

Sudan

Transmitted by a note verbale dated 16 October 1962 of the Permanent Mission of Sudan to the United Nations

A. TREATIES

AGREEMENT BETWEEN EGYPT AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND CONCERNING SELF-GOVERNMENT AND SELF-DETERMINATION FOR THE SUDAN. SIGNED AT CAIRO, ON 12 FEBRUARY 1953¹

The Egyptian Government and the Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter called the "United Kingdom Government"), firmly believing in the right of the Sudanese people to Self-Determination and the effective exercise thereof at the proper time and with the necessary safeguards, have agreed as follows:—

Article 1

In order to enable the Sudanese people to exercise Self-Determination in a free and neutral atmosphere, a transitional period providing full Self-Government for the Sudanese shall begin on the day specified in Article 9 below.

Article 2

The transitional period, being a preparation for the effective termination of the dual Administration, shall be considered as a liquidation of that Administration. During the transitional period the sovereignty of the Sudan shall be kept in reserve for the Sudanese until Self-Determination is achieved.

Article 3

The Governor-General shall, during the transitional period, be the supreme constitutional authority within the Sudan. He shall exercise his powers as set out in the Self-Government Statute with the aid of a five-member Commission, to be called the Governor-General's Commission, whose powers are laid down in the terms of reference in Annex I² to the present Agreement.

. . .

Article 9

The transitional period shall begin on the day designated as "the appointed day" in Article 2 of the Self-Government Statute.³ Subject to the completion of Sudanisation as outlined in Annex III⁴ to this

¹ Special Legislative Supplement, dated 21 March 1953, to *Sudan Government Gazette*, No. 854; See also United Nations, *Treaty Series*, vol. 161, p. 157.

² Not reproduced.

³ Article 2 of the Self-Government Statute (Special Legislative Supplement, dated 21 March 1953, to *Sudan Government Gazette*, No. 854) reads: "The appointed day means the day upon which the Governor-General by writing under his hand certifies that the self-governing institutions intended to be hereby created, namely the Council of Ministers, the House of Representatives, and the Senate, have been duly constituted in accordance with the provisions of this Order."

⁴ Not reproduced.

Agreement, the two Contracting Governments undertake to bring the transitional period to an end as soon as possible. In any case this period shall not exceed three years. It shall be brought to an end in the following manner. The Sudanese Parliament shall pass a resolution expressing their desire that arrangements for Self-Determination shall be put in motion and the Governor-General shall notify the two Contracting Governments of this resolution.

Article 10

When the two Contracting Governments have been formally notified of this resolution the Sudanese Government, then existing, shall draw up a draft law for the election of the Constituent Assembly which it shall submit to Parliament for approval. The Governor-General shall give his consent to the law with the agreement of his Commission. Detailed preparations for the process of Self-Determination, including safeguards assuring the impartiality of the elections and any other arrangements designed to secure a free and neutral atmosphere shall be subject to international supervision. The two Contracting Governments will accept the recommendations of any international body which may be set up to this end.

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Article 12

The Constituent Assembly shall have two duties to discharge. The first will be to decide the future of the Sudan as one integral whole. The second will be to draw up a constitution for the Sudan compatible with the decision which shall have been taken in this respect, as well as an electoral law for a permanent Sudanese Parliament. The future of the Sudan shall be decided either:

- (a) by the Constituent Assembly choosing to link the Sudan with Egypt in any form, or
- (b) by the Constituent Assembly choosing complete independence.

Article 13

The two Contracting Governments undertake to respect the decision of the Constituent Assembly concerning the future status of the Sudan and each Government will take all the measures which may be necessary to give effect to its decision.

B. LAWS AND DECREES

1. THE TRANSITIONAL CONSTITUTION OF SUDAN, 1956¹

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Chapter XI

TRANSITIONAL PROVISIONS

ARTICLE 111. — Subject to the provisions of this Constitution, (1) The Houses functioning as the Parliament immediately before the commencement of this Constitution shall continue to function as

¹ Came into force on 1 January 1956.

such, and shall exercise all the powers and perform all functions conferred by the provisions of this Constitution upon the Houses of Parliament. Provided that for the purpose of Articles 55 and 56 [relating to the duration of the Houses and the rules for filling the seats of elected members and/or nominated members of the Houses] the period during which the two Houses have been functioning under the self-Government Statute shall be reckoned as part of their duration under this Constitution; provided further that the Supreme Commission may, on the advice of the Council, order that the said Parliament shall continue for a further period of not more than six months in addition to the period of three years specified by Articles 55 and 56.

(2) The Speakers, Deputy Speakers and the Clerks of the two Houses, holding office immediately before commencement of this Constitution, shall continue in office as if appointed under this Constitution.

(3) The Standing Orders of the Two Houses in force immediately before the commencement of this Constitution shall continue in force as if made under this Constitution.

ARTICLE 112. — A Bill which immediately before the commencement of this Constitution was pending in either House of Parliament shall be continued in that House as if the proceedings taken with reference to the Bill had been taken in that House in accordance with this Constitution.

