but to accept them. Several of the senior Sudanese judges may well have liked some of the British judges to stay on, but no formula for allowing this to happen was found in the political climate then prevailing. The belief of the British judges was that by resigning they would enable the Judiciary to survive as an independent department of state after independence because they would no longer provide a target for the government. Unfortunately this hope was only partially fulfilled.

Thus ended, somewhat precipitately, the days of the British Legal Department and Judiciary under British control. Its end was in the event as swift as that of the Political Service itself, the Police and the Sudan Defence Force.

It is surprising and perhaps significant that relatively little has been written about the Sudan Legal Department and Judiciary, and books on the Sudan for the most part make only cursory reference to them. K.D.D. Henderson in his book *Sudan Republic*, however, says:

'It is strange how belief in the absolute validity of Western legal procedure has survived the collapse of so many other institutional idols. So long as the Western lawyer remains convinced it seems that his pupil will do the same. Yet the success and reputation of the Sudan courts was based on compromise.'

I believe that he is correct. Nevertheless the empiricism of the Sudan system resulted in our leaving behind a far less strong and independent Judiciary than in many other overseas territories—Malaysia, Singapore, Nigeria are examples—where the court and judicial system was constructed with more rigidity on the lines of the English courts and the Common Law.

Nevertheless it is interesting that, in the final six or seven years, there was a considerable flurry of activity and creativity such as marked the earliest days of the Legal Department under Bonham-Carter, of whom I must make one final mention. This remarkable man after establishing the ethos of the legal side of the Sudan government went on—as so many others serving in the Sudan did to various countries—to Iraq in 1917 to make a major contribution to justice and the law after the defeat of the Turks. As Sir Arnold Wilson said of him:

'Under the guidance of Sir Edgar Bonham-Carter the Judicial Department developed on sound lines, which proved widely acceptable to responsible Arab opinion ... [he] enjoyed great personal prestige, and was remarkably successful in building up on sound lines a legislative code which stood the test of time ...'

Other British judges, including Sir Thomas Creed, later served in Iraq, and in assessing the contribution made by British lawyers to the Sudan one also perhaps needs to consider what those lawyers with a Sudan background—as well as members of the Political Service and other departments—achieved elsewhere in the Middle East.

## THE SUDAN POLICE FORCE IN THE FINAL YEARS OF THE CONDOMINIUM

*L. James*

### *Organisation*

At the close of the Second World War, the Sudan Police Force was already a comparatively well-defined and well-integrated service. It was essentially a national police force, free of any interference from the newly-formed local authorities. It was organised on a provincial basis, each province having its own establishment commanded by a provincial Commandant of Police responsible for law and order to the Governor of the province, though subject to the professional direction of the Commissioner of Police in Khartoum who was a member of the Civil Secretary's staff. There was also a Sudan Railways and Steamers Police establishment, commanded similarly by a senior police officer responsible for law and order to the General Manager of Sudan Railways and Steamers and with the same professional link with the Commissioner of Police. The total establishment of the police force was approximately 6,000. The Prison Service, formerly administered jointly with the Police Service, was divorced from it in or around 1947.

Each provincial police force was divided into district units corresponding to the administrative districts within each province. Each district police establishment was under the control of a Police Superintendent, Police Mamur (Inspector) or Police Sub-mamur (Sub-Inspector), according to its size, and it was divided into foot, horse, camel or mule sections according to the density of population, the nature of the terrain to be policed and the incidence of crime. Thus the more heavily populated and sophisticated towns of Khartoum, Omdurman and Port Sudan required a sizeable establishment of foot and horse-mounted police under the command of a Superintendent of Police, while the smaller and more typical country district force was controlled by a Police Mamur or Sub-mamur. Outside the townships, police work was carried out by mounted camel police patrols. On the rugged Abyssinian frontier, part of Gedaref District, mules were used in place of camels.

The size and distribution of the police establishment, pay and conditions of service were controlled strictly by the Civil Secretary, and a very strong case had to be made out for any increase in establishment.

The district police worked very closely with the District Commissioners (DCs) who exercised considerable magisterial powers within their jurisdictions, but the Commandants of Police were responsible for the professional proficiency of the police, issued standing orders on matters of police procedure and internal discipline, and made regular inspections of the district forces. In the larger towns such as Khartoum, Omdurman and Port Sudan the police

were achieving a measure of professional independence from the DCs and tended to deal directly with the Police Magistrate, who exercised somewhat wider judicial functions than those which would otherwise have been exercised by the DC. But cooperation between the police and the civil authority was still very close and personal relations warm and helpful. Within the establishment of the principal town police forces, provision was also made for criminal investigation branches, motorised traffic patrols, and, latterly, as political and industrial protest became more frequent, anti-riot units.

At the headquarters of the Commissioner of Police in Khartoum, a central criminal investigation staff was maintained to gather and monitor political intelligence and to deal with crimes of national significance affecting the internal security of the country. The Commissioner also maintained an Aliens Registry and a Finger Print Bureau, but finger prints were used more as a matter of identification and record of convicted criminals than as an aid to criminal investigation at the scene of crime. Trackers were more effective from a criminal investigational point of view than finger print experts.

The close link between the police and the DC or Police Magistrate was ensured by certain provisions of the Sudan Code of Criminal Procedure, which was framed upon and closely followed the Indian Criminal Procedure Code. Thus, by Section 37, a policeman making an arrest without warrant was required to take the person arrested before a Magistrate or before an officer in charge of a police station, and, by Sections 39 and 116, no person arrested without a warrant could be detained more than 24 hours without a Magistrate's order. Then again, by Section 111, where information was given to the police of an arrestable offence, the information had to be entered in the Register of Informations, and, by Section 122, a preliminary report had then to be sent to the DC (or Police Magistrate) indicating the nature of police action taken. The DC (or Magistrate) could then give appropriate directions to the police (Section 113). As police professionalism increased, these directions inevitably became less specific and more was left to the discretion of the police themselves.

Once an investigation had been instituted by the police, a record of the course of the investigation had to be kept in diary form, and be sent with a final report to the DC or the Magistrate competent to try the case (Section 118). Hence, in effect, only the DC or Magistrate could authorise an investigation to be closed for lack of evidence, though he would pay due regard in this to the submissions of the senior police officer.

Of course, from a sophisticated judicial viewpoint this led to a close identification of the judiciary with the police—an identification which would be regarded in the United Kingdom today as contrary to the principles of judicial independence and impartiality. But for an unsophisticated, developing country, the procedure had distinct advantages, and DCs and Police Magistrates were conscious of the need to maintain an unbiased mind. Justice was undoubtedly done, but it could be said that it was not truly seen to be done!

*Personnel**(i) Officers*

Prior to the Second World War, Commandants and Superintendents of Police had invariably been British expatriates, but as the process of Sudanisation became an explicit government policy, the promotion of Sudanese police officers to these posts became an accepted feature. Mamurs and Sub-mamurs were largely English-speaking products of the Gordon College, with a remarkably high degree of literacy in English and considerable aptitude for police service.

The task of the small cadre of British police officers was twofold: to maintain law and order at a sensitive time in the history of the country and to prepare the force for total Sudanisation. British officers saw this latter responsibility as a matter not only of introducing the techniques of efficient crime prevention, crime detection and traffic control, but also of instilling the principles of democratic policing—equality of all before the law, administrative integrity and impartiality, and that famous axiom that 'the prime object of an efficient police is the prevention of crime, the detection of criminals a secondary consideration'.

British police officers were, in general, a small but dedicated and hardworking group of enthusiasts. Sudanese police officers were extremely able by any standards and desperately keen to learn, but occasionally they found the business of law-enforcement among a relatively small and intimate community a morally testing occupation.

*(ii) Rank and file*

The constables and sergeants of the force (Anfar and Shawishia) were recruited locally and trained in effect on the job. Their standard of literacy in 'Arabic' was poor and this created difficulties in training and administration. There was no simple instruction manual for the police and only a proportion of the force could have made effective use of one. Simple standing orders were being issued, but these would need to be read and explained to illiterate policemen.

The general standard of discipline in the lower ranks of the force was poor, but perhaps no worse than could reasonably be expected. Wastage was, however, heavy. I have copies of the annual reports which I submitted as Commandant of Police, Kassala Province, for the years 1947, 1948 and 1949 and these indicate that out of a strength of 1000, some 150 policemen were dismissed each year for reasons of crime, misconduct or unsuitability. Nevertheless, the loyalty, courage and zeal of the force were excellent, their shortcomings arising more often in matters of administration than in the rough-and-tumble of police duty itself.

*Police methods*

In general, the image of the force was undergoing a change—from a military to a civilian-style organisation with closer links with the community. So in the



larger towns khaki uniforms were giving way to white, rifles to truncheons. Policing during the day was carried out on foot, and the English system of beats prevailed. At night, mounted patrols were employed as more economic.

The steadily increasing amount of motor traffic on the roads had led inevitably to road traffic legislation and to the introduction of traffic patrols. Third-party road traffic insurance had recently been introduced.

Outside the main towns, police work was based on the manning of police posts with small establishments of police available to deal with crime and other emergencies as and when reported and making specific patrols over wide distances as the incidence of crime required.

Powers of arrest were extensive and used somewhat freely. The check against abuse lay in the obligation to produce all those held in custody more than 24 hours before the Magistrate or DC. It would have been unrealistic to expect the unsophisticated, illiterate policemen on the spot to exercise any legal finesse in making an arrest, and more appropriate for the legal propriety of the arrest to be considered at the police station. Arrest was often necessary in any event to establish the identity and abode of any of the accused.

Recourse to search warrants was fairly frequent, and general search warrants authorising the search of a whole village not uncommon. The latter were often required to deal with cases of *araqi* distilling in which a whole community might be involved. In one famous case which I recall, a general warrant had to be executed throughout the living quarters of the entire staff of the Khartoum North Prison and a large haul of *araqi*-distilling apparatus was obtained. The propriety of all police searches was assured by the need to require the local sheikh to be in attendance while any search was in progress.

In the case of traffic irregularities, the procedure had recently been introduced of 'pay up or come up'. Fines according to a certain tariff were imposed and the accused then had the option of paying his fine and so admitting his guilt, or appearing in person before a Magistrate to dispute his guilt or to plead for leniency. The arrangement undoubtedly reduced the pressure on the Magistrates' Court and, as far as I know, was administered without corruption. Traffic congestion required a fair number of police to be employed in manual control at important cross-roads. The investigation of traffic accidents and cases of careless driving was simplified by a firm requirement to give way to the right in the absence of any contrary direction.

#### *Criminal investigation*

I referred briefly above to the use of the Case Diary in the investigation of serious criminal offences. This comprised a booklet of some dozen double foolscap pages sewn together down the centre. The diary was opened at the beginning of an investigation and constituted a day-by-day, and hour-by-hour, record of the investigating officer's progress, i.e. the enquiries he made, the factual evidence he accumulated, the witnesses he interviewed and their statements as they made them. If the Diary were written in Arabic, only one

side of the double page was used so that a translation could be written on the opposite page for the assistance of any British police officer or magistrate who was required to read it.

To my mind, the Case Diary was an excellent administrative device. It was difficult to falsify, a reliable check on the exhaustiveness of an investigation and an invaluable aid in the training of Sudanese police officers in the logical, step-by-step accumulation of evidence. Needless to say, it was a great help to magistrates and judges in deciding if there were a *prima facie* case to answer, and, if so, what witnesses to call and in what order.

The significance of admissions made to the police merits special mention. By Section 114 of the Procedure Code, no person was bound to answer any question put to him by the police in an investigation if his answer would expose him to a criminal charge, and no person giving evidence to police in an investigation was to be required to take an oath or sign any written statement of his evidence. Nor could such writing be used in evidence. This provided effective protection against self-incrimination and put the onus upon the police of establishing a case. By Section 115 a policeman was not to use any promise or threat to influence evidence, nor on the other hand, to caution a person from making a statement of his own free will. Thus, while there was nothing equivalent to the English Judges' Rules on confessions to the police, a statement of confession to the police was of no evidentiary value unless and until it had been repeated to a Magistrate trying the case. Here again, the Sudan Code followed the Indian Code, which was concerned to discourage the extraction of confessions by improper police methods. Of course, anything discovered as a consequence of a confession was admissible as evidence and the Magistrate would be aware of what had been said to the police from reading the Case Diary.

#### *The incidence of crime*

The incidence of crime in the Sudan during the final years of the Condominium was showing a slight upward trend, but I suspect that this reflected rather the increasing efficiency and zeal of the police and the introduction of new penal legislation than any increase in criminality. Campaigns conducted by the police against contraventions of the Public Health and Townships Regulations and the Native Liquors Ordinance would materially influence the statistics. In 1947, for example, several hundred prosecutions were instigated in Kassala Province for the carrying of knives.

The greater proportion of serious crimes were crimes against property—robbery, housebreaking and theft. Crimes against the person were much less frequent. Homicide was not uncommon, but usually arose out of drunken brawls or fights over women. A large proportion of cases of grievous hurt were associated with the practice of carrying knives. A boom town such as Gedaref with a shifting population of West Africans *en route* for Mecca constituted a heavier police responsibility in terms of serious crime than more sophisticated towns such as Port Sudan.

Towards the end of the Condominium there was evidence of heightened political and industrial awareness, and strikes and industrial and political demonstrations were becoming more frequent. This led to the formation of police riot control sections comprising tear-gas, baton and rifle units which were deployed in strict succession as circumstances required. Happily, extreme measures of riot control were rarely needed.

It is difficult to assess the value of the criminal process in the Sudan. There was a considerable amount of recidivism and it is doubtful if either imprisonment or corporal punishment had any reformatory influence on the individual. (A short report which I made on the effect of training in a reformatory for juvenile criminals in Khartoum made depressing reading.) But the general standard of law and order throughout the Sudan was good and the presence of the police and the existence of penal sanctions no doubt had a valuable deterrent effect.

On a final note, it is gratifying to say that I can recall only two cases of serious crime committed by British officials involving sentences of imprisonment.

## LAND LAW IN THE SUDAN

*S. R. Simpson*

### *Settlement (Adjudication)*

The battle of Omdurman was fought on 2 September 1898. The first number of the *Sudan Gazette* appeared on 7 March 1899 and contained a notice which read: 'Whereas claims are being made to land in the Sudan which are in many cases conflicting, and whereas ordinances will shortly be issued providing for adjudication of such claims, it is hereby notified to all whom it may concern that, pending such adjudication, no intending vendor of land in the Sudan is in a position to give a good and valid title to such land.'

The next number of the *Gazette* appeared on 27 May 1899 and contained six ordinances 'for the good government of the Sudan'. The first of these was 'an ordinance for settling questions as to lands situated within towns of Khartoum, Berber and Dongola—which have been reduced to ruins during the recent rebellion.' The second ordinance was called the Title to Lands Ordinance 1899, and its preamble read: 'Whereas, by Khedivial decree of the 1st day of April 1897 provision has been made for the settlement of disputes as to the ownership of land in the Province of Dongola, and it is expedient to make similar provision for other parts of the Sudan; and whereas the preparation of registers of title in connection therewith provides a basis for improvement in the system of land registration ...'

Thus not only did the first two laws to be formally proclaimed concern title to land, but it is clear that arrangements had even been made for dealing with land problems *pari passu* with the military advance up the Nile. The Penal Code was not published until October 1899 (in *Gazette* No. 5) and the Civil Justice Ordinance not until 1900 (in *Gazette* No. 10). The priority given to the question of title to land shows that it must have been considered of pre-eminent importance, and 'Lands' got away, so to speak, with a flying start. The early provision of practical and effective procedure backed by plain and simple legislation for ascertaining and recording 'who owns what' gave the Sudan land administration the bedrock foundation on which it so securely rested.

This priority was no accident. Lord Kitchener, who by an agreement between the British and Egyptian governments on 19 January 1899 was appointed Governor-general of the Sudan and whose proclamations were to have the force of law, was an officer of the Royal Engineers, the Corps responsible in England for the Ordnance Survey. In 1874, four years after being commissioned, he went to Palestine to join the Exploration Commission which was making a survey of the whole country. By 1878 Kitchener had completed a survey of more than 6,000 square miles at a scale of one inch to the mile, and he then went to Cyprus where Great Britain had just assumed the



Protectorate. In 1880 he was gazetted 'Director of the Survey'. He was also given control of land registration, and he remodelled the system. He left Cyprus early in 1883 to go to Egypt and two years later, in a memorandum on Cyprus, he wrote: '... and the re-organization of the Land Registry Department has been a boon to all landed proprietors. The system established in Cyprus might indeed be adopted with advantage as a model for what is much needed in England—a registration of titles and mortgages, and a complete arrangement for the immediate transfer of landed property without the intervention of the conveyancer.' For an Englishman this was a remarkably uninhibited approach to private conveyancing, particularly at that time when the Land Transfer Act 1875 was proving no more successful than its predecessor which had introduced registration of title into England in 1862 and had been virtually a complete failure.

It is not really surprising that Kitchener, when given supreme power over a country requiring not only a new administration but also a complete set of new laws, should have dealt first with the subject he knew so much about and on which he held strong views. On land and its administration he must indeed have been his own expert, and he used the opportunity well. The system which he introduced in 1897, whilst he was still advancing up the Nile, gave the Sudan a very practical and effective procedure for ascertaining title to land and for enabling it subsequently to be dealt with simply, quickly, and with certainty 'without the intervention of a conveyancer'.

The law governing 'settlement' (a term derived from India where the process was first used in Bengal in 1789 for settling—i.e. 'fixing'—land revenue) was finally enshrined in Part II of the Land Settlement and Registration Ordinance 1925 which repealed and consolidated thirteen ordinances but made little alteration to the existing system of land settlement as practised for more than 25 years. This system was copied in Palestine in 1928 (and I saw it still being used in Israel 30 years later). It was also introduced into Jordan. Since the Second World War, under the name of 'adjudication' (to avoid confusion with settling people on new land, which is what 'land settlement' normally means in English), it has been introduced into Kenya and Uganda in East Africa, Malawi in Central Africa, Lagos in West Africa, the Solomon Islands in the Western Pacific, and various islands in the West Indies.

It is important to stress, however, that the success of land settlement in the Sudan depended in large measure on the high quality of the early settlement officers. What must have been a relatively large proportion of qualified staff was devoted to settlement and the names of judges such as Peacock, Tippetts and Ryder remained well known for a generation or more in the areas where they worked. As well as judges, administrative officers of the order of Corbyn (Legal Department: Land Settlement 1907-10) and Leach (Legal Department 1907-10) were seconded for land settlement. The Legal Department of the day insisted on a high standard and must take credit for it. However good the system it could easily have failed in incompetent hands.



*Registration of Title*

Part III of the Land Settlement and Registration Ordinance 1925 (influenced no doubt by the English Land Registration Act 1925) 'introduced' registration of title. Without going into the niceties of the distinction between 'registration of title' (whereby the entry in the register proves ownership and other rights in land) and 'registration of deeds' (whereby transactions are evidenced by deeds, but the deed has to be registered to be valid), I need only say that the new Ordinance made little difference in the existing system, which in working practice was doing all that Kitchener could have hoped. Land transactions were effected in the Land Registries, which section 20 of the Ordinance declared to be a part of the Law Courts of the government to 'be administered under the Chief Justice by a Registrar-General ...' thus making the Registry's judicial status unquestionable and so avoiding the mistake made in many countries of treating land registration as an executive or administrative function. It is very important that the land registries should be above any sort of suspicion and, like the proceedings of the courts themselves, beyond any administrative or executive interference.

The procedure, in fact, was simplicity itself. Those whose rights were, on settlement, considered to amount to full ownership were registered as absolute owners and simple forms were provided which enabled them to transfer, charge, or lease their lands (subject, of course, to administrative consent—an essential protection when unsophisticated people acquire a secure title to their land which then becomes as easily negotiable as a banknote). The complexities of English land law were thus avoided—no small mercy as can be realised when one contemplates the land law in the U.S.A., Canada, Australia, New Zealand etc. etc. Even in countries like Nigeria an immense amount of time and learning (of the sort that caricatures wisdom) was expended on discussing the fee simple, which happily was quite unknown in the Sudan.

I gave more particulars of the history and development of 'Land Law and Registration in the Sudan' in an article published in the *Journal of African Administration* (Vol. 7 no. 1) in January 1955, which I wrote after a visit to Khartoum in February 1954 when I took the opportunity of looking up the old *Gazettes*; but the real purpose of my visit was to show officials from Uganda, Kenya, Tanganyika and the Gold Coast how simple and effective was the system of land settlement (i.e. adjudication of title) and registration in the Sudan, as indeed was also the land administration which this system made possible.

The Sudan Land Settlement and Registration Ordinance was used as a model when in 1957 a working party (of which I was a member) was set up in Kenya to consider the legislation and organisation required in connection with the recognition of individual ownership in the native land units. The Settlement Part (Part II) of the Sudan ordinance required substantial modification to fit the Kenya process (which included consolidation of fragmented holdings and also the use of 'committees'); but the Registration

Part (Part III) was followed fairly closely in the Kenya Bill (which became the Native Lands Registration Ordinance, later renamed the Land Registration (Special Areas) Ordinance) though several additions were made to cover such matters as survey, partition, and prescription and limitation. These additions, however, were also drawn mainly from Sudan sources, in particular (a) the Demarcation and Survey Ordinance 1905—'an ordinance for facilitating the demarcation of boundaries and the making of surveys'; (b) Chapter VIII of the Civil Justice Ordinance, which was lifted almost unchanged to provide for the partition of immovable property; and above all (c) The Prescription and Limitation Ordinance 1928, which succinctly provided that peaceable, public and uninterrupted possession for ten years positively conferred ownership. This was a much better arrangement than the negative English provision whereby the possessor obtained title merely because the real owner was barred of his remedy having failed to pursue it within the time 'limited' by statute.

The Kenya Native Lands Registration Ordinance 1959 was used in Lagos in 1960 by a working party (of which also I was a member) to prepare a bill for what (with some unfortunate modifications) became the Registered Land Act 1965. In the meantime, however, in 1961 I had taken the Lagos draft bill to Kenya where yet another working party (again I was a member) prepared the bill for what became the Registered Land Act 1963, repealing the registration part of the Land Registration (Special Areas) Ordinance (originally named the Native Lands Registration Ordinance). This Act was designed to end the difference between titles stemming from Crown grants and titles stemming from native custom, a dichotomy which bedevilled many British dependencies but from which the Sudan happily never suffered.

The Kenya Registered Land Act 1963 is therefore an advanced version of Part III of the Sudan Land Settlement and Registration Ordinance 1925. It also includes the various features derived from other Sudan legislation (showing how admirable that was). It took into account and benefited from new legislation which had greatly simplified and clarified the whole approach to the subject. It is set out complete in my book *Land Law and Registration* (Cambridge University Press, 1976), together with a section-by-section commentary and analysis which would be of great help to anyone studying in detail the law and practice of land registration in the Sudan. Adjudication of title and control of land dealing (an essential concomitant of land registration in 'developing' countries) are similarly analysed.

#### *Government land*

All waste, forest, and unoccupied land was presumed to be the property of the government and in settlement proceedings if the Registration Officer was satisfied that any land was entirely free from any private rights, or that any existing rights did not amount to full ownership, he was required to register the land as government land subject, of course, to the rights (the nature, incidence and extent of which he was required to define). There was, therefore, in a

country of a million square miles much of which was sparsely populated, a vast area which was potentially at the disposition of the government. Generally, however, it was the wise practice of the government not to dispose of land or act on its presumption of ownership unless it had a clear title on the register, though where it was not sensible to apply the Land Settlement and Registration Ordinance, leasehold interests were sometimes granted in respect of unused and unoccupied land which was assumed to be government land (for example, shop and residential sites in the *haram* of unregistered towns and villages). Also there were huge areas where use and occupation were regulated by local custom and government intervention was unnecessary. The pros and cons of applying the Ordinance to new areas always had to be carefully weighed.

Whether registered or not, however, any official disposition of government land could only be effected in accordance with the 'Land Rules'. These Rules were published in the *Gazette* of 30 April 1923. They replaced Regulations of 1905, but did not introduce anything new as they did not change current practice. They provided that the disposition of government land and the acquisition of land by the government were part of the business of the Sub-Department of Lands, a Sub-Department of the Legal Department comprising a Director of Lands, who was a qualified lawyer, an Assistant Director (also a lawyer) and two English conveyancing clerks. Government land could only be disposed of in accordance with schemes approved by the Governor-general, whose express authority was required for any disposition not within the scope of a general approval. These schemes in effect became the law governing the disposition of government land.

The Assistant Director of Lands disappeared in the economy drive in 1932 and the Director of Lands retired in 1937. He had not been replaced by the beginning of the war in 1939, and so the Sub-Department of Lands disappeared, the work being done by one of the former conveyancing clerks, who became Deputy Assistant Legal Secretary (Lands) and by tremendous efforts kept things going during the war. I became Commissioner of Lands in 1947, having been Registrar-General since 1945—an appointment I continued to hold but kept quite separate and distinct. When I retired in 1953 Lands went to the Ministry of the Interior, but the Land Registry, of course, remained with the Judiciary being, by statute, 'part of the Law Courts'.

#### *The Town Lands Scheme 1947 and other schemes*

Though town expansion—'the drift to the towns', as it was called—was considered administratively undesirable, there was an ever-increasing demand for building sites after the war ended in 1945 and it was clear that special provision must be made to meet it. It was also clear that it would be advantageous to introduce a single uniform scheme to replace the individual schemes which had been issued for some 47 towns and villages under the Land Rules. The granting of freehold had been discontinued, but I thought it might



be possible to devise a building lease which would confer most of the benefits of freehold, but still give the government the right to recover the site if it was required for a different purpose at the expiry of a term long enough to be fair for the type of building to be erected. The result was the Town Lands Scheme 1947, the first draft of which I roughed out in the train between Khartoum and Gedaref and which was a rather chatty sort of document containing a good deal of explanation and exhortation—all very amateur.

However, the standard lease (provided for all grants made under the Scheme) was a very professional document drawn by our excellent legal draftsman. It contained some novel features. For example, the site was granted for a preliminary term of one year, at the end of which the government could retake possession of the site if still undeveloped, without any formal surrender or other legal process. This enabled sites to be easily recovered which would otherwise remain undeveloped by those optimists who had acquired them without adequate resources with which to build and no prospect of getting any.

But the most interesting clause of the lease was that which enabled the government to recover half of any increase in the site-value whenever there was an assignment (i.e. transfer of the lease). The leases made no provision for the government to reassess ground-rent (which was fixed at a low, though not quite nominal, figure) but were disposed of by public auction on a system of premium bidding which was intended to realise the full value of the site (i.e. the site was 'sold' for the term of the lease). So long as the original lessee or his heir remained in possession, the government did not try to recover any increase in the site value which might have resulted from local improvements or changes in land values or even fall in the value of money. If, however, the lessee realized that increase, the government took half and paid it into a fund called the Premium Reserve Fund, into which the original premia were paid and which was held to the credit of the town in which the plot was situated for expenditure against replanning schemes. (I was astonished to find that in 1967 there was a balance of over £52 million available. Khartoum, which had already spent £525,345, had a balance of £187,943; Khartoum North had spent £91,171 and had a balance of £242,475; Omdurman had spent £345,212 and had a balance of £79,861; and Port Sudan had a balance of £821,707.)

Frequent amendments were made to the Town Lands Scheme, as we constantly experimented with new ideas, made improvements, filled in gaps, or simply changed our minds. By the time I left in March 1953 there had been twenty amendments (but only one or two were made after that). As can be imagined the Scheme itself, though it was printed in 1950 in a form which incorporated most of the amendments, was not a very elegant document. However, thanks to an index and a note on 'Points to remember' it was not difficult to use, and it contained some useful practical instruction and explanation, though there were various inconsistencies and defects and some provisions were not entirely clear.



A Village Lands Scheme was also prepared. This was issued in 1948 but was completely revised and reprinted in 1950. Grants of land for use by certain particular bodies or for certain particular purposes were excepted from the Town and Village Lands Scheme and provision was made for them in special schemes of their own. These were five schemes for the disposal of site for (1) storing and selling petroleum, (2) religious purposes or to religious bodies, (3) non-government schools, (4) cinemas, and (5) clubs, but grants of sites to co-operative societies were covered by an annex to the Town Lands Scheme as also was allotment of land for government purposes. There were three schemes which provided for the disposal of government agricultural land required (a) for irrigation projects requiring a licence from the Nile Pumps Control Board, (b) for irrigation projects not requiring a licence, and (c) for agricultural projects in rainlands.

When, in March-April 1967, as Land Tenure Adviser to the Ministry of Overseas Development, I spent five weeks in the Sudan at the invitation of the Sudan government to have a look at the Town Lands and other schemes, and the general organisation and administration of lands, I did not know whether to feel disappointed, even humiliated, at the rejection of my 'expert' recommendation for a Government Lands Act (on the lines of the Acts prevalent in our former dependencies, of which by then I had acquired an extensive knowledge), or to feel flattered because the authorities preferred to retain the dear old Town Lands Scheme, dog's breakfast though it was, on the grounds that they were familiar with it and it had worked well for 20 years.

But whatever their style or form, there is no doubt that these land schemes were (and, so far as I know, still are) a very important part of the land law of the Sudan (though rather strangely no mention of them was made in a massive compilation entitled *The Land Law of the Sudan*, produced in the University of Khartoum and comprising 993 pages of typed foolscap). Tens of thousands of leases (on Lands Form 31) have been issued under the Town Lands Scheme 1947 and case law and practice in regard to them should be an interesting study. It will be even more interesting when the leases begin to fall in.

### *Planning*

But obviously no number of good schemes for the disposition of government land would have been of any use without suitable layout plans for development on the ground. Hitherto layout plans had been prepared locally and so naturally varied in quality, depending on the extent of local interest and experience. Clearly it would often be possible to improve such plans if some central organisation were available to examine them. A professional town planner was engaged in 1946, and the Central Town Planning Board was set up for the purpose of integrating him into some system of planning. The main objectives of the Board (which at that time had not been constituted by statute) were declared to be (a) to get plans deposited if they had not already been deposited (Local Government Regulations required a plan of each town to be

deposited showing building classification etc.) and (b) to keep plans ahead of building development in order to avoid the piecemeal consideration of proposals which had been responsible for many bad or indifferent layouts. The Local Government Regulations were amended to require Governors to obtain the approval of the Central Town Planning Board for any alteration of the 'deposited plan'. A standing committee, sitting once a week, was set up to facilitate procedure. The Chairman was the Director of Surveys and proceedings were conducted in the Survey Department (with which, incidentally, both the Land Registry and 'Lands' always had close liaison).

The Central Town Planning Board functioned quite effectively without being formally established by statute, but a law was urgently needed to facilitate 'slum clearance and replanning' (which was under way in some towns) and so, rather oddly, the Town Replanning Ordinance 1950 preceded the Town and Village Planning Ordinance. The latter was in draft before I left at the beginning of March 1953 but was not enacted until 1956. It officially set up the Central Town Planning Board (which by then had been functioning for ten years) and it made the Minister of Local Government responsible for the control of all town and village planning and for ensuring effective co-operation between central and local town planning authorities. I think it may be fairly claimed that the Condominium Government left effective planning procedure backed by appropriate law.

The Mines and Quarries Ordinance (enacted in June 1950) is another example of bringing 'land' legislation up to date, though it did not affect current practice. It repealed the Mining (Prospecting Licence) Ordinance 1899, the date of which is also of interest as indicating the early emphasis on the provision for development.

#### *Compulsory acquisition of land*

'The dual aim of the lands policy of the Government has been the protection of the reasonable interests of the native proprietors and the development of the land for agricultural and building purposes. Where the interests of the landowners, as such, have conflicted either with the interests of the people locally resident, who might not themselves be landlords, or with the needs of orderly development it has been the landowners who, subject to proper safeguards, have been compelled to give way.' (*The Sudan—A Record of Progress 1898-1947*, p. 41)

We have seen how from the very beginning private rights in land were very carefully safeguarded, and we must now take note of measures provided to ensure that these rights did not impede or inhibit agricultural or building development. The Land Acquisition Ordinance 1903 made provision for the compulsory acquisition of land not only for public purposes but also 'for private development which was likely to prove advantageous to the Government', but this formula was changed in the Land Acquisition Ordinance (which replaced the 1903 Ordinance); it provided for the acquisition

of land for use by a private person 'who proposes to make use of such land for a public purpose or to develop such land in such a way as to promise material benefit to the public generally or to the persons residing or owning land in the neighbourhood'. This provision was a great boon where pump-scheme development was held up because the owners of land which could be irrigated were too numerous or too scattered for it to be possible to conclude an agreement with all of them. One important provision should be specially noted: where the land was not registered land, it was required that it should be settled and registered in accordance with the provisions of the Land Settlement and Registration Ordinance before the acquisition was carried out. Indeed the whole ordinance was a model of its kind (and I never hesitated to recommend it to any country interested in such legislation!).

The Disposal of Unoccupied Town and Village Lands Ordinance was another very practical and useful little ordinance (six sections only, and typical of the plain and simple legislation which supported fair and effective procedure). Its preamble tells the whole story: 'Whereas in many towns and villages in the Sudan, lands upon which buildings have been erected or which are vacant and suitable for building, are abandoned or left unoccupied by the owners without any apparent intention of being re-occupied by them, and the same frequently become insanitary and a public nuisance. And whereas it is desirable that such lands should be utilised for building purposes in the interest of the community and with a view to abating the nuisance caused as aforesaid ...'

#### *The Gezira Scheme*

The highly successful cotton-growing scheme in the Gezira exemplified how the government recognised and respected private rights in land but at the same time did not allow such rights to impede development. After an appropriate experimental period and the delay due to the First World War a special ordinance called the Gezira Land Ordinance was passed to enable land to be compulsorily hired for the scheme. Under this Ordinance (which was repealed in 1927 and replaced by an ordinance of the same name) 300,000 feddans were hired for forty years and rent was paid annually to the owners. The owners thus retained their interests though power to deal with these interests was progressively restricted to prevent merchants and persons with no local connection from acquiring them solely for investment or speculation. The government, however, was always ready to buy, thus gradually turning the land into public ownership. It would not be appropriate to go further into details in this paper, but there is an account of the 'lands' side of the Scheme in the *Journal of African Administration* (Vol.1, no.2, April 1957, pp. 92-95).

*Conclusion* The following was written in 1947:

'The future of the Sudan depends on the proper use of its land and the increasing pressure of the years ahead may best be met in one instance by the expenditure of State funds, in another by co-operative societies, in another by private capital. But, whatever the means, the twin threads of local interest and proper development will continue to run unbroken through the fabric of a policy which covers the town site and the village plot no less than the fields of the countryside. Private interests are not and will not be forgotten; indeed a growing number of persons will have that individual stake in the land which is the bedrock of sound development. But the stake need not necessarily be a freehold interest or a name on the Register, and the absentee or the landowner who fails to develop will not be allowed to stand in the way or to profit unreasonably at the expense of the community.'

I do not think that I can better sum up the Lands Policy of the Condominium government and the admirable laws which supported that policy.



