



General Assembly

Distr.
GENERAL

A/49/584
28 October 1994
ENGLISH
ORIGINAL: FRENCH

Forty-ninth session
Agenda item 36

QUESTION OF THE COMORIAN ISLAND OF MAYOTTE

Report of the Secretary-General

I. INTRODUCTION

1. On 13 December 1993, the General Assembly adopted resolution 48/56 on the question of the Comorian island of Mayotte. In paragraphs 5 and 6 of the resolution, the Assembly requested the Secretary-General to maintain continuous contact with the Secretary-General of the Organization of African Unity (OAU) with regard to the problem, to make available his good offices in the search for a peaceful negotiated solution, and to report on the matter to the Assembly at its forty-ninth session.

2. On 24 May 1994, the Secretary-General addressed a note verbale to the Permanent Representatives of the Comoros and of France to the United Nations, drawing their attention to the contents of General Assembly resolution 48/56 and inviting them to provide him with any pertinent information for inclusion in his report to the Assembly.

3. Also on 24 May 1994, the Secretary-General addressed a letter to the Secretary-General of OAU, drawing his attention to paragraph 5 of General Assembly resolution 48/56, and requesting information on any action undertaken by OAU in the search for a peaceful negotiated solution to the problem.

4. In accordance with paragraph 6 of General Assembly resolution 48/56, the present report, based on the replies received from the Permanent Mission of France to the United Nations, the Permanent Mission of the Comoros to the United Nations and OAU, is submitted to the General Assembly.

II. INFORMATION RECEIVED FROM THE PERMANENT MISSION OF FRANCE
TO THE UNITED NATIONS

5. On 29 June 1994, the Permanent Mission of France to the United Nations addressed a note verbale to the Secretary-General, the text of which reads as follows:

"France remains willing to promote a just and lasting solution in conformity with its Constitution and on the basis of respect for the wishes of the peoples concerned. The Mahoran population voted freely and democratically in favour of maintaining the territory of Mayotte within the French Republic. A constructive dialogue is continually taking place at the highest level with the Islamic Federal Republic of the Comoros, as shown by President Djohar's regular visits to France. France is convinced that such consultation should be pursued in an unwavering spirit of accommodation, conciliation and openness."

III. INFORMATION RECEIVED FROM THE GOVERNMENT OF THE COMOROS

6. On 11 October 1994, the Director for Political Affairs of the Ministry of Foreign Affairs and Cooperation of the Comoros transmitted the following information to the Secretary-General of the United Nations:

"The Islamic Federal Republic of the Comoros is an archipelago composed of the four islands of Grande-Comore, Anjouan, Mayotte and Mohéli.

"A French colony for 130 years which has always preserved its national unity, it acceded unilaterally to independence on 6 July 1975.

"We should recall that the unilateral declaration of independence followed a referendum on self-determination organized in the Comoros by France on 22 December 1974. In this consultation of the people, 95 per cent of Comorians voted in favour of independence. Agreements concluded by the Comoros and France in June 1973 provided for the organization of the referendum, the results of which were to be 'considered on a global basis and not island by island'. However, instead of honouring the commitments it had made on the eve of independence, France recognized the independence of three of the islands and, to the great surprise of the Comorian people, accorded a special status to Mayotte.

"Instead of taking into account the results of the vote of 22 December 1974, France passed the act of 31 December 1975, which sought to dismember the Comoros, on the pretext that the majority of the population of Mayotte had voted against independence.

"However - and this should be borne in mind - no earlier French regulations had ever challenged or questioned the unity of the archipelago, and French authorities had always reaffirmed this unity up to the eve of independence. For example, on 26 August 1974 the Secretary of State for Overseas Departments and Territories stated, with regard to the referendum,

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that the French Government had opted for a global consultation for three reasons:

"First, on legal grounds, since under the rules of international law a Territory retains the borders it had as a colony.

"Secondly, it is inconceivable that the status of any island in the archipelago could be different from that of the others. Lastly, France has no intention of pitting the Comorians against one another."

Mr. Stirn went on to say:

"France refuses to divide the Comoros, which have the same population, the same Islamic religion and the same economic interests."

"By passing an act according a special status to the island of Mayotte, France thus failed to honour its own commitments. It also violated the sacrosanct principle of the inviolability of borders inherited from colonialism as well as the 'Charter on decolonization' (General Assembly resolution 1514 (XV)), paragraph 6 of which reads as follows:

"'Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations'.

