

AMBASSADE DE FRANCE
SERVICE DE PRESSE ET D'INFORMATION

972 FIFTH AVENUE, NEW YORK 21, N. Y. REgent 7-9700

French Affairs — No. 79

January 1959

PROGRESS REPORT ON THE NEW FRENCH COMMUNITY

SELF-DETERMINATION: PERMANENT AND WITHOUT LIMITATION

The principle of self-determination, will, from now on, govern all relations between France and the overseas countries which, under the Constitution of 1946, were attached to France by political institutions.

This right of self-determination already came into play at the time of the Referendum of September 28, 1958. By an act of free determination, Metropolitan France and the peoples of the Overseas Territories that formed part of the French Republic chose, by more than 85% of the votes cast, to belong to the Community of free peoples provided for by the new Constitution that was submitted to them. Only Guinea in French West Africa, by voting no, preferred immediate independence through secession. All the other Overseas Territories accepted the Constitution of the Fifth Republic by a total vote of 9,221,585 against 632,606 or 93.5% of the votes cast and 65% of the registered voters.¹

This right of self-determination is also being exercised during the six-month time limit provided for by the Constitution (Art. 91, paragraph 2) for setting up the institutions of the new Community. The Overseas Territories that voted yes in the referendum may choose between three possibilities. They may

- keep their previous status of "Overseas Territory" within the French Republic, the status that they have had during recent years;
- change their status to that of an "Overseas Department," integrated more closely with the French Republic;
- or choose the status of an autonomous State, belonging to the Community on the same basis as the French Republic.

Thus the freely expressed will of the overseas populations to form with France a fraternal Community of free and equal peoples could be made known by a new vote. This time it was, in each case, the Assembly of the Overseas Territory, elected by direct universal suffrage in 1957, which made the decision.

¹The following took part in this Referendum, by direct universal suffrage:

- The Departments of Metropolitan France, Algeria and the Overseas Departments that are administered like those of Metropolitan France (French Guiana, Guadeloupe, Martinique, Réunion);
- The overseas countries — former French colonies under the Third Republic — which had become Overseas Territories under the Fourth Republic and which, since the "Loi-Cadre" of 1956, have enjoyed a considerable measure of internal autonomy (8 Territories of French West Africa, 4 Territories of French Equatorial Africa, Madagascar, the Comoro Islands, Saint Pierre and Miquelon, New Caledonia and French Polynesia).

During the first half of the six-month time limit provided for the organization of the Community twelve Territorial Assemblies, acting as Constituent Assemblies for this purpose, chose, by an almost unanimous vote, the status of member State of the Community. This step was taken, in chronological order, by the following former Overseas Territories:

- ✓ — Madagascar, whose Territorial Assembly on October 14, 1958 proclaimed the establishment of the Malagash Republic;
- ✓ — Sudan, whose Territorial Assembly on November 24, 1958 proclaimed the establishment of the Sudanese Republic;
- ✓ — Senegal, whose Territorial Assembly on November 25, 1958 proclaimed the establishment of the State of Senegal;
- ✓ — Mauritania, whose Territorial Assembly on November 28, 1958 proclaimed the establishment of the Mauritanian Islamic Republic;
- ✗ — Chad, whose Territorial Assembly on November 28, 1958 proclaimed the establishment of the Republic of the Chad;
- ✗ — Gabon, whose Territorial Assembly on November 28, 1958 proclaimed the establishment of the Gaboon Republic;
- ✗ — Middle Congo, whose Territorial Assembly on November 28, 1958 proclaimed the establishment of the Republic of the Congo;
- ✗ — Ubangi-Shari, whose Territorial Assembly on December 1, 1958 proclaimed the establishment of the Central African Republic;
- ✓ — Dahomey, whose Territorial Assembly on December 4, 1958 proclaimed the establishment of the Republic of Dahomey;
- ✓ — Ivory Coast, whose Territorial Assembly on December 4, 1958 proclaimed the establishment of the Republic of the Ivory Coast;
- ✓ — Upper Volta, whose Territorial Assembly on December 11, 1958 proclaimed the establishment of the Voltaic Republic;
- ✓ — Niger, whose Territorial Assembly on December 19, 1958 proclaimed the establishment of the Republic of Niger.