## THE HIGH COURT OF THE NEW SUDAN AT WORK

*R. C. Stanley-Baker*

My old friend and former colleague, Sir Donald Hawley, has so clearly and comprehensively described not only the history of the Legal Department but also the structure and functions of the various courts at various periods throughout the Condominium that there is really nothing more to say under these headings.

I will attempt to give glimpses of my own experience of court work; and some conclusions which I drew from that experience about merits and demerits of our legal and judicial system in the Sudan as compared, say, with that of the Colonial Service.

My experience as a 'professional' judge consisted of five years on the Northern Circuit, followed by nearly two years in Khartoum sitting mainly on the Court of Appeal but also as a Judge of first instance to take some of the heavy workload off the Khartoum High Court Judge.

Northern Province in those days was quite unlike any other High Court Circuit then in existence in that there was very little serious crime, there was no resident Advocate, and there was an enormous volume of civil litigation consisting almost entirely of cases about land, riverain or riverbed.

The relatively few criminal cases were admirably dealt with either by the District Commissioners (DCs) sitting as First Class Magistrates or (in Atbara) the local bench of magistrates or (the majority) by the local courts. Every now and then there was a serious crime calling for a Major Court. These cases in my time were nearly all sexual in fact (rape and sodomy) or in motive. I recall one particularly violent killing in which a butcher from Kareima had discovered his wife in bed with his brother and literally butchered him with a meat chopper, splitting the skull.

Another rather dramatic case was tried in Berber early in my apprenticeship on the Northern Circuit. The courtroom was the former Mamur's office (administration of the area having long since been centralised in Atbara), which was a mud building in need of maintenance and of course unlit, except by a Petromax lamp which was brought in as night fell and the hearing approached its climax.

The facts of the case were equally simple. The female servant and mistress of the nomadic owner of a few cattle, sheep and goats had finally decided that enough was enough, slaughtered two of her illegitimate children and fled to the river with the third, a delightful baby who remained in his mother's arms throughout the trial and as the inevitable death sentence (with a recommendation to mercy, which took effect) was being pronounced by the

unhappy presiding Judge, caught his eye and grinned: an unforgettable sight in the Petromax illuminated gloom.

But such cases were rare on that circuit. Land cases on the other hand abounded. To hear these there were four District Judges (at Shendi, Atbara, Merowe and Dongola) and the High Court based on Damer, to which also appeal lay from the District Judges. The interest in land litigation was particularly intense. In the first place, there was so little cultivable land: only the land watered by the Nile flood in or adjacent to the bed of the river, which appeared when the flood subsided; and the riverain land watered by artificial lift from the Nile by *shadouf*, *sagia* or diesel-driven pump. Again, the number of persons potentially interested in this narrow strip of land—stretching all the way from the Shabaloka Gorge south of Shendi to the Sudan boundary north of Halfa (then above water)—was continually multiplied by the Muslim law of inheritance.

Those actually cultivating were of course few but they were supposed to account to all the co-owners for their shares in the crops or proceeds. When they failed to do so litigation followed usually involving counterclaims by the cultivators to title allegedly acquired by prescription.

The riverbed land, which appeared as the Nile flood receded and was then cultivated by Seluka, produced even more agitated disputes. The behaviour of the Nile contributed to these, because it was inclined (like the Mississippi) to change its course from year to year, with the result that highly desirable islands would continually appear, reappear in rather different positions or disappear altogether. Local custom as to the division of these precious properties between the owners of the riverbank on either side followed the Roman principle of ownership of all riverbed land opposite (*gusad*) your holding *usque ad medium filum aquae*, the *medium filum* being known as the *mirin*, except in the Berber area. There, for some reason which I never fully understood, the *mirin* meant something quite different—a block of land, usually allotted during the Turkiyya and evidenced by a more or less ancient document from which it was quite impossible to identify either the land or its position.

Feeling tended to run high over Seluka land and I recall at least one case where there was an armed waterborne invasion of an island by opposite bankowners in feluccas and a pitched battle.

Claims and counterclaims to riverbed land could only really be settled on the land itself, not by sitting in court. The answer was undoubtedly settlement and registration of the entire riverbed, whether it was under or above water at the time. This had been most successfully accomplished in Shendi District by, I think, Tippetts and then in the 1920s by O'Meara (later himself a High Court Judge); and before I left Damer we were extending the process down the river as fast as we could, the District Judge having been appointed Settlement Officer. Thereafter when 'new' land appeared, once its position on the Registry plans was shown, ownership was known.

Quite apart from the intrinsic value of the land, litigation was something of a way of life for the litigants of Northern Province and their supporters, rather

as football has become in this country; and whichever side won, I was sometimes conscious of a feeling of distinct disappointment on all sides when a long case eventually came to an end.

Some Judges were better than others at keeping the ball in play for long periods and thus pleasing all concerned. I, alas, had to be more draconian, partly because I favoured another Roman maxim (*interest rei publicae ut sit finis litium*); but even more because of the enormous volume of pending appeals (or strictly 'applications for revision') which I found awaiting me on arrival at Damer—no less than 178 of them. The papers were piled on every available surface in the Judge's 'Chambers' (which were also his Court Room)—on the benches, the desks, the cupboards—and every one of the applicants was expecting to be heard at least once in person, in accordance with the invariable practice of my very patient predecessor. He unfortunately had been called to other duties in Khartoum long before he could complete the process and the 'Circuit' had been unmanned for six months.

Those revisions haunted my first six months as a new and inexperienced Judge, but then help arrived from an understanding Chief Justice, the arrears were cleared off and all was well.

I have mentioned the fact that there were no resident Advocates on this circuit, although visiting Advocates appeared from time to time for the more important cases, criminal or civil. I do not recall one ever appearing in a land case: here the Court had to conduct the case for both parties, as well as deciding between them at the end. The difficulty was always to discover who on earth was really in dispute about what and where: this often took several hearings and much patience, but once the issues were clarified and settled, the trial of the case was usually straightforward.

One advantage of all this from the point of view of a British Judge was that both his standard of Arabic and his understanding of the people and their ways were much improved even if he never went outside his court! In course of time one also acquired a certain proficiency and confidence in feeling one's way through a mass of conflicting evidence to the most probable version of the facts, if not the truth.

I remember reading with amazement an English Law Report in which the Judge appeared surprised if not aggrieved that in this case there was a conflict of evidence. With us, of course, there was *always* a conflict of evidence; and by the end of a long case both parties and their witnesses often seemed to have convinced themselves absolutely of the truth of their stories, embellishments and all.

Apart from the ordinary run of civil and criminal cases, those with strong political overtones occasionally came our way on the Northern Circuit. Sir Donald has described one which he tried in Atbara. The strangest I had to deal with was the trial of 52 railway trade unionists on charges connected with a very damaging illegal strike called without due notice. All the accused, defended by Mabarek Zaroug, sensibly pleaded guilty (although some of them as we found were, owing to a technicality, not guilty), so the only question was

sentence. Most of the accused were I think expecting to be sent to prison (thus to become martyrs) and were agreeably surprised when we gave them only fairly stiff fines, coupled with a long lecture in the Judgement on the responsibilities of Trade Unions and the need to think of the effects on the lives and livelihood of their own friends and relations on the pump scheme and elsewhere, before bringing the railway to a halt. This Judgement went down surprisingly well with both sides and for a time there was industrial peace in Sudan Railways.

In the same year, 1951, I was appointed Chairman of a Commission for the amendment of the constitution, consisting of Sudanese politicians of most shades of opinion with a strong admixture of tribal leaders and other notables and helped by a British adviser. This was the most daunting task I had to undertake in the Sudan, for the nationalist politicians were naturally anxious to move ahead much faster than the terms of reference, which it was my duty to interpret and observe, would allow. In the end, a fair compromise was reached and the Commission made reasonable progress until the Egyptian government suddenly put the cat among the pigeons by abrogating the Condominium Agreement. After that no agreement between sections of the Commission was possible and it was dissolved. But before breaking up they had in fact reached a sufficient measure of provisional agreement on the main features of the constitution which they wished to recommend to enable me to submit to the Governor-general a report summarising and explaining these recommendations. This report was, I think, of some assistance to those who framed the Self-Government Statute; and I doubt if the reputation of the Judge for impartiality was much damaged by my involvement with the Commission. (This was a possible consequence of my appointment, feared by the Chief Justice and myself and much debated with the Civil Secretary before the appointment was accepted.) At all events, one of the unanimous recommendations of the Commission with which I personally agreed was that there should be a strongly entrenched independent Judiciary!

After those five fairly strenuous years as a 'Bush' or 'Riverain' Judge, at close grips so to speak with the litigants, the Nile and the Nile silt (but with interludes in the more rarefied atmosphere of Khartoum, sitting on a Court of Appeal, grappling with constitutional problems, attending a Judges' Meeting or the like) I was actually translated to Khartoum for the remainder of my service.

Here of course the civil work both in the Court of Appeal and the High Court was much varied—and extremely interesting by any standard. Looking through the *Digest* of cases from 1 January 1953 to 30 June 1954 which I prepared not long before we left the Sudan, I am surprised at the number of subject headings under which fell the cases which were worth reporting (i.e. cases with a point of law of some general interest to them) during that short period. There are no less than 20 main headings in the *Digest*—Agency, Company Law, Contract Damages, Evidence, Insurance, Interpretation, Jurisdiction, 'Justice, Equity and Good Sentence', Land Law, Limitation,



Partnership, Personal Law, Practice and Procedure, Private International Law, Road Traffic, Sale of Goods, Specific Performance, Torts, (sub-headings—Absolute Liability, Negligence, Nuisance and Defamation) and Trade Marks.

There were no divisions and no specification in the Sudan High Court: we were far too thin on the ground for that—although of course if one had had a particularly intensive experience of certain types of case (such as mine of land cases) one tended to be drafted on to the Court of Appeal when appeals of that sort came up. But in general we were jacks of all trades, or of all types of law, and in those circumstances and for our purposes the elasticity provided by that famous provision of the Civil Justice Ordinance (C.J.O.) about equity, justice and good conscience was to my mind quite admirably suited to the needs of the Sudan. Where, as so often happened, there was no Sudan statute law covering the point of issue, we were able to apply the principles of the English Common Law, or the Common Law as amended by statute (as reported in one of those *Digest* cases) or of the relevant English statute itself, but only in so far as these would produce a just and equitable result in the particular case.

Once in administering an Armenian estate I applied a law about whose very existence I was in some doubt, because admirable Advocate Mr Kronfli who propounded it never succeeded in producing a copy of it. It was I think (*sic* Kronfli) the Catholic Royal Law: at all events it produced a very acceptable result in this estate and all the beneficiaries were happy.

As for the Sudan statute law, we were singularly fortunate not only in our Civil Justice Ordinance, which on the whole was remarkably clear, but especially I thought in our Penal Code and Code of Criminal Procedure (C.C.P.). The good Brunyate, mentioned by Donald [Hawley], deserves the highest praise for his skill in covering so much ground so briefly and clearly. Our other ordinances varied a good deal according to the quality of the draftsmen and, I suppose, the requirements of the department concerned. Some were horrors of obscure complexity almost equal to the worst in modern English legislation (which often seems to me to be designed to be totally unintelligible even to those who have to administer it, let alone those affected by it—possibly because too many hands have stirred the broth in committee). Others were models of clarity like the Penal Code itself; and we were lucky as self-government approached to have as Attorney-General a Chancery draftsman of quite exceptional ability to state the bare essentials clear, short and sharp and an equal determination to do so however much he was pressed by experts to fudge the issue with a mass of technical detail! He was of course Jack Mavrogordato, the draftsman I think of both the Executive Council and Legislative Assembly Ordinance 1948 and the Self-Government Statute 1953.

A word now about civil procedure in the Khartoum High Court. In the Royal Courts of Justice in the Strand there is a murky and noisy upper region presided over by Masters of the Supreme Court and much frequented by junior members of the Bar trying to get their clients through the 'interlocutory' stages of a High Court action—that is to say, the written pleadings and other stages

preliminary to the actual trial before a Judge. The rules governing these interlocutory stages are many and complicated and are (or were in my day) set out, with cases and comment, in an immense tome known as the White Book. In my pupillage at the Bar I never succeeded in mastering all these rules, but it was vital for the aspiring English barrister to do so; for failure to comply with any one of them, or to comply in the time allowed, could result in a technical knock-out long before the case ever got to court. In fact, many claims in the English High Court never got beyond the Bear Garden stage, where much skilful and technical infighting went on to prevent them doing so.

This elaborate interlocutory procedure was, in our view, highly unsuited to the needs of the Sudan, where it would have been difficult to convince a litigant that justice had been done if, owing to some minor omission by his Advocate, his obviously just claim had never even reached the court.

Nevertheless, there was provision under one of the Orders made under the Civil Justice Ordinance whereby written pleadings and other elements of the preliminary procedure which might help to clarify the position before trial (e.g. interrogatories) or to knock out frivolous claims, could be adopted either by order or with the consent of the Court. And when there were able advocates on both sides, this procedure was often adopted with advantage to all. When James Watson was Judge of the High Court Khartoum he instituted a sort of Mini-Bear Garden on Saturday mornings, attended by many Advocates, at which questions arising from written pleadings and other 'interlocutory' matters were argued and settled. But we never attempted to emulate the extraordinary complexity and confusion of the Bear Garden in the Strand.

In the panoply of the law and the trappings of the courts we lagged behind the splendour and dignity of the English 'Superior' Courts and, I think, well behind those of the Colonies. I have seen little of the latter but I remember being much impressed by the Nairobi High Court building with its panelling and Royal Coats of Arms. And even in the Sovereign Base Areas of Cyprus, which I visited from time to time between 1965 and 1974 as a 'Deputy Senior Judge' to hear occasional appeals from the resident Judge, while the courtrooms were fairly simple, our robers were not; and I was startled on my first appearance at being addressed by the Law Officer and Advocates as 'Your Lordship'. Considering that the cases we were hearing were mostly the sort of appeal from a conviction for minor crime one might have had from the Police Magistrate in Khartoum, this too was impressive in its way.

In Khartoum the Law Courts building, as Donald [Hawley] says, was impressive and stood the test of time: the courtrooms in it were adequate, if not as splendid as the Nairobi version. In Damer it was otherwise: the High Court room, also used by the District Judge when he was there, was an ordinary office at one end of the Province Headquarters without even a raised dais. One had to plough through a mass of litigants squatting on the verandah outside in order to get in and out (which could be embarrassing when the case aroused strong local feelings, as for instance the trial for embezzlement of a popular building contractor). I drew several plans for an improved court

building, but of course money was never available; and I imagine much the same applied in many other areas outside Khartoum.

Our robes, when we did get them, were I thought both impressive, comfortable and well adapted to our circumstances. Some of us had reservations about the barrister's wig (an odd-looking affair in this day and age) and might have preferred the simpler 'tie wig', although both were hot in summer. But the robes certainly added dignity to the proceedings; and this was very necessary and appropriate as the Judiciary became more professional and was formally established as independent under the Self-Government Statute.

I suppose there is no harm in leavening dignity with a little impudence. Early in 1954, I recall that when the Chief Justice was sitting in the Court of Appeal, the regular order of proceedings was that he would enter first (fully robed of course) followed by his smooth-haired fox terrier Smash; I was sitting too, I would follow Smash—followed as like as not by our cocker spaniel Flops; when all were assembled on the Bench we bowed to the Advocates, who bowed back to us and the hearing started. The dogs never interrupted the proceedings and no one seemed to object to this breach of strict protocol.

On one occasion, the lapse from dignity was nearly disastrous. As I recall it (it was nearly 30 years ago), the entire High Court (including of course the Chief Justice and the Registrar) had assembled, robed and wigged, to greet the new Governor-general on his arrival at Khartoum Central. Owing to a slight error of judgement on the part of the Chief Justice, whose sense of occasion that day was better than his timing, we arrived at the station just as the train was drawing in—and had to run fast to get to the platform on time. The spectacle of a number of judges at the gallop, in full regalia, and clutching their wigs, must have been rather startling to the bystanders and would hardly have been acceptable at an English Assize.

One is tempted, at this distance in time, to dwell on some of the lighter moments in the past. But at the time we judges and magistrates were very much in earnest, very confident in ourselves and I think fairly certain of the value and reputation of our independent Judiciary, which had not only been confirmed as a separate Department of State under the Self-Government Statute but in recent years welded into a coherent whole such as had not existed before. That this was so, I always felt, was due largely to the determination, ability and drive of our Chief Justice, W.O.B. (later Sir William) Lindsay and our Registrar, Donald (now Sir Donald) Hawley.

We had a system of law and legal procedure based on three excellent Codes (Penal Code, C.C.P. and C.J.O.) and on all that is best in English Common Law (that great bulwark of human rights and individual freedom down the ages) and Statute Law, but with a wide discretion vested in the courts to reject what seemed inapplicable to conditions in the Sudan or would cause injustice in the particular case. This discretion would, I suspect, be envied by many English judges whose aim, in my experience, is to do justice in the case rather than engage in the *minutiae* of legal argument (hence the time-honoured complaint of English barristers 'we get lots of justice, but not enough law').

Our procedure was simple and our courts even simpler: we had at last invested ourselves with some of the panoply of judicial dignity which our excellent Sharia courts had long since enjoyed. Above all, we had a cadre of sound judges, Sudanese and British, with a good knowledge of the country and the litigants and developing an increasing professionalism. True, nobody else took much notice of us, until someone was needed to undertake particularly difficult or sensitive tasks—such as all sorts of Commissions of Inquiry, as well as my Constitution Commission—which called for what one Civil Secretary (rather unfittingly) described as 'an impartial stooge'. Then, like English Judges, we were much in demand.

My conclusion was, and remains, that this system of law, law courts, procedure and this judicial cadre were better suited to the needs of the Sudan in our time than the more elaborate and legalistic colonial system.

Nevertheless, as Donald [Hawley] points out, we failed to leave behind us a system strong enough to stand up to the assaults of politicians, who inevitably resent the existence of a Department of State which they cannot directly control. This was a very serious failure on our part, for it hardly needs saying that a judiciary strong enough to protect an innocent individual or group of people against oppression is a vital safeguard of individual freedom in any state where the executive has an interest in suppressing it. One only has to look at the Eastern European states—or for that matter many other states—to appreciate the value of the balance of power between legislature, executive and judiciary.

Could we have strengthened the judiciary sufficiently before independence to enable it to remain independent indefinitely? The only way I can think of would have been to train many more Sudanese lawyers much earlier than we did. I think the difficulty when the British judges left was not the quality but the quantity of the Sudanese judges; they were good but there were not enough of them. It is interesting to speculate what might have happened if the Kitchener School of Law had been founded in 1924, like the School of Medicine, instead of 1936. We might then have had enough trained lawyers to form a stronger judiciary, well grounded in the principles of the English law but without the need to apply it as rigidly as the Colonial judiciary.

But that would have required a degree of foresight as to the time-scale for progress towards self-government which we did not possess even in the 1930s (when I recall fears of proliferation of under-employed lawyers, who would promote unnecessary litigation!), let alone in the 1920s. And in 1955 the administration faced very much the same problem.



## THE ROLE OF THE NATIVE COURTS IN THE ADMINISTRATION OF JUSTICE IN THE SUDAN

*Mohammed Ibrahim al-Nur*

From time immemorial the Sudan with its predominantly nomadic and widely scattered tribes, had very rarely, if at all, been directly ruled except in towns and districts where comparatively small bodies of officials sat and exercised some administrative control under the direct supervision of the central ruling authority.

In the Funj Sultanate, for instance, the sovereign sat in Sennar and ruled the country indirectly through the heads of the tribes, then commonly known as *meks* and *mangils*, who paid allegiance to him. And during the Egyptian rule known as *al-Turkiyya al-Sabiqa*, the limited number of officials who ran the government under the Governor-general, representing the Viceroy of Egypt in the Sudan, rarely went beyond towns and government seats and penetrated into the isolated and scattered tribal areas. They equally relied on the tribal heads and chiefs in the internal discipline of their people. Similarly was the case in the Mahdiyya, where except in the capitals where the strong grip of the Khalifa was consciously felt by all, *amirs* and *'amils* were sent out mostly to collect taxes and to deal with major problems of rule, leaving the internal affairs of the tribes in the hands of their sheikhs and heads who were vested with certain powers.

Thus, throughout those stages of Sudan's history, the various tribes possessed administrative structures of their own, and their sheikhs, either personally or through a *majlis* of elders appointed by them, exercised powers of settling inter-tribal disputes and inflicted punishments which were necessarily compensatory.

Upon the reoccupation of the Sudan in 1898, for the purposes of security and stabilization of the new rule the Condominium powers established direct rule in the Sudan. Every administrative decision was taken and every administrative act was done by a body of officials working under the direct and close control of the central government. The Sudan was divided into fourteen provinces. Each province was run by a British Governor assisted by District Commissioners (DCs) and Mamurs in the various districts within his province. The adventurous young DC, vested with both administrative and judicial powers, trekking on camel-back or riding a mule or even walking on foot, penetrated into every corner of his district, meeting his people, studying their problems and their history and customs. He heard the individual disputes put before him and gave his judicial decisions according to law with due regard to their local customs and traditions. The heads and chiefs of tribes were mostly recognised in their positions as such, appointed *nazirs* or chiefs or *omdas*, and

vested with minor administrative powers to assist the DCs in the control of their people; and, though they were not given any judicial powers, their people still continued to go to them with their minor disputes, and they acted in them as *ajawid* and settled them according to their respective local customs.

In the meantime the Sudan government immediately enacted laws and under them established Courts of Law for the administration of justice throughout the country in the following manner:

1. Sharia Courts were constituted under the Mohammedan Law Courts with powers to decide: (a) any questions regarding marriage, divorce, guardianship of minors or family relationship, provided that the marriage to which the question related was concluded in accordance with Mohammedan law, or the parties were all Mohammedans; (b) any question relating to *waqf*, gift succession, wills, interdiction or guardianship of an interdicted or lost person, provided that the endower, donor, or the deceased or the interdicted or lost person was Mohammedan; (c) any question, other than those mentioned above, provided that all the parties, whether being Mohammedans or not, make a formal demand signed by them, asking the Court to entertain the question and state that they agree to be bound by the ruling of Mohammedan Law.

2. Criminal Courts, constituted under the Code of Criminal Procedure with powers to try all offences under the Sudan Penal Code as well as all offences against any other laws, according to the provisions of the Code of Criminal Procedure, subject to any enactment for the time being in force regulating the manner or place of investigation, enquiring into, trying or otherwise dealing with such offence.

3. Civil Courts, constituted under the Civil Justice Ordinance (C.J.O.) which provides in SS.5 and 9 thereof:

‘Where in any suit or proceeding in a Civil Court any question arises regarding succession, inheritance, wills, legacies, gift, marriage, family relations or the constitution of *waqfs*, the rule of decision shall be:

(a) any custom applicable to the parties concerned, which is not contrary to justice, equity or good conscience, and has not been by this or any other enactment altered or abolished and has not been declared void by the decision of a competent Court;

(b) the Mohammedan Law, in cases where the parties are Mohammedans, except in so far as that law has been modified by such custom as is above referred to (subject to provisions of S.38 C.J.O.) which provides that ‘Civil Courts shall not be competent to decide, in a suit to which all parties are Mohammedans, except with the consent of all the parties, any question regarding succession, inheritance, wills, legacies, gifts, marriage, divorce, family relations, or the constitution of *waqfs*’.

S.9 of the C.J.O. further provides that in cases not provided for by this or any other enactment for the time being in force, the Court shall act according to 'justice, equity and good conscience'.

In acting according to justice, equity and good conscience, a judge is not allowed to formulate his own views about what is justice in the particular case before him. The personal views of various judges may vary on the same point, and as it is said of old 'the foot of one chancellor may be bigger than that of the other'. So it was incumbent on Sudan judges where the case before them was not covered by any Sudan law for the time being in force, to look into any other system of law, or the views of jurists, to find what was considered justice in such a case. For this reason the early judges of the Sudan, who were mostly British, looked into the system which they knew best. This was the general principles of English law, and they based their decisions on it without ignoring any custom covering the case in the Sudan. To this may be added that most, if not all, of the enacted substantive law issued by the government was based on, if not completely borrowed from, English law: e.g. the Bills of Exchange Ordinance and Companies Ordinance. Thus the Sudan judges in resorting to the English law system as a strong influence have since formulated a Common Law of their own, and are still continuing to do so. That explains why we teach the English law system in our Law School of the University. As one of our great former judges said: 'We are guided but not governed by the rules of the English Law'.

The Sudan government having thus established Law Courts for dispensation of justice throughout the country, and vested DCs, Assistant District Commissioners, and Mamurs, in their remote and isolated districts, where no proper courts were established, with powers to try criminal cases under the Code of Criminal Procedure and hear and determine civil disputes under the Civil Justice Ordinance, had completed the organisation of its direct rule of the country.

And so by the year 1914 when the foundations of law and order had been well and truly laid down, it was considered that the way was open for an advance towards a less direct method of administration, but the Great War came and held up the plans for development.

In 1922 the Sudan government was aroused from its slumber by the comment about the Sudan in Lord Milner's Report which ran as follows:

'Having regard to its vast extent and the varied character of its inhabitants, administration of its different parts should be left, as far as possible, in the hand of the Native Authorities, wherever they exist, under British supervision'.

As a result of this report, the Sudan government started to design a policy aiming at a decentralised control over the administration, judicial and financial, of the Sudan, which was to be entrusted to the people of the Sudan. The devolution on the judicial side came first because it was most familiar and

understandable to the people, and then followed after a long interval devolution in the administrative and financial spheres, by the introduction of local government.

The steps towards devolution on the judicial side were taken gradually and with great caution. They were first started by the issue of the Powers of Nomad Sheikhs Ordinance, 1922. The preamble of that Ordinance read as follows:

'Whereas it has from time immemorial been customary for sheikhs of nomad tribes to exercise powers of punishment upon their tribesmen and of deciding disputes among them, and whereas it is expedient that the exercise of these powers should be regularized'.

This Ordinance authorised Governors, with the consent of the Governor-general, to grant powers to sheikhs of nomad tribes, subject to Governors' administrative jurisdiction, to punish offences committed by and settle disputes among members of their own tribes who were under their authority, subject to a right of appeal to the DC or Governor. No punishment other than a fine could be imposed under this Ordinance, and the maximum fine that could be imposed was £E.25 or its equivalent in kind if the sheikh sat alone. Strangely enough and perhaps in recognition of an old custom of some tribes, the said Ordinance provided that:

'A fine when imposed, may be made payable either to the sheikh who tried or presided over the trial of the accused or to the aggrieved party, or shared between the two.'

The members of the Council of elders who sat with a sheikh for the trial of an accused were precluded by the Ordinance from receiving any share in the fine.

The offences that could be tried by sheikhs under this Ordinance amounted to 21 in all. Most of them were equal offences under the Penal Code, including some very serious offences like rape, the punishment for which under the Penal Code might extend to fourteen years' imprisonment; and some constituted no offence under any other law and were considered as offences according to custom only, like abuse as distinct from insult and disobedience of a reasonable order.

Powers under this Ordinance were given to 114 sheikhs of nomad tribes in the eight provinces of the Northern Sudan, excluding Khartoum Province.

In 1925, the Village Courts Ordinance was issued. It authorised Governors of provinces to which it was made applicable to constitute Village Courts for any village or group of villages. Such courts were to be convened of a President and appointed members and were to have jurisdiction to try specified minor offences and impose fines not exceeding £E2 and hear and determine civil suits not exceeding £E2 in value.

Consequent on the recommendation of the Northern Governors' Meeting for further devolution on the judicial side, the Powers of Sheikhs Ordinance 1927 was issued. It was an adaptation and extension of the Powers of Nomad



Sheikhs Ordinance, 1922. It regularised the powers which the sheikhs habitually exercised, and allowed for their extension to correspond with their increased administrative responsibilities, and encouraged the administration of tribal and local customary law within reasonable limits by tribal and local authorities.

The Ordinance of 1927 further provided for the establishment of Courts by Warrant signed by the Governor-general. The powers of each Court and the offences of which it could take cognizance were specified in the Warrant establishing it.

In 1928 discussion with Governors of the practical application of the Powers of Sheikhs Ordinance 1927 to the varied conditions obtaining in different provinces revealed the necessity for certain amendments. So the Ordinance was repealed and re-enacted as the Powers of Sheikhs Ordinance 1928. The object of this latter Ordinance was to increase the measure of devolution under supervision to native, tribal and territorial authorities and to effect an eventual reduction of expenditure upon administrative machinery in the provinces. There was no conspicuous contrast between the repealed 1927 Ordinance and the Ordinance of 1928 replacing it, except in so far as the scope of the 1928 Ordinance was wider and covered the whole Northern Sudan in a more elaborate manner, and that under it a Sheikh's Court, though not the sheikh when exercising his individual powers, was granted powers of imprisonment. The offences of which a Sheikh's Court, constituted under the 1928 Ordinance, could take cognizance, covered a very wide field of offences under the Sudan Penal Code but excluded the very grave offences of homicide, offences against the State, kidnapping, robbery and offences against other government ordinances.

No right of appeal existed against the decisions of Sheikhs' Courts under the 1927 and 1928 Ordinances, but the Governor or DC could of his own initiative intervene and take such action as he deemed fit.

In 1928 also, another step was taken by making natives of the Sudan share in the administration of justice according to law, as opposed to custom. Town Benches of Magistrates were constituted under the Code of Criminal Procedure to sit in the various towns, which were more or less cosmopolitan and whose residents did not follow any single native custom. Selected numbers of the notables of such towns were appointed 3rd Class Magistrates for the purpose of sitting on these Benches. (A Bench was to be constituted of three 3rd Class Magistrates, by rotation, one of them to be the President.)

Most of the Benches so constituted were vested with powers of a Magistrate of the 1st Class sitting summarily: that is, to pass imprisonment for a term not exceeding three calendar months, or inflict a fine not exceeding £E20. Only very few Benches were given the full (i.e., non summary) powers of a 2nd Class Magistrate; that is, to pass a sentence of imprisonment up to six months or award a fine of up to £E50. Town Benches were competent to try offences under the Sudan Penal Code or other Ordinances within their powers as referred to them by the Police Magistrate to whom they were subordinate.

There are now about 27 Town Benches which tried no less than 36,432 cases in 1958.

In the Southern Sudan, Chiefs' Courts were started on an experimental basis in 1923, without legal authority, until legalised in 1931 by the issue of the Chiefs' Courts Ordinance, 1931. Under that Ordinance, Chiefs' Courts were divided into three classes: (a) Court of a chief sitting alone; (b) Court of a chief sitting with members; and (c) Special Courts. Courts of a chief sitting alone or with members were constituted by Warrants signed by the Governor-general, defining the powers of the Court and the limits of its jurisdiction. They were empowered to deal with civil suits in which all the parties were natives of their territory and criminal cases in which the accused person was a native of their territory.

The Courts were to apply the Native law and custom prevailing in the area over which the Court exercised its jurisdiction provided that such Native law and custom was not contrary to justice, morality or order; and subject to conditions of their warrant they might, in case of conviction of offences impose a fine, or imprisonment, or both; and in the case of males, flogging or whipping.

Special Courts were to be convened by Governors, with the consent of the Governor-general, if he thought the ends of justice would be served thereby in any of the following cases: (a) where the accused was subject to the jurisdiction of one chief and the complainant was subject to the jurisdiction of another chief; (b) where the accused was himself a chief; or (c) where the alleged offence was of such gravity that the powers of any other Court having jurisdiction appeared to be insufficient.

At last an Ordinance (which is still in force) was passed under the title of the Native Courts Ordinance 1932. It repealed, but enacted the powers of, the Sheikhs Ordinance 1928 and the Village Courts Ordinance 1925. The new Ordinance is intended to apply throughout the Northern Sudan.

This Ordinance divided the Native Courts into five classes, *viz.*: (a) Sheikh's Court with a Sheikh as President sitting with members; (b) Court of a Sheikh sitting with elders in *majlis*; (c) Village Court; (d) Court of a Sheikh sitting alone; and (e) Special Courts. Courts, except Village Courts and Special Courts, are established by Warrants. A Village Court is set up by written order from the Governor or more recently by the Province Judge or Judge of the High Court. A Special Court is now convened with the approval of the Chief Justice if it is thought that the ends of justice will be better served thereby. Special Courts are reserved for genuine inter-tribal fights.

The Warrants for establishment of Courts have undergone several modifications and taken different forms, until ultimately a sort of model comprehensive Warrant has been evolved. Under the model, Warrant Courts are classified into Main Courts, Regional Courts and Branch Courts. The jurisdiction of each Court, its membership, quorum, powers and the mode of appeal are set out in the Warrant of the Court.

Regional Courts are Courts with powers intermediate between Main and

**Branch Courts.** Branch Courts are the smallest Courts to have powers of imprisonment.

Majlis Courts (Sheikhs sitting with elders) with powers of fine up to £S10 only, are no longer established and those already existing are in course of elimination.

Native Courts have power to try Sharia cases under Mohammedan personal law. An 'alim member sits as a member of the bigger Courts and gives the decision. Smaller Courts with no 'alim member are precluded from hearing Sharia cases.

Native Courts are competent to try natives of Africa outside the Sudan other than Egyptians; and in certain cases, government officials with the approval of the Resident Magistrate.

The powers of imprisonment of Main Courts vary from seven years to three months and the powers of Branch Courts vary from five years to two months' imprisonment. The fining powers of Main Courts vary from £S100 to £S10.

The decisions of a Branch Court are appellable to the Main Court. Those of the Main Court are appellable to the Resident Magistrate and those of the Resident Magistrate are appellable to the Province Judge or Judge of the High Court in the Area. Thus there is a great latitude of appeal from the decision of any Native Court for a person aggrieved.

At present there are about 690 Native Courts in the Northern Sudan and 300 Chiefs' Courts in the Southern Sudan. They all dispense justice according to native law and custom. There are 27 Town Benches constituted under the Code of Criminal Procedure, but run by Lay Native Magistrates. The State Courts proper, applying Law, in addition to the High Courts of Justice in both the Civil and Sharia Divisions, comprise 44 Province and District Courts applying both Civil and Criminal Laws and 46 Sharia Courts applying Mohammedan Law.

The statistics for the year 1957-1958 show the number of cases tried by each group of the above-mentioned organs of justice as follows:

<b>1. STATUTE COURTS APPLYING LAW:</b>	<b>Cases</b>
Civil Courts	18,445
Criminal Courts (other than Town Benches)	24,676
Town Benches (under Lay Native Magistrates)	36,432
Sharia Courts	20,893
	<b>Total 100,446</b>
 <b>2. NATIVE AND CHIEFS' COURTS APPLYING NATIVE LAW AND CUSTOM</b>	
Criminal Cases	77,834
Civil Suits	28,619
Sharia and family relation cases	17,209
	<b>Total 123,662</b>

Thus it can be said that the Native and Chiefs' Courts are dealing with 55 per cent of the judicial work in the Sudan.