ARTICLE 113. — Subject to the provisions of this Constitution, all the laws in force in the Sudan immediately before the commencement of this Constitution shall continue in force until altered, replaced or amended by Parliament or other competent authority.

Explanation I

The expression "law in force" in this Article includes a law which may not have been brought into operation either at all or in any particular area.

Explanation II

Nothing in this Article shall be construed as continuing any law beyond the date, if any, fixed therein for its expiry.

ARTICLE 114. — All persons holding office as Ministers immediately before the commencement of this Constitution shall on such commencement become and shall continue to hold office as members of the Council of Ministers under this Constitution.

ARTICLE 115. — All persons holding office as Parliamentary Under-Secretaries immediately before the commencement of this Constitution shall continue to hold office as Parliamentary Under-Secretaries under this Constitution.

ARTICLE 116. — (1) All Members of the Judiciary holding office immediately before the commencement of this Constitution shall, subject to the provisions of this Constitution, continue in office, and all regulations made by the Chief Justice shall continue in force as if made under this Constitution.

(2) All powers vesting in the Chief Justice immediately before the commencement of this Constitution shall continue to vest in him, subject to other provision made by Parliament by Law, in this behalf.

ARTICLE 117. — The members of Public Service Commission holding office immediately before the commencement of this Constitution shall continue to hold office under this Constitution, and all regulations made relating to them, and all matters pending before them shall continue as if such regulations were made under this Constitution, and such matters were dealt with by them in accordance with the provisions of this Constitution.

ARTICLE 118. — All Courts and other Authorities, and all Officers, executive and ministerial, of the Government of Sudan, existing or holding office immediately before the commencement of this Constitution, shall continue to exercise their respective functions subject to the provisions of this Constitution.

ARTICLE 119. — The Auditor General holding office immediately before the commencement of this Constitution shall continue in office in accordance with this Constitution subject to his taking an oath or making a declaration as set forth in the schedule.

2. ACTS RATIFYING AND AFFIRMING MULTILATERAL TREATIES, 1957¹

(a) *1957 Act No. 10 (Signed on 10 June 1957)*

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2. The Constitution of the Food and Agricultural Organization of the United Nations,² made in May 1943 at Hot Springs, Virginia (U.S.A.), is hereby ratified and affirmed, with effect from September 10th, 1956.

(b) *1957 Act No. 11 (Signed on 10 June 1957)*

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2. The Constitution of the United Nations Educational, Scientific and Cultural Organization (UNESCO)³ made in London, November 16, 1945, is hereby ratified and affirmed with effect from November 26, 1956.

(c) *1957 Act No. 12 (Signed on 10 June 1957)*

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2. The Constitution of the World Health Organization,⁴ made in New York, July 22, 1946 is hereby ratified and affirmed, with effect from 8th May, 1956.

(d) *1957 Act No. 13 (Signed on 17 June 1957)*

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2. The Charter of the United Nations is hereby ratified and affirmed with effect from 12.11.1956.

3. The Declaration set out in the Schedule⁵ hereto recognizing the compulsory jurisdiction of the International Court of Justice, subject to the restrictions set out therein, is hereby ratified.

¹ *Special Legislative Supplement to the Republic of the Sudan Gazette No. 910 (dated 25 July 1957): Supplement No. 1 (General Legislation).*

² *United States Treaties and Other International Agreements*, vol. 12, p. 980.

³ *United Nations, Treaty Series*, vol. 4, p. 275.

⁴ *Ibid.*, vol. 14, p. 185.

⁵ Not reproduced.

(e) 1957 Act No. 14 (Signed on 17 June 1957)

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2. The Constitution of the International Labour Organisation made in 1919, as last amended by the International Labour Conference at its 36th Session held in Geneva on 25th June, 1953, and the International Labour Conventions set out in the Schedule hereto, are hereby ratified and affirmed, with effect from 12th of June 1956.

THE SCHEDULE

<i>Convention No.</i>	<i>Title</i>
(1) No. 2	Unemployment Convention 1919. ¹
(2) No. 19	Equality of Treatment (Accident Compensation) 1925. ²
(3) No. 26	Minimum Wage-Fixing Machinery, (1928). ³
(4) No. 29	Forced Labour Convention, 1930. ⁴
(5) No. 98	Right to Organize and Collective Bargaining Convention 1949. ⁵

(f) 1957 Act No. 15 (Signed on 17 June 1957)

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2. The Convention on International Civil Aviation⁶ made in Chicago on 7th December, 1944, as set out in the Schedule⁷ hereto, and adhered to by the Government of the Sudan is hereby affirmed and ratified with effect from 29th July 1956.

(g) 1957 Act No. 16 (Signed on 25 June 1957)

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2. The Geneva (Red Cross) Conventions, concluded on 12th of August 1949, as set out in the Schedule hereto, are hereby ratified and confirmed.