On the other hand, several Overseas Territories chose to retain, within the new French Community, their previous status of Overseas Territory of the Republic. These are:

- ✓ — French Somaliland, on the east coast of Africa, facing the Arabian peninsula;
- Comoro Islands, in the Indian Ocean northwest of Madagascar;
- Saint Pierre and Miquelon, in the north Atlantic, off the Newfoundland coast;
- French Polynesia, in the south Pacific;
- New Caledonia, in the Pacific Ocean northeast of Australia.

In the course of the second half of the six-month period provided for, during which they can determine their relations with one another, these new autonomous States or Republics may still choose whether or not to group themselves into federations, in accordance with Article 76 of the Constitution. This possibility is of interest particularly to the former Territories of French West and French Equatorial Africa.

The right of self-determination, referred to in the Preamble to the Constitution, is permanent. In effect, Article 86 of this Constitution gives each member State the opportunity

- either to request a change of status, through a resolution of its legislative assembly confirmed by a local referendum, the organization and supervision of which would be ensured by the Community;
- or even to become independent, according to the same procedure, and thus to cease to belong to the Community.

BLUEPRINT OF THE NEW COMMUNITY

The Constitution, which the peoples of Metropolitan France and France Overseas freely approved on September 28, 1958, instituted a Community. It provided that the institutions of the Community should be established within six months from the promulgation of the Constitution, which took place on October 4, 1958 (Art. 91).

The nature of this Community is defined by the Constitution in its first article. The broad lines of the Community's institutions are laid down in Title XII of the Constitution (Arts. 77-87). A series of ordinances passed on December 19, 1958 provide in detail for the implementation of these articles.

Nature of the New Community of Free Peoples

The Community is a political organization based on the equality and solidarity of the peoples who, by an act of free determination, adopted the Constitution of 1958, creating this Community (Art. 1).

In the spirit of the Declaration of the Rights of Man of 1789, upon which is based the Preamble to the Constitution of the Fifth Republic, there is only one citizenship in the Community and all its citizens are equal before the law, whatever their origin, their race and their religion. They have the same duties (Art. 77).

On the level of local government, regardless of whether they enter the Community as single units or in groups (Art. 76), the member States administer themselves and manage their own affairs democratically and freely (Art. 77).

Nevertheless, on the level of common interests, the members of the Community affirm their solidarity by mutually relinquishing part of their sovereignty and by placing in common a certain number of jurisdictions, which may be divided into two categories:

- The first covers foreign policy, defense, currency, common economic and financial policy, as well as policy on strategic raw materials;

— The second group, on which specific agreements may be made, includes supervision of the courts, higher education, and the general organization of external transportation and transportation within the Community, as well as of telecommunications.

Apart from this restrictive list, the member States are sovereign in all domains and can administer themselves freely, while being able, however, through special agreements,

— to create other common jurisdictions;

— or to regulate any transfer of jurisdiction from the Community to one of its members (Art. 78).

The Organs of the Community

In order to ensure the effective exercise of the common jurisdictions that result from a partial relinquishment of sovereignty, by the French Republic as well as by the other members of the Community, a certain unity of institutions is necessary. These common institutions are: the Presidency, the Executive Council, the Senate and the Court of Arbitration of the Community.

1. The Presidency of the Community: The President of the French Republic presides over and represents the Community (Art. 80). In this capacity, he is represented in each of the member States (Art. 81). That is why the member States take part in his election (Art. 81), on the basis of an agreement signed with the Republic (Art. 6).²

The President of the Community is given broad responsibilities, as he sees that the Constitution is respected, as well as the organic laws of the Community, Community agreements, the decisions of the Court of Arbitration and treaties and international agreements that commit the Community. He formulates and publishes the measures necessary for the management of common affairs and sees that these measures are carried out. (Art. 5 of Ordinance 58-1254 of December 19, 1958)

2. The Executive Council of the Community, which is charged with organizing "the cooperation of members of the Community at Government and administrative levels" (Art. 82 of the Constitution), may meet in the capital city of another State of the Community although its headquarters are in Paris (Art. 1 of the Ordinance cited). The Premier of the French Republic, the heads of Government of the other member States of the Community and the Ministers entrusted by the President of the Community with the common affairs of the Community are members by right of the Executive Council (Art. 82 of the Constitution and Art. 3 of the Ordinance).

The Council is called upon to discuss questions of the general policy of the Community "within the framework of the jurisdictions enumerated in Article 78 of the Constitution" (that is to say, primarily, foreign policy, defense, currency, common economic and financial policy as well as policy on strategic raw materials, etc.). The administrative budget of the Community is also deliberated by the Council, as well as the distribution of the expenditures resulting from common policy (Art. 4 of the Ordinance).

