

NATIONAL ASSEMBLY
TRANSFER OF FRENCH ESTABLISHMENTS IN INDIA
DISCUSSION ON A BILL
(PROJET DE LOI)

Sitting: Mr. Jean MONTALAT, Vice President.

President: Today's programme has listed a discussion on the bill authorizing the ratification of the Treaty of Transfer of the French Establishments of Pondicherry, Karikal, Mahe and Yanam, signed at New Delhi on the 28th May 1956 (No. 1660, 1880).

Mr. BOSHCHER, Rapporteur of the Commission of Foreign Affairs may make a presentation. (clappings)

Mr. Michel BOSHCHER, Rapporteur: Mr. Minister and my dear colleagues. We have been called upon to examine the bill of ratification of the Treaty signed by the French government with the Indian Union on the 28th of May 1956. This Treaty regularises a de-facto situation by the anterieur agreement of transfer (called de-facto) signed on 11th October 1954 and confirms the transfer by France to India of the four Establishments of Pondicherry, Karikal, Mahe and Yanam.

My written report, which I think is quite comprehensive, has been distributed to you a few days back. It had been made available to you to acquire a background knowledge on the subject; this will help me in dwelling on details of various aspects of the question before us... Though politically the classical colonial structure had been modified in 1946 to take cognisance of the evolution of ways, a territorial Assembly and a Government Council had been put in place of the earlier Conseil General, in

reality very little had changed since 1871 when France had given parliamentary representation to her colonies.

In 1946, the political structure of these five territories which consisted of about 500 square kilometers, was quite removed from the healthy concept of democracy. We had elected parliamentary representative from these Establishments before the War who had never set foot in the Parliament to stay it all, a great indifference had long been the characteristic of French policy with regard to these territories...I would like to add, that would reassure some of my colleagues, that as per the unanimous view of the Commissioners when they visited these Establishments, a referendum will give - 10% of votes in favour of France...

Therefore I voluntarily give up the examination of this Treaty on the level of constitutional law, in explaining the reserve that I have made - I would confine myself more to examining if the ratification would in any way be prejudicial to the interest of the populations of these Establishments, and to the interest of France, because that is really the heart of the problem...

One must place this affair in its proper international context ... it is not the question-one should not even think of it-of abandoning the French population to a foreign bondage, nor of leaving the populations which are fundamentally attached to French territorially. It relates to putting in their proper place 350,000 inhabitants of these colonies who are neighbours to 450 million Indians, and their 500 square kilometers is adjoining the 3,900,000 square kilometers of India. It relates to permitting the reunification of a homogenic bloc which is desired- and I stress-by 60 to 80% of the population...

Let us not forget that in the Algerian conflict which has just ended India has always--God knows how praiseworthy is this when we know of the pressures she had to resist, refused to recognise the G.P.R.A. [Provisional Government of the Algerian Republic (in French, Gouvernement Provisoire

de la République algérienne]. Indian has always considered herself to a certain neutrality, which we definitely approve of, because that was her ideal, the aspirations of independence of the Algerian people, but she never wanted to hurt her relations with France...

This is the view entertained by the Commission of Foreign Affairs, which, after an extensive exchange of views has approved the bill and suggests its adoption to you today. (Clappings from the benches on the extreme left, left, center and right).

President: Mr. DRONNE is opposing the question under discussion by virtue of paragraph 3 of Article 91 of the rules.

Mr. Raymond DRONNE: Ladies and Gentleman, the Commission of Foreign Affairs has, through its Rapporteur suggested the authorization of the ratification of the Treaty of Transfer... On the other hand, some colleagues who are hostile to its ratification want to finish it off by a pure and simple rejection of the bill.

As in between to these two solutions, I propose an intermediate solution which consists of postponing the examination, the voting on the law and thus postponing the ratification itself. The idea of postponement is to permit the French Government to enter into fresh negotiations with the Indian Government. These fresh negotiations are necessary; the Rapporteur is aware of this himself.

The Treaty of 28th May 1956 is highly defective: one can say that it is a treaty "hustled into": -here is need to make it more specific and complete on a very large number of points.