SCHEDULE

- (1) Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field;⁸
- (2) Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea;⁹
- (3) Geneva Convention relative to the Treatment of Prisoners of War;¹⁰
- (4) Geneva Convention relative to the Protection of Civilian Persons in time of War.¹¹

¹ United Nations, *Treaty Series*, vol. 38, p. 41.

² *Ibid.*, p. 257.

³ *Ibid.*, vol. 39, p. 3.

⁴ *Ibid.*, p. 55.

⁵ *Ibid.*, vol. 96, p. 257.

⁶ *Ibid.*, vol. 15, p. 295.

⁷ Not reproduced.

⁸ United Nations, *Treaty Series*, vol. 75, p. 31.

⁹ *Ibid.*, p. 85.

¹⁰ *Ibid.*, p. 135.

¹¹ *Ibid.*, p. 287.

(h) 1957 Act No. 17 (Signed on 25 June 1957)

2. The World Meteorological Organization Convention,¹ made in Washington in 1947, is hereby ratified and affirmed, with effect from December 3rd., 1956.

C. DIPLOMATIC CORRESPONDENCE

1. LETTER DATED 1 JANUARY 1956 WITH A DECLARATION RECOGNIZING THE INDEPENDENCE OF SUDAN, FROM THE PRIME MINISTER OF EGYPT ADDRESSED TO THE PRIME MINISTER OF SUDAN²

Prime Minister's Office
Cairo

His Excellency, The Prime Minister,
Sudan Government.

After Greetings,

The Egyptian Government in accordance with their declared intention and efforts for the achievement of freedom for the Sudanese People, do hereby declare the recognition forthwith of the Independence of the Sudan as a Sovereign State.

Consequently the Egyptian Government have issued the attached Declaration and have also authorized Miralai Abdel Fattah Hassan to communicate same to you.

On behalf of myself and the Egyptian Government, I have the honour to congratulate you on this memorable day in the history of the Sudan and pray to God to help you in your present and future.

With my highest regards.

(Signed) Gamal Abdel NASER,
Prime Minister,
Egyptian Republic Government.

Cairo: 1st January, 1956

DECLARATION

In response to the Resolutions which were passed by the Sudanese Parliament on 19th and 22nd December, 1955 declaring that the Sudan is to become a fully independent Sovereign State and requesting the Co-Domini to recognise this declaration.

The Egyptian Government do hereby recognise as from 1st January, 1956 that the Sudan is an independent Sovereign State.

In recognizing the independence of the Sudan, the Egyptian Government trust that the Government of the Sudan will continue to give full effect to the agreements and conventions made on behalf, or applied to, the Sudan by the Co-Domini and will be grateful for confirmation that this is the intention of the Sudan Government.

The Egyptian Republic Government hope that the Government of

¹ United Nations, *Treaty Series*, vol. 77, p. 143.

² *The First Parliament of the Sudan: Weekly Digest of Proceedings in the House of Representatives*, No. 14 — Third Session (26 December 1955 to 1 January 1956); p. 670.

the Sudan will co-operate with them in all steps necessary to wind up the affairs of the Condominium Rule in the Sudan.

(Signed) Gamal Abdel NASER

2. LETTER DATED 1 JANUARY 1956 FROM THE SECRETARY OF STATE FOR FOREIGN AFFAIRS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND TO THE PRIME MINISTER OF SUDAN

[See UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, section C]

Tchad

*Renseignements communiqués par lettre en date du 11 décembre 1962
du Ministre des Affaires étrangères*

A. TRAITÉS

1. ACCORD PARTICULIER ENTRE LE GOUVERNEMENT DE LA RÉPUBLIQUE FRANÇAISE ET LE GOUVERNEMENT DE LA RÉPUBLIQUE DU TCHAD PORTANT TRANSFERT À LA RÉPUBLIQUE DU TCHAD DES COMPÉTENCES DE LA COMMUNAUTÉ. SIGNÉ À PARIS, LE 12 JUILLET 1960¹

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Article 1^{er}

La République du Tchad accède, en plein accord et amitié avec la République Française, à la souveraineté internationale et à l'indépendance par le transfert des compétences de la Communauté.

Article 2

Toutes les compétences instituées par l'article 78 de la Constitution du 4 octobre 1958 sont, pour ce qui la concerne, transférées à la République du Tchad.

Article 3

Chacune des parties contractantes notifiera à l'autre l'accomplissement des procédures requises par sa Constitution pour la mise en vigueur du présent accord. Celui-ci prendra effet à la date de la dernière de ces notifications.

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2. ACCORD ENTRE LE GOUVERNEMENT DE LA RÉPUBLIQUE FRANÇAISE ET LE GOUVERNEMENT DE LA RÉPUBLIQUE DU TCHAD RELATIF AUX DISPOSITIONS TRANSITOIRES APPLICABLES JUSQU'À L'ENTRÉE EN VIGUEUR DES ACCORDS DE COOPÉRATION ENTRE LA RÉPUBLIQUE FRANÇAISE ET LA RÉPUBLIQUE DU TCHAD. SIGNÉ À PARIS, LE 12 JUILLET 1960¹

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¹ Entré en vigueur le 10 août 1960.