## ENGLISH LAW AND ITS APPROPRIATION TO SOCIETIES IN THE SOUTH

*W.C. McDowall*

The question is asked, how appropriate and acceptable was the sophisticated system of English law to tribal societies in the Southern Sudan? As a judge I find this a difficult question to answer, but there were certain factors which encourage me to believe that there was a measure of understanding and acceptance of the fairness of the law in most cases.

1. The Sudan Penal Code and Code of Criminal Procedure were models of clarity and simplicity, aptly described as 'codified common sense', and they allowed a degree of flexibility in application which enabled the courts to take account of local tribal laws and customs. The majority of cases tried by 'the law of the government' in the three Southern provinces were criminal cases governed by these two Codes. Because of the limited commercial activity in the South there were few civil cases which came to the higher courts.

2. The most serious crimes were mainly homicide cases which were tried by Major Courts comprising a President, who was either a Judge of the High Court or a Magistrate of the First Class, and two members who were subordinate magistrates. In the Southern provinces the two members were usually local Chiefs of the tribe or tribes involved in the case. They usually spoke English and/or Arabic also, and so were able to check the translation of the Court interpreters who, because of the many different languages in the South, had to be employed in most cases. The Chiefs knew well the local tribal laws and customs and so were able to advise the President on such customs as were relevant to the particular case.

3. The payment of *dia* (blood money) in homicide cases is a particularly good example of how the Courts, applying the Code of Criminal Procedure, could take account of tribal customs. *Dia* was not applied in detribalised areas or in cases in which, according to the Sudan Penal Code, the appropriate sentence was death. If the Court decided that a homicide case was one in which *dia* would be payable by tribal custom, it would impose the appropriate sentence of imprisonment and add a recommendation that if all the parties involved, i.e. the families of the deceased and the accused, agreed to *dia*, and it was duly paid (usually in cattle), the sentence should be reduced by a period decided by the Court. This was not only considered a fair judgement by the local people but could bring to an end an existing or potential blood feud between the two families.

4. Under the Sudan Penal Code there were various provisions which could





**IN DISCUSSION—LAW**  
[Chairman: *Sir Donald Hawley*]

**Rowton Simpson:** In 1967 I was invited by the Sudan government to visit the Sudan in order to 'review existing land laws and schemes with a view to modernizing them to meet present day needs'. Here was a golden opportunity to say the least of it, and my visit thirteen years after I had left the Sudan was a heartwarming experience if ever there was one ... The mission however can only be regarded as an unmitigated failure. The Sudan broke off diplomatic relations with the British government before my report reached Khartoum and I never received an official acknowledgement of it ...

Worse still, the project to revise and update the laws and land schemes was, so far as I was concerned, wholly abandoned. This was particularly disappointing because, knowing how essential are the services of a legal draftsman to any proposal for law revision, I had secured the promise of the help of Jack Mavrogordato, one of the best and most experienced legal draftsmen the Sudan ever had ... and I should dearly have liked his appraisal of the improved and extended version of the Sudan Land Settlement and Registration Ordinance which had been concocted for other countries. I should also have liked his views on a more formal legislative backing for the land schemes.

I can't say that the Sudan was not right to stick to what in practice had worked so well for so long, rather than try to alter it. New law may well be necessary to introduce a new practice or change an existing one, but is not really necessary merely to catch up with what is already firmly established and working well.

Anyway, my report made no impact at all and I couldn't even find a copy of it ... so I have deposited a copy in the Durham Archive ...

I honestly believe we can be genuinely proud of the land administration of the Condominium government right from its very beginning. I do hope that this claim will not be dismissed merely as a bit more nostalgic euphoria combined with a goodly measure of geriatric self-praise.

**John Wright:** Rowton Simpson, whose book was written in conjunction with a lot of surveyors, hardly mentions the survey side of the settlement operations in his paper ... Thanks, as he says, to Kitchener the Survey Department must have started very early on with recording the results of the settlements and adjudications along both banks of the Nile. We had in fact a remarkable system of 25 inches to the mile maps covering the whole of the flood plain in the Northern province and slightly smaller scale further south. Because of the kind of bank to bank settlement which he mentions, it would be almost impossible to keep any record of this without maps ... I have seen registers in Ethiopia where there were no maps, but I was told that the registers gave a list



of the land and the area of each piece but that this was probably not very reliable because the more land the man owned the less he said he'd got because of tax. Without a map there was no way of checking this.

I think that the very important decision which was made in the surveys was to have a comprehensive map which we have in this country. We are almost unique in this: instead of the ghastly tangle of individual title plans, one for each parcel, which grew up in the colonial departments in the Dominions ... I think that Rowton would probably accept that this was a further confusing issue in these other colonies and ex-colonies where the register was also in a much more tangled state ...

But there were two weaknesses. One was that the individual parcels were marked by mud *natur*s or pillars and these did not last awfully well—they'd get washed out by rain and so on and the people would tend to rebuild them not in the same place ... The second was that they did not put in any form of really solid reference marks, either marks on rock or really solid concrete monuments above flood level from which, particularly after the 1946 flood which destroyed nearly all the *natur*s, they could then be set out again. This was done in the Shendi District, and in my last four years in the Sudan in Northern Province I initiated with the help of the Sudanese surveyors a complete new system of re-demarcation and re-survey of the areas north of Damar which had been washed out. I think this was a useful thing and I took a lot of trouble to try and make it simple and easy to do. But I very much doubt if it has continued.

**Leslie James:** I suppose there was a problem in the Sudan of national as opposed to local control. It was a national police force; we had not taken any steps whatever to devolve an interest in the police force upon the local authorities. The District Commissioners (DCs) of course took an active interest. They ran the police in their own districts, but it was still a national police force ...

And then we come to the question from the historians—cases of the use of police in aid of the civil power. How was administrative control achieved with so few police in normal times or regained during disturbances? I would have to admit myself that there were occasions when I felt the police service was under some pressure from the central government to take action as you might say in support of central government ideas. There is a danger of the police service seeing itself as an instrument of the government, of becoming over-powerful. I suppose that the police service felt that they would be supported by the courts in adopting a very strict objective attitude to that and that we would have expected an offence to be proved to the hilt before we instituted proceedings, whether or not it was convenient to the government. To that extent you might say a senior police officer is always a little bit subject to criticism if he is not always seen to be supporting the authority that put him in power.

**Gawain Bell:** I am rather surprised that you refer in your paper to poor discipline in the lower ranks of the Force. From my own experience ... as a DC and responsible in great part for the work of the police, I would have found it

difficult to subscribe to that.

**Cyril Lea:** I support that. In Kordofan and Kassala Provinces policemen had to undertake, single-handed and alone, long journeys possibly for investigation, possibly for an arrest. Most of the force were illiterate. The NCOs I considered were almost all men of exceptional strong character and integrity. I think that the Condominium government owed these policemen a very great debt and I think it owed also a great debt to those persons who had the rank of Commandant in the provinces and were responsible for the training of recruits, the training of the NCOs and for the administration and general discipline of the Force.

**Alleyne Nicholson:** In Shendi and Merowe the quality of the police was very high. Until 1931 I would accept recruits only if they could read and write Arabic. The Sharqiyya had a great sense of responsibility. ... I'm afraid in those outlying places we did use police for tasks that they were not supposed to be used for, but it did show up how capable they were. You could send a policeman off on his own, two on occasions, to investigate some report that came in about a scuffle or somebody being hurt. They went out, made all their own arrangements, to take their food with them. They never failed to look after themselves in that way, to be able to do their job properly. One year in particular, 1931 I think it was, when the locusts were particularly bad ... you got big supplies of poison bran to spread down, mixed with molasses. You had to try and catch them under 30 or more days when they were still hopping ... I had police posts out there at certain strategic points. We watched, got the reports where the locusts had hatched and the natives were very good at informing us. The police had their poison bran with them and they employed the local natives to put it down with no supervision ... and we had the triumph that year of preventing any locusts getting down to the valuable cultivation on the Nile, thanks to all those Ashiqqa police who were on the job for a couple of months or so on end and they never failed.

**Leslie James:** I'm just looking at my annual report for Kassala Province 1948 and I see there are no less than 693 disciplinary offences committed. All I'd say is that these would be offences of drunkenness on duty, or slovenly appearance, that kind of thing. They weren't serious offences like corruption or giving false evidence in court.

**Bill Henderson:** In the west, in Kordofan certainly, in the 1930s the office of policeman brought an enormous prestige ... One of the shocks I got when I went to Kassala in 1945 was that I found that the police were not looked up to, that the local people did not want their sons to enter the police. I don't mean only the Fuzzies, because the Fuzzies didn't approve of joining any organised body of any kind whatsoever and so they would not be expected to want to go and be policemen. But even in the more urban districts of Kassala Province ... I wondered if that might possibly have accounted for what does appear to me to have been an unusually large number of offences?

**Mohamed Omer Beshir:** Would Mr James comment on the Police strike of 1952?

**Leslie James:** It's a particularly painful period of my life and there will still be arguments about what the causes of that strike were and what my part in it was. All I would say was that there was a strike of police, some dissatisfactions alleged on their part, housing and so on, and while they were on strike it did lead to an outbreak of isolated instances of hooliganism in Khartoum and Khartoum North, demonstrations in the Dalha. We had to organise a reserve police service to keep order during that time, and we had to call in the army to help us on one or two occasions. It was a short-lived, local trouble and was over in a matter of a week or so.

**Meccawi Sulaiman Akrat:** I well remember the three-man commission which I think was chaired by Judge Watson ... The main causes of the strike were shortage of housing in Khartoum and low pay. After the strikers were dealt with legally the Sudan government had to expand on their housing scheme for the police in Khartoum and the Three Towns and to increase their salaries.

**John Owen:** The Sudan was the only African territory with British troops as a permanent force stationed for external reasons. Between 1924 when the Egyptians were evacuated, and the time when Mohammed Neguib came for the opening of Parliament and there were riots, and excluding military patrols, on how many occasions did the police get involved with riots to the extent that firearms had to be resorted to?

**Leslie James:** I can't recall a single incident in which firearms were used to deal with a riot except an isolated incident during the police strike in which I was personally involved and I had to clear Abbas Square one morning and I used my own revolver ... There was a rifle squad as part of the anti-riot system. There were first of all tear-gas throwers, then came the fellows with the pike helms and the shields, and then if they weren't effective we had a squad of six police with rifles who would be used as a last resort. I cannot remember in my whole experience that rifle squad ever being used.

**Charles Stanley-Baker:** ... The system of law was absolutely excellent, more often right than wrong. Apart from the Ordinances we had this excellent provision of the Civil Justice Ordinance that we could apply: in default of any enacted law we should act in accordance with justice, equity and good conscience. That enabled us in fact to apply the principles of the English Common Law and a good deal of the English Statute Law which had not been re-enacted, so to speak, in a Sudan Ordinance. That gave a considerable flexibility, but a sufficient guide to enable you to try and do justice on the facts of a particular case. Rather to my surprise when I had brief pupillage at the English Bar, I discovered that was exactly what the English judges appeared to be trying to do. And barristers did not always like it very much: they liked more law and not quite so much justice. My feeling about that was that had we

had foresight we should have trained more lawyers earlier. But in the 1930s, as I think Mr Henderson said yesterday, one wasn't envisaging a time-scale anything approaching the time-scale which we faced immediately after the war. It wouldn't have occurred to us in the 1920s, let alone the 1930s, to train a very large number of extra lawyers as we did when the Law School started in 1936. Because I think there was a fear then that if you had a proliferation of lawyers as I believe (Allan Arthur will correct me if I'm wrong) that they had in India at one time, you would get a great deal of unnecessary litigation.

**William McDowall:** The job of the first High Court Judge in the South was a marvellous job to be given ... I had no staff, no buildings, nothing at all, not even a file, not even a filing cabinet, and believe me that's a marvellous start to any job ... We just didn't have the money. Everything we ran was run on a shoestring and I think that was very good for us ... It has already been mentioned that one of the main problems having a circuit which involved the three Southern provinces was the sheer difficulty of travelling from one place to another. When one went on circuit one went for three weeks at a time and by different forms of transport—most often I suppose by car, sometimes by plane in the latter days, sometimes by river steamer. Sometimes one actually had to walk the last part and sometimes you couldn't even walk.

The second problem was of course the tremendous number of different languages that were spoken in the South ... I don't know how many different languages there were in the Southern Sudan but a very considerable number and I suggest that no one at all could hope to be literate in all of them ...

**Stewart Macphail:** ... I arrived in Shendi in 1922. In those days the DC's most onerous job was dealing with non-registered land cases both on the river and also in the *wadis* which drank. Unfortunately they had very heavy rain in Shendi so all the *wadis* drank and people from all over the Sudan came rushing in ... The most famous case which probably none of you know about is the Benat Hadlul of Matemma: three old ladies. They had a case and somebody came from Sennar and claimed it belonged to the ground that drank—this was unregistered land. I heard the case and went out to the Atmur and gave the decision in favour of the man from Sennar. Benat Hadlul at once petitioned the Governor. He upheld the decision. They then petitioned the District Judge, Mr O'Meara; he upheld my decision. They then went to a hidden figure which was the terror of all DCs in those days if they were dealing with land cases—a gentleman called Mr Dunn who sat somewhere in Khartoum, and I think he was the Chief Justice. He upheld me. It then went to Sir Wasey Sterry and he upheld me; it then went to the Governor-general, he upheld me, and finally the *henat* sent a telegram to George V.

**Jack Mavrogordato:** A good deal was said about drafting yesterday and tributes were paid, deserved or not, I wouldn't say ... I think it is not so much that I claim to be a good draftsman but that other draftsmen are so bad. I was lucky as a draftsman in that amendments made by the Legislative Assembly



and Parliament were really minor and fairly easy to cope with. The legal work of the Advocate General or Attorney General was better understood in this country. [Drafting] was only half the work, the rest was as a government barrister or lawyer dealing with civil claims and criminal prosecutions and so forth.

From the outset I set myself certain objectives that I tried to follow, I hope with some success. The first was not to enforce the letter of the law but to try and produce the result that would commend itself to the general public as just. I may quote one example: a lot of pilfering went on in the Port Sudan docks (rather like Heathrow nowadays) and I remember one case in which a van of the Sudanese Railways was loaded up and sealed in the docks in Port Sudan and arrived sealed in Khartoum, but empty. Somehow all the goods had been seized and disposed of somewhere *en route*. I've no doubt at all that there were railway regulations which would have exonerated the Sudan government from any liability unless theft or gross negligence could be proved. But I decided that this was a case where *res ipsa loquitur* and I refused to rely on railway regulations and admitted the claim without litigation, much to the annoyance of the railway. The same way, in dealing with prosecutions I never attempted to obtain a conviction unless I thought it was absolutely justified, whatever the evidence; Lord Denning seems to be following my example lately on this point!

The last point I would like to make is on petitions, which as you all know was a very Muslim idea for dealing with complaints. I tried to follow the Muslim principle: I never shut my door to a complainant when I was Advocate General. They could always come to me without an appointment and I would see them. I think, officially they were required to produce a written document with a government stamp on but they very seldom did, and I never refused to hear them because they hadn't got one. I remember one of my petitioners was a little old lady called Tordai Bint Ibrahim. She was a regular visitor to me. I never refused to see her, and occasionally if I was overwhelmed with work and couldn't attend to her I would tell her to go and see my Chief Clerk and she used to reply ... 'Nothing to do with him! Nothing to do with him!' and refuse to see anyone but me in person. The curious thing was that her petition probably had some justice in it but could only be pursued in Port Sudan where her son-in-law was a court usher, I think. But she would not pursue it in Port Sudan and it was quite impossible to deal with it in Khartoum. Anyway, that was an important aspect I think of the Attorney General's work and it relieved the court of a certain amount of work because if the complaint was justified I would admit it and give her, or him, satisfaction. If it was not justified I might sometimes be able to persuade the petitioner to drop his claim on the ground that it was hopeless.

That reminds me of a DC called Dreamy Arbuthnot in the Northern Province who had a wonderful way of dealing with petitioners. He would listen carefully to this rigmarole of lies, and at the end of it he would say, 'Then, by heaven, you are oppressed!' This left the petitioner speechless—he couldn't think of anything else to say.

**Donald Hawley:** I think those are very important aspects of the way in which justice was in practice administered in the Sudan. And of course the petition system was not a question only of petitions to the Advocate General and Legal Secretary, but also each DC and Governor had a petition system so it worked throughout the administration. I think it was very important as one aspect of showing to people that justice was being done.

**Part III:**  
**DEFENCE**

## THE STORY OF THE SUDAN DEFENCE FORCE, 1925-1955

*Col. J.H.R. Orlebar*

*with George Bredin, Gen. Lachmere Thomas, Maj.-Gen. Sir Reginald Scoones,  
Brig. R.H.S. Popham, Col. P.G.L. Cousens, and Discussants at the Conference*

[The aim of these accounts (many in the words of those who took part) is to set out the story of the Sudan Defence Force (SDF) from its beginning in 1925 until in 1956 it was transformed into the Sudan Army of which the SDF with all its ability, experience and traditions, can be said to have been the parent. The connecting narrative account has been abbreviated; the original, including a full account of the Abyssinian and Eritrean campaigns, is deposited in the Durham Sudan Archive.—*Ed.*]

### Introduction

*Col. J.H.R. Orlebar*

I have followed an approximately chronological sequence of events, but I have not covered everything that happened, nor every event that took place. The story therefore is by no means complete, and in places it is highly sketchy!

As in all good stories this one has a beginning, a middle and an end covering a space of some 30 years, the lifetime of the SDF:

- (a) The beginning, 1925-1936. Internal security; patrols and operations in support of the civil power.
- (b) The middle, 1936-1945. Defensive measures to counter invasion. The SDF was called upon to confront a modern European army of vastly superior numbers, and really showed what it was made of.
  - (i) 1936-1939. Mechanisation, with external security in mind.
  - (ii) 1940 (June to November). The defence of the Sudan against Italian invasion. Kassala and its recapture.
  - (iii) 1940-1942. The Eritrean and Abyssinian Campaigns; the Frontier Battalion.
  - (iv) 1942-1943. Kufra Oasis garrison.
  - (v) 1942-1945. The SDF Brigade (known as 12 Div) as part of the 8th Army; the SDF in Eritrea.
  - (vi) 1938-1945. Logistics. Demobilisation.
- (c) The end, 1945-1955. Internal security; the Neguib riots, 1954. The Sudanisation of the SDF.



## I. The beginning, 1925-1936

*The SDF and its origins*

After the conclusion of Kitchener's River War at the battle of Omdurman in 1898 the Condominium of the Anglo-Egyptian Sudan was formed. The country was garrisoned by the Egyptian Army and additionally, there was a small British garrison. The Egyptian Army garrison consisted of both Egyptian and Sudanese units. The General Officer Commanding the Egyptian Army was known as the Sirdar; he was an officer of the British Army, and, in addition to his responsibilities as GOC, he also held the post of Governor-general of the Sudan. The Sudanese units of the Egyptian Army—and to a lesser extent the Egyptian units also—were officered by British officers to Company Commander level.

In 1924 nationalism in Egypt, coupled with a demand that the Sudan should form an integral part of Egypt, reached a crescendo. In the Sudan this resulted in the mutiny of the Egyptian Army garrison; in November of that year the Sirdar, Sir Lee Stack, was murdered in Cairo. Huddleston Pasha, the Deputy Sirdar and therefore the Deputy Governor-general of the Sudan, was in the Sudan at the time of Sir Lee Stack's murder, and was appointed Acting Sirdar. Under his leadership and due in no small measure to his personal bravery, the stubborn resistance of the mutineers was overcome. The British government then gave Huddleston Pasha the task of evacuating all the Egyptian units from the Sudan—a task which was completed, not without incident, by the end of the year 1924.

In order to replace the Egyptian units, the Sudan Defence Force was formed from the five Irregular Corps which already existed and which had been part of the Egyptian Army in the Sudan. These five Corps were the Cavalry and Mounted Rifles (later known as the Sudan Horse), the Strategical Reserve, the Eastern and Western Arab Corps, The Camel Corps and the Equatorial Corps. The word 'Corps' was a bad name to give to a unit which was less than the strength of a battalion on war establishment; nonetheless it was accepted and it stuck, even though nothing which that word meant to the SDF could have been further from the true military meaning of the term!

In addition to the five Corps, there were the Engineer Troops—the SDF Sapper Unit; the *hamla* and *tayinat*—the Animal Transport and Supplies Unit; the Mechanical Transport Unit which later was to become the Sudan Service Corps; and the Stores and Ordnance Department, which, in addition to serving the SDF, also served various government departments. It is noteworthy that there were no gunners, no signals unit and no medical unit. The reason is that in those days, it was the intention that the role of the SDF was to be purely an internal security role in which the force used in any one operation would be one company or at the most two, requiring no gunner support, minimal communications, and a medical service which emanated from the Company medical haversack!

*Internal security*

This demanded wide deployment down to Company level, to a distance of several hundred miles. One Company station in the Equatorial Corps (Aweil) was 500 miles distant from Torit, the Corps HQ, and close on 600 miles from Boma, the most easterly of the 'Equat' Company Stations. Thus each Company had to be self-supporting and to a large extent independent of control from higher authority. The troops were 'Irregulars' in that they had to fend for themselves for rations and quarters; and all they could expect to receive from the *hukuma* was their pay, their clothing and their equipment. Only on active operations (patrols) or on long treks, did the *hukuma* provide rations and then only in the form of *dura* flour, salt and soap (!), all of which, up to seven days rations, had to be carried in his pack. These rations were always augmented by game shot by the Company Commander. All cooking was done by the soldiers themselves, and there was no form of central mess even in the company's permanent station, where the soldiers' women cooked for their husbands in the family *tukl*. The *tukl* was a mud hut some eighteen to twenty feet in diameter with a thatched roof. The family *tukl*, the elemental part of the *harimat* lives, was the soldier's responsibility to build. The design—at any rate outwardly—was standard and the layout of the lines geometrically precise. Single men were housed in a barrack-room in the fort.

*Administration*

Some forts were *Beau-Geste*-like in appearance, but mainly they were a collection of buildings surrounded by a barbed-wire fence and an inner wall. The fort was the Company Headquarters, and was a defensible area in which the whole *harimat* could, if necessary, be protected. In it was situated the guard room, the Company office and the office of the Bulak Amin—the C.Q.M.S. who did the pay accounts and kept the stores ledgers, and the office of the civilian interpreter, the Company clerk, who could manage a typewriter in English. There was also in the fort the Company stores, the *Goo-goo's*, in which a reserve supply of *dura* was kept, and by the guard room were the two flags, the Union Jack and the Egyptian flag, flying on their flag-poles to remind us that we served a Condominium.

In the Company office was the Company Commander doing his best to keep happy his relationship with HQ SDF in Khartoum, for it was with that august and final arbiter that, for all administrative purposes—pay, stores, equipment etc.—the Company Commander dealt direct. In this field of his responsibilities there was no intermediary: no Corps HQ to vet his books and therefore no real worries—for by the time that any criticism got back to the Company Commander, a period of six or eight weeks could well have elapsed, by which time any indiscretion was nearly forgotten—provided it did not happen too frequently.

There, at other times, the Company Commander sat in judgement over miscreants from amongst the soldiery, and to hear 'cases'—family troubles and



complaints of one man against another. These, of course, included the ladies of the *harimat* and others—and that was where the judgement of a real Solomon was needed!

The Code of Military Law to which members of the SDF were subject, was that to which the Egyptian Army had been subject before 1925. This in turn was based on the Indian codes of Military Law and therefore not very different to British Military Law. The main differences lay in the powers of punishment available to a Company Commander. To a private soldier—a *nafar*—a Company Commander could award up to 14 days CB [confined to barracks], 28 days detention and 25 lashes or a combination of these punishments; to an N.C.O. 'Severe Reprimand' and reversion to a lower rank or to the ranks; in this latter case punishment, such as one of those the Company Commander could award to a *nafar*, could be combined. (In the British Army, a Company Commander could only award up to 7 days CB to a private soldier and a 'Reprimand' to an NCO; anything more severe would be referred to the Commanding Officer of the unit and thence, if necessary, to a Court Martial). Courts Martial in the SDF were few and far between and were only convened to deal with a really bad sin.

Great responsibility therefore rested on the shoulders of the SDF Company Commander. He had to recruit and train his men energetically to maintain his Company at a high level of readiness for active operations and long 'show-the-flag' treks and to ensure that at all times the morale of his chaps was also at a high level. On the 'Q' side, he was responsible for both the stores, equipment and armaments of the Company, and also for the construction and the maintenance of the fort and its multifarious buildings as well as the buildings elsewhere on the station. On the 'A' side, he had unusually great powers of summary punishment. He alone, of course, was responsible for various funds he had available including the soldiers' pay accounts for which he was answerable to HQ SDF direct. He had to be a man of spirit, initiative, reliability and resourcefulness; above all he had to be an energetic type with a good sense of humour, for he was on his own now, with no CO, no other Company Commander, Adjutant or Quarter-master with whom to discuss his problems or to guide him.

### *Personnel*

Recruitment was carried out on a Company basis. No coercion was required, for it was considered an honour for a young man to serve the *hukuma* as a soldier. Volunteers came forward readily; not for financial inducements, for in 1928 the starting pay for a *nafar* was £2.100 a month, with small increments for length of service and for non-commissioned rank. There were always far more potential recruits than could be accepted and it was remarkable how quickly the young recruit with little or no previous schooling was able to adapt himself to his military way of life, to learn the military crafts and discipline and to acquire a pride in himself and an *esprit de corps* of a high order.

When recruited, a soldier signed on for nine years with the colours. There was no Reserve Service; but all other things being equal, a soldier could extend his time with the colours up to eighteen years. Such extension was usually confined to the service of NCOs and WOs. The Sudanese soldier took readily to the responsibility of being an NCO. Provided the morale of the soldiers was good and that they had no cause to be *mazloom* (unhappy), the Sudanese were among the most reliable soldiers in the world, with a power of leadership and resourcefulness beyond reproach.

### *Officers*

Merely because the story-teller was himself an infantryman, the term 'Company' has so far been used to refer to a sub-unit of about 100-150 men in strength. All that has been said about the Company applies equally to the gunner 'battery', the Sapper company and the 'Cavalry' squadron.

The Company was commanded by a British officer who held the rank of *Bimbashi* (a Turkish word for the British equivalent rank of Major). Every rank in the SDF was of Turkish origin—a legacy of the Egyptian Army which had its origins in the period when Egypt was part of the Ottoman Empire. (Hence *Onbashi*—Corporal, *Shawish*—Sergeant, *Bash Shawish*—Sergeant Major, *Mulazim*—Lieutenant, *Yuzbashi*—Captain, *Sagholash*—somewhere between *Yuzbashi* and *Bimbashi*, *Bimbashi*—Major, *Kaimakam*—Lt. Colonel, *Miralai*—Colonel, *Lewa*—Brigadier, and *Feriq*—Major General. The ranks of *Kaimakan* and *Miralai* carried the title of 'Bey' after the name of the person holding that rank—e.g. Miralai J. Brown Bey; similarly the ranks of *Lewa* and *Feriq* carried the title of 'Pasha').

Of the British officers (BOs), the lowliest rank was that of *Bimbashi* ('Bimb' for short)—a Major, or not even that, for the BO was a youngster of 25, or not much more, when he joined the SDF, and in the British Army he was only a subaltern who had commanded a platoon of 30 men. With such minimal experience the young BO joined the SDF and was posted to a SDF company 'somewhere in the vast Sudan'. There in all probability he would find himself in sole charge of a company of 120 Sudanese soldiers and all the responsibility attached to such an appointment, including the language problem. The fact remains, however, that the newly-joined soon became a mature and first-class type of officer.

### *Sudanese Officers*

It was helped by the splendid cooperation of the Native officers (NOs) of whom there was always one, sometimes two, in a Company. The NO with his fund of knowledge, tradition, advice and ability was able to give the BOs of a Company all the support they could ask for. From the NOs, the BOs learnt their 'profession' of being a 'Bimb'! And there was much to learn generally and in particular about the troops, their tribes, their customs, their ways of life; as well as about the lives of the inhabitants of the *harimat*, their customs and



relationships, their troubles and their—shall we say—misbehaviour, on which the NO was able to give such sound, practical and tactful advice. For all this we, the Bimbs, were mightily grateful to the NOs of the SDF, and we shall always remember the happy relationships which existed between us.

Initially NOs in the SDF were selected from Sudanese units of the Egyptian Army. These units had been disbanded soon after the meeting in 1924 and others, such as the Camel Corps and the Cavalry and Mounted Rifles, had been included *en bloc* in the Order of Battle of the SDF. After 1935 young men with a Gordon College education were selected, trained as cadets and finally commissioned as subalterns in the SDF. All NOs held a Governor-general's Commission.

#### *British Warrant Officers and Non-commissioned Officers (BWOs and NCOs)*

Carrying their British ranks BWOs and NCOs were on the establishment of HQ SDF, for training purposes on that of the Northern Training Depot (NTD). Regardless of the capacity in which they were employed they were hand-picked men, reliable in the performance of their duties which were made more arduous by the weather, the heat, the dust and wind and the rain; especially so under combat conditions when the rescue of a damaged vehicle could spell the success or failure of an operation. They had the need to set a high level of example in behaviour and in the standard of their technical ability. Above all they had to be able to get on with the Sudanese soldier without lowering self-respect and avoiding familiarity, while he had to have the tact socially at times, to have a happy relationship with both the British and Sudanese officers. That is why they had to be hand-picked, and why the BWOs and NCOs of the SDF never let the side down.

#### *Organisation and equipment*

Each Company, be it a Camel Company, a Mounted Infantry Company or just a straightforward Infantry Company, was in itself a tactical group of three platoons/troops of riflemen, and its own support fire power, a section of Vickers Motor Machine Guns. Up to 1935 there were no 3" mortars in the SDF, no 2" mortars, no LMGs. Later on, when the need arose to alter the role of the SDF from that of internal security to external security, all the infantry weapons of the British Army were included in the equipment of a Company.

The first fully mechanised sub-units of the SDF were the Motor Machine Gun (MMG) Batteries of which there were three—two in Khartoum and one in Fasher. They were the predecessors of the wartime Motor Machine Gun companies, but their organisation was different and their combat scope more limited. The MMG Battery was in existence in 1928 and it consisted of two sections each of two 'T' Model Ford vans mounting a Vickers in each, and two similar vehicles carrying ammunition—a total of nine vehicles (including one for the British NCO fitter) and 45 men in the complete battery.

So much for the organisation of sub-units in Corps areas. There were in

addition units and sub-units in the Khartoum area which operationally came under the command of HQ SDF. These were:

- (a) The Engineer Troops which consisted of a HQ, two Sapper Companies and a Boys Company for the training of tradesmen both for the Engineer Troops Sapper Companies, and for other Corps of the SDF.
- (b) The Northern Training Depot, which undertook the training of NCO instructors in Rifle and MMG and the training of NOs in Administration and Tactics.
- (c) The Mechanical Transport Department which provided and trained MT drivers and driver/mechanics for the very limited number of motor vehicles which existed in the SDF in those early days. This Department also provided and maintained all vehicles on the establishment of the SDF. To meet these responsibilities a small MT staff was deployed to the HQ of each corps.
- (d) The Animal Transport Company, known as the '*hamla* and *tayinat*' (Transport and Supply Unit), provided pack transport and supplies in support of patrols operating with a line of command of some length and beyond, therefore, the maintenance ability of the normal Infantry Company.
- (e) Stores and Ordnance Department. This Department provided all the clothing and equipment required by the SDF (and other government departments) by purchase from abroad (usually U.K.) or by manufacture in its own workshops.

#### *Operations in aid of the civil power, 1926-1931*

In the Sudan such operations were known as 'patrols'. Patrols were only undertaken at the request of and in the closest co-operation with the District Commissioner (DC) of the area concerned. Normally minor outbreaks of trouble were dealt with by the DC and his police, who in themselves were a 'gendarmerie' in that they were armed and had a limited military training—but no more. Anything which could not be dealt with by the DC was a matter for military assistance. The deployment of the four corps of the SDF and its strategical reserve (The Cavalry and Mounted Rifles—later the Sudan Horse) was prompted by the need for a military force to be immediately available at trouble-likely areas. In those early days lack of fast roads or motor transport—let alone air-transport—made it essential to have an on-the-spot force to stop the rot before trouble had time to escalate. Hence the shape of the deployment of the Corps, and, within the Corps area, the deployment of the Companies. This initially was as follows:

*Khartoum and Khartoum North*

H.Q. SDF—Two MMG Batteries; Stores and Ordnance Department; Mechanical Transport; *hamla* and *tayinat* (Animal Transport and Supply Unit).

*Omdurman*

Engineer Troops; Northern Training Depot.

*Shendi*

Cavalry and Mounted Rifles; Three Mounted Infantry Squadrons.

*Kordofan Province*

El Obeid—H.Q. Camel Corps; Two Motorised Infantry (MI) Companies; Bara—Two Camel Companies; Dilling—One Infantry Company; Kadugli—One Infantry Company.

*Darfur Province*

El Fasher—H.Q. Western Arab Corps; One MMG Battery; One Infantry Company; One MI Company; Kebkabia—One MI Company; Nyala—One MI Company; Geneina—One Infantry Company.

*Kassala Province*

Gedaref—H.Q. Eastern Arab Corps; One Infantry Company; Kassala—One Camel Company; Gallabat—One Infantry Company.

*Equatoria Province (originally Mongalla Province and Bahr el-Ghazal Province)*

Mongalla originally (later Torit)—H.Q. Equatorial Corps; One Infantry Company; Kapoeta—One Infantry Company; Tali Post—One Infantry Company; Wau—One Infantry Company; Aweil—One Infantry Company.

The Strategical Reserve—The Cavalry and Mounted Rifles—was well placed at Shendi whence it could be moved by rail if necessary to Wadi Halfa in a northerly direction; Port Sudan, Kassala and Sennar in an easterly direction; southerly to Khartoum and Kosti whence further south by river steamer, or, by rail, westerly to El Obeid.

In parallel to patrols were the show-the-flag treks which were undertaken on a company basis. They often covered several hundred miles and lasted several weeks. Thanks mainly to the high standard of efficiency and the firm yet friendly and understanding attitude of the DCs, the number of Patrols which the SDF had to carry out was remarkably few; mostly they were in the pre-1930 era. In many of them no shot was fired in anger. Accounts of significant patrols follow (see also Orlebar, J., *Tales of the Sudan Defence Force*, Vol. I for the Boma Plateau Patrol).

### Jebel Gulud patrol, 1926

Military operations in the Nuba mountains were undertaken by No. 2 Company Camel Corps under the command of Bimbashi Hugh Boustead. The Nubas of Jebel Gulud were in a rebellious state of mind for not only had they refused to obey government orders but also they had refused to pay their taxes, and worst of all they had murdered their head-man (Mek). The Mek had been murdered by a small rebel gang who had poured a volley of shots through the window whilst he was asleep.

The Company spent three months in trying to make these primitive people see sense, but they refused initially all overtures of peace and shot at the Camel Corps soldiery continuously from their caves. Only by blockading them into groups and so breaking up any form of adhesion that may have existed between the tribesmen, was their submission eventually gained.