²During the transitional period, the member States participated in the election of the first President of the Fifth Republic in their capacity as Overseas Territories, through the votes of the members of the Territorial Assemblies and of the local assemblies.

The work of the Executive Council may be prepared by *ad hoc* committees composed of a chairman appointed by the President of the Community, of the ministers responsible for common affairs, and of the interested ministers of the member States of the Community (Art. 7 of the Ordinance). The agenda and the minutes of the meetings of the Executive Council and of the meetings provided for in Article 7 are secret (Art. 8, *ibid.*). The Secretary General and the personnel of the services of the Community are appointed by the President of the Community to whom they are responsible. (Arts. 9 and 10, *ibid.*).

3. The Senate of the Community studies the acts and treaties or international agreements, referred to in Articles 35 and 53 of the Constitution, which commit the Community. When called upon to do so by the President of the Community, it deliberates on questions of the common economic and financial policy before the laws on these matters are voted upon by the Parliament of the Republic or by the legislative assemblies of the other member States. It makes binding decisions in the domains in which it has received delegation of power from the legislative assemblies of the member States (Art. 83 of the Constitution and Arts. 17-23 of Ordinance 58-1255 of December 19, 1958).

The Senate of the Community is composed of delegates chosen by the Parliament of the Republic and by the legislative assemblies of the other member States, taking into account their respective populations and the responsibilities they assume within the Community (Art. 83 of the Constitution).

The Senate of the Community may not contain more than 300 members (Art. 1 of the Ordinance cited above). It meets in Paris in the Luxembourg Palace, which houses the Senate of the Republic (Art. 15 of the Ordinance). It holds two ordinary sessions a year which may not last longer than a month each (Art. 83 of the Constitution).

4. The Court of Arbitration of the Community, which is to rule on the litigations occurring among members of the Community arising from constitutional provisions, organic laws and Community agreements, and other conventions between the member States (Art. 84 of the Constitution and Ordinance 58-1256 of December 19, 1958), is composed of seven judges who are appointed for six-year terms by the President of the Community; these judges are independent and may not be dismissed during their term of office (Art. 6 of the Ordinance cited above). Litigations may be laid before it by "petitions presented either by a State of the Community, or in the name of the Community" (Art. 20, *ibid.*). Its decisions are binding throughout the whole of the territory of the Community.

Beyond the Community, and — we could say — beyond independence, at whatever date it might be acquired, the Constitution of 1958 offers still another possibility which is found in Title XIII of the Constitution and which provides that: "The Republic or the Community may make agreements with States that wish to associate themselves with the Community in order to develop their own civilizations." (Art. 88.)

Thus it would appear that the Constitution has opened another door through which can enter States which have previously been members of the former French Union, as well as others which, in the past, may have been associated in various ways with the French political complex or which may wish to enter into a new kind of international relationship.

Such are the principal provisions of the Constitution approved by the Referendum of September 28, 1958 and of the supplementary ordinances adopted by the Government of the Republic by virtue of its special powers under Article 92 of Title XV of the aforesaid Constitution.

It is evident that the Community is an original type of organization, planned to meet a series of problems that are themselves unusual. It is more than a Commonwealth, for it has "common affairs" over which the institutions of the Community alone have jurisdiction. It is less than a Federation, for each State has great freedom to manage its internal affairs.

FRENCH AFRICA IN RETROSPECT: FROM COLONIALISM TO FREE DETERMINATION

As we have seen, the former French colonies of the Third Republic, later granted an ever greater measure of autonomy by the Fourth Republic, have evolved each in its own way. Thus these African territories have contributed to the acceleration of world history during the last fifteen years.

In this connection, it is significant that the two greatest steps in the evolution of the overseas peoples under French control were announced and defined fourteen years apart by two historic statements of General de Gaulle made in Brazzaville, the first in January 1944 and the second in August 1958.

During World War II, when the totalitarian powers were exerting pressure in North Africa with the aim of controlling first the Suez Canal and later the rest of the continent, Free France found in Equatorial Africa, at Fort-Lamy, the nucleus of a resistance effort which four years later enabled French troops, fighting beside the Allies, to liberate France. It is therefore easy to understand that important emotional factors are involved in the readjustment of Africa and that the objective opinions of economists and legal experts are inadequate either to explain or to solve the inevitable conflicts of a transitional period fraught with impetuous reactions.