The de-facto transfer, which has already been made, and the de-jure transfer, which we are being asked to authorities are against the French law as well as against the International Law.

The populations concerned have never been validly consulted. One cannot consider as valid consultation the shameful drama organised on 19th October 1954 in the small locality of Kijeour situated on the outskirts of Pondicherry, where under the pressure of the Indian authorities, and after having made sure of preventing the presence of the more well known members and those members who are most attached to France, the terror stricken locals decided in favour of reunion with India. These elected representatives had absolutely no authority for deciding this problem. Besides they did not give their choice freely but did so under duress. On 27th August, 1954 the National Assembly adopted a motion referring specifically to the negotiations "engaged in respecting the constitutional principles". And the Constitution of 1946 which was then in force laid down in paragraph 2 of the Article 27:

"No transfer, no exchange, no addition of territory is valid without the consent of the concerned populations."

Thus in so far as the French Constitution is concerned, that of 1946 as well as that of 1958, the transfer of our Establishments to India has been done illegally.

It is not only unconstitutional with regard to the internal French laws, it is also contrary to the elementary roles of International Law. The government of New Delhi, which poses to be the champion of law and morals in the International bodies, does not bother about them when her own interests are involved. This is a contradiction which: one must underline...

The completeness and correctness of the bad treaty of 1956 are all the more questionable because the Indian Union has not always respected the Agreement of 1954 and the Treaty of 1956. For example, she has not hesitated to introduce Indian legislation in the area of electoral law, which is totally contrary to the Agreement of 1956.

The Indian Officials who have descended on these Establishments like a swarm of locusts on a field of honey, belong generally to North India, They speak neither French nor Tamil, the local language. They speak Hindi which is neither spoken nor understood by the local inhabitants. The Indian officials express themselves in English, whose use is at the expense of French. Thus the French cultural influence has fallen back because of these circumstances since 1954... ..

In conclusion, the thesis of the Commission, which I support knowing both its lacunae and the dangers of the Treaty. However the conclusions differ : the Commission recommends immediate ratification and thereafter opening of negotiations; I propose to reverse these factors, first the negotiations and then the ratification, when the negotiations would result in desirable and concrete results.

One of the grounds put forth for an immediate ratification has been the sensitivity of the Indians. We have been told that the Government of India would consider a new report as a dilatory tactic. We are minimizing the interests involved. We have been told of the "unreasonable fears arising out of a sentimental attachment to France". And lastly the recent precedent of Goa has been brandished along with the menace of use of force by the Indian Union. These are special arguments. The sensitiveness of the French-this is only more live and perhaps less justified. The apprehensions, especially those of the Pondicherians and the Karikalians are justified and therefore it is fair to take note of them.

And lastly the threat of use of force on the part of the Indian Union is not serious. The Indian Union is in possession of these colonies; in fact she has annexed them; the violation [The exact word used by Mr. Dronne is "viol" which also means transgression or rape] is complete since the last eight years; there is no question of the Indian Union organising a military

expedition against a territory which she is in fact occupying, even though legally she does not have full sovereignty...

We have nothing to be worried about from the Government of the Indian Union in taking such a stand because the cause that we are defending is just and equitable. It also corresponds with the stand taken by the Government of New Delhi so frequently in the International forums.

(Clappings from various benches on the right and in the center-right)...

President: If there is no speaker against the motion. I would give the turn to the Minister of Foreign Affairs.

Mr. Maurice Couve DE MURVILLE, Minister of Foreign Affairs:

Ladies and Gentlemen,... Since the last eight years a "fait accompli" and a "fait juridique" since the last six years, have been created, which, in reality have brought us in France to a totally new situation on which France has in fact no control and the situation can be considered as irreversible...

We are often told, and this was particularly articulated in the years 1956 and 1958 after the conclusion of the Agreements of New Delhi-that the Constitution does not specifically lay down the method in which the interested populations should give their consent; it does not mention whether it should be by a direct suffrage or by indirect suffrage.