### The Tuleshi patrol, 1926

*G.R.F. Bredin*

In January 1926 when in charge of the Abu Zabad District in Kordofan Province, inhabited almost entirely by Baggara tribesmen, I was called upon by the province authorities to go over to the neighbouring district of Dilling, a mountainous area occupied by pagan Nuba hillmen, with a party of Mounted Police to help in preserving order in the surrounding countryside while military operations were in progress against a local uprising in Jebel Gulud. Here a small rebel gang on the Hill had murdered their head-man (the Mek) and their compatriots had refused to surrender the culprits.

The preoccupation of the local police force was giving an opportunity to marauding Arab horsemen to pick up stray Nuba children who were greatly prized as slaves to look after the Baggara herds.

When the Gulud operations were over I requested and obtained the services of a Company of the Camel Corps to help me solve administrative problems in my own area.

Standing straight up out of the surrounding plain of the Baggara country are three large volcanic hills inhabited by Nubas of varied stock, named Tima, Tobbaq and Tuleshi. Relations between the first two and the surrounding Arabs were reasonably good, but the third, Tuleshi, had for many years been a thorn in the flesh of the administration. Living hundreds of feet up in villages on a splendid rocky plateau they could send their raiding parties to filch Arab cattle and sometimes spear or club a herdsman with little fear of reprisal and almost immune from government orders. It had been decided that the only way in which they could be brought under control was to dislodge them from their hill-top villages and make them settle in the plains below.

Our expedition was under the command of Major Bramwell Withers, with a company of Camel Corps under Bimbashi Hugh (later Colonel Sir Hugh)



Boustead, Dr Alexander Cruickshank as Medical Officer and myself as Political Officer.

Leaving the rest of the 'Army' at Gulud, we marched directly to Tuleshi and encamped overnight at the foot of a path leading straight up the mountainside. At 2 a.m. next morning we began our climb. Not surprisingly, news of our approach had gone ahead and we reached the summit only to find the villages deserted and saw nothing of the inhabitants beyond a group or two of riflemen who exchanged shots with us at long range ... Next day, knowing that the Nubas would have taken refuge in the caves with which the mountain was honeycombed, we set out—Boustead, Cruickshank and myself—with a small escort, to try and get in touch with them.

Nearer the top of the mountain I went into a cavern which was deserted, but as I went on through a narrow entrance into a smaller unlit cave beyond, I was knocked backwards by the blast of a Remington rifle which must have been fired at the range of a few feet.

These rifles, made in the USA around the end of the Civil War in the 1860s, had been used to arm the Turkish and Egyptian forces. Large numbers of them had fallen into Arab hands after the massacre of General William Hicks's ill-fated expedition to Kordofan in 1883. The ammunition had been expended; each brass cartridge case was refilled again and again with home-made gunpowder and a lead slug fitting firmly into the end.

The shot was followed by a pandemonium ... yells, shouts and the deafening sound of shots being fired in the enclosed area ... The slug from the Remington had just missed my head but my face was blackened and pitted from the home-made charge in a way which took some weeks to disappear. History relates that the hero of the incident became known to all the inhabitants of Tuleshi as 'Tutu-who-fired-at-the-District-Commissioner', while his failure to hit so sitting a target at such close range was put down to his being affected with a very marked squint.

Abandoning further attempts to contact the Nubas, we turned to our melancholy task of demolishing their villages.

Looking down from their sites, perched high on the hill-tops, we could well understand why these mountain people, with their splendid physique, found it difficult to pay attention to any inconvenient instructions from a solitary white man and a handful of Sudanese police far away in the plains below.

#### The Nuer patrol, 1927-28

*Gen. L. Thomas*

[In December 1927 there was trouble in the Nuer country. This trouble culminated in the murder of the DC, Captain V.H. Ferguson, and immediately Companies of the Equatorial Corps were alerted with the intention of patrol action against the Nuer. In addition to these Equatorial Companies the Cavalry and Mounted Rifles were brought down by steamer to add their

weight in the patrol action. General Lachmere Thomas was at this time an Equat. Company Commander stationed at Akobo. This is the account he has given.]

Towards the end of the rains I got the signal by wireless to concentrate for operations at a certain place on the Sobat River on a certain date. I had about a month's notice.

The locals around Akobo were not unfriendly, but neither were they cooperative and would not do duty as porters. We therefore had to use donkeys as our means of transport. Progress with donkeys was a slow business and I therefore allowed myself a few extra days to reach the rendezvous. Every time one had to cross the river the crocs had to be scared off, the donkeys unloaded, swum across and then dried off and reloaded. Small detachments each side of the crossing place prevented the crocs returning. After a few teething troubles at the start the Company got quite good at making and breaking camps and making an early start without delay. We got to our rendezvous at the appointed time.

The reason for the punitive expedition against Gwek Wanding was that the Nuer tribe had been raiding against the Dinka tribe and carrying off their women and cattle etc.: it got so bad that Gwek Wanding felt he was all powerful and was boasting that he would dominate the area and throw out the white government. He followed this up by murdering the DC.

Several Companies were concentrated and briefed. Each was given an area of operations which it had to dominate, and an extremely able DC, who knew the area well, conducted operations from the civil side.

When he learned that operations were to be conducted against him, Gwek Wanding changed his tune slightly to the effect that he wouldn't attack the whites till next rains unless they attacked him. Nevertheless he had a large force assembled at a place called Denkur's Pyramid.

My first task was to organise and build a large *zareba* to take all the supplies for the force and strong enough to withstand an attack in force. Other Companies would come and go in turn. The day came when all was ready to operate against the main force and three or four Companies were concentrated.

The DC explained that opposite Denkur's Pyramid there was a large open space about 1,000 yards square and what he proposed to do was to get to the middle before dawn, halt, and then call Gwek Wanding's bluff by firing into his crowds. This entailed a night march which was accepted. Our troops formed square and orders were given that no further firing would take place until the enemy was within 300 yards of the square, and then by controlled volleys.

At the same time Gwek Wanding was telling his people that he would have to attack but that when he lifted his trumpet our troops wouldn't be able to move and bullets would not come out of their rifles.

This is in fact what happened and it was not until volleys rang out that the

enemy started to waver and break up, but it was not until Gwek Wanding himself was killed that the enemy finally broke and fled. Gwek Wanding had got nearer the square than anybody else so even he must have had some faith in the magic.

The Nuer Tribe would not believe that Gwek Wanding could have been killed so his body had to be hung to a tree and, only when they had seen for themselves, did the Tribe come to heel.

### Goraan raids

*Maj.-Gen. Sir Reginald Scoones*

In 1926 a raid was made into Dongola by Goraan tribesmen who travelled long distances on camels from the Tibesti Hills in French territory. In 1927 No. 1 MMG Bty was sent up to Dongola and located in a Wadi some fifteen miles from Dongola town, in the hope of intercepting any Goraan should they repeat their 1926 raid, but nothing transpired. In 1930 it became known that the Goraan were using the oasis at Bir Natrun as a base from which to make raids into the Sudan. A decision was taken to try and liquidate this base. The distance to Bir Natrun from Malha, the last adequate source of water, was some 350 miles over barren featureless desert.

In 1930 a reconnaissance by No. 3 MMG Bty took place from Fasher as far as the Wadi Shau about half-way between Malha and Bir Natrun. This provided invaluable experience in dealing with the large areas of soft sand, water problems and desert navigation.

It was found essential for each vehicle to cut its own track so that the battery moved on a wide frontage and whenever very soft patches were encountered and any car became stuck, the remaining cars only halted when on a forward slope. Crews then laid expanded metal as a track in front of the bogged car, which could then be manhandled sufficiently to enable it to continue under its own power. The problem of losing water from car radiators which boiled over was overcome by fitting a two-gallon petrol tin on the running-boards, with a little water in it, and then connecting a metal tube from the radiator overflow to come out under the water in the petrol tin; this condenser arrangement enabled the overflow water to be poured back into the radiators and saved a great deal of water. A famous old camel thief, Bedi Awad, was employed as guide; he proved to have an uncanny sense of direction. Sun compasses had not yet reached the Sudan but an effective amateur version was produced using a small metal platform with a knitting needle soldered into the centre. Over this a paper was fixed, and having set the car on the desired compass bearing the shadow made by the sun and the knitting needle was pencilled in and the car driven on this shadow-line. It was necessary to pencil in another shadow-line every 30 minutes or so to cater for the change in the angle of the sun.

The 1930 Recce enabled a reasonably accurate estimate to be made of the quantities of both petrol and water that would be required for the longer distance to Bir Natrun and back. It became clear that some 70 camels would be required to carry petrol and water to Bir Natrun when the actual patrol took place. The camels were collected some months in advance and trained gradually to drink at longer and longer intervals until they were able to go for eight days between watering.

October 1931 was fixed for the actual Patrol in which the RAF also took part with three Fairey Gordon aircraft which flew over the vehicles daily. The Patrol consisted of nine Battery Fords, with only two men in each, the box body being filled with sealed four-gallon water drums as an emergency reserve of water; in the event none of this reserve was touched. Drums of spare petrol were also carried for the outward journey and a certain amount of dried rations for the men and food for the Britishers.

The OC Western Arab Corps had a Ford van, as also had the District DC, Paul Sandison. He also was the Navigator and had spent much of the previous six months learning how to operate a theodolite and how to read the stars. The third Ford van carried the RAF officer with a wireless set on which he received Greenwich time each day to ensure our chronometers were correct.

The journey from Malha to the Wadi Shau was without incident, and the guide, Bedi Awad, hit the Wadi within 300 yards of the spot we arrived at the previous year. Water discipline was very strict, and nobody, Sudanese or British, drank after the first meal of the day until we halted for the night. The ration was two mugs at breakfast time and two pints of liquid in the evening. During the day we chewed gum or sucked date stones—the latter proved better for keeping the mouth from drying up. There was great variation in the temperature. On occasions at night it was as low as 2°F below freezing, and during the day we had a maximum of 81°F. We started the day by wearing all available sweaters and gradually shed them down to shirt and shorts. At night the troops dug holes in the sand and slept in 'threes' in their greatcoats pooling their blankets. In the morning they appeared to be a dull grey colour, and were really not much use until the sun was up and a hot drink inside them.

After crossing the Wadi Shau all went well until we hit a patch of hard sand like a race track, and we were soon doing 50 m.p.h. for some distance. This great speed obviously upset old Bedi Awad, who admitted that he was uncertain of the direction of Bir Natrun. We therefore halted for the night and Sandison got to work with his theodolite. Two hours and many sheets of paper later, he produced the present position from which we were able to plot our course to the oasis on the following day.

It had been impressed on the RAF that on no account must they appear over the oasis until the Patrol had entered. However they came over too soon and before the Patrol, so that when we arrived all the Goraan had fled to the west. They had vacated their camp very hurriedly for we had found their cooking pots with hot food still in them on the fires. Pursuit was out of the question since the well area of the oasis was surrounded by very soft sand—no



obstacle for camels but hopeless for cars. It was very disappointing to have got so close and failed.

The camel *hamla* arrived the next day complete, but the camels were very thin and thirsty. They each took in about 30 gallons of water, swelled up like balloons and were quite unable to stand up for some hours.

#### In discussion

[Chairman: *Col. J.H.R. Orlebar*]

**Edward Aglen:** [The Alieri patrol, 1929.] It was necessary to pull the Nubas off the tops of the hills and to get them to build their huts lower down. They would not pay their taxes. Arthur Oakley who was DC, Talodi asked for military assistance and it was a very short patrol. I think only about one chap was killed ... but it did the trick. That was in 1929 and the unit concerned was a Camel Corps of some sort, it must have been from Dilling. The Air Force bombed the hills and one of the bombs exploded and blew off the leg of the doctor.

**John Owen:** There is a famous story about 'the patrol that was not a patrol', which was fabricated by the political officer at the time of the Toposa thing, called Jack Driberg—a very famous man. He became a Lecturer in Anthropology at Cambridge later—a brilliant man.

**Alleyne Nicholson:** He was with the Uganda government in the Colonial Service and he was living in Nagashoft on the Dedinga mountains east of Torit. And then at one stage they had a rectification of boundary and he was transferred with his district to the Sudan. I think Uganda were probably quite happy in some ways, but we took him on and he was a very independent-minded chap. He was summoned up to Khartoum at one time, before I got there, to discuss the future administration out there and presumably the eventual occupation of Toposa. He didn't want to go, so he reported that he couldn't possibly go because he had absolutely firm information, that the Toposa tribe were going to attack the Dedinga at the first full moon. ...

He did go, under pressure; he came back and then reported, as he said before, that the Toposa had attacked the Dedinga and killed a certain number of people and run off a lot of cattle, and his police had gone to the attack and driven them out and had killed several Toposa and brought in some of their ears as evidence. A little later on, when one of the soldiers who was in Richards' Company, I think, in Mongalla came in from his leave, Richards said to him 'You'd rather an exciting time, didn't you?' 'What do you mean, sir?' 'Didn't you have a war out in the Dedinga district?' 'Oh, no war, sir.' It was all imagination!

**Douglas Dodds-Parker:** You don't make any mention of a social engagement, not really a patrol, on the Italian-Abyssinia frontier between 1935 and 1937. I

tore myself away from the social life in Khartoum in which Lt. Popham was a leading figure. We had the Sudan Horse down there for two winters—there was some very good shooting down there, it spoilt their polo season—under John Stanton, Rhino Fosdick and one or two others. That frontier was 300 miles from the Dinder down to the Yabus. 10,000 refugees came over from Ethiopia and we opened up about 1,000 miles of road to all the jebels down there. We collected 5,000 firearms and only two people were killed, neither of them Sudanese. It was really quite an achievement, in which the Sudan Horse supported the local police force which was reduced from 150 to 100 at the end of that and we had a fairly peaceful situation until the war broke out.

## II. Defensive measures to counter invasion, 1936-45

*Col. J.H.R. Orlebar*

### *Mechanisation 1936-39*

*'L'attaque, l'attaque, toujours l'attaque'* (Marshall Foch).

'The offensive action is the best means of defense' ... or words to that effect (Field Service Regulations throughout the Ages!).

It must have been with these truths in mind that the then Kaid, the GOC Troops Sudan, Major General (later General Sir Harold) Franklyn approached his appreciation of the situation in 1935. War between the Allies and the Axis Powers was an increasing probability. The danger to the Sudan was that if war broke out, the Italians were just across the frontier in Abyssinia and Eritrea with 300,000 troops, as opposed to less than 6,000 troops, British and SDF, in the Sudan. The ultimate aim of Mussolini was the formation of an Italian North African empire stretching from Tripolitania to Somaliland, and including both Egypt and the Sudan. He planned his offensive on a pincer movement eastwards to Cairo through the Western Desert, and westwards through the Sudan from Abyssinia and thence northwards to join up with his would-be victorious armies in Egypt. The threat to the Sudan could not be countered by means of conventional tactics to irritate and deceive the Italian High Command into believing that the troops available in the Sudan were a strength infinitely superior to that which in fact existed. '*L'attaque*' meant the creation of a lightly equipped, highly mobile David to meet and attack from every conceivable direction the ponderous Italian Goliath.

As the SDF was an internal security force deployed to its thinnest limits; and as it was a force which, with the exception of its three MMG Batteries, depended for its mobility on the horse or the camel or on 'Shanks's Pony', it was not designed to cope with any invasion let alone that of an army equipped with modern equipment, weapons, means of mobility and intercommunication. It would not be possible for the SDF to match the strength of the Italian

forces, though the SDF might march and far exceed the Italian mobility, weapon handling, morale, fighting ability and above all the standard of leadership of their officers and those of non-commissioned rank. Thus the Kaid formulated his plans to modernise the SDF. Briefly, General Franklyn proposed to convert certain SDF Companies, principally Camel Companies and Motorised Infantry, into Motor Machine Gun Companies. Six such Companies were to be formed. Each Company consisted of an Armoured Car (AC) platoon, a light van platoon and three platoons of Infantry in troop-carrying vehicles (30 cwt. trucks). In addition, General Franklyn's plan envisaged the introduction of new weapons—the Boyes anti-tank rifle, the Bren LMG (which was not in 1936 yet the LMG of even the British Army) and the 2" Mortar; ultimately the 3" Mortar became a standard weapon of the SDF as well. It was in General Franklyn's time also that the project for the selection and training of officer cadets for Governor-general's Commissioners in the rank of *Mulazim Tamī* (2nd Lieutenant) was introduced. Finally, to meet the need of supply and that of intercommunication for his new mobile force, General Franklyn planned the formation of two new units, the Sudan Service Corps and the Sudan Signals.

The SDF armoured car was based on the design of the Rolls-Royce armoured car which during World War I formed the equipment of the Duke of Westminster's Regiment, raised and equipped by the Duke as a Territorial Army unit. Two of these magnificent vehicles were in Khartoum North in the MT workshops and their presence there sparked off an idea that their design could be duplicated on a Ford 30 cwt. chassis. This worked. The springs were reinforced to take the weight of armour plating with which the vehicle was clad; a revolving turret completed the job and in it was mounted a Vickers MMG and a Boyes anti-tank rifle. There were seven armoured cars in each AC platoon. The MT workshops in Khartoum North also produced the Bren-gun light vans, of which there were eight in the Bren Van platoon. These vans were light V8 Ford vans equipped with low-pressure desert tyres which gave them the ability to operate over soft sand. On each van there was a mounting for a Bren gun. The vans were open and unarmoured.

This modernisation of the SDF was a tremendous undertaking, not only in conception but also in execution. All credit is due to the British and Sudanese officers, to the British WOs and NCOs and staff of the MT workshops, where all the required vehicles were produced in the space of 3 years. Above all, great credit is due to the Sudan government which realised the danger and backed the scheme financially. Not a penny of the money spent on the project came from the British taxpayer.

This is not the only field in which the Sudan government played such a splendid part in the war effort. The Stores and Ordnance Department 'became the equivalent of a small military arsenal, supplying different types of equipment required by units of four different nations—British, Indian, SDF, Ethiopian—each of which had its own terminology for each item' (K.D.D. Henderson, *The Sudan and the Abyssinian Campaign*). War tasks also came the way of the

Sudan Railway and the Public Works Department. This war effort was furthered by the willing assistance given by the large commercial firms with their workshops and printing presses.

In 1939 the engine which was to operate the new war machine was ticking over. By this time its designer, General Franklyn, had left and the new Kaid, Major General (later General Sir William) Platt, took over the controls. The newly formed MMG Companies were grouped into two groups each of three Companies. No. 1 Group, commanded by Miralai F.R.C. Fosdick Bey, consisted of Nos 2 and 4 MMG Companies of the Camel Corps and No. 6 MMG Coy of the Sudan Horse; No. 2 MMG Group, commanded by Miralai A.D.G. Orr Bey, consisted of No. 1 MMG Coy of the Engineer Troops, No. 3 MMG Coy of the Western Arab Corps and No. 5 MMG Coy of the Eastern Arab Corps.

There were other fields in which the SDF was being modernised and brought into line with the anticipated demands not only of defence against invasion but also of offensive action when the time came. The most noteworthy of these innovations and changes were:

- (a) *Artillery*. Hitherto the SDF had had no gunners. Now with the prospect of action in a mountainous country, it was deemed essential to include them in the armoury of the SDF. Consequently these groups of 3.7" Howitzers were formed. The Hows (the screw guns of Kipling) were pack-transportable and the troops were capable of operating independently of a Battery H.Q. Later a troop of anti-tank guns and a LAA troop came into being.
- (b) *The Frontier Battalion*. An Infantry Battalion whose role was ultimately to clear the path by which the Emperor Haile Selassie would return to Addis Ababa. The Battalion consisted of five Companies, two from the Camel Corps and one from each of the Western Arab Corps (WAC) and the Eastern Arab Corps (EAC) and one from the Sudan Horse. The Frontier Battalion was commanded by Miralai Hugh Boustead Bey.
- (c) *The Composite Battalion*. This consisted of four Infantry Companies, one from each of the Camel Corps, the E.A.C. and the W.A.C. The fourth Company was the famous Banda Bakr, the Company raised by the Nazir of Gedaref, Sheikh Abdullah Bakr. This company was officered by a British officer and a Sudanese officer. In February 1941 No. 5 (Nuba) Company of the Camel Corps joined the Battalion as also did 'C' Troop of the Sudan Artillery. The Composite Battalion was commanded by Miralai J. Gifford Bey.
- (d) *The Equatorial Corps* commanded by Miralai F.O. Cave Bey remained much unchanged in much of its organisation and strength. Its task, for which it was ideally suited, was to patrol constantly the eastern frontier of the Southern Sudan between Boma and the Kenya frontier. This it did, whilst the length of frontier north of Boma as far as Gallabat was patrolled



by the Sudan Police, under the leadership of their District Commissioner (DC).

(e) As time went on, further Infantry battalions were formed to cope with the guard and internal security duties which the occupation of former enemy territories necessitated.

From the outbreak of war in September 1939 until June 1940 when Italy declared war, No. 1 MMG group was at Atbara and No. 2 group was in the area of the Butana Bridge which carries the railway line over the Atbara river. It is some 430 miles south-west of Kassala and about 50 miles west of the frontier. Here in these locations the groups trained intensively and similarly reconnoitred the countryside right up to the frontier so as to familiarise themselves with the lie of the land over which they would have to operate. The operational areas of the two groups were: No. 1 Group in the Gash Delta, which lies some 25 miles to the north of Kassala, and No. 2 Group in the general area of Kassala District and the River Gash. Meanwhile the Composite Battalion was in the process of being formed. The operational area of this unit was Gallabat where the road from Gondaf in Abyssinia enters the Sudan.

#### In discussion

**Stewart Macphail:** I would like to add a footnote to this because it's interesting historically. I was DC Headquarters El Obeid and a great friend of Hugh Boustead's. In 1933 he asked me to go out as a judge in the manoeuvres in Bara. As far as I know this was the first time that balloon tyres were fitted onto army vehicles to see whether they could go over the sand dunes. We went out for two days and when we came back Boustead said, 'Well that's that, they can do it'. I think the Camel Corps had been dissolved before I left the province in 1933, so Franklyn must have been two years ahead in his foresight because that must have then been the beginning of mechanisation.

**Alleyne Nicholson:** I was in Mongalla Province and present at the occupation of Toposa in 1926. We had a lot of troops there—I think we had four Companies of the Equats, and we marched into this unadministered territory in order to take it over ... Fortunately we had no trouble and we had a peaceful occupation. We had several of these large three-ton Thorneycrofts down there in those days because we had to make roads for them and they were able to operate from Mongalla right out to as far as Toposa. So they did have motor transport then ...

## War and the defence of the Sudan

On 10 June 1940 the war started.

## Gallabat-Asmara-Kassala, May 1939-July 1940

Col. P.G.L. Cousens

I joined the SDF in September 1938 and was posted to the EAC. After a short spell in Gedaref I moved to Kassala as 2 I/C 5 (MMG) Coy under the late Frank Simms. I had been lucky in getting an interpretership course in Italian during the previous year which was to stand me in good stead.

In May 1939 I was sent down to Gallabat to command our small detachment of forty-odd, with a non-English-speaking Yuzbashi to assist. It was a very good opportunity to get down to one's Arabic. Before the arrival of the Italians Metemma, on the other side of the frontier, had been little more than a name given to a few huts. It was now a strongly fortified post with a garrison of about 600 colonial troops under Italian officers. The Commandant was a *Colonello* Telemonte, an oldish man who had spent his life in Eritrea, and who was really a figure-head. His OC Troops was a *Maggiore* Garoldi, a very live wire who had distinguished himself during the Italo-Abyssinian war and he and I soon became very good friends. I would be invited over to dine in their HQ Mess every fortnight or so and would have a group of them back to dine with me in return. We used to barter whisky for very good Chianti and less good liqueurs.

Everyone knew by then that war with Germany was coming but no one knew what Italy was going to do. It was, however, abundantly clear that they had not the slightest desire for any argument with us as they still had more on their hands than they could compete with: Abyssinia was far from occupied and pacified in 1939.

In mid-August I was ordered to evacuate the *harimat*. Much more easily said than done. During the rains, roughly July to late October, the road was impassable to MT and Gallabat was in the 'fly' zone. Not only were there few camels in the area, but those that were there were all sad old cast-offs, many with huge saddle-sores. It took about a week to collect enough for the job but finally we got them away under my Yuzbashi and it took them ten days or more to cover the 80-odd miles to Gedaref.

The following day Garoldi invited himself over to see me. 'You had a busy day yesterday,' he said with a smile, 'I was watching it all through field glasses.' Then he continued in serious vein, 'I don't know whether we've got a war coming or not but if it does come it won't be decided on this front and if anyone on our side or yours were to let off an unnecessary shot I think you and I know each other well enough by now to be able to sort it out. By the way, the Commandant would like you to come over and have dinner tonight.'

I'll send my car over for you as usual.' So over to dinner I went and after a very good meal the Commandant stood up and made a charming little speech—the Italians are very good at this—in which he said nice things not just about his guest but about the English in general, the shadow of possible war, doing one's duty, happier days to come. I kept my reply as short as possible and did little more than echo my host's sentiments in different words. It was well received and shortly after dinner we made our thoughtful farewells, wondering what the immediate future held. In the event, 3 September 1939 came and went without incident and life returned to normal, or almost.

Some time later I went down with a bad go of malaria. Our *tamargi* had nothing but liquid quinine to offer, the most nauseous fluid I have ever tasted. The Italians were better equipped but nothing did any good and I was glad to get out of Gallabat in early November. Garoldi had invited me to spend the New Year up in Asmara with the idea that the altitude might help clear the malaria, and shortly after Christmas he collected me in Kassala. Johnny Gifford also came up on his own. We were thus able to have a good look at Keren though we were both of us elsewhere when the battle came to be fought more than a year later. We were very well entertained and enjoyed everything which Asmara had to offer, which was a lot, even if I myself, still plagued as I was by my misleadingly named 'benign tertiary', was hardly in a good state to do full justice to certain aspects of what was on offer. I was invited to meet the GOC who was charming, sympathetic and pretty knowledgeable and very anxious to know whether I/we thought we were going to have a war. And so back to Kassala and farewell to my good friend Giampaolo Garoldi whom I was not to see again but who was, I believe, put in the bag at Amba Alagi. I tried to contact him in Italy after the war but the Italian Ministry of Defence were unhelpful and I never got his address.

And so the Phoney War went on in Western Europe, to be followed by war in earnest, Dunkirk and so on. For us it was no longer a question of If but When, and finally it came. Our first taste of enemy action was the elderly Cafroni which would lumber over and drop anti-personnel bombs all over the place, about half of which failed to explode, but we decided the fort was such an obvious target that we would be better off in the woods. We had, of course, no A/A defence of any sort. This period saw the emergence of the NOT REPEAT NOT syndrome. The Cafroni's daily visits were getting a shade tedious and yet we had been told by Khartoum that there was Not Repeat Not to be any offensive action over the border 'without reference to HQ'. Finally we lost patience and sent a signal to HQ copy to 2 (MMG) Group at Khashm el Girba, which read, more or less, 'Reports indicate enemy morale front low stop Suggest fighting patrol area such and such might produce interesting results.' We had another drink and sat back. To our great surprise the reply authorised the patrol, told us to agree details with OC 2 (MMG) Group and ended by telling us that we were Not Repeat Not to send such reports direct to HQ SDF in future. Frank Simms was summoned to Khashm el Girba, given a rocket by Denis Orr, a plan was made and I got the job. I spent the afternoon

that day on my bed under a tree, shivering and sweating, but not with foreboding. This was *Anopheles Gallahatii* playing his or her final card. I have not had a go of malaria from that day to this.

The raid was quite successful even if never looked like reaching our over-ambitious objective, a jebel some fifteen miles over the frontier, towards Tessenei. The cross-country going proved too much for our armoured cars and I had strict orders to be back by a certain time. We contented ourselves with wrapping up the small Italian fort at Abu Gamal, taking a number of prisoners, and then making a wide sweep around to the quite large fort at Jebel Galsa, on the frontier. We came into this from the east, their side, and effected total surprise. We shot them up and created general mayhem for about ten minutes before barging through westwards and back to Kassala. What effect this raid had on Italian morale I have no idea, but it certainly raised ours. Thereafter we had patrols over the frontier and various directions virtually every day. No-man's land was indisputably ours.

A week or two later, however, the Gash started its seasonal flow and 5 (MMG) Coy had to cross over to Gharb el Gash, on the west bank, as the heavy vehicles could not have got across with the river in flood. There had never been any intention of defending Kassala *à outrance*, in view of its being the headquarters of the Mirghani sect and a sort of semi-holy city. 6 (MI) Coy WAC from Nyala arrived and took over in Kassala itself in the optimistic hope that their presence might be sufficient to deter any attack the Italians might be considering.

On 4 July the Italians attacked with vastly superior numbers on both sides of the river. I do not know whether anyone has ever attempted to write a coherent story of that day but it would be far from easy as there were so many different actions. The main problem was the impossibility of maintaining any sort of control with no means of inter-communication. Our HQ was in the station. Early in the morning 6 (MI) Coy sent word across that they had been attacked by large forces and were withdrawing. Frank Simms went down to the river with some of the MG vans to lend a hand and I found myself with two armoured cars and three small infantry platoons in the gardens by the river about half a mile from the station. There was a great deal of Italian air activity.

Suddenly I saw a long column of trucks coming up the road and approaching the station, headed by three tanks, two small and one medium. It was obvious that if they captured the station the Company's withdrawal, and that of 6 (MI) Coy, would be jeopardised. I sent the infantry element under Peter Lake back to the station to pick up their vehicles and withdraw to our previously chosen rendezvous out on the road to Sarsareib, in the Atbara, where 1 (MMG) Group were concentrated. I also ejected a *nafar* from one of the A/C's and took his place behind the Boyes rifle. We first took on the tanks and literally stopped them in their tracks with nine rounds, three each, at a range of 200 yards or less and I recall with satisfaction the CLANG as the 0.5 bullets reached their destination. We then turned our attention on to the



infantry, many of whom were still in their trucks or had just de-bussed, and let them have it with our two Vickers. This put a stop to the advance. We must have spent well over an hour on this job, taking it in turns to advance and then stop and open fire and we used up almost our entire quota of MG belts. Casualties must have been very high. Our activities were finally spotted by their air force who tried to drop AP bombs on us and then tried shooting us up with their fighters. No grief, but when the turret of my car fetched up at an angle of 80 degrees after taking a ditch I decided to call it a day. When we reached our rendezvous I was delighted to find the rest of the Company already there and we had, amazingly, suffered no casualties. And so to Khashm el Girba and thence to Khartoum in August for a refit. 5 (MMG) Coy was the only one of the MMG Coys to have seen action at that time and we felt we had no reason to be dissatisfied with what we had achieved.

#### In discussion

**Bill Henderson:** There was a certain amount of dubiety in Khartoum as to whether we were at war with Italy or not. The way Douglas Newbold put it was, 'If father goes to war and mother stays neutral what does baby do?' On that night [10 June 1940] people in Khartoum were scratching their heads. The Senior Naval Officer (Red Sea) was putting into Port Sudan and being told, when he asked why he wasn't challenged, that we were not yet at war. Wing Commander McDonald 47 Squadron at Carthago Airport took off and bombed Asmara, and that ended the thing.

The Italians were occupying what was known as the Sahara triangle which used to stick out into Libya rather like the ends of the tables of the dining room in Trevelyan College, and we occupied the Uweinat Oasis just on the other side. Guy Prendergast was there for a long time. But the end of it all was that we gave the Italians their triangle, deprived the Sudan of the distinction of being 1 million square miles and they have kept it ever since. Colonel Ghadafi has got it. But it was a terrific storm in a teacup and it was not helped by Wilfred Thesiger arriving there unbeknown when he was supposed to be DC Kurum. He was actually looking for lions.

**John Orlebar:** We were at war, and so to the operational areas we went. No.1 MMG Group of which Bobby [Brig. Popham] was a member went to the area of the Gash Delta and No.2 MMG Group moved up into the area just south of Kassala. The Motor Machine Gun Groups were the flank security (this is another principle of war: security,) the advancing 4th and 5th Indian Divisions which had come out, one straight from India, the other from the battle of Sidi Birani, and started the battle which culminated in Keren and the ultimate capture of Asmara. On the same day, 10 July, both Kassala and Gallabat fell to the Italians. The Italian force greatly outnumbered the air potential available to General Platt.

### The recapture of Kassala and the Battle of Keren

*Brig. R.H.S. Popham*

We felt very naked and very vulnerable all that time. We had no reinforcements at all and the only way to hold the frontier was everlasting movement. I think we succeeded in that because the Italians in their reports had a great build-up of armoured cars and everything else. It was just showing ourselves in one place, getting to another place as quickly as possible and then back again and there is no doubt that we did deceive the Italians for a long time. They then of course captured Kassala and started moving out from the border up to the Tahmiyan Wells, which is north of Kassala, and that became a bit tricky. Luckily at that time in September 1940 elements of the 5th Indian Division arrived down and we had our first reinforcements. So we were more or less safe. We were first of all under command of the 5th Indian Division and they formed a thing called Gazelle Force. Its role really was fast reconnaissance pursuit in fighting formation and was under a cavalry Colonel called Frank Maservy, who later distinguished himself in the desert. He was Hodson's Horse, a typical cavalryman, full of dash and go ...

We were frightened of the Italian threat to Tahmiyan Wells in the north. It was decided that they should be removed from there if we could do it. We carried out an attack on the Wells and it was unfortunately a deadlock. The result of it was that the Italians withdrew their forces back across the border because the General was then frightened of us coming round the back eventually and cutting off his Kassala communications.

On the night of the 17th the Italians started to withdraw from Kassala and concentrated about fifty or sixty miles back in a big massif, easy to defend and covering the tracks to Agordat and to the interior. No. 4 Company went in and found that Kassala was empty. That started off the pursuit: Gazelle complete was flogging along up the roads. We were in the northern tracks on the main roads there and the other Machine Gun Group were on the southern roads. Maservy was always in front shouting at the top of his voice ... He was a marvellous man ...

The Italians kept running, and we were going all right until we ran into trouble on the outskirts of Keren—an open plain and big mountains on both sides. We stopped there temporarily because a new plan had to be made, there had to be an infantry attack ... when from the left came out of the hills a great cloud of dust. Now this was something quite extraordinary. There we were fighting a modern war with aeroplanes, tanks, modern artillery, armoured cars, and out of this cloud of dust came two squadrons of Italian cavalry, *ventre à terre* completely flat out, led by two Italian officers on white horses, throwing their little hand bombs and firing their carbides from the saddle. Now they were straight at the gun lines and we then discovered later on that their orders were to disrupt and get into the gun lines and cause havoc, and

they very nearly did. It was the most extraordinary sight, the last thing that anybody ever expected in the conditions we were in. The Gunners were turning their guns round, about 180 degrees, firing point blank into this mass of cavalry. They were driven off first of all with a lot of casualties, they went away; the whole thing lasted about two and a half hours. They reformed and came back again. It was a shattering experience. During those two and a half hours luckily we were able to get our armoured cars across ... and these chaps had formed up and they came in again, and by that time we were able to stop them. But it really was the most extraordinary thing, and very frightening. I think it's one of the most gallant things I've ever seen. When one had a chance to think about it, it was Balaclava all over again. There was the Italian cavalry, who were the Light Brigade, charging the guns ...