Two years after the Brazzaville Conference, France, in drafting two Constitutions, sought a new formula for harmonious coexistence and cooperation between the peoples of France Overseas and Metropolitan France. The first draft, which was considered too liberal, was rejected as a result of the warning of President Herriot, leader of the Radical Party, who argued that France should not become a colony of her colonies. The second draft, which became the Constitution of the Fourth Republic, organized what was essentially a greater participation of the citizens of the Overseas Territories — who became French citizens — in the institutions of the Republic, that is, in the legislative assemblies (70 deputies and senators) and in the consultative assemblies of the new regime.

These changes on the level of the central government did not solve the problem of local autonomy. After ten years of experience and of increasing participation on the part of the African electorate in the institutions of the French Republic, the French Parliament, eager to bring about the administrative decentralization and local political autonomy that all the Territories were demanding, while safeguarding the common interests of the great geographical groups within the French Union, approved the "Loi-Cadre" of June 1956 for the Overseas Territories. For the first time in the constitutional history of the French Republic, the Territories could manage their own affairs and draw up their own legislation on most matters of an internal nature, while continuing, through the agency of their deputies in the Parliament of Metropolitan France, to participate in the drafting of legislation applicable to all citizens of the Republic.

During the period between the "Loi-Cadre" of June 1956 and the draft Constitution submitted to the Referendum of September 28, 1958, the various Territories made every effort to assert their individuality by stressing the powers of internal government that were granted to them.

The question arose during that period as to whether it was possible under the Constitution of 1946 to give the Overseas Territories this degree of individuality without infringing on the traditional principle of the unity of the Republic or, at the very least, by giving this unity a looser structure, evolving in actual fact toward a federal framework. More and more frequently in public declarations, the representatives of the various Territories were demanding recognition of the right to independence, while at the same time they reaffirmed their unfailing attachment to the principle of close cooperation between Metropolitan France and the Overseas Territories in order to meet the economic and technical problems of the modern world, where political solutions alone are not enough to ensure a rise in the standard of living and in the social and intellectual standing of the peoples of the less privileged Territories.

Such was the political climate when General de Gaulle's coming to power in June 1958 posed the problem of the reform of the institutions of Metropolitan France. It was evident that this problem could not be separated from that of the Overseas Territories. That is why, in the draft Constitution, both problems were indissolubly connected and, as the Head of the Government expressed it on September 4, 1958, the proposal was laid before the verdict of universal suffrage that there be a "Community formed between the French nation and those of the Overseas Territories that so desire, within which each Territory will become a State that governs itself, while foreign policy, defense, the currency, economic and financial policies, use of raw materials, the control of justice, higher education, long distance communications will constitute a common domain. . . . This will be effected by virtue of the free determination of all. In fact, every Territory will have an opportunity, through its vote in the referendum, either to accept France's proposal [to form a Community with her], or to refuse it, and, by so doing, to break every tie with her. Once a member of the Community, it can in the future, after coming to an agreement with the common organs [of the Community], assume its own destiny independently of the others."

Thus were defined, in a statement by the man who today is the highest authority of the new Republic, the terms of the choice submitted to the peoples of France Overseas to be made through the exercise of universal suffrage. Moreover, these terms reappear in the Preamble to the draft Constitution, which, as a result of the affirmative vote of September 28, 1958, has now become the Constitution of the Fifth Republic. In it the French Republic "offers to the Overseas Territories that express the desire to adhere to them [the principles of national sovereignty and of the free determination of peoples], new institutions based on the common ideal of liberty, equality and fraternity and conceived with a view to their democratic evolution."

This idea of free will and equality is still more clearly expressed in Article 1 of the Constitution of 1958: "The Republic and the peoples of the Overseas Territories who, by an act of free determination, adopt the present Constitution thereby institute a Community. The Community shall be based on the equality and the solidarity of the peoples composing it."