We would not put in doubt, in so far as we are concerned, that the spirit of the Constitution even if this is not expressly the letter is that the consent of the interested population should be obtained by direct suffrage, that is to say in other terms, by a referendum. That is what has been constantly applied in the French Constitutional Practice since the end of the War, whether those were the small territories of "Tende" and to "La Sarre" and more recently in a case much more important which is presently in the minds of all the members of this Assembly.

The formal ratification of the Treaty of 1956 is going to deal with a fact which in reality was accomplished 8 years back and on which, as per the general opinion, there is no question of going back now. In doing so we would be acting in the interests of the concerned population as well as of the French interests themselves."

In fact the Treaty gives serious guarantees of the interests of the populations as well as to the French interests in three domains: administrative, of welfare of persons and of the French culture.

Mr. Raymond DRONNE: Once the ratification is done, there would be no longer be any interest to negotiate.

Minister of Foreign Affairs: Me. DRONNE, one should be logical. Since you feel that the Treaty is imperfect, there is always the interest to negotiate.

Mr. Raymond DRONNE: It is imperfect according to us but not according to the Indian Government.

Minister of Foreign Affairs: We have thus this assurance and I am happy to repeat it before the Assembly.

I have taken notes of all that has been said by the rapporteur concerning the problems which need to be taken up with the Indian government after the ratification.

I have noted specially, besides what I have enumerated myself, without omitting any, the question of equivalence of the degrees which appears to me to be important and at the same time difficult. It is the type of question which it is not possible to sort out and find a solution in a government to government negotiation. Most of the questions coming up, whether those

were mentioned by me, by Mr. Boscher or by Mr. Dronne, are specific and it would be difficult to include them in a general treaty.

Ladies and Gentleman this is all that I wanted to say on the question before us. It is taking note of these elements and of the factual position-I repeat-that I ask the Assembly not to refuse the ratification that we have asked the Assembly to authorise.

On the other hand we would request the Assembly to authorise us to ratify the Treaty of 1956. This would permit us to take up negotiations with the Government of India, negotiations which would command attention and would at the same time result in, and I stress, to recognise this "fait accompli", which is irreversible, of the transfer of these Establishments of India to the Government of India. This recognition will, I sincerely believe serve the French interests; firstly in India in general, in permitting to establish a more fruitful collaboration especially in the cultural field; and then at Pondicherry itself, in permitting to consolidate that which is of permanent value and relevance and which we want to preserve.

Whatever be the sorrow that we face in terms of three centuries of common history, we have the feeling that, these three centuries should leave friendly remembrances and the desire to pursue, on a different basis, the pursuit of a task jointly taken up since so long (Clappings from the benches on the left and the center and from some benches on the right.)

President: It is now the turn of the rapporteur to take the floor.

Rapporteur: ... It has been argued specially whether it would be convenient to have negotiations before or after the ratification of the Treaty. The problem had been examined in all its aspects by the Commission and the idea of insisting on negotiations before the ratification had been abandoned by the Commission.

The views of the Commission are, and I share the views of the Minister of Foreign Affairs, that we are facing an irreversible situation. It is a practically impossible situation. It is practically impossible to renegotiate from the start, a new Treaty in place of the existing Treaty.

In so far as the arguments put forth by Mr. Dronne are concerned, I have already replied to them in my Report. It is certainly not a question of India launching a military expedition to take possession of Pondichery. That would not make sense. On the other hand a simple debate in the Indian Parliament would have the advantage of a military expedition in the present instance.

In this hypothesis, the same which Mr. Dronne wants to defend by the question posed by him, we would be deprived of all practical as well legal defence because, once again, neither the Treaty with which we are dealing today, nor the predecessor Treaty of 1954-which none the less offers serious guarantees to the francophone populations would be available. In seeking to preserve all we can the risk to losing all This is my conclusion, in opposing, on behalf of the Commission, the suggestion of Mr. Dronne. (Clappings from the benches on the left and the central benches protests from the benches on the right).

President: I now give the floor to Mr. ROCLORE for replying to the government.

Mr. Marcel ROCLORE: Being a member of the Delegation sent by the Commission of Foreign Affairs for studying the problem locally, I would like to briefly confirm the views of my colleague and friend the Rapporteur of the Commission, and to express my complete agreement on the very detailed and interesting report which he has presented to us and on which I have nothing to add.