[There follows a description of the battle of Keren. The advance continued until the force ran into Italian tanks, with the loss of an armoured car and a van.]

I always remember one Sudanese soldier coming out of the armoured car helped by a comrade. He hobbled up and I noticed he'd got no foot. And he said, 'I've come to say I must go; I've got no foot and I had to come and say I must leave.' Now that, I thought, was marvellous. It showed that stoic endurance of the Sudanese soldier [hear, hear] and it was a thing we found the whole way through.

[They reached Agordat and were held up there, which meant that they had to fight the battle of Keren. The Italians could not hold it and retreated, pursued by the force.]

The road going into Keren was described in historical notes as like an axe-cleft in the mountains and as we got there there was a most enormous blast and they had blown up the pass and they'd blown up the pass down in front of us as well. And there we were stuck, nothing could be done about it, and it brought about this battle which started on 26 March when they blew it until we got through after a very bloody time on 1 April, when we ceased to be on the ground in hot pursuit and it was the most horrible battle up and down these 2,500ft mountains around Keren.

#### In discussion

**John Orlebar:** The battle of Keren was the bloodiest battle of the war, I reckon. It was fought by determined troops both British and Indian and of course SDF. And during that battle it was uphill all the way—not only uphill but precipitous beyond words, and to evacuate one single man required twelve men to pull him down the hill.

[The Force then went on and met the other end of the pincer movement under

General Cunningham coming up from the south from East Africa, and that was the end virtually of the Abyssinian Campaign. But there were other operations going on south of Gallabat where the Sudan Police formed a very gallant resistance. The police manned the frontier from Gallabat southwards to Boma and it was they who kept on patrolling deep into enemy country to keep them on their toes. Mervyn Bell commanded the police force at Kurmuk.]

**Edward Aglen:** Mervyn stayed with us on his way out in Wad Medani and so I do have it at first hand. It was a most magnificent bit of bluff. Kurmuk is on the edge of a wide, scrub-covered wadi with a long low jebel behind, and there were 4,000 Italians and Ethiopians the other side of the wadi. Mervyn had 70 Mounted Police, and his bluff consisted of getting the police to ride across the front of the Jebel every morning at a walk; as soon as the first man got to the end he galloped round and was just in time to be behind the last man, and this went on for an hour in the morning and an hour in the evening, with Itis counting every armed man. In addition, Mervyn got hold of a floppy hat, and the rumour spread that the Anzacs were there. He also mounted a pipe on an orange-box and covered it with tarpaulin and they said they'd got artillery. Now I don't remember how long he kept this up, but it was in weeks rather than days, and he had them guessing—before they walked across and Mervyn retreated in good order losing one policeman.

**John Orlebar:** Before the invasion of Eritrea the Sudanese kept us supplied with most useful information coming from the sources of Kassala, the inhabitants of Kassala and their observations of Italian movements.

#### **The Eritrean and Abyssinian Campaigns, 1940-1942**

The aim of the campaigns was to annihilate the Italian military power in East Africa and to restore the Emperor Haille Selassie to his throne in Addis Ababa. To facilitate this, it was planned to encourage the tribesmen of the Gojjam, and elsewhere, to rise against the Italians. Four SDF Companies under John Gifford were preparing the way for the Emperor's return.

#### **The Frontier Battalion *Col. Sir Guy Campbell***

I think I'll have to explain how the Frontier Battalion went in first. This was the first reinforcement raised to the SDF ... Each Corps provided one Company except Kordofan which provided two, one of which, No. 5, was a Nuba Company from the Nuba Mountains which I commanded after I left No. 1 MMG Group. There were four Companies under the Emperor and Edwin Chapman Andrews, Hugh Boustead (stick in hand), Wingate (alarm



clock on finger). 17,000 camels disappeared. They mostly got there, but I think I can say not a single camel ever got back ... Hugh Boustead denies or did deny that that number died, but I have it on pretty good authority it happened. They had some very brisk battles and eventually the Emperor arrived at the other end.

Now a bit further south, 5 Company did not accompany them because we were sent down the Blue Nile to try and draw the Italians off, and we had quite a nice battle at Shogali. That was an occasion (it has been mentioned in John's *Tales of the SDF*) where the camels couldn't get over the country. We had some mules, but donkeys were the things that could get the ammunition up close. We were very nervous because when they were amorous or frightened they'd bray. But a Sheikh called Barshoum in that area down there of the Gumas tribe, said 'Oh, it's quite easy, you can stop all that, all you need is some grease.' So we said, 'What do you do with that?' He said, 'You just put it under its tail and not a sound comes out.' Absolutely true! After that engagement we stayed at Shogali, where the 5th Italian Battalion had a very rough deal. It was the first action of the Nubas of this Company. Six months before, I'd recruited them and they just went in like a dose of salts and nothing stopped them. The only trouble was getting them back again.

We were then joined by Johany with the Banda Bakr which was a Company raised from Ghadaret and the Adara Company, both of the Eastern Arab Corps., and 6 Nuba Company commanded by Duncan Campbell, so that there were two Campbells in that area. We went on to Ofodo where we had a big battle against the Italians and sorted them out, then on to Asosa, where we joined up with Frank Corfield and his band. With us also were Geoffrey Hancock and Bill Davies, all members of the SADF who were our intelligence and general help all round. Having defeated the Italians again, we had to pull out because of the rains. Now the rains had a big effect on all battles in that area because you couldn't move when the rains were on, so you pulled out and people went back to the Sudan, refitted, had some leave and did some more recruiting, and then went back to the area again. We then had a big action against the Italians at a place called Chilga. Our casualties were higher than any accepted by the British Army, counting what we called mountain sores—that's chaps falling down the mountains and then latterly with disease, possibly from malaria, in the Ghadaref area which debilitated a chap especially after battle-strain, and the chaps just passed out. The casualties in my Company alone were 40%, which is quite high. (The British Army accepts casualties of 20%.)

[They had some leave and went back to attack Chilga again. That attack was not so successful, but the Italians surrendered the next day. Campbell's force met up with other troops in Gonder, where the British Commanders 'had bagged the entire gin supply which freshened us up quite a lot'. They then formed another Battalion which went up to the Middle East; that is another story.]

**In discussion**

**Pat Lindsay:** When I was at Sennar and an ADC, I was invited by General Wingate to buy some camels. I bought 10,000; just under 200 came back. I know, because I was at Roseires to receive them.

**Kufra Oasis and the formation of the SDF Brigade,  
1942-1943**

*Brig. R.H.S. Popham*

*Geographical position*

Kufra Oasis lies 600 miles south of Benghazi, up on the coast of the Mediterranean Sea, and 600 miles west of Wadi Halfa on the Nile in the Sudan literally in the heart of the Libyan Desert—Longitude 22° East and Latitude 23° North. It lies in a fertile valley with two large salt lakes and a plentiful supply of water, protected from any enemy approach (except for certain routes) by sand seas to the north, east and west, while to the south lie the Tibesti Mountains and French Equatorial Africa, Chad and Fort Lahmy, which was the French Military H.Q.

*Historical background*

In the oases on the trade routes water is non-existent in any quantity, except in a very few wells which have only a very limited supply. Kufra therefore is a water-important centre. The oasis is so remote, however, that the first European to visit it was a German named Rohlf's in 1879. It had then a population of people called Tebu who came from the south. After the Italian conquest of North Africa and its colonisation, Kufra became the centre of Senussi resistance against the Italians, and the Senussi Arabs from the north retreated to Kufra. Eventually the Italians, in their war against the Senussi and in their efforts to pacify the country, drove out the Senussi from Kufra and left a garrison there.

*Tactical importance of Kufra*

Kufra lay as one of a string of oases running from North to South from the coast; all were held by Italian garrisons. The defence consisted in most cases of the inimitable *Beau Geste* fort; additionally in Kufra there was a mobile unit in specially designed vehicles, called an Autosaharan Company. The Italians had constructed airfields and landing grounds at nearly all oases. It would therefore have been possible from these bases to intercept our air communications from Takoradi in West Africa, whence our aircraft were ferried to the Middle East. Also, if the Italians had the daring, they could have cut our communications on the Nile and on the Railway at Wadi Halfa.

In 1940 after the collapse of France the French colony of Chad under its native Governor Eboue, came down on the side of De Gaulle and the Free French. In March 1941 GHQ Middle East decided to exploit this advantage and with the assistance of the Long Range Desert Group (LRDG), the Free French under Colonel (later General) Le Gerc, advanced from Fort Lahmy (over 1,000 miles away to the west) and after a magnificent effort captured Kufra.

It was decided by GHQ to use Kufra as a base for LRDG raids against the Italian and German lines of communication in North Africa. The Free French Garrison was very small and the LRDG, who then had two patrols there, were too much tied down on garrison duties and were unable therefore to implement their power role to the full.

By mid-July 1941 the war in Eritrea had ended, and it was decided that No. 1 MMG Group HQ and No. 2 MMG Coy (Camel Corps) should be released from Abyssinia and proceed to Kufra to take over garrison duties from the Free French and LRDG, thereby allowing the latter to give full time to their proper role of deep penetration. After re-organisation in Khartoum at SDF HQ, the Group HQ and No. 2 MMG Coy entrained for Wadi Halfa. In addition to the combat vehicles of the MMG Group there were of course the vehicles of the various artillery services which are needful to a mechanised force. Maintained by the Sudan Service Corps, these ten-ton trucks throughout the whole period at Kufra carried out the supply and maintenance of the garrison with great efficiency over this vast and inhospitable desert.

Unlike the French who concentrated their garrison, we deployed our troops over the area and dug slit trenches and other positions among the palms. We also established standing patrols at Tazerbo, Zeigen and East Valley. Reconnaissances of the whole area were carried out as far south as Jebel Uweinat which rose to a height of 6,216 ft. out of the the surrounding desert. It had a pool of constant water at its base and a bigger one near the top. No one knew how these two water holes kept up a constant flow. The Italians had had a landing ground at Uweinat which was located 200 miles south-east of Kufra and was on the Libyan-Sudanese border.

The LRDG was commanded by Colonel Ralph Bagnold (RE), a very experienced desert traveller who had explored and surveyed much of this area before the war, and had left caches of water and supplies in various locations, which he had found to have remained in good condition when he re-discovered them.

In November 1941, Colonel Guy Prendegast (RTR and ex-SDF) took over command of the LRDG. He also had done much desert travel in the same area pre-war. The command of the Kufra garrison was held by the SDF commander of the MMG Group, but there was a very close liaison with the LRDG.

*Enemy action*

The possible enemy threats were from the air—bombing or parachute landings—or a raid by ground forces of a type carried out by the LRDG. As the LRDG and SAS action became more and more successful on the enemy lines of communication and airfields, so the threat of enemy retaliation grew, especially as the German Afrika Corps had now arrived in the north. We were at this time—1942—bombed on several occasions by Italian aircraft with little effect.

Intelligence told us that a certain Count Almazy, an Austrian, was reported to be carrying out reconnaissances in the Siwa and Giarabub areas using captured British vehicles. Almazy was known to have made several pre-war trips in this area and had considerable desert experience. Several of our convoy commanders had reported seeing small parties of British vehicles on this route from Wadi Halfa. When they tried to make contact, these vehicles always sheered off. It was also reported that the enemy were dropping off agents in the Farafra and Dakhla Oases 400 miles south-west of Cairo. A watch was kept by making car tracks across certain sensitive areas and inspecting them from time to time, to see if they had been crossed by strange vehicles; but no land threat ever materialised. Both the Germans and the Italians were reluctant to venture into the real desert—unlike the LRDG.

*Build-up for action*

During 1942 things had been going badly for the Allies in North Africa, and GHQ ME decided on a major plan to disrupt Rommel's main supply lines on the coast. As a result the Kufra garrison was reinforced by SDF units of 3.7 Hows and Anti-tank units. A Company of the A. & S.H. (later replaced by a Company of the Welsh Regiment) was sent to reinforce Kufra and there was a big build-up of supplies by air and land. A flight of Blenheims of the SAAF, in spite of warnings as to the dangers of the desert, were all lost on a flight on the following day. The crews were rescued.

*Action*

On 13-15 September 1942 the major plan was put into operation to disrupt Rommel's main supply lines from Benghazi to Tobruk. The outline plan was as follows:

- (a) SDF to capture Jalo oasis.
- (b) SAS with two LRDG patrols to attack Benghazi.
- (c) Tobruk to be attacked by Commandos, who were to destroy fuel tanks and port installations and to free British POWs who were to be evacuated by the Royal Navy.

Regrettably, all these ventures were failures and caused heavy casualties in both men and ships. The SDF from Kufra reached their objective, Jalo, but



failed to take it, as it had been strongly reinforced and it was quite obvious that our attack was expected.

The consensus of opinion was that security in Cairo was very lax, and that the operation was too much discussed. The BBC were allowed to put out a statement on the raids saying that they had been mounted from Kufra. As a result eight Heinkels came to bomb Kufra, destroying our Bombay transport aircraft on the airfield and killing four Arabs. Five Heinkels were shot down.

After Alamein and the defeat of the Axis in North Africa, the importance of Kufra disappeared and most of the garrison was withdrawn.

### *Conclusions*

Kufra Oasis, and the whole of this desert area, was so remarkable that a few observations may be of interest.

(a) Climate. Summer extremely hot—but a drop of temperature at night. Winter—a temperate day-time temperature, but bitterly cold at night. Rainfall—nil, but occasional freak rainstorms resulting in the appearance of wild flowers which soon withered and died away.

(b) Terrain. Wadi Halfa to Kufra is 600 miles of desert—almost waterless except for a small oasis at Selima which is off the direct route. A well at Bir Misaha, dug many years ago by the Egyptian Survey Department, to a great depth, produced very limited water. The desert surface varies from hard gravel whereon 50 mph can be maintained, to sand dunes 50ft high, moulded by the prevailing wind, climbing to knife-edge peaks and falling to steep reverse slopes, which created a trap for the unwary or inexperienced drivers. Some areas known as sand-seas are almost impassable to vehicles. It is as if a choppy sea had suddenly been frozen solid. Maps, known as 'Going Maps', were always made on day trips to show the best and passable routes.

(c) Navigation. This was essential and was done by sun compass or by astral fixes. No reliance could be placed on previous tracks for sand soon covered them. Landfalls were few and far between, and, in this vast expanse, one could and did become extremely disorientated. People soon learned to treat the desert with extreme caution and respect. It was in fact like being at sea.

(d) Vegetation. In the desert—none. In Kufra most lush, palm trees bearing dates; vegetables of all kinds can be grown. Grapes and apricots thrived. Water is plentiful but brackish and can be found, apart from the wells, within a few feet of the salt lakes. The salt lakes are so salty that one cannot sink in them.

(e) Geology. At Kufra, at the foot of the great cliff on which the Fort—El Tag—stands, there were traces of scour lines of a river flow in the lower part of the cliff. These were also present in the high plateau called the Gilf Kebir to the east of Kufra. Also to be found were fossilised tree trunks lying in the desert areas together with various types of fresh water crustaceans. These.

with the pieces of pottery found in the Gilf Kebir, pointed to this area as being very fertile and inhabited thousands of years ago. The local Arabs said that this area had been the area of the biblical flood.

(f) Animal life. Birds were plentiful in the Oasis and, during the migration season from the north, wild duck and other birds used to alight on the Salt Lakes on their way south to warmer climates; even snipe were seen on occasions. Outside the Oasis no life existed and utter silence reigned. Someone described it as like a blanket lying across one's shoulders. It has to be experienced to be believed.

#### *Mileages*

Wadi Halfa to Gilf Kebir	350
Gilf Kebir to Kufra	300
Kufra to Zighen	120
Zighen to Tazerbo	40
Tazerbo to Jalo	120
Fort Lahmy to Kufra	1000

#### **In discussion**

**Joek Duncan:** It was my haunting privilege to be able to sit with Auchinleck—this, to my mind, extraordinary Northerner—in his lonely little flat in Marrakesh and he would reminisce and he would say that of course if it hadn't been for this excellent little army, the SDF, and my Indians—(he always referred to them as 'my Indians', as Alan Arthur will know) we might have had to re-assess the threat to Africa. And once I did say to him, 'But was there not a contingency plan for this?' He said, 'No way, not with that excellent little army and my Indians. Why should there be?'

**Robert Palmer:** In Shendi we were reinforced by spies—I think they were called the Free French Foreign Legion—from Palestine, I think, or Syria and they lived in our lines. They had some rather funny habits particularly in a disciplinary sense. We found one of their men pegged out in the sun all day as a punishment. We said, 'No, we don't do that sort of thing here; you'll have to find some other way of dealing with your miscreants.' The orderly officer, going the rounds a night or two later, found the culprit hanging by his thumbs in the guard room, and we said, 'You can't do that here either'. When they went on to battle towards Kassala, I'm told, that particular chap was shot in the back so it was fairly quick justice—[a subject] we were talking about earlier. But the thing I think that upset the SDF was that the French, who rode in shorts (as did we), insisted on wearing spurs as well!

## Logistics

*Gen. E.H.G. Lonsdale*

I'm always being asked to do the logistics side after the boffins have decided what they want to do ...

If I may briefly re-cap a bit: we started early with the vehicles which we were desperately short of; in Khartoum North we virtually built our own. We built the armoured cars. We had a lot of problems: the armour plate came from England, but we didn't have the right drills. We had the idea of a ring so that the Bren guns could operate all the way round but we hadn't got the right kit. I went to Cairo in 1939 and learnt something about it, and we finally built them—as you've heard, they were jolly good trucks. Before the war started we buried a million gallons of petrol. We didn't have awfully good cans in those days—you all remember the flimsies ... It was very difficult: communications were bad. I was flown out by Wing Commander MacDonald who started the war ... and was met by a policeman with two camels. I hadn't been expecting to go twenty miles on a camel after flying in an aeroplane. Still, we buried the petrol ... Churchill indicated in *The River War* how the battle can't flash with great glory unless there's a long line of transport coming up behind, and these many cases to provide ammunition for Ged Palmer here, down by Roseires to take money in for the Emperor (two pieces are in little ashtrays on my dining table to this day). We had of course to take ammunition and other things on the battle that Bobby was describing up to Agordat, and then I went off to Keren, but via Port Sudan and Suakin we had a long ... of sea there we advanced it a bit by having the ... or sea head at Mesa Teklai. The problems were very, very difficult indeed.

And then, the worst problem, that all of the SDF MT had, was the Kufra convoy.

We were asked to do a tremendous job of taking about 100 tons a month, that was the first thing. I was told to do it with 30 cwt but of course you had to take your own petrol all the way, water you could pick up in Selima and Kufra, but you had to take your food and your ammunition of course. It worked out that to produce a ton at the far end we used a ton of effort. The route was quite terrible. We've heard of the excellent maps that the Survey Department produced; here's one of them that we used. It's a jolly good old map, the only thing is, it's got practically nothing on it! It's an absolute blank. But in order to have my soldiers find their way more readily I set up what I called the petrol-tin *Alama* (later it got known as Lonsdale's *Alama*), and it appears in the top right-hand corner of that sheet!

We had to go out and find people. I was always in trouble with the Generals in those parts but on one occasion General Berford, Pearce who was the Kaid, disappeared and I was called to go and fetch him. He was in the desert in a crashed Blemheim ...

We had to take things for the Free French and I took sand tyres and petrol. We had most awful problems with our vehicles on that route. The routes were

over 70 miles wide in the end because of the difficulty of travel. In the early stages I had only a few vehicles with sand tyres and I had to take the most important stores in those and then I had a lot of newish vehicles with tractive tyres, and of course these were quite hopeless on this long journey, 758 miles there and back. Handing over the stores to the Free French, I met a Col. le Clair. I had a list of everything I had to give him, including the wine. There wasn't quite all the wine there and there certainly wasn't all the sand-tread tyres I was to take to him!

I'll finish, as so many of us have, by mentioning two or three people: the super Sudanese officers and soldiers who served with me: Bedri Mustafa, the Ombashi who was my driver for the last two years I was in the Sudan. Throughout all these various things I've mentioned he was my driver, an absolutely super chap. I tried frequently to make him a Shawish but the Bash Shawish and my officers were really rather reluctant to let me do it. I believe he became a Shawish afterwards. The other two are two very famous men in the Sudan, Ahmed Mohammed and Ibrahim Abboud and they were without any question the two who kept all our training going in the MT. They were quite outstanding people. I believe they are both alive, and I think they were the two best friends I've ever had.

#### In discussion

**John Orlebar:** Simultaneously with the occupation of the Kufra Oasis, but before the fall of Gondar, the SDF Brigade was in the process of formation. Originally it was the intention that the Brigade should form an integral part of the combat units of the Eighth Army. This never happened because, for political reasons (Egypt), they were never allowed to have an active operational role. Nor was it acceptable that the Brigade should be sent to Burma. Partly for this reason, and partly for security and deception, the SDF Brigade was designated '12 Div.'. Its strength, though not approaching that of a division, was infinitely greater than that of a normal Infantry Brigade. At the end of the war, 12 Div. in Libya, together with all SDF units in Eritrea, was repatriated to the Sudan for demobilisation.

**Pat Lindsay:** You ask me about the demobilisation. I was very greatly helped by the Sudanese officers I worked with in Headquarters, but what I do remember was a matter of principle which we faced and that was—where and how? In the end we decided that the way to get the civilians back into civilian life again was not to let each unit demobilise itself within its region, but to bring each unit back into Khartoum, go through the whole process of taking away the equipment and doing quite a bit of rehabilitation and talk, then sending them back to their areas and to the Merkazes where they would be received and repatriated. This, I understand, did work quite well. We had a long debate whether we should do it out in the provinces or centrally, and in the end we did it centrally.



**III. The End:  
Internal security and the Sudanisation of the SDF,  
1945-1955**

*Col. J.H.R. Orlebar*

*Composition of the post-war SDF*

On completion of demobilisation the SDF returned to much the same size as it had been before the war. There were certain changes in the type of units, there were no longer any Motor Machine Gun Batteries, but more mechanical transport with MT Coys stationed in Khartoum, El Obeid and Torit, and MT Platoons in Gedaref and Fasher. Shendi no longer housed the Sudan Horse, but the Sudan Artillery Regiment was stationed at Atbara. SDF Signals were established in Omdurman as was the Military Training Centre, which continued to modernise itself. In 1948 Officer Cadet training was commenced, and we were fortunate in obtaining the services of RSM J. Hamer (Scots Guards), who instilled a very high standard of drill, discipline and turn-out by the Cadets. The first batch of thirteen were commissioned in February 1950, and further batches passed out annually, fifteen in 1951, fourteen in 1952 and ten in 1953. Arrangements were made with the British War Office to send selected Sudanese officers back to the UK to attend courses comprising Infantry, Signals, Gunnery, Engineer and RASC. Later a Staff College officer from the UK was seconded for the sole purpose of running Senior and Junior Staff Duties Courses. Some 24 British Warrant and Non-commissioned officers were serving with SDF, mostly with SDF Signals and Stores and Ordnances Armourers.

*Role of the post-war SDF*

The main role of the SDF was internal security with the result that its units were stationed in much the same locations as in pre-war days.

Although the SDF was not involved in any internal security action during the post-war period, in the latter half of 1952 they successfully carried out a delicate operation whose failure might have had grave repercussions (see above p.92). The entire police in Khartoum had mutinied, and confined themselves in their barracks. The SDF supplied mobile patrols which covered most of the urban area, and had the effect of preventing any major outbreak of crime or looting. However, the fact remained that inside the main police barracks were large numbers of mutineers, together with a great many rifles and thousands of rounds of ammunition. The situation posed a grave threat to the government, so long as the mutineers controlled all these arms and ammunition. A decision was taken to disarm the police using the SDF. The time was during Ramadan and the weather was very hot. Great secrecy was necessary to ensure no warning reached the police. It was decided to carry out the operation at 15.00 hours, about the hottest time of the afternoon when it was assumed that most of the mutineers would be sleeping or resting under the shade of some large

trees in the barracks compound. A Company of the Camel Corps were detailed for the task, but were not informed until about one hour beforehand. The plan was to break into the police barracks and quickly run barbed wire across the compound thus separating the people under the trees from the arms and ammunition stores. Surprise was complete and no resistance was offered to the removal of the rifles and ammunition. Had this operation misfired it might have produced a highly dangerous situation, but it was carried out very efficiently. At the same time small SDF patrols carried out the disarming of several small police posts. The mutineers came to terms very quickly after being disarmed.

#### *Condominium troops*

Since 1924 there had been no Egyptian troops in the Sudan. Nonetheless, the Sudan was still a Condominium, and under the Treaty Egypt, strictly speaking, was entitled to a military presence in the Sudan. After the end of World War II, therefore, it was agreed that an Egyptian Infantry Battalion should be stationed in Khartoum and that an Egyptian Staff Officer should be attached to HQ SDF. His rank was Major General, presumably to be on rank-for-rank terms with the Kaïd. One British Regiment was also stationed in Khartoum and was changed over every year.

#### *Sudanisation of the SDF*

The approach of independence for the Sudan naturally resulted in greater responsibilities for Sudanese officers. This presented no problems in the North, and soon Sudanese Bimbashia were commanding all Companies in the Camel, Eastern and Western Arab Corps. Rightly or wrongly, for many years it had been the policy to have only British officers serving with the Equatorial Corps—due to the inbred distrust of the Southerners for all Northerners. This had now to be changed, but gradually, if it was to succeed. Very carefully selected officers were therefore posted to certain Equatorial Corps units, and always served alongside a British Bimbashi. This was working well, and would have been successful if enough time had been allowed before removing all the British officers. By the end of 1953, the Camel Corps and both the Eastern and Western Arab Corps had Sudanese Kaimakams as Seconds-in-Command, and the Sudan Artillery Regiment, Sudan Service Corps and Engineer Troops were fully Sudanised.

1954 brought with it a Sudanese Parliament and Sudanese ministers, including a Minister of Defence. A decision was taken to expand the SDF by forming eight more Companies, although there was little prospect of any new accommodation being built for some considerable time. Recruits were therefore retained in their present locations and existing Companies had to increase from a four to a six platoon basic organisation.

Under the terms of the Anglo-Egyptian Agreement, a Sudanisation Committee was formed with one British, one Egyptian and three Sudanese

members. When the Kaid was called before the Committee it became quite clear that they had already made up their minds to Sudanise the SDF completely in the very near future. It was pointed out that whereas this policy would present no serious problems in the North, other than to exacerbate the shortage of officers brought about by the expansion programme, to remove all British officers from the Equatorial Corps would be playing with fire. This was made equally clear to the Minister of Defence, who had formed the SDF Sudanisation Committee and which he immediately swore to secrecy. This meant that the Kaid had no knowledge of what was being proposed. He therefore told the senior member of the SDF Committee that his advice was 'Not to try and do it all in one and on no account to hurry the South'. He then went on tour to the South, returning twelve days later to find that in his absence, the Council of Ministers had decided on the immediate Sudanisation of the SDF to take effect from the following month of June (1955). This meant that of the 25 British officers still serving with the SDF, the majority would be clear of the Sudan by the end of July, and the remainder, including the Kaid, by mid-August (1955).

And that is the end of the story of the Sudan Defence Force: a story of heroism and happy relationships. A story which we, the BOs of the SDF, will always remember with pride and with gratitude for the privilege we had of soldiering alongside of men of such courage, loyalty and determination and of such keenness, self-discipline and humour, characteristics which the Sudanese man-at-arms at all times displayed.

## THE EXTERNAL AND INTERNAL ROLES OF THE SUDAN DEFENCE FORCE

*General M.I. Abdalla*

### *The Egyptian Army and the Sudan Defence Force<sup>1</sup>*

On 19 January 1899 the Condominium Agreement for the future administration of the Sudan was concluded between Britain and Egypt. According to article 3 of this Agreement, the supreme military and civil command in the Sudan was vested in the hands of an officer termed the Governor-general of the Sudan, who was to be appointed by Khedival decree with the consent of the British government. Thereafter the Sirdar (Commander-in-Chief) of the Egyptian Army became the Governor-general of the Sudan.

The whole administrative machinery during the early period of the Anglo-Egyptian rule up to 1924 had a military character. All the Governors of the provinces were military officers who were also the officers commanding troops in their provinces. Troops were distributed over districts. Each district received a certain number. The officers commanding troops in each district were responsible for the discipline, efficiency and professional training of their troops. The supreme military command of the Egyptian Army was the Khedive. The executive Commander-in-Chief was the Sirdar and his principal staff was the Adjutant General. He was also assisted by the Director of Intelligence in Cairo, the Deputy Director of Intelligence in Khartoum, and the Military Secretary. The various departmental officers were directly under the Adjutant General.

### *The Internal security role of the Army*

For the maintenance of internal security, the British government depended mainly on the British garrison (consisting of the battalion and some garrisons, artillery and engineers) and the Egyptian Army including the Sudanese units. The British troops occupied the vital positions. They were located in Khartoum to protect the airport and the railways. These were the main channels when reinforcements were required. For the same reasons, they were also located in Port Sudan, the main sea port, and Atbara, the railway junction. The Egyptian troops were located in the same areas but a large part of them scattered throughout the country. Both the Egyptian and the Sudanese units used to spend four years outside and two years in the capital.

The nearest troops to any uprising happened to be the Sudanese units. They

1. This paper has been abbreviated by the omission of an introductory section relating to the period prior to 1899. The full text of the original may be found in the Durham Sudan Archive—*[Ed.]*



were usually the first to confront the situation and thereafter reinforcement would take place. The tactical organisation of the patrol was usually as follows: Sudanese in front, followed by the Egyptians and the British. This arrangement was due to the type of weapons in use. The Sudanese units used to be equipped with the small arms, the Egyptians used the artillery, and the British used the rockets. This arrangement reflected the British strategy of keeping the military superiority in the hands of the British troops.

#### *Evacuation of the Egyptian troops from the Sudan*

During 1920-1924 a lot of serious events took place when the political situation in the country had taken a serious turn. Early in 1920 the League of Sudanese Union was founded. One of the founders of this society was an Army officer named Abdallah Khalil who became Prime Minister in 1958.

In 1923 the White Flag League was founded by a second Lieutenant called Ali Abd al-Latif. It hoped to imitate the example of the Egyptian revolution of Saad Zaghlul in 1919 as a means of extricating concessions from the British administration. As a result of the activities of this society, in June and July 1924 demonstrations took place in various parts of the country. These were followed in August by others of a more serious character because they involved several Sudanese officers and certain units of the Army. The cadets of the Military School made a mutinous demonstration under arms through the streets of Khartoum. Almost simultaneously, the Egyptian Railway battalion rebelled and indulged in extensive sabotage in Atbara. This battalion was later evacuated and sent back to Egypt. As a result of these activities and demonstrations heavy casualties were sustained among Sudanese, Egyptian and British troops.

The events of 1924 therefore convinced the British authorities that the evacuation of the Egyptian troops from the Sudan was an urgent matter. Early in May 1924 Sir Lee Stack, the Governor-general, had proposed the reduction of the Egyptian forces and a transitional period of four years after which a Sudanese force would be brought into being. In August 1924, Sir Lee Stack furthermore submitted a memorandum containing a scheme for a Sudan defence force to replace the military garrison of the Sudan provided by the Egyptian Army.

The scheme eventually agreed to in the negotiations between the Sudan government and the British government was for a complete evacuation of Egyptian troops and officers to be carried out. The formation of the Sudan Defence Force from the Sudanese units would take place under the Governor-general who would resign his post as Sirdar of the Egyptian Army. The new force would take the oath of loyalty to the Governor-general.

In November 1924 Sir Lee Stack, who was negotiating these military reforms with the Wafdist Ministry, was shot dead by a young Egyptian nationalist. This incident paved the way for the Sudan government to carry out what she had been pressing hard to achieve for the previous two years, and a

British ultimatum was presented by Lord Allenby, demanding the withdrawal of the Egyptian units of the Egyptian Army stationed in the Sudan and the conversion of locally-recruited units into the Sudan defence force owing allegiance to the Governor-general of the Sudan. The Egyptian government refused this demand and the compulsory evacuation of these units therefore began on 24 November 1924.

On 27 November 1924 a mutiny occurred in Khartoum involving some Sudanese officers of various units, about two platoons of the 11th Sudanese battalion. This rebellion was crushed without too much difficulty, thus ending the era during which the Army played a revolutionary role. After the mutinous battalions were disbanded and after the colonial regime had gotten rid of the Egyptian troops, the new force was to be called the Sudan Defence Force.

The creation of the Sudan Defence Force brought a new element into Anglo-Egyptian relations. As a result of the formation of the SDF, the complete control of the military garrison in the Sudan came to rest in the hands of the Sudan government. The title of Sirdar lapsed and the military command was vested in *al-Kaid al-Amm* ('General Officer Commandant'), in whose person the command of the Sudan Defence Force and the post of General Officer Commanding troops in the Sudan were combined. Colonel Huddleston was appointed for this post on 11 June 1925.

#### *Internal structure and organisation of the Sudan Defence Force*

It has always been stated that the primary function of the Sudan Defence Force was the maintenance of internal security. This function determined its distribution, the strength and the organisation. Following the withdrawal of the Egyptian Army from the Sudan, the country was divided into five military areas, the northern, the eastern, the central, the western and the southern area. This territorial division was made for internal security reasons. Troops were located in each area so that any local rising could be dealt with by the nearest troops, then reinforcement could follow.

Prior to 1925 the strength of the Sudanese troops of the Egyptian Army was about 13,000 men, with 106 British officers and 233 Sudanese officers. After 1925 the reduction of the SDF started, and by the end of 1936 the force had attained the strength of about 5,000.

The Military School had been established in 1905 and provided the Army with the cadres of commissioned officers. Up to 1924 the graduates of military school were really the backbone of the nationalistic élite for whom Egyptian nationalism set the example. This was due to the long period of contact between them and the Egyptian officers. After the withdrawal of the Egyptian Army, the School was closed. It was reopened in 1935 when, owing to the presence of the Italians in East Africa, the government started to expand the Sudan Defence Force. This expansion required an increase in the number of officers. Moreover, the government felt that it was necessary to create a cadre of commissioned officers for the efficiency of the Army. Candidates spent

two-and-a-half years of military training in the military college. They were also attached to different commands for a period of nine months to apply their theoretical knowledge before they graduated as commissioned officers in the rank of *Mulazim Tani* ('Second Lieutenant') in the SDF. The first batch graduated in January 1938—a process which continued until 1944, by which time about 51 officers had been commissioned. After the Second World War the military college was closed again.

#### *The external role of the Sudan Defence Force*

In 1935 the Italians invaded Ethiopia. The presence of the Italians in East Africa created a serious threat to the British imperial interest in the area. Prior to the outbreak of war between Italy and the Sudan, an increase had been noticed in the Italian forces in Eritrea and there were indications of concentration towards the Sudanese frontier. The Sudan's strategic position played a major part in British military thinking. Had the Italians succeeded in capturing the Sudan during the Second World War they could have easily reached Tripoli and fulfilled their dream of an empire extending from Tripoli to the Indian Ocean.