**LIST OF FORMER OVERSEAS TERRITORIES THAT HAVE CHOSEN THE STATUS OF MEMBER STATES OF THE COMMUNITY
IN ACCORDANCE WITH ARTICLE 76 OF THE CONSTITUTION OF OCTOBER 4, 1958**

<u>Former Name</u>	<u>New Name</u>	<u>Capital</u>	<u>Date of Proclamation</u>	<u>Prime Minister</u>	<u>Political Affiliation¹</u>
FRENCH WEST AFRICA					
Dahomey	Republic of Dahomey	Porto-Novo	12/4/58	Sourou-Migan Apithy	PRD-PRA
Ivory Coast	Republic of the Ivory Coast	Abidjan	12/4/58	Auguste Denise	RDA
Mauritania	Mauritanian Islamic Republic	Nouakchott	11/28/58	Moktar Ould Daddah	UPM
Niger	Republic of Niger	Niamey	12/19/58	Hamani Diori	RDA
Senegal	State of Senegal	Dakar	11/25/58	Mamadou Dia	UPS-PRA
Sudan	Sudanese Republic	Bamako	11/24/58	Jean-Marie Kone	RDA
Upper Volta	Voltaic Republic	Ouagadougou	12/11/58	Maurice Yamcogo	RDA
FRENCH EQUATORIAL AFRICA					
Chad	Republic of the Chad	Fort-Lamy	11/28/58	Gabriel Lisette	RDA
Gabon	Gaboon Republic	Libreville	11/28/58	Léon M'Ba	BDG-RDA
Middle Congo	Republic of the Congo	Brazzaville ²	11/28/58	Abbé Fulbert Youlou	UDDIA-RDA
Ubangi-Shari	Central African Republic	Bangui	12/1/58	Barthélémy Boganda	MESAN-PRA
INDIAN OCEAN					
Madagascar	Malagash Republic	Tananarive	10/14/58	Philibert Tsiranana	PSDM

On January 17, 1959, four member States of the Community, the Republic of Dahomey, the Voltaic Republic, the Sudanese Republic and the State of Senegal formed the "Mali Federation." On the same day, four other member States of the Community, the Gaboon Republic, the Central African Republic, the Republic of the Congo and the Republic of the Chad formed a customs union within which goods and capital will circulate freely.

¹Abbreviations:

PRD	Republican Party of Dahomey, affiliated with the PRA
PRA	African Regroupment Party
RDA	African Democratic Rally
UPM	Mauritanian Progressive Union
UPS	Senegalese Progressist Union, affiliated with the PRA
BDG	Gaboon Democratic Bloc, affiliated with the RDA
UDDIA	Union for the Defense of African Interests
MESAN	Movement for Social Evolution in Black Africa
PSDM	Democratic Socialist Party of Madagascar

²The Republic has temporarily transferred its capital from Pointe-Noire to Brazzaville. Two of the States had previously transferred their capitals during 1958: Senegal from Saint-Louis to Dakar, and Mauritania from Saint-Louis to Nouakchott.

Brussels,
February 2, 1960

NOTE to Derek Prag
 Roy Pryce
 Leonard Tennyson
 cc. to Mr. MacGregor
 Mr. Jones
 Mr. Frerk

Subject : Nomenclature of Overseas Countries and Territories

Unfortunately for our forthcoming re-edition of THE FACTS, there is still no authoritative ruling on the list of Overseas Countries and Territories in English, for page 4. Our hardworking translators are uncertain, the DG VIII is unsure of its English, the old edition of THE FACTS is unauthoritative, Leonard's map likewise, and so, too, is the English version of the Common Market Timetable. The Treaty, of course, is out of date - in this particular, I mean.

By a process of elimination, I have arrived at the following suggestions, which seem to me the best we have to go on until further and firmer notice. The order is partly logical, partly customary, with alphabetical order within the Fr.-Afr. Community.

The French-African Community including
 The Central African Republic
 The Republic of Chad
 The Republic of the Congo
 The Republic of Dahomey
 The Gabon Republic
 The Republic of the Ivory Coast
 The Madagascar Republic
 The Islamic Republic of Mauritania
 The Republic of the Niger
 The Republic of Senegal
 The Sudanese Republic } - The Mali Federation
 The Republic of the Upper Volta;

~~The Republic of Togoland~~ 4/27

~~The State of Cameroon;~~

The French Somali Coast;

The Comoro Archipelago;

The Belgian Congo and Ruanda-Urundi;

The Italian Trusteeship Territory in Somaliland;

Netherlands New Guinea;

St. Pierre and Miquelon;

New Caledonia and Dependencies;

French Polynesia;

The Southern and Antarctic Territories.

The terminology experts are busy trying to get official rulings - but these will have to serve provisionally until then.