I wanted to speak, for indicating to our colleague Dronne that at the bottom of our hearts we are in agreement on the need to take up negotiations on certain points. Mr. Boscher has already underlined them in a very precise manner.

But if Mr. Dronne would like the negotiations to be taken up before the ratification of the Treaty, we are of the contrary view and feel that this is impossible. Minister of Foreign Affairs has just shown us so.

In fact it is no longer possible after five years of application of this Treaty. Without divulging a secret I would like to mention that the conversations that we have had with the Head of the Indian Government have made it very clear that France would not have the possibility of reopening the negotiations before the ratification.

What would come out of these negotiations?

The French people, that Mr. Dronne and some of our colleagues want to justifiably defend, would lose the guarantees which have been accorded by this Treaty which is presently before us for ratification. These guarantees perhaps do not correspond to what we would have wished, but these are there and have been precisely enumerated. And if the Parliament refuses the ratification, all that has already been conceded in favour of our compatriots of Pondicherry would be lost.

I would like to thank you Sir, Honourable Minister of Foreign Affairs, for having informed us that you have already contacted the Government of India for knowing if after the ratification, the conversation could be taken up on various issues to which, in the end both Mr. Boscher and Mr Dronne attach the same importance.

You have obtained the assurance of the Indian Government Mr. Minister, that these issues could be re-looked into, as well as new advantages could be added to those which they have already agreed to.

Consequently, on the hand we would be making our compatriots loose all, and on the other hand not only would they retain the advantages but we would make them receive supplementary guarantees which we can hope to obtain.

Thus there is really no question and it is indispensable to ratify the Treaty as rapidly as possible.

President: I now give the floor to Me. BOURGEOIS.

Mr. Pierre BOURGEOIS: Mr. Dronne has mentioned that the Constitution has been violated because the interested 'populations have been deprived of the possibility of expressing their views though a referendum. But one should not be more royalist than the King himself, and those whom we have consulted there are hostile to referendum because it would become known that they are but a small minority; what we witnessed in Chandernagar would be repeated in Pondicherry, where a referendum would reveal the numeric weakness of the francophone elements of this territory, which would not, according to me, facilitate the defence of those who were earlier under our jurisdiction.

Therefore the Socialist Group will vote against the proposal (of Mr. Dronne).

President: Mr. Dronne may like to speak.

Mr. DRONNE: According to me the suggestion is not to reject the Treaty of 1956, but only to amend it and to supplement it on certain issues.

It is not a question of preserving all; but between wanting to preserve all and wanting not to preserve; there always exists a middle course which consists of guarding what merits to be so guarded.

And lastly, to the referendum, the best formula, and the one which would not present the inconveniences which have just been referred to, it appears to me, would be to put to referendum, before the concerned populations the Treaty of 1956, duly amended, completed and including the specific guarantees.

And in the end I feel that in order to negotiate one must have cards in hand.

Mr. Marcel ROCLORE: We don't have them!

Mr. Raymond DRONNE: And the only card that we have is the ratification. If we drop it just now, if we abandon it, we risk finding ourselves facing a partner, the government of New Delhi-who would be satisfied with the actual state of affairs and would no longer be interested in negotiating. It is because of this reason that I press that proposal. (Clappings from various benches on the right).

President: I would like to consult the Assembly on the question opposed by Me. DRONNE.

(The Assembly is consulted and gives its opinion against the proposal of Mr. Dronne.)

President: In the general discussion Mr. CAILLMER may now take the floor. (Clappings).

Mr. Henri CAILLMER: Honourable Minister, Ladies and Gentlemen, the political action that is demanded of us today has for France or for the West,

the same consequences as of abandoning Algeria, there is nothing new to be seen in the path of disengagement.

We have heard the Rapporteur give all the reasons that we could have for saying no, before he concluded suggesting a positive vote. This proposal of Treaty is not acceptable to us, neither in its substance nor in its form.