In the Sudan the choice of objective lay between Khartoum, Atbara and Port Sudan. Until 1936 the SDF was kept down to a very small size but the presence of the Italians in Ethiopia forced the authorities to increase the force and to re-equip with better equipment. They raised six mobile companies distributed throughout the various commands.

The SDF was put under a wide command that covered North and East Africa with bases as far as Cairo, Khartoum and Nairobi. General William Platt, who was al-Kaid al-Amm, was also the General Officer Commanding troops in the Sudan. When the war started with the Italians in 1940 the SDF was stationed at the frontier with the object of observing, harassing and delaying the enemy. They were also assisted by the civil police. There were three main operational areas which may conveniently be designated as the Upper Nile, the Blue Nile and the Red Sea battle zones. The SDF continued to patrol these areas actively and to collect information and intelligence about the enemy. On arrival of reinforcements the SDF was absorbed in a wider command and shared with others the task of recapturing the area.

The Sudanese fought gallantly and proved to be good fighters during these operations—from Kassala, Asmara, Madawa and Amba Alagi. Yet they had been exploited by the British to defend their own interest. There was a promise proclaimed by Britain in all her colonies that they would be given their independence if they fought on her side. It was for this reason that the Graduates' Congress declared its support for the British and the Allies.

In view of the useful contribution of the troops of the SDF at the eastern frontier the British authorities decided to employ certain units of this force in North Africa in view of the German advance towards Libya and Egypt. The Egyptian government as a Condominium partner objected to this decision on

the ground that it could hardly be related to the defence of the Sudan, but later Egypt was convinced and a composite force was sent to North Africa, having the privilege of being on the strength of the 8th Army before the beginning of the Battle of Alamein.

#### *The Sudan Defence Force, 1945-1955*

Before the 1939-45 war, the SDF consisted of five equivalent battalions, three motor machine-gun batteries, an engineer company, three mechanical transport companies and headquarter units. The strength of this force was 4,852 men and to it were seconded 72 British officers and 24 British NCOs. Until 1940 the Force had been controlled by the Sudan government. After 1940, it was placed under British War Office control, and thereafter and until the end of the war rapid expansion took place until the SDF had attained the strength of some 25,000 local troops.

After the war, the British decided that the SDF should revert to its original role of internal security, and started the process of demobilisation until the strength of the Force fell to 7,750 in 1947. In 1948, the authorities decided to re-open the Military College and to accept candidates who completed their secondary education. The procedure of enlistment was similar to that of the military school in 1935.

#### *Transference of power*

In 1953 the Anglo-Egyptian Agreement for self-determination was concluded. One of the provisions of the agreement was the formation of a Sudanisation Committee to Sudanise the posts in the Army, the police and the civil service. The following were appointed by the Governor-general as members of the committee: Abd al-Hamid Daud, an Egyptian citizen nominated by the Egyptian government; Mr R. R. Burnett, a British citizen nominated by the British government; the Sudanese members were Ibrahim Yusuf Suliman, Dr Osman Abu Akar and Mahmoud El Fadli.

In one of its meetings, the Sudanisation Committee asked Scoones Pasha, the Kaid al-Amm, to give his views and advice in this matter. According to the Kaid al-Amm, the authorised establishment in 1954 was 215 British and Sudanese officers, but the actual strength was 147 Sudanese officers, including 14 officers graduated from the Military College in February 1954, and 26 British officers. The total number was 173 officers, i.e. a deficiency of 42 officers. The number of cadets in the Military College was 80, of whom 20 would finish their course by February 1955 and the remainder by February 1956. There were also 40 non-commissioned officers who would be selected from the ranks to undergo a course of training until September 1954 after which they would be temporarily commissioned for 4 years.

It was also approved by the British authorities that an immediate expansion of the Force by 8 infantry companies would take place and a further expansion of 8 companies by the beginning of 1955 was also approved in principle. Each



of these increases required 42 officers. It was also planned that this expansion would be followed by continued expansion programmes by grouping battalions into brigade groups including artillery, engineers, supply, medical, workshops and signals.

The committee had also consulted the Sudanese officers to consider their views and advice in this respect. The following Sudanese officers attended the meeting: Miralai Ibrahim Abboud, Kaim Abd al-Latif, El Daw Binb Abdalla El Siddig, Binb Ahmed Rida Fareed, Binb Hassan Bahir and Sagh Magbool El Amin El Hag. Miralai Abboud spoke on behalf of the officers and pointed out the British officers in the SDF whose posts could be immediately Sudanised without affecting the efficiency of the force. He also stated that there were suitable Sudanese officers with sufficient experience and training who could replace the British officers at once. As for the Kaid, he said any senior Sudanese officer selected for the post could take over within the period specified.

After the committee had considered the points of view of the Kaid, the Sudanese officers concluded that the whole SDF from the Kaid down to the British NCOs should be Sudanised immediately.

In August 1954 the first Sudanese officer, Lewa Ahmed Pasha Mohamed, was appointed as al-Kaid al-Amm to replace the British officer Scoones Pasha. In August 1955 the Parliament passed a resolution demanding the evacuation of British and Egyptian troops as a preliminary step for self-determination. The evacuation was completed by November 1955. On 1 January 1956 the Sudan Defence Force was inaugurated as the Sudanese Army.

**SOME REMINISCENCES AND PERSONAL VIEWS  
CONCERNING THE SUDANISATION  
OF THE EQUATORIAL CORPS, SDF, IN 1954**

*Lt. Col. W.B.E. Brown*

By the beginning of 1954 Sudanisation was going on apace in the Northern Sudan. The only British officers left there were the Commanders of the Camel Corps, Eastern Arab Corps and Western Arab Corps (with the addition of one British Bimbashi in each Corps), the Commanders of the SDF Signals and Military Training Centre; and in HQ SDF the Kaid had two British staff officers and a third who had been running some very successful staff courses for Sudanese officers. Incidentally, those of us who were in the SDF during the war were impressed by the particularly good lot of young Sudanese officers who were commissioned just before the war. They had done well in the East African campaign and most of them now went through these staff courses. Later, in the early 1960s, when I spent a few days in Khartoum on my way back from Kenya, I met these same officers in General Abboud's Council of Ministers and in other important posts in the government and army.

In the Southern Sudan things were completely different. I was then commanding the Equatorial Corps and my Second in Command and eight *Bimbashis* were British—ten of us in all—whereas when I was there before the war there were 12 British officers.

The Corps had expanded somewhat and was now 1600 strong—there were more Service Corps, Engineers and Signals and also an excellent, recently formed, Boys Company. With the good education and training that the boys were getting, this Company would have produced not only useful NCOs, but also the first Southern Sudanese officers in another few years.

The Kaid, General 'Cully' Scoones, was on tour with us at the end of May 1954. He said that he was worried about the future, because the Sudanisation Committee was not taking his advice, nor keeping him informed of its proposals. When he flew back to Khartoum from Wau on the 2 June we had no information concerning the Sudanisation of the Equatorial Corps. In fact I had my Company Commanders coming in for the annual conference to decide on the next year's training programme etc.—the Equatorial Corps Companies were spread over a distance of 700 miles; but when they arrived later that month it was to receive their orders for the handover.

The order to Sudanise all British appointments in the Corps, to be followed shortly afterwards by the Sudanisation of all the British administration in the South, was received in the middle of June. We handed over in the Equatorial Corps some five weeks later and sailed by Nile steamer from Juba on 29 July. The news of our impending departure and handover to Northern Sudanese

officers caused great shock and dismay amongst the troops. When I told my *Sol Talim*, he at first refused to believe it. Eventually, having accepted the news, he said, 'There will be war down here'.

I flew to Khartoum for the final Corps Commanders' Conference and had a long talk with Lewa Ahmed Mohammed, who was shortly to be the first Sudanese Kaid. He was a first-class officer and an old friend of mine and he fully appreciated the difficulties facing the South. We spent a long time going through the SDF list to choose those officers whom we considered best fitted to take over in the South; and a good lot they were too. However, various misfortunes occurred which made things even more difficult in the coming months. Of the three Sudanese officers already commanding sub-units in the Equatorial Corps and who were now well accepted by the troops, one commanding the Service Corps Company was killed in a car accident. Another, commanding the Engineer Troops Company, died of appendicitis in Juba. Of the other officers chosen to take over, because of the expansion of the Sudan Army after we had left, several were promoted and posted elsewhere; and this meant more new officers coming South.

The handover went very smoothly. My successor I had known in the South many years before and the Second-in-Command was another old friend and a first-class officer who had been in my MMG Company in Eritrea, Abyssinia and Kufra during the war. However, the final farewell parade was an extremely sad occasion for the British officers and Equatorial Corps troops and we left with grave misgivings. Although we were not *au fait* with all the political bargaining which had been going on in Khartoum, Cairo and London, we felt that after some 50 years of excellent and successful administration in the Sudan, a most appalling mistake was now being made of the handover in the South; and that our troops—and, in fact, all the people in the South—were being very badly let down.

I have concentrated on the Equatorial Corps because in the North there was no problem and we handed over to the Sudan Army with confidence. In the South there was a big problem and, as we know, that problem was to continue for some seventeen years with civil war, anarchy, and some half a million people dying.

As the mutiny of the Equatorial Corps troops against their Northern Sudanese officers twelve months later in August 1955 started the general rebellion of the South against the North, I would like to give my personal opinion of why this tragedy was almost inevitable.

There were three main reasons:

1. The abandonment of the safeguards for the South by the British government when the Anglo-Egyptian Agreement was signed in February 1953 (without any reference to Southern opinion).
2. The decision of the Sudanese Council of Ministers in June 1954 for the immediate Sudanisation of the SDF. Whereas Sudanisation of the Southern Sudan should really have taken place over several more years, it was still

realistic in June 1954 to have expected a two-year handover (final independence did not take place until 1956). The decision of the Council of Ministers showed either complete irresponsibility or complete ignorance of the true feelings of the South.

3. The decision of the Sudan government in 1946 that the future policy regarding the Southern Sudan should be fusion with the North. Although I agree that the Sudan should be regarded as one country, it is also most definitely two distinct regions. The country, the people, the religions, and in particular the speed of development of the two regions were all completely different. The Northerner disliked serving in the South and tended to look down on the Southerner. The Southerner not only distrusted and feared the Northerner, as he had feared his slave-raiding fifty years before, but his feelings were usually even more intense than that.

I consider that there was a very strong case for allowing the South to develop as a separate region in its own good time, which would have been several years behind the North, using colloquial Arabic as the *lingua franca*. It would have thus developed as a Southern Region with some regional autonomy within an independent Sudan. Such a policy for the South was unfortunately not given serious consideration by the Sudan government.



**Part IV:**  
**THE TRANSFER OF POWER**

## THE GROWTH OF SUDANESE NATIONALISM, DEVOLUTION AND THE ROAD TO INDEPENDENCE

*Sir Gawain Bell*

I served for two periods in the Sudan: from 1931 to 1938 and from 1945 to 1954. The latter period included two years (1949-51) in the Sudan Agency in Cairo. The final three years of my service were spent in the Secretariat (subsequently to become the Ministry of the Interior) in Khartoum.

The first of these two periods covered two events of importance in the history of the Sudan. These were the 1936 Anglo-Egyptian Treaty and the formation of the Graduates Congress two years later. At the time of the signature of the Treaty a large and increasing body of Sudanese was already in the public service. In addition to its main clauses the Treaty stipulated that British and Egyptian applicants for government posts would only be appointed in cases where Sudanese candidates lacked the necessary qualifications. To the Sudanese this was a satisfactory and welcome development. But less satisfactory to informed Sudanese opinion was the fact that important decisions affecting the future of their country had been taken and embodied in the Treaty without consultation with Sudanese representatives. Criticism of the way in which the Treaty had been reached resulted in the formation, early in 1938, of the Graduates Congress, a body consisting of just over one thousand members of intermediate or higher educational level, nearly all of whom were government officials. Its Secretary was Isma'il al-Azhari. Within a very few years there were to emerge, out of the Congress, a number of Sudanese political parties. Throughout this period I was serving as an Assistant District Commissioner (ADC) in the Nuba Mountains where my concerns were the maintenance of public security and the administrative, economic and social development of the Nuba hillmen. To the Nuba these events passed entirely unnoticed. To me their significance seemed remote.

During the early 1930s the attitude of the administration to the situation in the Sudan was roughly as follows:

1. Despite evidence of loyalty during the 1914-1918 war, Mahdism (the Ansar) was still a potential danger and needed to be watched.
2. Although the Khatmiya stood in opposition to Mahdism, nonetheless their links with Egypt and Egyptian political ambitions in the Sudan were suspect, and also constituted a potential danger.
3. A number of educated Sudanese were beginning to show signs, as evidenced by the events of the 1924 mutiny and criticism of the 1936 Treaty, of demanding a measure of political advancement. They spoke for a minute proportion of the population of the country and were in no way representative of the great mass of the people. Political and constitutional

advancement would, in the nature of things, no doubt come about in due course, but not for several generations.

4. The tribes and the rural areas represented the majority of the people of the Sudan. The development of tribal administration, largely along traditional lines, was the soundest and surest basis for the development of the country, combined with steady economic and social advance.

5. The South must be protected from exploitation by the more advanced and sophisticated North. Indeed, it was open to doubt whether, in the interests of both parts of the country, the South would not be better detached.

6. The Sudan as a whole must be protected from the political ambitions of Egypt until such time as it might be able to decide its eventual status.

Thus there was little historically, economically or culturally to justify any suggestion that the Sudan could conceivably stand on its own as a united country in the immediately foreseeable future.

By the time I returned to the Sudan in 1945, after less than six years' absence, the picture was very different. The pace of political and, to a lesser extent, of social and economic development had accelerated. Pressure in support of fundamental changes had come mainly from the comparatively few educated Northern townsmen, but it had been reinforced by the return of many ex-Servicemen. And even among the uneducated there was a greater awareness of nationalism and of the world at large. Furthermore, by 1945 the government had already clashed with the Graduates Congress. The Ashiqqa Party, advocating union with Egypt, and the Umma Party, favouring complete independence, had both been established. The Advisory Council for the Northern Sudan, a body designed to give the Northern Sudanese a limited share in policy making, was in operation, but a feeling was growing that it was high time for the South to be more closely associated with the North, politically and culturally. In addition, a considerable measure of devolution had taken place in the sphere of local government.

The circumstances which were to lead to the final transfer of power in the Sudan less than nine years after the end of the war, differed in one marked respect from those obtaining in other dependent territories. This was the Egyptian claim to sovereignty. In consequence there existed in the Northern Sudan a polarisation, based on the events of the 1880s and 1890s and on sectarian differences, into pro-Egyptian and pro-independence political parties. Egypt wished to control the Sudan for perfectly understandable reasons. Britain was determined that it would be a betrayal of a trust to permit the Sudanese, without their full consent, to fall again under Egyptian domination. Thus all the negotiations leading to the eventual transfer were bedevilled by conflict of aims between the Co-domini, a conflict which embraced not only the Sudan but other areas and interests.

Any examination of the transfer of power at the political and constitutional

level cannot neglect consideration of the transfer of power at the administrative, the educational, the economic and the social level. These were less dramatic and less spectacular perhaps than the Anglo-Egyptian Treaty of 1953 and independence at the end of the following year. Nevertheless, educational and administrative developments were in fact the foundations upon which the eventual transfer of power was built.

Within a year of the battle of Omdurman a beginning in education was made in the establishment of vernacular schools, of primary schools and, as early as 1902, in the opening of the Gordon Memorial College. At the same time local administration was established by delegating power to tribal leaders and accepted authorities. By this development, first along traditional lines and later in a more advanced and democratic pattern, the administration rendered a great service to the Sudan. The system kept the peace and economic and social development followed. Where the administration tended to go astray was in its attitude to the product of the schools, and in the limits which it placed on the devolution of administrative responsibilities to educated Sudanese. In general a greater degree of sympathy was extended to tribal leaders than to men whose political views were liable to be looked on with suspicion.

This is the right point at which to speak briefly of the Mamur (although the subject falls also within the sphere of the chapter on administration in the Sudan). A certain amount has been written in recent years about the Political Services. Nothing so far as I know has been done to study or record the part played by this equally small body of men—the aides, the understudies and the eventual successors of the British political officers. They came into existence as an exclusively Sudanese Service in the 1920s and their contribution to the stability of the Sudan and the eventual handover of administrative control was far greater than appears at first sight. It could have been greater still if in the late 1930s a suggestion that the time had come for outstanding men to be promoted to the rank of ADC, and subsequently to District Commissioner (DC) rank, had been fully accepted and implemented. As it was, nearly 90 British ADCs were recruited between 1939 and 1952 into a Service which seldom totalled more than 120 men. The Mamurs played a significant part in the transfer of power at the administrative level, and, to a lesser extent, at the political level. There must have been times when they disagreed with government policy in giving wide administrative and legal powers to largely uneducated tribal leaders and their elders. They must have seen these developments as an eventual threat to their own positions as trained and experienced administrators and as the natural successors to the posts held by their British senior officers. They must have disagreed with, as they saw it, the continuing insulation of the South from the North and their exclusion from the experience of service in the South. By the time Northern Mamurs were posted to the Southern provinces it was far too late for them to gain the trust and respect of Southerners.

When eventually it became clear that the British Political Service was



coming to the end of its existence, Mamurs were very rapidly promoted to DC, Deputy Governor and Governor rank. They met the challenge remarkably well and provided a strong stabilising element to the often irresponsible activities of their Sudanese political masters. Although the administration was at fault in not promoting Mamurs early enough and fast enough it deserves credit for the creation of the cadre at an early stage of the Sudan's development. When in 1957 I went to Northern Nigeria, with self-government due in 1959, with a population of over 25 million and a British Administration Service double the size of the Sudan Political Service, I found a total of 21 Northern Nigerian Administrative Officers, and only five of them were serving in provinces.

The administration, I believe, also went astray (out of understandable motives) in its handling of the Southern problem. At a very early stage, until even perhaps as late as the mid-1920s, there was a need to protect the South from uncontrolled Northern infiltration or even exploitation, and to develop Southern administrative institutions. By the early 1930s the argument was no longer valid. There could have been no question then of the establishment of a separate government. The South and the North were now one country, however much they might differ in culture, and steps towards integration should have been taken. It had already come about in the Nuba Mountains, where the way of life of the people was no different from that found in the three Southern provinces. In the Nuba Mountains integration worked and there was no conflict. It fell to a group of DCs as late as 1941 to remind the central government that a decision on the future of the South *vis-à-vis* the North was overdue. It was not until 1949 that, as a result of the Juba Conference, the central government abandoned its Southern policy. By then it was too late. The criticism that in 1953 the administration and the British government betrayed the South, although in a sense true, stems directly from the administration's failure to see far earlier that it was its task to unite the two parts of the country as closely, as amicably, and as justly as it lay in its power to do.

By the end of 1949, when I left Kordofan after four years as a DC and moved to the Sudan Agency in Cairo, Egypt had already brought her dispute with Britain before the United Nations Security Council. The debate had ended in deadlock and the Sudan government's proposals for the creation of a Legislative Assembly and an Executive Council had been promulgated. Elections had been held and the new constitution representing the South as well as the North had come into existence but boycotted by the pro-Egyptian parties.

The Sudan had no overseas representation in 1950 although the nucleus of a Sudanese diplomatic service was very soon to be formed. In London and in Cairo there was an Agency, which was a liaison office designed to keep the government in Khartoum in touch with the Co-dominion on consular, commercial and cultural matters. The Agency in Cairo was also in a position to observe all that passed between the government of Egypt and the Sudan, and to make some assessment of Egyptian thinking. In addition it was able to

brief the British Embassy in Cairo on the development of affairs in the Sudan.

Of all the foreign peoples I have known none was more paradoxical than the Egyptians at this extraordinary period of their *fin de siècle*. No other people in my experience, then or since, could combine so many qualities and shortcomings in such a perplexing mosaic. Most foreign governments represented in Cairo were quite ignorant of what was happening in the Sudan, but most were prepared to try and learn. Not so the representatives of the United States of America. None was so ignorant, so adversely prejudiced and so obsessed with out-of-date conceptions of colonialism as the Americans. Their prejudices were partly, but not entirely, removed when in 1952 they sensibly posted a representative to Khartoum. The Egyptian government had no excuse for ignorance, for a great many Egyptians lived in the Sudan and constantly came and went. But the Egyptians possessed a remarkable ability to believe passionately whatever they wanted to believe, even if they emphatically knew it to be untrue. With the Egyptians it was possible to establish a remarkable degree of friendship, but they knew what they wanted and they went about achieving it with blind and frequently misguided determination. Their abrogation of the Condominium Agreement and the 1936 Treaty at the end of 1950 and the proclamation of Farouk as 'King of Egypt and the Sudan' to scenes of wild enthusiasm, gained them nothing. But after the *coup d'état* of June 1952 they appreciated the realities and in consequence were able to seize the initiative with considerable skill. We learnt in Cairo the weakness of the old regime. It was some time before we were able to judge the dexterity of the new.

Returning to Khartoum in the last days of December 1951 after two years in Cairo, I found myself with the advantage of a useful background of Egyptian politics and personalities but with the need to re-open friendships with such leading Sudanese as I already knew, and to get to know those whom I had not hitherto met. In taking over the Political Section of the Civil Secretary's office I was singularly fortunate. I had two experienced and able assistants: Jock Duncan and Mekki Abbas. Duncan had been in the Section for over a year, and his acquaintance with the political leaders and his familiarity with all that was happening were of immense help. Mekki Abbas lived in Omdurman, the political centre of the Sudan, and was a valuable link with all that went on there. We worked to the Civil Secretary, Sir James Robertson, through his deputy, A.C. Beaton.

One of the first notables upon whom I felt bound to call was the Head of the Religious Courts, the Grand Kadi, Sheikh Hassan Mudathir. For all his elevated religious office and the extent of his scholarship in Islamic law and practice, Sheikh Hassan was no pedant in outlook or manner. The welcome he gave me was warm-hearted and urbane. My call was made a few days before Christmas and on Christmas Eve I received from him a traditional card. On the outer cover was a beaming Santa Claus, not altogether unlike Sheikh Hassan in appearance. Inside there was a verse which ran:

'May Santa bring you all the best  
From out his reindeer sleigh.  
The dolls and toys and picture books  
Your heart could wish today.'

I felt cheered and encouraged by this message.

Abdulla Bey Khalil, Leader of the Legislative Assembly, was an old friend. By any standards he was a man of exceptional integrity; and in his dark, deeply-lined, rough-hewn face and sturdy figure there lay a great fund of wisdom. He had retired from the Sudan Defence Force some years before with the rank of Brigadier and had turned reluctantly, but from a sense of duty, to politics. He had accepted the leadership of the Assembly at the time of its creation in December 1948. In the coming two years and until Ismail al Azhari became Prime Minister I was to see much of Abdulla Bey and the more I saw of him the more I admired his steadfast honesty and sincerity.

I also saw much of two Sayeds, Sayed 'Abd al-Rahman al-Mahdi, and Sayed 'Ali al-Mirghani. No two men can have been less alike in appearance and character. No two men distrusted the other with a greater depth of suspicion. Both men commanded the absolute support of two million potentially fanatical followers. These two men were the magnetic fields around which the political leaders in the Northern Sudan and their followers moved in orbit.

At the beginning of 1952 there were eleven political parties in the Sudan. They fell into two groups. There was the 'National Front' group, standing for the unity of the Nile valley, with the Ashiqqa as the preponderant party. But the Ashiqqa was in some disarray due to personal rivalries, and was shortly to emerge as the National Unionist Party (NUP) with Ismail al Azhari as its leader. The remaining parties in the group were four in number, but none had a membership of any size. Their policies ran from complete fusion with Egypt, to Dominion status under the Egyptian crown, to the preliminary stage of union leading to independence. The group was also associated with the Sudan Trade Union Federation (STUF), and the United Group for Sudan Liberation. Both of these were largely Communist-inspired.

In opposition to the National Front stood the Independence Front group, consisting of six parties in all, four of which were of small account. But all six stood for complete and early, or immediate, independence. The two parties which enjoyed a substantial following were the Umma and the Socialist Republican Party (SRP). The Socialist Republican Party, formed in December 1951, was a new and interesting development for it represented something of a swing against the narrow sectarianism of Ansar and Khatmiya, of Sayed 'Abd al-Rahman and Sayed 'Ali. The party's supporters were moderates who feared Sayed 'Abd al-Rahman's alleged ambitions to become King of the Sudan as much as Farouk's recent assumption of that empty title. The Party had attracted both Mahdist and

Khatmiya followers and a number of tribal leaders gave it their support. Because it was a middle-of-the-road party its opponents put it about that it had the support of the administration.

In January 1952 there took place two events, both of which were to be of importance in the Sudan government's relations with the Co-domini as well as to the Sudanese political parties. The first was the publication of the report of the 'Constitutional Amendment Commission' which had been set up early in 1951 to make recommendations towards constitutional advance to full self-government. The report formed the basis of the subsequent proposed Self-Government Statute. The second event was the Cairo riots which led to the election of General Mohammed Neguib as President of the 'Society of Free Officers' and, in due course, to the military coup and the departure from Egypt of King Farouk.

This draft of the Self-Government Statute was passed by the Legislative Assembly in May 1952 and sent to the Co-domini for approval. It provided for an all-Sudanese Council of Ministers and an all-Sudanese Parliament of an elected Lower House and a Senate. The South was to be fully represented. The Statute limited the powers of the Governor-general to certain responsibilities for the public service and the three Southern provinces. It met with general approval, and for the moment the more extreme pro-Egyptians and the Egyptian government were thrown off balance. In the full expectation that the draft would be accepted by the British government and that the Governor-general would be instructed to hold elections before the end of 1952, the life of the Legislative Assembly (which had already been extended by nearly a year) was not renewed. The British government, eager to settle its differences with Egypt, including the problem of the Suez Canal, was unwilling to act unilaterally and in so doing to jeopardise the chances of a wider agreement. The Sudan suffered in consequence, and the administration was obliged to carry on without the support of any representative body and particularly without any Southern representation.

The Egyptian Army coup and the abdication of Farouk in July 1952, and the emergence of General Neguib as the Egyptian leader in September, brought an entirely new and powerful factor into our affairs. General Neguib was a realist. He was half Sudanese by birth and he had served in the Sudan. He hoped, as did every Egyptian, to see Egypt and the Sudan united and all British authority removed. But he knew that any attempt to impose unity would defeat its own purpose and that the Sudan could best be won by a show of sympathy with the general desire of the Sudanese to decide their own eventual status. His warm personality and his Sudanese blood gave him an immense advantage in the direct approach he now made to all the Northern Sudanese parties. He made no move to consult Southern Sudanese opinion. In his discussions he accepted the principle of the Sudan's right to self-determination. All he asked in return was the prior displacement of all British influence. Once the British were out of the way



he was confident he would be able to engineer close constitutional links between Egypt and the Sudan. In order to ensure his objective he sent to the Sudan a great many representatives who distributed much in the way of material inducements.

Following the General's contacts with the Northern politicians, Anglo-Egyptian discussions on the draft Self-Government Statute were resumed. The Egyptians called for two far-reaching amendments. These were the Sudanisation of the administration, the police and the Sudan Defence Force together with other appointments prior to self-determination and within three years. The second amendment severely limited the Governor-general's powers and in particular the safeguards covering the three Southern provinces. The Egyptians made them a breaking point. Despite their deep distrust of Egyptian ambitions, the Independence Front were prepared to pay almost any price for an acknowledgement of the Sudan's right to independence. In January 1953 all the Northern parties signed agreements accepting the Egyptian amendments. The ground was cut from beneath the feet of the administration and the British government, and the Anglo-Egyptian Agreement followed on 12 February 1953. Three annexes to the Agreement provided for a Governor-general's Commission, an Electoral Commission and a Sudanisation Committee.

Those of us who had the future of the Sudan at heart were dismayed. It seemed to us that the Independence parties, in accepting an Egyptian solution, had put the future of their country at risk. The Southerners who formed a third of the population had not been consulted by any of the political parties. The price that the Northern Sudanese were ready to pay in thus ignoring the South seemed to us a recipe for disaster, as indeed it proved to be. We were dismayed that the British government, which had always upheld the principle that the Sudan's status should not be changed except after consultation through constitutional channels, had accepted an agreement in which that provision had been ignored. By withholding agreement to the draft Self-Government Statute the two Co-domini had effectively prevented the holding of elections in 1952.

The Electoral Commission was the first of the bodies established under the three annexes to come into operation. It assembled in April 1953 and under its Indian Chairman worked in harmonious relationship with the administration. To the consternation of many, and to none more than the Umma party, the Unionists achieved an overwhelming success. Parliament opened on 1 January 1954 and Ismail al-Azhari became Prime Minister and Minister of the Interior.

Although I had heard of Azhari, first as leader of the Graduates Congress and later of the extreme pro-Egyptian Ashiqqa, and although we had met briefly, it was not until he took the Ministry of the Interior that we were brought into close and very often daily contact. His comfortable figure, his gold-rimmed glasses and his Pickwickian appearance masked a character of single-minded political ambition. His aim—he said as much in

1951—was to become President of the Sudan. He achieved it in 1961. Azhari was an extremely astute politician and a clever opportunist. Within a couple of months of his taking office I became his Permanent Secretary. I distrusted and disliked his policies, and he seemed to me to be often unscrupulous and irresponsible. He was uninterested in the processes of administration and he deeply distrusted the British in the administrative service. In consequence the position of many British DCs became intolerable. They suffered under a constant conflict of loyalties. But they stood very firm, particularly in the South, despite every form of provocation and disparagement. Clearly my only course, if I was to exercise any degree of influence, was to try and win at least a measure of his friendship. He was under constant pressure from the more extreme and irresponsible of some of his supporters; he was constantly surrounded by Egyptians and he still saw problems solely in terms of immediate political advantage. But as the weeks passed, and particularly after the tragic events of 1 March, Azhari began to look at things with greater realism, and as we worked together he showed less of the brash assertiveness of the first heady days of power and a greater readiness to listen. There were occasions in the months that followed when he responded to patient explanation, and a degree of good humour emerged.

The Governor-general treated him with courtesy and consideration. But Azhari seemed to me to be one of the very few Sudanese who appeared to fall short in the two qualities that were almost national characteristics: grace and generosity.

Despite their initial success in negotiating the 1952 Agreement and in the victory of the Unionists in the elections, the Egyptians failed to bring about the ultimate conclusion they had so confidently expected. The means they employed outraged the Independents, and gradually the Unionists—and Azhari himself—began to realise that the Egyptians were concerned above all in fostering purely Egyptian interests at the expense of a united Sudan, particularly in their activities in the South. When in November 1954 Abdul Gamal Nasser put General Neguib under house-arrest, Egypt lost its remaining chance of securing Sudanese support for unity.

But it was the Sudanisation Committee that, in the final analysis, probably did as much as anything to negate what the Egyptians had hoped to achieve. The work of the Committee, designed to provide 'the free and neutral atmosphere requisite for Self-Determination', resulted not in unity in three years, as its Egyptian and pro-Egyptian membership confidently anticipated, but in independence in twenty months.

During the course of 1954 much of my time was taken up with the Committee. I prepared a plan of ordered withdrawal in the administration whereby the Sudanese would take over in the provinces and the Ministry of the Interior, starting with the more junior posts and moving upwards to DCs, Deputy Governors and finally Governors. Rather more than 100 British administrative officers would be leaving. The three years allowed

would give the minimum period for Sudanese administrators to gain experience in posts, particularly in the South, which in the normal course of promotion they would probably not have reached for another seven or even ten years. In addition, we needed 100 new Sudanese administrative officers to fill the vacancies created by the promotion of men already in the service. Three years in the Committee's opinion was a ludicrously long time. Azhari thought two years would be enough. The Committee's first assessment was eighteen months. The pro-Egyptian press suggested that a fortnight would be ample. In the event we were obliged to complete the operation in nine months.

Where we, the administration, misjudged the Sudanese both before the war and particularly after, was in failing to realise the speed and the degree wherewith they were adapting themselves to the modern world and to the influence of developments outside the Sudan and particularly the influence exercised by Egypt. We went wrong in failing to appreciate early enough that in spite of the shortcomings of the Egyptians, Egypt would play a leading part in the political thinking and ambitions of the Sudanese leaders. We underestimated the Egyptians and we underestimated Ismail al-Azhari. We made the mistake of judging the Sudanese, whom we liked and admired, much as we judged ourselves. When we discovered that their thinking differed widely from ours we were surprised.

## REMINISCENCES AROUND THE TRANSFER OF POWER IN THE SUDAN

*J.W. Kenrick*

In writing a paper on the subject of the transfer of power for the Durham Sudan Historical Records Conference I start from the assumption that what is not required is a historical treatise. I shall therefore try to relate my personal experience in the Sudan to the process of transfer of power as it proceeded. To do this I have to identify certain historical bench-marks to serve as a datum line against which to measure my progress, and I have chosen the following:

- 1938 The formation of the Graduates' Congress.
- 1942 Congress demands self-determination for the Sudan. Azhari is the Honorary Secretary.
- 1944 The Advisory Council for the Northern Sudan is set up. The Ashiqqa Party is formed.
- 1945 The Umma Party is formed.
- 1948 Government issues the Legislative Assembly and Executive Council Ordinance.
- 1949 Formation of the National Front.
- 1950 Nahas Pasha abrogates the 1936 Treaty and declares complete Egyptian sovereignty over the Sudan.
- 1951 Governor-general sets up a Commission to examine the 1948 Legislative Assembly Ordinance.
- 1952 The Commission produces a draft Self-Government Statute, King Farouk is overthrown by General Neguib. He proposes that the Sudanese should choose between independence or a link with Egypt during an interim period of 3 years, during which 3 separate international commissions would: 1. advise the Governor-general in the exercise of his statutory powers; 2. organise and supervise elections for a new Parliament; 3. Sudanise the Political Service, the SDF, the Police and other key services.
- 1953 The Anglo-Egyptian Agreement is signed. Elections held at year end produce victory for the Unionist Party.
- 1954 New Parliament and government constituted in January; Azhari elected as Leader with a Khatmi cabinet.
- 1955 In May Azhari declares for independence (not union with Egypt). In August the task of the Sudanisation Commission is completed. Parliament votes that self-determination be now initiated. This month occurs the Torit mutiny. In December, London and Cairo both accept the declaration of independence.



I think the most striking thing about this list is the shortness of the time-span and the speed of acceleration of events. From the time the Graduates' Congress demanded self-government in the early part of the war to the constitution of the Legislative Assembly and Executive Council was six years. But from that point the process of political formation, through self-government with international supervision and Sudanisation to independence, only took another seven years.

When I went out to the Sudan in December 1936 I was posted (unusually for a probationer) to Torit in Equatoria. I was No.3 to Colonel Lilley and John Rowley in the Latuka District, and therefore somewhat in the role of Mamur. Of course there were no Northern Sudanese Mamurs in the South. 'Southern policy' reigned there, protecting the Southern tribes from the influence of Northern officials, Northern teachers, the Arabic language and Islam. The administration of the Latuka District was direct and highly efficient as to framework, and yet internal tribal and social matters were dealt with according to local custom and practice through the Chief's B Courts (inspected by District Commissioners (DCs)) with appeal to regional A Courts, where DCs presided. Margery Perham, who visited the district when I was there while collecting material for the book she was going to write on the Sudan, wrote a glowing account of Lilley's work but described it as 'a patriarchal administration such as I have not found anywhere in East or West Africa'. This was the year in which the Graduates' Congress was formed for all Northerners who had attended any school higher than elementary.