For Example, Article 10 does not specify that the Indian government assures the pensions and payments which the territory has to pay, even if the beneficiaries have opted for the French nationality by virtue of Articles 5 and 8.

For example in Article 11 the date of 1st November 1954 excludes guarantees for the French in India who are engaged otherwise than in the liberal professions, and had left the territory in 1954 because of legitimate confusion and would be desirous of taking up their activities again.

Article 12 leaves for the arbitration, electoral consultations, the statute of the works of charity and funds created by the communities, whether Catholic, Protestant or Muslim.

It would be equally desirable that the religious congregations in India and in the Establishments are on the same footing as those which existed on 1st November 1954, so that their recruitment is not at a disadvantage vis-a-vis those of religions prevalent in the Commonwealth, and that the admirable institutions like the schools of Sisters of Saint-Joseph de Cluny at Pondicherry and Karikal where the number of students has not come down, I think, are not forced to appeal (for help) to the Irish religious authorities who don't even speak French.

We must also insist that the Frenchmen who were under our charge have the same fiscal regime as the Indians who were under our charge and are not subjected to heavy taxes which bother the foreigners in that country. And lastly we must think of our monuments, of the statue of Dupleix at Pondicherry, of the French library in this town, with its archives and the

historical objects, of the cemetery where rest twelve generations of Frenchmen, which must be maintained as French territory, so that their remains are not dispersed or burnt according to the religious demands of the triumphant Hinduism.

Mr. Michel CRICIS: Very good!

Mr. Henri CAILLMER: Because, Ladies and Gentleman, what is most serious in this Treaty is that it completely wipes the table off, in so far as a magnificent past of belonging to India and fidelity to France are concerned. Not only does it grant full sovereignty to India over these territories which were French .even before the Corsica, Nice and La Savoie: but Articles 9 and 17 relating to the liberty of residence to those who would have wanted to remain French, the Treaty mentions the date limit of 1st November 1954, for making the place of birth, which could be a guess, or talk of the family links, without clarifying that these family links could not only be present but also past. The Treaty, as it is, does not assure to all the descendants of the Frenchmen of India, the right to return there, for living there till their deaths, on a land which is theirs because it was the land of their fathers.

We are told and we would be told that the guarantees demanded concern only 3000 persons, when these are not even 300, when these are not even 30, when these are even but only 3, the Frenchmen who want to remain French deserve to be defended (Clapping from the benches on the right)... France has less need of India than India has of France. India has some difficulties in Kashmir and elsewhere, and the backing of France in the International bodies would demand some sacrifice.

To conclude I would like to read the protest which the ancient combatants and military medalists of Karikal addressed to the President the Association

of the French in India on 23rd December, 1961, "We hereby proclaim the inviolable right of remaining members of the French nation and we will swear ourselves as well as our descendents, their children and their descendents, to revendicate eternally and by all mean against all usurpers." Ladies and Gentlemen, in union with all these faithful Frenchmen and on behalf of a certain number of my colleagues, I request you to say "no". (Clappings from the benches on the right)

President: Now it is the turn of Mr. Pierre Bourgeois.

Mr. Pierre BOURGEOIS: ... I am here to convey the accord of the Socialist Group to the conclusions presented by the rapporteur. My friends will vote in favour of the bill autholising the ratification of the Treaty...It does not look dignified for France that a Treaty signed between France and the Government of India in 1956 has still not been ratified by our country nor does it facilitate an effective defence of the legitimate interests of those dependant on us "" ... What we must obtain, Mr. Minister of which you have just now given an example-is an exchange of letters which could be annexed to the present Treaty-letters which will specify a number of guarantees which have been splendidly enumerated in the Report of M. Boscher...

President: Now it is the turn of Mr. Hostache.

Mr. Rene' HOSTACHE: The Treaty which you want us to ratify Mr. Minister, is neither your work...nor OW'S. It is the work of the successive governments of the Fourth Republic, who, in this sphere at least, have given evidence of a rare political continuity because from Me. Laniel and Mr. Bidault to Mr. Mendes-France, they all followed the same objective-transfer

the French Establishments to Me. Nehru for winning him over and of obtaining at least his neutrality in the Indo-China conflict.

In asking us, more than six years after, to give a legal basis to this transfer, you can say very legitimately, as Tardieu had said in the past that, "you carry in your arms the children of others."

The criticism that I am going to make of the procedure followed-and besides speaking for myself personally-is thus neither against you nor against the present government.

The criticism relates less to the substance than to the form.

We are living in the century of decolonisation. It is not to deny the action of civilizing accomplished by the European powers in Asia, and in Africa that we find objectively. Recent history only teaches us that there are two ways of losing a colonial empire: that of Spain, which at the end of a long war, had to abandon in the Latin America not only the political sovereignty but also all economic influence; and the second way is that of England, which herself left India while still remaining there, that is to say retaining all her cultural and economic positions.

Mr. Jacques RAPHAEL-LEYGUES: Very Good!

Mr. Rene HOSTACHE: The second method is preferable to the first. By practicing in her turn like the Great Britain, by acclaiming the principle of self determination through the voice of General De Gaulle, new form of "light of the people to decide about themselves" France has found a new prestige in the Third world which was not there in the past.

Mr. Raymond DRONNE: Ask Ben Bella!

Mr. Rene HOSTACHE: Besides independence accorded to these ancient colonies has not always been to the detriment to their material interests. There are African countries with whom our trade has not stopped growing in spite of disappearance of our flag (from those countries). On the other hand at the UNO, more than one third of the delegations express themselves in French, and as one of the high ranking representatives of one of those countries has observed, their delegates are even more keen than us to defend the use of our language.

My colleague Mr. BOSCHER has underlined very well the lacunae which the Treaty contains and the improvements which must be effected in favour of our compatriots, relating to the issues of nationality, of the judicial structure, of the right to stay, of the use of French language, the equivalence of degrees, the retired and the pensioners and the fiscal area...

I know, Mr. Minister, that you personally, your government and the President of the Republic cannot forget that this tiny territory of Pondicherry was the first in 1940 to rally around the Chief of Free French. (Clappings from the benches on the left and center)...

Today, say the historians that like Janus, this Latin god but of Indian origin, India appears to be having two faces and two policies; there is India of Gandhi and of non-violence; there is also, unfortunately India of the expedition against Goa, India which threatens to rekindle the war in Kashmir...

President: No one else wants to speak? The proposal is put to vote. (The Bill consisting of a single article is approved by a voice vote).

NATIONAL ASSEMBLY
ANNEXURE TO THE RECORD NOTE OF DISCUSSIONS
2nd SESSION OF 1961-1962.
SITTING OF 29th JULY 1962.
ANNEXURE NUMBER 1808

Report prepared by Mr. BOSCHER deputy, on behalf of the Commission of Foreign Affairs on the Bill Number 1660, authorising the ratification of the Treaty of Transfer of the French Establishments of Pondicherry, Karikal, Mahe and Yanam, signed in New Delhi on the 28th May 1956.

CHAPTER-I
HISTORY

1. The French Establishments in India before the Second World War.
2. The Establishments from 1940 to 1948.
3. Transfer of Chandernagar. Failure of the negotiations on the issue of referendum.
4. The Crisis of 1954 and the Agreement of 11th October.

CHAPTER-II
PRESENT STATUS OF THE ESTABLISHMENTS

- A. -Political and economic geography.
- B. -Present Statute of International Law on Establishments.
- C. -Application of the Agreement of De facto Transfer of 21st October 1954.
 1. Exercising of the relevant authority on public services.
 2. Exercising of the territorial authority.
 - (a) The juridical powers.

(b) Monetary and economic problems.

CHAPTER-III
ANALYSIS OF THE TREATY OF 1956 AND ITS COMPARAISON
WITH THE AGREEMENT OF 1954

(a) Provisions existing in the De facto Agreement and eliminated in the final Treaty.

(b) The new provisions.

(c) The modified articles.

CHAPTER IV
OBJECTIONS AGAINST THE RATIFICATION

The objections against the ratification are of two types: legal and factual.

-the transfer to these Establishments by the Treaty is unconstitutional,

-the transfer will be against the populations of these Establishments.