In the South the product of the mission schools was going to man the administration. When I was transferred to Juba in 1939, as Assistant District Commissioner Province Headquarters, one of my tasks was to supervise the HQ training school in which we trained Southern boys in typing, clerical procedures and bookkeeping—all, of course, in English—before posting them to District Offices. I can clearly recall, however, that from the outset I assumed we were training the Sudanese (as a whole) for ultimate independence. The time-span may have been unclear, but the objective was plain and when war broke out it was obvious that the process would be speeded up.

When I was transferred North in 1941 I collaborated with one or two colleagues of my level in writing a memorandum to the Civil Secretary on the subject of 'Southern policy'. The argument went like this. 'We are committed to lead the Sudan to ultimate independence. Is the Southern Sudan included in this process? It is time the central government made up its mind. Either the Southern provinces should be considered to belong to Central Africa and be administered by Uganda and Kenya, or, if they are going to be part of an independent Sudan, they must be brought into the Northern sphere (as are the Nuba) to learn the Arabic language, to receive a similar education, so as to be enabled to compete on an equal basis after we have gone.' Our memorandum went into the Secretariat files but it was not until the Juba Conference of 1947 that the decision to speed up the development of the South was taken. As can be seen from my list of benchmarks we were then less than 10 years away from

independence. Could it be that, if action had been taken in 1941, the subsequent terrible events of the Southern revolt would have been avoided? I doubt it. With hindsight it is obvious that even 1941 gave insufficient lead-time to enable us to bring the South up to the required level by 1955.

From Juba I was taken in November 1941 on to the Governor-general's staff as ADC, and Assistant Private Secretary. Bill Luce was Private Secretary and Sir Douglas Newbold was Civil Secretary. My colleague, the Egyptian ADC, was a charming cavalry officer named Ali Neguib, younger brother of the still unknown General Mohammed Neguib. Now, for the first time, I began to learn about the problems of the central government, and to become aware of the aspirations of the educated class in the Sudan. This was the period when the Graduates' Congress was striving to be recognised by the government as speaking for the educated class as a whole, and hoping it would be used as a channel for consultation with that class. The Civil Secretary, however, pointedly took it to represent its members only, who were still a minority of the educated class.

Although the prosecution of the war necessarily kept the political fires damped down, the Congress approach to Prime Minister Ali Maher Pasha after his visit to the Sudan in 1940, had led the Egyptian government to believe that Congress represented the educated Sudanese as a nationalist movement, and in 1942 Congress submitted a long memorandum to the Civil Secretary on a variety of political and constitutional matters.

In 1943 I joined 9 Motor Battalion Western Arab Corps and went with them by boat and train to the Western Desert. I was thus removed for a time from developments in the Sudan. But in April 1944 I was recalled and was posted as Assistant District Commissioner, Talodi, in the Nuba Mountains. It was in May of that year that the government took the next step of setting up an Advisory Council for the Northern Sudan. However, the political developments in Khartoum had little impact on the Nuba Mountains as yet. By the time I became DC, Eastern Jebels, at Rashad in 1946 it was another story.

The acceleration of the progress towards self-government at the centre led the administration to concentrate on devolution in the country districts. Let us, we reasoned, develop local government in the townships and rural areas as quickly as we can, both as an infrastructure to support the new regime and as a shield to protect local interests. This process was clearly demonstrated in my district. Eastern Jebels District had been pieced together from a hotch-potch of small units, Arab Baqqara tribes, ex-slave settlements, settled Westerners from Nigeria, Arabised Nuba and pagan Nuba tribes. The area east of the Nuba Mountains proper had been the Kingdom of Tegali for some 350 years until disrupted by the Mahdia. Between 1921 and 1946 the government gradually brought the various units together again under the nominal headship of Mek Geili of Tegali. (An account of this can be found in *Sudan Notes and Records*, XXIX (2), 1948). An unofficial council had been operating for some three years when, on 1 January 1947, the Kingdom became a warranted Rural

District Council (RDC). Mek Adam took this opportunity to retire from the leadership role and declined the post of chairman. The RDC decided that he, and his heirs in turn, should be the only *ex-officio* member of the Council—a sort of alderman. At the same time the Nuba of the Delami, Heiban and Talodi hills were transferred to the jurisdiction of the Western Jebels District.

To begin with, the Council was formed from a main element representing tribal interests nominated by the Governor of Kordofan, three members also nominated representing outside interests and a commercial element elected by the business interests of the three chief market towns of the area. This was the time when in Khartoum the Advisory Council for the Northern Sudan, set up in 1944, was about to be replaced by the Legislative Assembly and Executive Council set up by Ordinance in 1948. It can be seen that a parallel process of transfer of power was taking place at central and local levels.

I have pleasant memories of the meetings of the new Rural District Council. There was the interest of getting the members to understand the purpose and breakdown of financial budgets. I remember trying to explain the basic issues of our budget income and expenditure, and the proportions to one another of the various individual items, with different sized and coloured columns drawn on a blackboard. The members were, generally speaking, wise and experienced men and understood the administrative issues involved in the jurisdiction of the Council.

In 1950 I was posted as DC, Omdurman. Here I found a fully-fledged Municipal Council with a Sudanese DC as Executive Officer. The chairman, Abdel Magid Ahmed, was as able a chairman as I have ever encountered—clear, concise, and brief in his summing up, and continually keeping the Council's debate to the point.

The DC had two main administrative jobs, town planning and business profits tax assessment. He no longer controlled the police, the courts or the day-to-day administration. On the other hand, his other task was one of intelligence, to try to get to know as many and varied groups as possible and to keep abreast of the political developments seething in this, one of the largest native towns in Africa.

Most of the educated Sudanese had houses or relatives living in Omdurman. There was a large body of merchants (some very wealthy) with contacts all over the Sudan and outside it. We had light industry, and artisans and craftsmen of all sorts. We had the Islamic theological college from which, one morning, I received a telephone call in my office to say that the students had incarcerated the Principal in his office, had barred the gates and taken over the building. We had a large number of schools, from one of which the small boys stoned me as I was driving back from attending a riot. I stopped and we chased them into the school. It was lunch time and they disappeared like rabbits into the dining room. When I reached it they were all sitting quietly in their places looking as if butter would not melt in their little mouths.

We also had the football stadium, sited within the walls of the Khalifa's old Treasury, where vast crowds would assemble to cheer on and fight over their

favourite teams. Close by our house the vast square on which the Khalifa used to review his troops in their Dervish *jibbas* was used for the annual religious festivals, and drums would beat all night while we tried to sleep. Our house was the old *harem* of the Khalifa's residence (then used as a museum) and was opposite the flamboyant Mahdi's tomb, where Sayed 'Abd el Rahman el Mahdi had a house. Frequently I had to breakfast with him there to be used as a channel to pass messages to the government and vice versa. On one occasion I had to accompany Mr Selwyn Lloyd there on a courtesy visit and to act as interpreter while the two politicians paid each other compliments and fenced. S.A.R. was a lively conversationalist and generally had an axe to grind at each of our meetings, nor did he hesitate to complain at anything he chose to see as unworthy treatment of him by the government. On the few occasions that I had to call on his rival, Sayed 'Ali el Mirghani, it had to be in his house at Khartoum North. Conversation was polite and formal, kept to the weather and the state of the crops and to philosophical generalities. On the other hand it was one's duty to keep in touch with S.A.R.'s *khalifas* in Omdurman whom I saw frequently. Altogether a great deal of time was spent entertaining and being entertained in the numerous political and social circles which proliferated in that amazing town.

In 1950 Nahas Pasha abrogated the 1936 Anglo-Egyptian Treaty which governed the Condominium relationship and he declared complete sovereignty over the Sudan. This did not please the British officials, nor were the Sudanese nationalists amused. These cooperated with the government in the Legislative Assembly but the pro-Egyptians boycotted the government's work and we soon had a period of disturbances and riots in the Three Towns.

I think I must, at this stage, attempt a summary of the political situation. The simple concept of a people divided along sectarian lines between the Ansar followers of Sayed 'Abd el Rahman el Mahdi and the Khatmiyya followers of Sayed 'Ali el Mirghani, was, of course, not the whole picture. In so far as many Khatmiyya adherents may have feared that we favoured giving power to the Ansar, the Umma Party and S.A.R., they pursued a link with Egypt. But they did not all necessarily wish (like the Ashiqqa) to be subordinated to an active Egyptian suzerain. Moreover, there were politicians who were not religious followers of either of the two Sayeds who supported independence or some mild degree of association with Egypt. These various strands fell into two coalitions, a front for independence and a front for union with Egypt, calling itself the National Front. The Umma Party was thought, at one time, to be toying with the idea of independence within the British Commonwealth. Its enemies suspected it of aiming for a monarchy. Late on the scene came the Socialist Republican Party which tried to cut across the sectarian divisions and aim for an independent republic, possibly with Dominion status with Britain.

The Egyptians launched a massive campaign to win over the Sudanese to their side. They could only contemplate Sudanese self-government if it were combined with economic and military links with Egypt. While hoping that they would choose independence, our aim was to ensure that the Sudanese should



have a free choice, that is true self-determination. Her Majesty's Government supported this line.

In 1952 the Commission set up in 1951 by the Governor-general to examine the 1948 Legislative Assembly Ordinance produced a draft Self-Government Statute. This provided for an all-Sudanese Council of Ministers and two elected Houses of Parliament. The Governor-general had reserved powers for external affairs, the public service and the South. These proposals met with general approval amongst the Sudanese and were forwarded to the Co-dominion. Egyptian objection and manoeuvring was suddenly changed by the military coup of July 1952. General Neguib's government made a series of positive suggestions for amending the Statute. The choice was to be between independence or a link with Egypt. An interim period of three years only was to be allowed for this choice to be made. In order to guarantee fair play the Sudan government would be shackled with three international commissions, one to organise and supervise elections for the Sudanese interim Parliament, one to advise the Governor-general in the exercise of his powers under the Statute, and a third to Sudanise the Political Service, the SDF, the police and any other government posts likely to influence the Sudanese self-determination. All Sudanese parties hastened to accept these terms, and thereby effectively prevented HMG from negotiating any amendments. In particular, the safeguards for the South went out of the window. So a new Anglo-Egyptian Agreement was signed in February 1953 and we were landed with the final phase.

About this time I was posted to the Civil Secretary's office as A.C.S. Political, but events soon indicated that it would not be a new Prime Minister who would need a British political adviser but the embattled Governor-general. I was switched to become deputy to Bill Luce who was to become the new Adviser on Constitutional and External Affairs to the Governor-general during the interim self-governing period. We had offices on the ground floor of the east wing of the Palace, which we shared with the Legal Adviser, Jack Mavrogordato, and the Governor-general's confidential office. Here night work—and we had plenty of it—was rendered miserable by the pest of *nimitti* off the Nile. I began to develop hay fever and my colleague Colville-Stewart began to get bad asthma.

One of my tasks was to compile situation reports from intelligence gathered in the Three Towns and sent in by Governors of Provinces. When it came to the end of elections I set up a chart with coloured pins and plotted on it forecasts from the provinces. The forecasts were generally favourable to the Umma Party, but the final outcome was to give the Unionist Party 57 out of 97 seats in the Assembly and 22 out of 30 in the Senate. In analysing the results it became clear to me that many of the constituencies in which province authorities had mistakenly forecast an Umma victory were areas which had been overrun or occupied by the Ansar troops during the Mahdia. It was, after all, not so long ago.

On the subject of forecasts, I remember how the Irish-American

representative of the USA in Khartoum, who had many contacts with the pro-Egyptian parties, used to call at my office to discuss the way in which self-determination would go. He could produce weighty arguments to show why, in theory, Azhari and the Parliament would opt for a link with Egypt. I was unable to counter this with statistics and voting strengths. All I could say was that it seemed most unlikely that, having thrown off the foreign British yoke, the Sudanese would willingly place themselves under an Egyptian yoke. They had had that once before and memories were long in this country.

To mark the opening of Parliament in March 1954 General Neguib and Mr Selwyn Lloyd came to Khartoum to represent the Co-domini partners. This was the occasion for a massive demonstration at the airport by the Ansar (see below, pp.178-9.) The Governor-general and his visitors avoided the normal route and returned safely to the Palace. Thereupon the Ansar marched into Khartoum and down the street between the Palace and the Civil Secretary's office. When the police tried to turn the procession, there occurred the armed attack by a section of the crowd which led to the British Commandant and a number of police being killed. Hearing gunfire while I was in my office, I walked out on to the road in front of the Palace to see what was happening. I was in time to see a truck bring McGuigan and other casualties through the Palace gate, and to appreciate the size of the crowd surging up against the railings deterred only by the two duty policemen and their revolvers, and two British soldiers of the Royal Fusiliers on sentry duty. General Neguib and Selwyn Lloyd were on the first floor conferring with the Governor-general and Bill Luce. If the Ansar had wished to repeat the events of 1885 they could have done so at that moment.

One of my tasks that day was to telephone Sayed 'Abd el Rahman to tell him that he must control (and disarm) his Ansar, and that we had called in the military to put down any disturbances. My impression of General Neguib was that he was almost dead on his feet with fatigue. He returned next day to Cairo and did not last much longer in power. Selwyn Lloyd, on the other hand, alert and stimulated by the events, sounded us on the possibilities of getting British troops down from the Canal. We did not think that the clock could be put back.

As the Civil Secretary's Office became the Ministry of the Interior, so the G-g's office became the 'Foreign Office' and communicated with the Foreign Office in London. I still remember a feeling of near despair when we were informed that if a summary of events in the Sudan was to be seen by Churchill it would have to be reduced to half a page.

Our own Prime Minister Azhari was a different case. I used, on occasion, to have to go to see him on business in his office in one of the old residences along the River Front. He would be writing behind a modern desk but, in front of him, in a number of easy chairs, would be half a dozen people all with different subjects to discuss. In Arab fashion one would be invited to join the audience and given a seat and a cup of coffee. It was impossible to hold any confidential conversation with him while the other people were listening intently.

Confidential conversations had to be held in the Palace office or in Bill Luce's house. Azhari had a large leather pouch briefcase into which letters and files were liable to disappear, to be carried backwards and forwards for days between his office and his house in Omdurman. His friends used to refer to this briefcase as the *khurg el-hawi*, the magician's bag. Whatever the local papers might say about 'the imperialists and colonisers', Azhari and his colleagues were always courteous and polite.

One evening Bill Luce and I talked with Azhari for a long time about the South where we had both served. We tried to make him understand that he was likely to have trouble there because of the long past history of oppression. It would need, we said, very careful and generous handling after we were gone to overcome the feelings of resentment, suspicion, and fear of exploitation which would be present in the South. Azhari would not, or could not, admit our thesis. 'You will see', he said, 'After you have gone all these feelings (which you Britishers encourage) will disappear. We shall all unite around the slogan "One NILE, one FAITH, one BLOOD".' Soon afterwards, in August 1955, occurred the Torit mutiny of the Equatorial Corps with the massacre of many Northerners, and the subsequent retaliation and long guerilla war.

During the period of Sudanisation the International Commission appeared to run wild. The phrase in the 1953 Agreement which stated '... and any other Government post which may affect the freedom of the Sudanese at the time of Self-determination' was taken by the majority of the Commission to cover almost all technical posts held by British officials. Most of these people would have served loyally into the opening phases of independence (with Azhari's encouragement) and would have been of inestimable assistance to the new Sudan government. The British representative on the Commission, Colonel Burnett, was continually in a minority of one on this issue, and the British representative on the Governor-general's Commission (Sir Laurence Graffley-Smith) was equally unable to get his Commission to comment on the proposals of the Sudanisation Commission, which it was within their powers to do. I would submit that this was a serious error in the process of the transfer of power.

During 1954 and 1955 British officials and their wives flowed in a steady stream through Khartoum and out of the country. Auctions of furniture were held in Khartoum almost weekly. Sir Robert Howe left in March 1955, Sir Knox Helme being appointed in his place as the last Governor-general. Before he arrived it was our turn to go in April, just a month before Azhari declared for independence. For days before our departure every meal was engaged in being entertained by our Sudanese friends in their homes. At the station at Khartoum there was a large crowd on the platform to see us off, and another when the train stopped at Khartoum North. Power had been transferred but relationships had remained excellent. The Sudanese gift for friendship was once again made manifest and regrets at parting were genuinely felt by both sides.

## CONSTITUTIONAL DEVELOPMENT TO INDEPENDENCE

*Sayed M.S. Akrat*

The Sudan was reoccupied in 1898 by the joint armies of Great Britain and Khedivial Egypt under the command of Lord Kitchener. The problem that remained unsolved was what to do with it. Somehow a solution was found in a joint system of administration—the 1899 Condominium Agreements which nominated an official to be in charge of the administration of this far-flung country. This official and his successors in the post exercised all powers necessary for running a country—public order, finance, education, health etc. The Agreements did not declare the Sudan as belonging to Egypt or to Great Britain by right of conquest. In other words, sovereignty over the Sudan was reserved for future solution. But by the passage of time that official (hitherto called the Governor-general) had exercised wide powers for running the country, at the same time training the Sudanese to help in the administration especially after introducing an advanced system of local and parliamentary government. It is a fact that during the 58 years of Condominium rule the Sudan had developed progressively in those two fields of government and ultimately achieved a level of government justifying independence from Great Britain and Egypt.

I agree with Dame Margery Perham who said in the 'Foreword' she wrote to Sir James Robertson's *Transition in Africa*:

'The time, however, is likely to come, and is perhaps even now coming, when there will be an increasing interest, especially upon the British side, to test one's impression that there is little of which we need, by any relative moral standard to be ashamed.'

I feel that the record of the achievement of the British administration in the Sudan should be evaluated against the background of a country ravaged by incessant wars and by corrupt and inefficient administration. Those who had taken part in laying policies and who carried out those policies which helped to make the Sudan in the span of 58 years one of the best administered dependencies in the British colonial empire are best suited to attempt such an evaluation. But before one deals with such evaluation one should establish how a far-flung country like the Sudan happened to be administered jointly by Great Britain and Egypt.

For some 60 years (1825—1885) the administration was under the corrupt and inefficient Turko-Egyptian rule which oppressed the people and forced them to rebel under the Mahdi. As a measure to prop up this tottering administration Khedivial Egypt employed General Gordon to stem the rising tide of revolt. Unfortunately this was to no avail: General Gordon was



murdered in 1885 and the country fell back until 1898 to the rule of the Mahdists.

In order to avenge the murder of General Gordon and to safeguard the southern parts of Egypt and her interests in the Nile waters, Great Britain and Khedivial Egypt mounted a campaign to regain the Sudan. The campaign was composed of British and Egyptian troops under the command of Lord Kitchener. Victory was achieved in 1898 at the Battle of Omdurman where the Mahdists were defeated.

It was then that a form of joint administration was devised by Great Britain and Khedivial Egypt—the Condominium, which was a hybrid system of government hitherto unknown in international law. The Condominium was legalised by two Agreements, thus providing the Sudan with its constitutional charter and after this fashion the Sudan was born. \*

By virtue of those two Agreements the Sudan became, *de jure*, a separate and autonomous state distinct from and independent of Egypt or any other country—a Condominium into which were merged the rights of Great Britain and Khedivial Egypt.

The Agreements vested the supreme military and civil commands of the Sudan in an officer who was termed the Governor-general. An immense task confronted him and the small band of officers who were left to help him after the Battle of Omdurman. They and their successors were fortunate in having as their mentor, ever ready with help, advice, support or check, that most wise of statesmen, Lord Cromer. If any one man should be singled out from among those who laid the civil foundations of the new Sudan it is to him that greatest honour is due. Not only had the pacification of an immense and almost unknown country to be completed but a system of administration had to be organised by dividing the country into eight provinces—which would make it easy to control and provide services, if any.

Lord Kitchener left in 1902 and his place was taken by Sir Reginald Wingate as Governor-general.

Prior to 1910 there had been no Council, legislative, executive or advisory, to assist the Governor-general in the execution of the supreme military and civil command with which he had been invested by the Condominium Agreement of 1899. Hitherto the system of government had in fact been 'benevolent autocracy' organised on military lines for civil purposes.

Not only was the Governor-general, by virtue of holding the post of Sirdar, Commander-in-Chief of the Egyptian Army both in Egypt and the Sudan; but he was also in a sense Commander-in-Chief of the civil government. As such he had his staff officers for the several branches of administrative work—his Financial Secretary, his Legal Secretary, his Civil Secretary—and commanding units, the various heads of departments and governors of provinces.

In the year 1910, with the approval of the British and Egyptian governments, the Governor-general-in-Council Law was passed regulating how the Governor-general could exercise the powers invested in him in administering the Sudan. In addition to the Governor-general as President

there were four *ex-officio* members, the Financial Secretary, the Legal Secretary, the Civil Secretary and the Inspector General of Irrigation. Laws, Ordinances and Regulations to be proclaimed under Article IV of the Condominium Agreement had to be made by the Governor-general-in-Council. This Article IV of the Agreement invested the Governor-general with full legislative powers. Under the Rules of Council incorporated in the Ordinance all administrative matters of importance had to be referred to the Council. The Governor-general-in-Council Law, no doubt, helped the Governor-general administering the country throughout the years of the First World War: it also provided the model for the drafting of laws governing the progress of the country up to self-government, and for their application throughout the country.

It is worth mentioning here that this body had been the catalyst which moved the Sudan step-by-step towards self-government and ultimate independence within the span of some 58 years. It is also worth mentioning that some of the policies which the Council adopted, e.g. land and transport, were at that time very socialist. In the field of land, titles had to be established by judiciary boards and if there were no claims to such agricultural land, the Sudan government was the owner. Even after the development of agricultural schemes for growing cotton, the terms of the concession in these schemes were limited to fifteen years. The Gezira Scheme was one of the bright measures of socialist thinking.

In the field of public transport, the Sudan Railway built from Wadi Halfa to Khartoum and from Khartoum to El Obeid was a government enterprise, and thus formed another good example of the Council's thinking in the measures it adopted to administer the country.

Apart from consolidating the administration of the country, dealing with those tribes and other elements in the North and the South and mounting a campaign to reoccupy Darfur in 1916, the Council introduced schemes for the expansion of education, public health and communications. It should not be forgotten that the Gezira Scheme was conceived by the Council. This entailed the construction of a dam on the Blue Nile at Sennar for the best use of the Nile waters to irrigate the vast plains of the Gezira for growing cotton and other crops. A crop-sharing scheme was adopted between the government, the tenants and the Sudan Plantations Syndicate who had the concession to grow cotton for 25 years. The land had been rented by law for a period of 40 years as from 1921, and this allowed the cutting up of the area into tenancies of ten *feddans* of cotton and a similar area of *dura* and other crops. The Sudan Plantations Syndicate was to carry out the necessary arrangements for growing cotton, i.e. its planting, picking, ginning and transport of the lint to Port Sudan.

In order to obtain the necessary funds for constructing the dam and digging the necessary canalisation, a loan of £3,000,000 was negotiated in the United Kingdom and guaranteed by the British government in 1913. However, construction was delayed on account of the First World War. It was started in

1921 and was completed by 1925. The scheme provided the tenants with assured means of income from their tenancies, the Sudan government with revenue they sorely needed for running the country and the Sudan Plantations Syndicate with a reasonable return on the capital sunk in the operation of the scheme. The shares in proportion were 40, 25 and 35 respectively.

No other constitutional measure was introduced for the administration of the country until the year 1921. Two Ordinances were passed granting a few judicial powers to the heads of nomad tribes and to the chiefs in the South. Those powers after a period of trial were incorporated in two Ordinances, viz. The Chiefs' Courts Ordinance 1931 to be solely applied in the Southern Sudan, and the Native Courts Ordinance 1932 to be applied in the North. The intention of passing these two laws was to provide the necessary instruments whereby the administrative officers in charge of districts in the South and in the North would be relieved of the daily court litigation best dealt with by tribal chiefs and sheikhs. Those chiefs and sheikhs had the traditional authority to settle matters between their people and the two laws simply gave them the necessary legal authority.

On the higher constitutional plane it should be mentioned that another treaty affecting the position of the Sudan *vis-à-vis* Great Britain and Egypt was signed in 1936 by the two contracting powers. This Treaty did not mention Egypt's reserved sovereignty over the Sudan but emphasis was laid on the welfare of the Sudanese. In fact the Treaty dealt with the presence of British troops in Egypt.

Nothing took place during the years of the 1939-45 war. However, in 1951, following a series of negotiations between Great Britain and Egypt which always ended in deadlock, the Egyptian government unilaterally abrogated the two Treaties, i.e. the 1898 and the 1936 Treaty, and declared Farouk as King of the Sudan. This act on behalf of the Egyptian government in no way affected the Governor-general-in-Council, who continued to run the country under the two Treaties.

On the other hand and on the purely administrative side, the Governor-general-in-Council had in 1937 promulgated three Ordinances to be the basis of the local government system to be applied throughout the Sudan. One of these Ordinances (the Municipalities) was to apply in the highly sophisticated cities like Khartoum, Khartoum North and Port Sudan, and the second (the Townships) to the less sophisticated towns like El Obeid, Wad Medani and Atbara. In fact one of the first warranted Councils was formed in 1942 in El Obeid. The third Ordinance (Rural areas) was to cover the rural areas. In 1946, under these Ordinances, warranted local government Councils were established in Khartoum, Khartoum North, Omdurman and Port Sudan and the administration in those towns was entirely left in the hands of the respective Councils' selected and nominated members.

The pace did not slacken and the towns of Wad Medani and Atbara were granted warrants. In the rural areas tribes like the Shukria and the Bedeiria were granted warrants under their respective Ordinance. This operation was

launched from the Local Government Branch of the Civil Secretary's Office which under the self-government regime became a full-bodied ministry dealing with the affairs of local government throughout the Sudan. The newly instituted system of election and ballot box had, in my view, helped the spread of democracy and created competition between the two groups—the Umma and the National Unionist Party—for the seats on local councils and the Legislative Assembly. It should be mentioned here that the Unionists were fewer in number and their influence was strong only in the North and East and lay chiefly among the townsmen and the educated class. They called for unity with Egypt. The independence group were numerous and commanded much support among the more war-like tribesmen of the Western provinces.

It looked to me that the ultimate aim of the British government was the ultimate independence of the Sudan as the measures taken by the Governor-general-in-Council show. It is worth mentioning the view of the King-Emperor in 1929. Following abortive negotiations with the Egyptians and the British, King George V through his Private Secretary, Lord Stamfordham, to the Foreign Office said the following:<sup>1</sup>

The return of one Egyptian battalion to the Sudan was in His Majesty's opinion a retrograde step and will encourage the Egyptian Government to hope that we are weakening in our resolve that the Sudan shall never come under Egyptian rule. It was British lives and British money that rescued the Sudan from tyranny and barbarism and we shall see to it that this was not in vain.

The second constitutional measure affecting the future of Sudan was the 1936 Treaty.<sup>2</sup> In order to meet the clamour for constitutional advance a law was passed creating an Advisory Council for the Northern Sudan in 1943 with membership drawn exclusively from the Northern provinces. The Southern Sudan was not included on the score of the lack of adequate representatives.

The Advisory Council for the Northern Sudan had the Governor-general as President with the three Secretaries (Financial, Legal and Civil) as Vice-presidents. Eighteen members—all Sudanese—were returned by six Province Councils, eight by election or nomination, two members from the Chamber of Commerce and eight Sudanese were nominated to represent the educated and professional classes. The agenda was strictly limited to the affairs of the Northern Sudan and no discussion of Southern affairs was permitted—to the disgust of the politicians of the North who were suspicious of the intent of the restriction.

Two incidents which helped the progress of the educated Sudanese in government service before any thought had been given to that question in government circles should, I feel, be touched upon. The first incident was the murder of the Governor-general, Sir Lee Stack, in Cairo in 1924—an act which

1. Quoted by Nicholson, H., *George V*, London, 1952, p. 443.

2. MacMichael, H.A., *The Sudan*, London, 1954, p. 192.



had radically changed the position of the Egyptians in the Sudan. This resulted in the evacuation of Egyptian troops from the Sudan, more land in the Gezira being brought under cotton and in the removal of Egyptian civil servants in the employment of the Sudan government, i.e. administrative officers, doctors, schoolmasters, clerks and accountants. The Sudanese units of the Egyptian Army were retrained to form the Sudan Defence Force under the leadership of the Governor-general as Commander-in-Chief and the Sudanese officers of those units had to swear allegiance to the Governor-general.

The removal of Egyptian civil servants made it necessary to have to employ Lebanese and Syrians to fill the vacancies of the Egyptians. This provided the Sudan government with the opportunity of pushing as many of the qualified educated Sudanese in the various branches of the service and forcing the government's hand in speeding education as fast as the finances of the country permitted it.

The second incident was the world depression of 1929-1931 when the prices of agricultural produce were exceptionally low and government revenue had suffered badly. This led the government to dismiss as many expatriate civil servants as could be justified and to reduce expenditure on maintenance and other schemes. This provided the Sudan with a civil service purely Sudanese in the lower echelons and manned in the higher ones by British officials.

It should be noted here that the removal of the Egyptian Army from the Sudan left the Egyptian flag flying as a symbol of Egyptian sovereignty over the Sudan and so after a series of negotiations between Great Britain and Egypt, the latter agreed to contribute as from 1925 (and up to 1937) three-quarters of a million pounds towards the Sudan Defence Force budget.

The real stumbling block impeding the progress of the Sudan toward self-government and ultimately independence was Egypt. The role played by the British government was to move forward slowly—the principle of considering the Sudan as separate was first laid down by the Milner Commission of 1920 which reported to the British government.

But following the abolition of the Protectorate in 1922 in Egypt, the declaration of Fuad as King tempted the Egyptian government to have him declared King of the Sudan as well. This was rejected by the British government and following negotiations starting in 1935, the 1936 Treaty was signed which, while dealing in the main with Egyptian matters, had an article L(i) which reserved the political status of the Sudan for future consideration. However, the educated minority in the Sudan formed a group which at first professed to be non-political, though its political aims soon became clear—the Graduates' Congress. The members of the group, drawn mainly from the educated minority in the towns of the Sudan, soon disagreed among themselves—some were for union with Egypt and the others for independence.

To meet the rising clamour after the Second World War the Sudan government promulgated the Ordinance for the Advisory Council for the Northern Sudan. The South was left out and the Council was advisory only.

Toward the end of 1945 after fresh negotiations with Egypt which resulted in

a deadlock, the British government defined their view on the Sudan question in the form of a statement by Mr Bevin to the House of Commons on 26 March 1946. 'His Majesty's Government look forward to the day when the Sudanese will be able to decide their own political future for themselves ...'<sup>3</sup>

This led Nokrashi, the Egyptian Prime Minister, to submit the dispute to the United Nations in July 1947. His case was debated by the Security Council from 5 August to 10 September and was defeated as it had not the requisite majority.

In the Sudan, however, an administrative conference for the South was held at Juba and it recommended that the South should have been with the North in the Northern Sudan Advisory Council. This was accepted by the Sudan government who promulgated the Executive Council and Legislative Assembly Ordinance of 1948—Egypt had of course been against any agreement to this or any other measure granting the Sudan self-rule.

The terms of the Executive Council were fixed for three years and the Assembly had its first meeting on 15 December 1948.

In anticipating the fresh proposals being put forward by the British government, the Egyptian Prime Minister Nahas declared on 8 October 1951 in a statement to the Egyptian Parliament the abrogation of the 1936 Treaty and the Condominium Agreements of 1899. He presented three bills, two of which dealt with the status of the Sudan and proclaimed Farouk as King of Egypt and the Sudan. The third purported to create a constitution for the Sudan. The bills were passed by the Egyptian Parliament on 15 October 1951.

Great excitement took place in the Sudan and the Legislative Assembly passed a motion almost unanimously on 25 October.

Mr Eden, the Foreign Secretary, made further remarks in the House.

The reaction of the Sudanese to the abrogation of the Treaties seeing that effective retaliatory action had been taken by the British government—for example, the removal of the Egyptian flag from the Sudan—is described by MacMichael.<sup>4</sup> The main provisions of the Self-Government Statute as passed with certain amendments in April 1952 might be outlined as follows:

'Fundamental rights were laid down establishing freedom and equality of all persons before the Law; freedom of religious opinion and association, the rule of Law and the independence of the judiciary.'

The most important amendment adopted by the Assembly provided that the Sudanese should freely decide for themselves the time and method of the exercise of their right to self-determination.

Events in Egypt were moving to a climax with the resignation of three Prime Ministers, the deposition of King Farouk and the assumption of power by General Neguib in July 1952. The Sudanese expected that Neguib, with a past connection with the Sudan, might take a different view of the Sudan's demand for self-determination.

3. Egypt No. 1, (1921) Cmd. 1131.

4. MacMichael, *op. cit.*, p. 194.

The British government replied that they would favour the less controversial matter of the elections being dealt with first and that if no agreement had been reached on the other points the Sudan Parliament should be left to decide. To this General Neguib did not agree. The Sudanese were impatient for an end to all uncertainties and eager to take the fullest advantage of the new mood in Egypt before it was changed by a further revolution.

In January 1953 the four main political parties of the Northern Sudan—the Umma (Independence), the National Unionist (pro-Egyptian), the Socialist Republicans and the Watan (National Party, pro-independence on a republican basis)—signed a mutual agreement in the presence of an Egyptian emissary (Major Salah Salim). This agreement conceded most of the Egyptian demands. These included the replacement in the Statute of the Governor-general's special powers to safeguard the Southerners by a formula giving him a wide and vague right to refer to the Co-domini any legislation which could be considered to be unfair to anyone; the formation of a Governor-general's Commission, a form of Sudanisation involving the removal of certain categories of British officials before the exercise of self-determination; the principle of direct elections whenever possible; and the withdrawal of British and Egyptian troops before the elections. Negotiations continued and the British Ambassador in Cairo submitted on 12 January 1953 a draft agreement incorporating the points on which agreement had been reached. But after further discussions, amendments and adjustments the final Agreement was signed on 12 February 1953. The news of the signature was received in Khartoum with enthusiasm.

The Anglo-Egyptian Agreement provided for a special commission (instituted in April 1953) to review arrangements for the elections and ensure that they took place in a free neutral atmosphere. It consisted of two Sudanese, one Egyptian and one British member under the Chairman from Pakistan. The elections themselves were supervised by a separate internal commission with an Indian expert, Dr Sukumar Sen, as chairman.

The Chairman of the Sudanisation Commission was to be by rotation one of the three Sudanese members. The membership of the Commission was made up of one Egyptian, one British and three Sudanese. The first two were nominated by their respective governments and the Sudanese were appointed by the Governor-general on the recommendation of the Prime Minister.