**OBJECTIONS REGARDING THE UNCONSTITUTIONALITY
OF THE TREATY OF TRANSFER.**

Making a strict application of the texts and especially of the Article 53 of the Constitution, it can be argued that the transfer of sovereignty not having been done after ascertaining directly the wishes of the populations is illegal. The government in its explanation of the motives does concede that the issue is relevant and we take note of her declaration that the presentation of this proposal seeking ratification of the Agreement of 1956 does not

present any change in the often repeated position about the right of self determination of the populations themselves.

One could of course discuss about the validity of the voting which took place at Kijeour on 18th October 1954 where the elected representatives of the Establishments had decided to rejoin India.

However we would honestly prefer to say that we do not find any constitutional basis for the ratification.

The law must override the facts; this is however a case where the facts are trying to assert over the law.

France is not represented in these Establishments since the 1st of November 1954, except by an officer of the diplomatic services.

As we have already said, the total administration of these territories is in the hands of the Indian government. For France the only competence "ratione personae" is limited to the issuing of the passports. The economy, the currency, all have been integrated with the Indian Union. In brief, the situation is irreversible.

On the other hand it is impossible to convince the Government of India to accept a referendum, even in principle, this having a close linkage with the question (of referendum) in Kashmir. I would like to add that at present, even going by an optimistic assessment, a referendum will give about 10% of votes in favour of France.

2. OBJECTIONS ARISING OUT OF THE FACTUAL POSITION

Would the Francophone minority, French in its feelings suffer from a ratification? In so far as the past conduct of the Indian authorities is concerned, there is no reason to believe that these persons who would have opted for France, would be subjected to deliberate bullying. While dwelling on the relatively minor incidents which have taken place since 1954, and

which necessitate taking up of the issues to which I would be coming up a little later, were the unfortunate acts of some over zealous local officials. But these acts were never done by the Government.

I would like to add that there is full liberty of speech and of the press at the moment; anti-Indian leaflets, and most violent pamphlets can be circulated without any retaliation by the Indian authorities. Even the bitterest critics of the Authority cannot allege any reign of terror on the minorities! The right of option for the populations by the Treaty should satisfy the minority desirous of remaining French, of course under certain precisions.

Thus we come to the problem of the persons.

On the questions of the property and the economic situation, the situation is such that it has both plus and minus points. But it would be a fantasy to think that the years of "port-franc" could return. These Establishments have already had a "customs-union" with India from 1941 to 1949.

It is their natural destiny, and there is no reason why France should, and at considerable cost, and with the sole purpose of some import houses, maintain a purely artificial "port-franc". I would also like to add that India would also not agree to it.

In so far as the cultural questions are concerned, basically these are sorted out conveniently by the Treaty, of course subject to various reservations that we would be dealing with shortly. The cultural presence of France is assured on the condition that a harmonious cooperation is built up with the Government of India and the French Government on her part, provides the necessary financial back-up. The Pondicherians are assured of being able to, if they so desire, bring up their children in the French traditions and with the French educational curriculum.

Coming to the specific problems of various professional categories: magistrates, members of the judicial profession, doctors - if some

difficulties crop, we believe that those should be sorted out in the manner that we are shortly going to explain.

That leaves the problems of settlement and of free movement of persons. Here also the details will have to be followed; but nothing in the Treaty gives us any indication to presume that India intends to introduce an "unbearable discrimination against the populations which would remain faithful to France.

And finally we agree with the government that the situation should be clarified that it would not be possible to continue with an inextricable juridical position, and if the ratification comes finally, it should be... of the interests of the populations but to their advantage. Does it mean that this Treaty is not...

It must be remembered that it was signed in 1956 and that certain situations have got modified in the six years which have passed in the meantime. On the other hand it is certain that this Treaty has not gone into details on a number of issues, which would gain by being clarified.

.And lastly, to pacify the unjustified fears arising out of a sentimental attachment which put to test the small minority attached to France ... it is necessary that the French government obtains an assurance from the Government of India that negotiatio.^{1S} leading to exchange of letters will be opened as soon as possible. It would not be possible to demand a reopening of these negotiations before the ratification; Government of Delhi would interpret it as a dilatory tactic, because no French government since 1956 has ever demanded it; but a formal assurance that she will take it up from the exchange of instruments of ratification, appears necessary.

CHAPTER V

DETAILS AND IMPROVEMENTS BEFORE PROCEEDING TOWARDS THE FUTURE STATUS OF THE ESTABLISHMENTS

1 -QUESTIONS ON WHICH FRANCO-INDIAN NEGOTIATION IS NECESSARY:

- (a) The problems of nationality (Articles 4 to 8),
- (b) The problems of judicial reorganisation (Articles 14 to 16),
 - 1. The traditions,
 - 2. The acquired laws.
- (c) The problems of law of settlement,
- (d) The cultural problems,
- (e) Other problems,
 - 1. The retirement and military pensions,
 - 2. Financial problems,
 - 3. The problem of French immovable properties.
- (f) The Joint Commission

II-QUESTIONS REQUIRING UNILATERAL ACTION BY GOVERNMENT OF FRANCE

- (a) The problems of nationality,
- (b) Specific problems of various categories of professionals:
 - (1) The government officials,
 - (2) The doctors.
- (c) The cultural problems,
- (d) Specific problems: The institutions.

CHAPTER VI

CONCLUSION

The problem of transfer of these Establishments must be seen in its right perspective. It does not mean leaving the French populations to be under a foreign bondage. It does not also mean the abandonment of the economic riches nor surrender of very strategic places.

It really relates to ratification of the state of a reality reintegrating 350.000 Indians to India; out of these only 7.000 to 8.000 maximum are sentimentally attached to France. We must defend the interests of this minority; I have explained that in detail. But in fact this problem does not appear to be insoluble.

After all one must pose this question before concluding: what will happen if the French Parliament refuses the ratification? The example of Goa is before us. And besides Goa has apparently a geography and ethnic unity with India. The inter mixing here is very pronounced which our Establishments... do not have. Besides there is no French military or security force in all these territories.

All this leads us to the conclusion that added and instigated by the local agitations, a vast movement will be organized in India in favour of annexation. The Indian Prime Minister has already resisted repeated pressures in various ways. He has always dealt with them arguing that France will ratify the Treaty. The moment the contrary is proved, I am convinced that he cannot, even if he wants, resist those who pressurize him to act.

This annexation, a simple Indian law can decide it, except for a platonic protest before the U.N.O., I am at a loss to think, what action could France take to countermand these effects.

Refusal of ratification would lead to moral preaching in our own country on "decolonisation" without assuring maintenance of these Establishments. It would deprive the citizens of these Establishments of the real guarantees included in the Treaty of 1956. and would not leave them with even the advantages conceded by the Agreement of 1954.

It would especially result in spoiling the cordial relations, political as well as economic, which our country is having with India. It is not within the purview of this Report to examine the relations between our two countries.

On the political level it would be sufficient to recall the attitude of India towards the Algerian problem, conceding our demand (and that too despite pressures!) regarding the recognition of the G.P.R.A.

On the economic front, it would be sufficient to recall the enormous Indian market which represents the Indian consumer for our industry. France is a member of the "Aid India Consortium"; the credits which France gives to India have the counterpart of orders placed with our country.

In the end it may be relevant to recall the international role of India, her position as the major neutral power in Asia, towards whom look so many people who have recently become independent, and the weight of her authority in the international bodies.

Considering that nothing in this Treaty is incompatible with the honour of France, the interests of the concerned parties are safeguarded, the reasons which press for the ratification are quite strong, on the level of the future of the populations of these Establishments as well as on the future of the Franco-Indian relations, that on my part, I give my vote in favour of it.

Your Commission of Foreign Affairs has, in its sitting of the 21st June 1962, examined the present report.

Diverse observations were presented- some of the members had insisted on the French government obtaining the assurance that supplementary negotiations mentioned in the present report shall be effectively opened without delaying the ratification. After an extensive exchange of views your commission approved the conclusions of the rapporteur.

In conclusion the Commission recommends you to authorize the ratification.