The Legislative Assembly had completed its constitutional life at the end of 1952 so that the country was governed throughout 1953 by the Executive Council which now consisted of seven Sudanese members and three British. The various parties and the Egyptian government settled down to an election campaign. The elections took place in November and the National Unionist Party had an absolute majority over all the other parties:

## Effects of different promotion prospects 173

	House of Representatives	Senate	Total
N.U.P.	50	21 elected + 10 nominated	31
Umma	23	4 elected + 4 nominated	8
Southern Party	9	3 elected + 3 nominated	6
Socialist Republicans	3	1 nominated	1
Independents etc (incl. 7 Southern Independents)	12		4
All	97		50

So in January 1954 a new government took over with Isma'il al-Azhari as Prime Minister. On 9 January the Governor-general signed the 'Appointed Day' document which under the Self-Government Act set a period of three years during which the Sudanese had to reach a decision between independence and Egypt.

No time was wasted. In February a Sudanisation Committee started to get rid of the British officials. In April 1955 its work was completed. The same month Parliament asked for the self-determination machinery to be set in motion. By November the British and Egyptian troops had gone. In December Parliament resolved unanimously for independence. On 1 January 1956 the flags of England and Egypt were hauled down and the new Sudanese tricolour hoisted in their place.<sup>5</sup> Thus a foreign rule—the Condominium—came to an end after laying the foundation of a modern state based mainly on agricultural produce.

A word about the South. Since the occupation of the Sudan in 1821 by Mohammad Ali Pasha's troops the country had been the scene of continuous fighting between the local tribesmen and the invading armies, bad government and slavery. The engagement by the Khedive of European officers like General Gordon, Slatin and others did nothing to improve the image of Turkish rule in the Sudan or to alleviate the ravages of war and pestilence—a state of affairs which was to end in 1880 with the revolt of the Mahdi and the virtual independence of the Sudan from Khedivial rule. This state of anarchy tempted some European Governments—in the classic role of the Scramble for Africa—to seize some parts of the Southern Sudan—the French with an eye on Bahr el-Ghazal, the Belgians in the Lado area and the Italians in Kassala. But when Lord Kitchener, at the head of the Anglo-Egyptian forces, re-occupied the Sudan in 1898 in the name of the Khedive, he persuaded those Europeans

5. Henderson, K.D.D., *Sudan Republic*, London, 1965, pp. 103, 104.



to leave—in fact one officer, Colonel Marchand, was actually at Fashoda where he met Lord Kitchener in September 1898.

Lord Kitchener took over the administration of the Southern regions with proper Province Headquarters at Fashoda in Bahr el-Ghazal in 1901, later named Upper Nile in 1900, and in Mongalla in 1905. The main task was to introduce some form of government and control over the warring tribes, to open roads and communications and in general maintain law and order. This was highly successful as in 1904 Christian missionaries were permitted to work in the Southern provinces—opening schools, dispensaries, etc.

It was slow progress and the administration was in the main direct. Some local tribesmen were engaged in the police forces of the three provinces and some were recruited in the first Equatoria Corps Company in 1917.

Before the Second World War, the three Southern provinces were administered as one unit and separate from the North although the laws administered were the same. However, development schemes were launched in Bahr el-Ghazal and Equatoria (previously Mongalla) Province.

The three Southern provinces were not represented in the Advisory Council for the Northern Sudan created in 1944. This did not please the Southerners as they felt that they would be detached from the Sudan and joined with Uganda. So following the visit to Juba in June 1946 of the members of the Sudan Administrative Conference, which was discussing the next step of devolution of power at the centre, it was agreed that both North and South should be represented in the new Legislative Assembly and that separation was no longer practicable. Another Conference followed in Juba in June 1947, with British officials as members together with six Northerners and fifteen Southerners.

A safeguard for the South was later rejected by the Egyptian government and did not appear in the Anglo-Egyptian Treaty of February 1953. They were left to fend for themselves as were many other Northern members of the Legislative Assembly.

In conclusion, the preceding pages enumerate at some length the steps taken to secure for the Sudan the right of self-determination and to guide its steps towards ultimate independence. And here a word must be said about the men who had been mentors and architects for the modern Sudan, who had laid for it the foundations of good government as far as that goes. All the credit is due to them. They were a type of British civil servant who, whether military or civil, had the interests of the Sudan at heart. The Sudan was lucky to have as its administrators men like Harold MacMichael, John Maffey and Douglas Newbold, who had charted the course of the country and followed it to its ultimate goal of independence.

A NOTE ON THE POSSIBLE EFFECTS  
OF THE DIFFERENT PROMOTION PROSPECTS  
IN DIFFERENT BRANCHES OF THE CIVIL  
GOVERNMENT AND THE SDF

*J.W. Wright*

In 1931 there was a strike at Gordon College. The leader of this fully justified strike, which was very competently handled by the students, was Mekki al-Manna, an engineering student who later became the first Sudanese Director of Surveys. This confirms what I believe to have been a neglected result of the administrative and educational policies of the government up to and including the Second World War. I refer to the artificially distorted promotion policy of the government and the effect it must have had on pupils coming into the College; this may well have had long-term effects after independence.

Government policy up to about 1950, when independence first came close, was understandably to retain in British hands the real power in both civil and military formations: in the civil government the Political Service including central government (i.e. the Civil Secretary's Department) and in the Defence Force (SDF) the fighting units such as the Camel, Eastern Arab and Western Arab Corps. This restricted Sudanese promotion in these areas while allowing it to proceed much faster in the less powerful units, e.g. in education, medicine, the law and engineering including Survey; and in the SDF in the Engineers and the Service Corps (originally the MT). The first doctor qualified in 1928. There is a preponderance of Sudanese education and technical officials both at the Durham Sudan Conference and, for example, in Douglas Newbold's correspondence. It is also shown by the fact that two out of the first very few British Council scholarships after World War II went to members of the tiny Survey Department—Mekki al-Manna and Charly Antoun. It is also shown by the strange fact that the first and second Sudanese Commanders of the SDF came from the MT: Ahmed and Abboud. This last was because having got further in the MT (and being brighter?) than any Sudanese officers in the fighting units, the Army accepted them as the senior officers. But in the civil service the promotion to the senior posts in Khartoum and in the provinces was achieved either by rapid promotion of those who had previously only reached the rank of Mamur to Assistant District Commissioner, District Commissioner (DC), Deputy Governor and Governor in successive years, or the equally rapid promotion of young graduates from the Higher Schools in administration.

The greater promotion prospects in the 1930s in the technical branches (including education and law) was unlikely to have passed unnoticed by the Sudanese students or their fathers; and although some have argued at the

Conference that the obvious power even of a Mamur as compared with a doctor or surveyor might make up for this, I believe that at least some, if not most, of those in the faster stream at Gordon College would have opted, and chosen subjects, for technical rather than political or administrative careers. Has anyone compared the class lists of those years with the subsequent careers of these boys? It might be instructive to do so.

When independence became imminent and Sudanisation of the Political Service started to catch up with its already more advanced state in the technical branches, it is my belief that the administrative civil service, who after all controlled this promotion, closed ranks as it always tends to do, believing that a rapidly promoted Mamur or administration student would be a better province Governor, or Assistant or Deputy Secretary, than a brighter and more senior official from a technical unit. Thus the doctors and the engineers (like Mekki al-Manna) were excluded from selection for the most important posts; while in the Army, where all ranks are the same whatever the unit, the senior man was accepted as the senior man whatever his speciality. I should note that Mekki al-Manna only stayed for a few months as the first Sudanese Director of Surveys because, he said, the pay would not support the army of relatives who descended on him; he got a much better-paid job managing one of S.A.R.'s large pump schemes. Had he been given a higher and better-paid post in the civil service this might not have happened.

One result of this was certainly that pressure from beneath made it impossible for the British to stay in the technical departments, even if they had wanted to, since the calibre of senior Sudanese in these was at least the equal of those in central and provincial senior posts. Another was the famous headline in *The Times*—'Soft Sudan Shuffle'—when Abboud took over as President in a coup in 1958. I doubt if he had ever fired a shot in anger in his life!

More serious and longer-term consequences may well have resulted from what I believe was a serious waste or misdirection of the best manpower by its not being directed before independence into the most powerful and important civil service jobs. No one who has been back to the Sudan will pretend that all is now well with it: certainly, on my own technical side I have seen a department that appears to be producing very little; and from considerable experience in other developing countries I am pretty sure that this holds good for all departments of government. This is not due so much to lack of technical skill as to a lack of dedication at the top which makes itself felt all the way down. Those who started as the most able boys at school, and then had the most in the way of further education up to graduate standard and including training overseas followed by experience as senior administrators in their departments, might have been considered for transfer to and promotion in the central government and the provinces and properly trained. The picture might have been different now and in the years after independence.

I do not believe that because, as was said, a Mamur could run a district when his DC was on leave he was necessarily fit to be a province Governor; after all, Tiger Wylde left his Police Sergeant-Major in Yambio to run the

district while he went on leave! Nor can I accept that the least bright administrators made the best progress and reached top posts. If anyone is interested in following it up, the first step would be to find out what happened to, say, the top 20 in each year of Gordon College in the 1930s and even into the 1940s—where did they go? How many of those who reached senior positions in the technical services in the 1940s were considered for transfer to the jobs that really mattered to the country—as Fulton has recommended, without much success, for the U.K. civil service?



## THE NEGUIB RIOTS, MARCH 1954

*Maj.-Gen. Sir Reginald Scoones*

The growing pains of independence brought with them surprisingly few incidents of trouble, and although the Sudan Defence Force (SDF) was at hand as always to support the Police, only on the occasion of the Police Mutiny in 1952 were they called upon to take action in aid of the civil power.

Well might their support have been required however on the occasion of the Opening of the first Sudanese Parliament in March 1954, which culminated in serious riots.

Parliament was due to be opened on 1 March 1954, and various notable people were invited to attend the ceremony, including the President of Egypt, General Neguib. His presence was greatly resented by the Umma Party and large numbers of their followers arrived in Khartoum for the occasion: they congregated on the road leading from the airport back to the town, obviously with the intention of interfering with General Neguib. However, the Governor-general, having met General Neguib off his aircraft, was advised not to try to return by the normal road, but instead to drive straight down the runway and return to the Palace via the RAF barracks. It transpired that this probably prevented a tragedy, since it was known that people in the crowd waiting on the main road were told, 'You can't miss it, it's a large red car'—the Palace Rolls-Royce.

Disappointed at having missed their target, the crowd then made their way back to the town. At about 10.00 hours small processions of Sudanese started to appear along the river front, some chanting slogans such as 'Long live Neguib', whilst others had the very opposite view. Later, large numbers of what were obviously Ansar followers moved into the open square between the Palace and HQ SDF. They were in tightly packed ranks and obviously organised; most of the men were dressed alike and were carrying banners affixed to spears. The orderly advance continued until approximately half the square was filled. Police had lined up across the square facing the demonstrators, and appeared to call on them to halt and disperse, but took no other action until the crowd closed in on them, whereupon the police commenced throwing tear-gas bombs and using their batons on those of the crowd who showed a reluctance to disperse.

The crowd in general now decided to retreat quite rapidly; in a short space of time the area was clear of demonstrators, with the police urging on the stragglers, but a remnant of the crowd at the south-west corner of the square was showing reluctance to disperse, and when approached by three mounted police and a few on foot, turned on the police and showed fight. The police replied using their batons and almost immediately one policeman went down, followed by another. This had an electrical effect on the crowd, who now

began to return at the run in large numbers and no longer in an organised manner. The police were dispersed over the area at this time and the rioters in parties of five to ten set about spearing every policeman to death, including the British Commandant of Police. Some of the rioters attempted to break into the Palace grounds on the west side, but were met with rifle fire whereupon the crowd dispersed rapidly. The actual murdering of the police was all over in a matter of moments.

At 09.00 hours that morning the Chief of Police had been asked if he would like any assistance from the SDF, when it became clear that large crowds were involved, but at that time he felt the situation could be controlled by police alone.

This episode has been described in some detail, because it had a profound political effect.

H.E. The Governor-general cancelled the scheduled Opening of Parliament and General Neguib, whose presence was largely responsible for the riot, was smuggled out of the Palace at 02.00 hours that morning and on to an aeroplane back to Egypt.

## IN DISCUSSION—TRANSFER OF POWER

(Chairman: *J.S.R. Duncan*)

**Gawain Bell:** The more conscientiously and the more efficiently the servants of an occupying power do their duty and carry out the tasks allotted to them, the quicker the country over which they are exercising control will wish to manage its own affairs. ... It takes time of course for an administration to come to this realisation, and it takes judgement and patience and imagination to accept that realisation and to work on it and thus in due course to hand over. And very often this is mainly a matter of timing. We were all of us, I think, caught out by the time factor.

The problem of the Southern part of the Sudan is bound to be controversial, and I hope that it will be. I regret that we haven't got with us here either in this hall or sitting up with us at this table, a Sudanese from the South. My own view is that in judging the Southern problem a very considerable measure of blame must inevitably lie on the Condominium government, particularly during the 1930s. In that time—certainly from hindsight—I would have thought that it would have been perfectly possible and absolutely right to try and bind together the two parts of the country. The people were not the same but the country was one country, and I think that it was the job of the Condominium government to have done more than in fact it did in this respect. The blame doesn't only lie there ... I think a measure of blame must inevitably lie on the British government; I think there is a measure of blame on the Egyptian government and on the Northern political parties which signed that Agreement with Major Salah Selim without consulting the South, and I think finally a measure of blame falls on the government that came to power on 1 January 1954 which, despite the advice that was given to it by the people on the spot, failed perhaps to realise what an extremely sensitive problem the South was.

**John Kenrick:** When I came out of the Sudan Defence Force and was posted to Talodi as ADC, Neil Innes, my new DC, came down to visit us and having arrived at our house he said he would like to go down to a *souk* and talk to people and he thought it would be nice to have a ride. One of my horses was lame, so I mounted him on my horse and I told my syce to saddle one of our eight pack-ponies which he did. Now I didn't know that the pony he had chosen was a racing horse from El Obeid and had a habit of getting its tongue over the top of its bit. We went down quite calmly to the *souk*; my new DC was talking to the merchants and I was hanging on his words not paying very much attention, and this allowed the horse to get his tongue over the bit and suddenly we were off. We clattered out of the *souk* with a cloud of dust and started up the long road towards my house. This is lined with trees, and we

went so fast that the trees looked to me more like a fence each side and I hoped that the horse also thought that so that he wouldn't run out and kept down the middle. We came to the Merkaz. I'd only been in the district a few days; the policeman dashed out to see where his District Commissioner was charging, and I thought 'Well, for the prestige of the government, I'd better look as if I'm enjoying it.' As we passed he saluted and as nonchalantly as possible I also saluted, disappearing into the distance. We arrived at my house where the horse stopped outside its stable, flanks heaving, and I dismounted. We eyed each other, and I swear there was a grin on both our faces.

Now, I believe this is what happened at independence. The horse got its bit shortly after the war, and it went. We were good riders; we kept our seat; we saluted as we flashed by Advisory Councils, Legislative Assemblies, Self-Government Statutes, and eventually the horse arrived at independence. We dismounted, and I think there were grins on both our faces. And if any of you think you could have controlled the animal I think you are grossly mistaken.

How did the entry of politics and the prospect of independence change the working practice of the British administration? My personal view of that is that in the countryside it didn't change it much. I can remember in Reshad District sitting with Nazir Radi Kambal, an old man who had been away as a young man fighting with the Dervishes, and he told me that when he left Tegali district and went down to Kharka, at some distance, he was never really out of sight of habitation, people or cultivation. After the battle of Omdurman, some fifteen years later, he came back up following track from Kharka and there was nobody there, nothing at all. The people had ceased to cultivate because the Dervishes had to supply their troops at Omdurman, and foraging parties and that sort of thing made it not worthwhile, so they scattered to the bush. Then, sitting there in 1948, he said, 'Now it's gradually getting cultivated again, it's getting inhabited again, and a woman in my tribe can walk from Kharka with gold on her earrings and be perfectly safe.' It was this Pax Britannica which in the country districts was tremendously appreciated. And I don't think that in those early days the politics came into the matter very much to affect the administration—not in my experience.

It was quite different when one went to Omdurman. I was transferred, and on my way up by train I met a very senior official who had been many years before a DC, Omdurman. He said to me, 'My boy, let me give you some advice: always do your town rides and never have a Sudanese in your house.' This shocked me, I must say, because I was going up to Omdurman in order to have as many Sudanese as I could into my house at this stage. When I got to Omdurman I got to know Sheikh Babiker Bedri quite well, and I used to enjoy very much sitting with him and listening to his stories about the Sudan. He too had been a Dervish and I was fascinated by his stories. But I was always made to feel very uncomfortable when he told me how he felt when those old DCs rode round on their big Omdurman town rides—outriders, flags, sheikhs, omdas, police and so on—and he was made to stand up. Now that was the old situation. This was quite different by 1950 in Omdurman. One went round on



a town ride entirely alone—no police—and one was received as a person. I would suggest that by this time we did not regard the Sudanese as subjects but as equals with aspirations of their own which we had to try to understand and the implications of which we had to try to adapt ourselves to.

**Edward Aglen:** One of the things that started the horse galloping was the Atlantic Charter and the Four Freedoms. Have these been over-estimated?

**Meccawi Sulaiman Akrat:** The continuous hammering on the radio from America and England on the Four Freedoms—how everyone was going to be free; Sir Stafford Cripps passing through the Sudan on his way to India and being met by journalists and telling them not to worry—all this made the Sudanese feel that a change was definitely going to take place and that they were going to be independent.

**Mohamed Omer Beshir:** Let me give you a story, when the three Sayeds—Sayed 'Ali el Mirghani, Sayed 'Abd el Rahman and Sharif Yusuf—were being brought to England in 1919. And they came to Egypt, they got into the ship, they were briefing the British officers. Of course the issue was, do you like Egypt or do you like the British, things like that, and Sharif Yusuf el Hindi after long discussion looked at them in his most charming manner (I understand, I have never met him) and he said to Sayed 'Ali and Sayed 'Abd el Rahman, 'You know, if Allah wanted any good with the Sudan, this ship should sink now with the three of us.' I think that those interpreting the Sudanese mind on the questions of independence or unity were faced with a gulf which started with the attitude of those making the decisions at the centre as to what these effendis, Gordon College boys and intellectuals wanted. They never accepted the educated who were in the Graduates Congress. This did not start with the Atlantic Charter, it started in 1938 with the Graduates Congress and Wad Medani, this was where the call for freedom and self government came from in 1942. Cripps really came and told them, of course—not just the journalists but the journalists and others—didn't he, Meccawi? It was crucial.

**Jock Duncan:** I remember very clearly. He landed at Khartoum Airport on his way to India and a Sudanese journalist interviewed him and asked him if he'd anything to say. He said no, he'd nothing to say; he was on confidential negotiations and was proceeding to India. 'But,' he added, 'we must now do many things much more quickly than we did in the past.' And that was a headline in the newspaper.

**Mohamed Omer Beshir:** The turning-point came in 1942 with the Graduates Congress, and that was the greatest rebuff that increased the gulf. I think that the Sudanese line and point of view was not very much understood.

**Jock Duncan:** When did the realisation come that the timing of independence was moving very much more quickly?

**Sirr Khatim Al-Khalifa:** I quite agree with Professor Beshir that the movement

among the educated started way back before the Atlantic Charter. It was the role of the Gordon College although it was a single school, and although it could be criticised from the point of view of the type of education it gave and discipline which prevailed in it. I think it served a very useful and very important function for us, the Sudanese educated class, because we were collected from all parts of the country and Gordon College was really a melting pot. That was where the beginnings of Sudanese nationalism could be traced.

Another point I think we should not forget: the outside influence of such countries as India ... I think that the American influence was a greater factor in pushing the Sudan government to accept more and more, or at least be sympathetic to, the Egyptian point of view because the United States was more interested in defence in the Middle East than in the question of the Sudan. I think you will well remember the remark of the American expert and adviser who was sent down to Khartoum and looked at the situation, and he summed up his opinion with the words, 'I don't see why all this dowsha is made with 10 million bloody blacks.' [General laughter].

**James Robertson:** I would like to confirm what the last speaker has just said, because it was to me that this American 'expert' made that remark: why did we worry about 10 million bloody blacks? Well, I said that they weren't that to me, they were my friends and I'd worked for them for a long time, and anyway we weren't going to agree that they should be handed over to another power without them having some say in it and having self-determination.

Another point I'd like to confirm was what Mr Thompson said about the impact of Sir Hubert Huddleston's speech at the St Andrews Night Dinner in 1946. I was at that time the Chieftain of the Caledonian Society in Khartoum and I had to write something for the Governor-general to say at this Caledonian party. In that draft I said that the Governor-general hoped that within 20 years he would see the Sudan self-governing, and that I think confirms very largely the reasons why we were so surprised when political advancement went so quickly. We thought in 1946 that we'd have 20 years when in fact we didn't have the 20 years—we only had 10 years. I thought myself when I drafted it that in 20 years there would be some time for the new ideas about the South amalgamating a bit more closely with the North to come to fruition, but the 10 years was too short. When we are blamed now for the lack of preparations in the South, perhaps if our ideas of 1946 had eventually become true we would have had 10 years more to carry out the amalgamation between North and South for which we were hoping.

**Reginald Dingwall:** In 1936 I was moved to the Civil Secretary's Office as a very junior ADC and was given the job of arranging a sort of Cook's Tour for the delegation attending the Coronation of King George VI. The leading Sudanese from most of the departments went on that delegation. Practically none had been to England before and I thought it would only be right that they should come along and meet me and my friends and their wives, not over

courteous and with the professional view that it was his job to gain the confidence of the political leaders of the time. At the same time, in fairness, he travelled to every district in the Sudan except two, to the best of my knowledge. When Sayed Ismail al-Azhari left Khartoum on 10 March Sir Robert Howe took him aside and he had twenty minutes absolutely quietly on his own with him. At that point in time Azhari had not opted for independence. There'd been many talks in the Palace between the pair of them and it was still slightly uncertain, but on 16 March Azhari opted for independence and went round the various countries. Howe left in the end, but when Sir Knox Helme came he made himself completely available to everybody and he reckoned that he wanted to meet all sorts and conditions and people at different levels, to such an extent that he was not in the least interested in proceeding anywhere with an escort of police or anything and would disappear into the market place into the Sudan Bookshop, with most of the SDF looking for him.

There is another important question. We transferred power as parliamentary democracy; was that the right thing to have done? I notice in the record of a conference at St Antony's College, Oxford<sup>1</sup> that Lord Boyd declared that he was never enamoured of the Westminster model for export to Africa, but added that there would have been resentment if we had said it was not right.

**Jack Mavrogordato:** When I was called on to draft the Self-Government Statute I had several informal discussions with Sudanese friends, quite unofficial, and I began to get appalled at the thought of imposing all the strict procedure of the British Parliament and I said, 'Can't we find something more simple for the Sudan and equally effective?' The universal answer I got was that they'd consider they were being palmed off with a sort of cheap version as if they were unworthy of the real thing, and I had to give them the real thing however much it went against my grain.

**Lawrence Buchanan:** At the beginning of this Conference you may remember that I asked about this question of timing—and I'm interested that it should be raised again at the very end. You've mentioned the difficulty of working to time-tables and indeed the danger of thinking in terms of times, although it would seem on the other hand that you can't do it in any other way.

**Joek Duncan:** As Sir John Carmichael put it, 'Between friends who grew up together in an era which ended a good many years ago now, it will not be surprising if some of the views put forward are not universally shared.' That is what Archives and the study of them is all about. I would therefore like to close with two thought-provoking quotations. The first by Professor Toynbee, backward-looking. 'Our age,' he declared, 'will be remembered not for its horrifying crimes nor its astonishing inventions, but because it is the first

1. Kirk-Greene, A.H.M. (ed.), *The Transfer of Power: the colonial administrator in the age of decolonisation*. (Africa in the Colonial Period, III.) Oxford, 1979.

generation since the dawn of history in which mankind dared to believe it practical to make the benefits of civilization available to the whole human race.' The second proposition, basically forward-looking, is by that (to my mind) altogether remarkable lady, Elspeth Huxley, in her book *A Journey through West Africa*: 'For our part we came to Africa as traders, and it is as traders that we shall in the last resort remain, for it is our trade that is wanted and African trade that we need. In this, the inclinations of the two peoples coincide.' It is indeed essentially as traders we remain and, I like to think, uncommonly good friends.



**APPENDIX I**  
**CHAIRMEN OF THE SUBJECT PANELS**

Administration: K.D.D. Henderson, CMG, CM, MB, BA

Law: Sir Donald Hawley, KCMG, MBE, MA

Defence: Col J. Orlebar, OBE

The transfer of power: J.S.R. Duncan, CMG, MBE

Economic development: Sir John Carmichael, KBE, LL.D.

Communications: R.L. Hill

Medical services: Dr J. Bloss

Education: A.B. Theobald, OBE

Missions: C.L. Cook

**APPENDIX II**  
**DURHAM SUDAN HISTORICAL RECORDS**  
**CONFERENCE: PARTICIPANTS**

H E The Ambassador of the Democratic Republic of the Sudan\*, Dr and Mrs P H Abbott, General Mohammed Idris Abdalla, Sheikh Mohammed Hilmi Abu Sinn, Mr and Mrs E F Aglen, Sayed Jamal Mohammed Ahmed, Sayed Meccawi Sulaiman Akrat, Sayed Nasr al-Hag Ali\*, Sayed Mekki al-Sayed Ali, Bishop O Allison, Mr Luwigi Alok\*, Mr Clement Amboro\*, Mr and Mrs H B Arber, Mr A J V Arthur, Mr E A Balfour, Professor and Mrs K M Barbour, Dr Ali Bedri, Sir Gawain and Lady Bell, Professor Mohammed Omer Beshir, Dr J F E Bloss, Mr and Mrs A R C Bolton, Mr and Mrs R H M Boyle, Mr and Mrs G R F Bredin, Mr and Mrs L W Brown, Lt Col. W B E Brown, Professor A H Bunting, Colonel Sir Guy and Lady Campbell, Mr D C Carden, Mr and Mrs B A Carlisle, Sir John and Lady Carmichael, Dr and Mrs A H Casson, Mr W T Clark, Professor and Mrs R O Collins, Mr C L Cook, Miss W Cooper, Miss E S B Cory, Dr A Cruikshank, Dr M W Daly, Mr and Mrs E Dawes, Mr R G Dingwall, Mr and Mrs J C N Donald, Mr and Mrs J S R Duncan, Mr and Mrs D M H Evans, Mr J T R Evans, Sir John and Lady Farquharson, Dr and Mrs W M Farquharson-Lang, Mr and Mrs H Ferguson, Miss L E Forbes, Mr and Mrs W Glanville, Mr J P Greenlaw, Mr N J W Hagger, Mr and Mrs J W Haig, Mr and Mrs E C Haselden, Miss R Hassan, Sir Donald Hawley, Mr and Mrs K D D Henderson, Mr and Mrs R L Hill, Mr F G W Hobro, Mr and Mrs R A Hodgkin, Mr and Mrs P Hogg, Professor P M Holt, Dr and Mrs P P Howell, Mr and Mrs L James, Miss E M Kendall, Mr and Mrs J W Kenrick, Mr K C Keymer, Mr and Mrs R C Keymer, Sirr Khatim al-Khalifa, Mr and Mrs A H M Kirk-Greene, Miss D M Lavin, Mr J N Lawrence, Mr and Mrs C A E Lea, Dr and Mrs D J Lewis, Mr and Mrs G Lillywhite, Major and Mrs P A R Lindsay, Major-General and Mrs E H G Lonsdale, Brigadier M S Lush.

\* = Unable to attend.

Mr and Mrs A G McCall, Mr and Mrs W C McDowall, Mr and Mrs J G S MacPhail, Mr and Mrs W L Marjoribanks, Mr and Mrs I Matthews, Mr J G Mavrogordato, Mr and Mrs N S Mitchell-Innes, Professor and Mrs H V Morgan, Mr and Mrs T H B Mynors, Mr and Mrs H A Nicholson, Sayed Ibrahim al-Nur, Judge Mohammed Ibrahim al-Nur, Colonel J Orlebar, Mr J S Owen, Brigadier G M Palmer, Rev and Mrs J Parry, Mr and Mrs P H Pawson, Mr and Mrs J F S Phillips, Mr F D Pickering, Brigadier R H S Popham, Mr and Mrs G W Power, Sir James and Lady Robertson, Professor R E Robinson, Professor G and Dr L P Sanderson, Mr and Mrs W Seamer, Canon and Mrs C Sharland, Mr and Mrs S R Simpson, Mr C H Smith, Mr R C Stanley-Baker, Dr S C Stevenson, Dr and Mrs A B Theobald, Mr R S B Thomson, Mr and Mrs C B Tracey, Father G Vantini, Mr and Mrs D Vidler, Mr and Mrs R C Wakefield, Mr J R S Watson, Mr and Mrs J F C Williams, Mr J Winder, Mr G K Wood, Mr J W Wright.

### APPENDIX III

#### BRIEF NOTES ON THE CONTRIBUTORS

ABDALLA, Gen. M.I., Sudan Defence Force (incl. 8 Battn Eastern Arab Corps).

AKRAT, M.S., Sudan Political Service from 1927 (Local Government Officer, Civil Secretary's Office, 1946; Assistant District Commissioner and Town Clerk, Omdurman, 1946-48; Under-secretary for Finance, 1949-52; Assistant Sudan Agent, London, 1953-54; Governor, Kordofan, 1954-56).

ARTHUR, A.J.V., MBE: Indian Civil Service 1938-47; Sudan Political Service 1948-54; Sometime Mayor of Chelmsford and High Sheriff of Essex.

BELL, G.W., KCMG, CBE: Sudan Political Service, 1931-54 (Deputy Sudan Agent, Cairo, 1949-51; Deputy Civil Secretary, Khartoum, 1953-54); Governor, Northern Nigeria 1957-62.

BREDIN, G.R.F., CBE: Sudan Political Service 1921-48 (Governor, Blue Nile Province, 1941-48; Governor-general's Council 1945-48).

BROWN, Lt Col. W.B.E.: seconded to Sudan Defence Force 1939-54 (Miralai, HQ Khartoum, 1951; Comd. Equatorial Corps, Torit, 1952-54).

BUCHANAN, L.M.: Sudan Political Service 1928-54 (Deputy Governor, Northern Province 1948-52; Civil Secretary's Office, 1952-54).

CAMPBELL, Col. Sir Guy T.H., Bt., OBE: seconded to Sudan Defence Force 1939-48 (El Kaimakam Bey, Camel Corps); Civil Affairs Officer, Cairo, 1948; British Military Mission to Ethiopia, 1948-51; Head of British Military Mission to Libya, 1956-60.

COUSENS, Col. P.G.L., CBE: seconded to Sudan Defence Force 1938-43 and 1949-53 (Comd. Eastern Arab Corps; Miralai Camel Corps, 1949-53).

DUNCAN, J.S.R., CMG, MBE; Sudan Political Service 1941-56 (Private Secretary to Governor-general, 1954; Deputy Adviser to Governor-general on constitutional and external affairs, 1955); Diplomatic Service, 1956-81 (High Commissioner, Zambia, 1971-74; Ambassador to Morocco 1975-78).

HAWLEY, D.F., KCMG, MBE: Sudan Political Service 1941; Sudan Judiciary, 1947-55 (Chief Registrar, 1951-55); Foreign Service 1956-81 (Ambassador to Oman, 1971-75; Asst. Under-Secretary of State, Foreign and Commonwealth Office, 1975-77); Hon. Sec. Sudan Football Association.



HENDERSON, K.D.D., CMG: Sudan Political Service 1926-53 (Secretary to Governor-general's Council, 1939-44 and to the Northern Sudan Advisory Council, 1944; Deputy Governor, Kassala, 1945; Assistant Civil Secretary, 1946-49; Governor, Darfur, 1949-53); co-founder of Durham Sudan Archive.

JAMES, L., Sudan Political Service 1943-51 (Superintendent, Police and Security Section, Civil Secretary's Office, 1943-45; Superintendent of Police, Khartoum District, 1946; Commander of Police, Kassala, 1946-49; Commander of Police, Khartoum, 1950).

KENRICK, J.W., OBE: Sudan Political Service 1936-55 (Sudan Defence Force 1941-44); Assistant Adviser on constitutional and external affairs to the Governor-general, 1953-55.

LONSDALE, Maj.-Gen. E.H.G., CB, MBE: seconded to Sudan Defence Force 1938-43; later War Office, 1951-53; ADC to H.M. Queen Elizabeth II, 1964-66.

McDOWELL, W.C.: Sudan Political Service 1939-55 (Legal Department, 1946-55, Judge of the High Court, 1951-55).

al-NUR, I.: Cultural Counsellor, Sudan Embassy, London. Sometime Master, Girls' Training College, Omdurman and Principal Education Officer (Girls), Northern Province.

al-NUR, M.I.: Sudan Political Service from 1918 (District Judge second grade, El Obeid, 1944; first grade, Kassala, 1946-47 and Omdurman 1948-51; Assistant Legal Secretary, Khartoum, 1952; Judge of the High Court, 1953-54).

ORLEBAR, Col. J.H.R., OBE: seconded to Sudan Defence Force 1933-43; later Military Attaché, Baghdad, 1948-51.

POPHAM, Brig. R.H.S., OBE (military), CBE: seconded to Sudan Defence Force 1937-45 (Equatorial Corps, 1937-38; Camel Corps, 1938-45; El Kaimakam Bey, 1942; Garrison Commander, Kufra); later Sword-bearer to the Lord Mayor of London, 1961-75.

ROBERTSON, J.W., GCMG, GCVO, KBE: Sudan Political Service 1922-53 (Deputy Governor Gezira Province, 1939; Deputy Civil Secretary, 1942; Civil Secretary, 1945-53); Governor-general and Commander-in-Chief, Nigeria, 1955-60.

SCOONES, Maj.-Gen. R.L., KBE, CB, DSO: Sudan Defence Force 1926-34; Major-general commanding British troops in Sudan and Commandant, Sudan Defence Force, 1950-54.

SIMPSON, S.R., CBE: Sudan Political Service 1926-53 (Legal Department 1943-45; Commissioner of Lands and Registrar-general, 1945-53); Colonial Office (Land Tenure Specialist) 1953-61; Ministry of Overseas Development, 1961-75.

STANLEY-BAKER, R.C.: Sudan Political Service 1937-55 (Legal Department, 1944-55; Judge of the High Court, 1948-55).

THOMAS, Maj.-Gen L.C., CB, CBE, DSO and Bar: served European War, 1914-18 and 1939-45 in France, Malaya and Burma, GOC (indigenous) Burma Army 1945-47.

WINDER, J.: Sudan Political Service 1927-55 (Assistant Civil Secretary, 1951-53; Governor, Upper Nile Province, 1953-55).

WRIGHT, J.W., FRICS: Sudan Political Service 1939-55 (Inspector of Surveys, Khartoum 1939-46 and Inspector, Topographical Section, 1946-51; Chief Survey Office, Northern Province, 1951-55); Sudan Defence Force 1941-44.