"In reaction against this violation of international law and of the fundamental principles of the San Francisco Charter, on 12 November 1976, the new Federal Islamic Republic of the Comoros was admitted to membership in the United Nations by a resolution adopted unanimously by the General Assembly (resolution 3385 (XXX)); France did not participate in the vote. The United Nations and other organizations, including the Organization of African Unity (OAU), the Organization of the Islamic Conference (OIC) and the Movement of Non-Aligned Countries, recognized the independence of the Comoros on the basis of respect for its genuine borders, and continue to reaffirm the sovereignty of the Islamic Federal Republic of the Comoros over the island of Mayotte in resolutions adopted at every regular session.

"These resolutions have consistently called upon France to honour the commitments entered into prior to the referendum on self-determination concerning respect for the unity and territorial integrity of the Islamic Federal Republic of the Comoros and to enter into a frank and constructive dialogue with the Republic with a view to ensuring the return of Mayotte to the Comoros as a whole.

"The Islamic Federal Republic of the Comoros, for its part, has always stressed dialogue and negotiation in the effort to resolve the matter. Since 1975, successive Governments at Moroni have all adopted the same attitude.

"Similarly, the current Comorian Government, under the enlightened leadership of H.E. President Said Mohamed Djohar, has repeatedly reaffirmed its desire to meet France at the negotiating table in order to find, once and for all, a positive solution to this painful issue.

"Unfortunately, we are compelled to note that to date France continues illegally to occupy the Comorian island of Mayotte and has never demonstrated a positive attitude conducive to a frank and constructive dialogue concerning the return of Mayotte to the nation of which it forms a natural part.

"In the light of the foregoing, the Comorian Government once again calls upon the Secretary-General of the United Nations to make his good offices available and to urge the French party to agree to resolve this painful issue once and for all".

IV. INFORMATION PROVIDED BY THE ORGANIZATION OF AFRICAN UNITY

7. In a letter dated 19 October 1994 addressed to the Secretary-General of the United Nations, the Executive Secretary and Permanent Observer of OAU to the United Nations informed him that the Assembly of Heads of State and Government of OAU at its thirtieth ordinary session, held in Tunis from 13 to 15 June 1994, had adopted resolution AHG/Res.232(XXX) on the Comorian island of Mayotte. The Executive Secretary forwarded the text of that resolution, the operative paragraphs of which read in part as follows:

"...

"2. Reaffirms the sovereignty of the Islamic Federal Republic of the Comoros over the Comorian Island of Mayotte;

"3. Reaffirms its solidarity with the people of The Comoros in their determination to regain their political integrity, defend their sovereignty and territorial integrity;

"4. Appeals to the French Government to satisfy the legitimate claims of the Comorian Government in conformity with the relevant resolutions of the OAU, the UN, the Non-Aligned Movement, the Islamic Conference and the League of Arab States;

"5. Invites Member States of the OAU to take the necessary steps, individually and collectively, to inform and sensitize the French and the international public opinion on the question of the Comorian Island of Mayotte with a view to bringing the French Government to end its occupation of Mayotte;

"6. Reaffirms that the referendum on self-determination held on 22 December 1974 remains the only valid consultation applicable to the entire Archipelago;

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"7. Appeals to all Member States of the OAU and the international community to condemn and reject any initiative which may be taken by France to make the Comorian Island of Mayotte participate in activities as a separate entity from the Islamic Federal Republic of the Comoros;

"8. Condemns the European Union's consideration of the Comorian Island of Mayotte as a French territory and the assistance it is in the process of giving the Island as an extension of the French Republic;

"9. Requests ACP countries particularly OAU Member States to oppose and condemn such initiatives which violate the territorial integrity of the Federal Islamic Republic of the Comoros;

"10. Directs the OAU Ad Hoc Committee of Seven on the Question of the Comorian Island of Mayotte as well as the OAU Secretary-General to reopen dialogue with the French Government, bearing in mind the declaration made in Moroni in June 1990, in a bid to rapidly resolve the Question of the Comorian Island of Mayotte;

"11. Urges the OAU Ad Hoc Committee of Seven on the Question of the Comorian Island of Mayotte and the General Secretariat to convene a meeting in Moroni before the 31st Assembly of Heads of State and Government, in order to explore ways and means of facilitating the holding of a tripartite conference;

"12. Requests that the Question of the Comorian Island of Mayotte remain on the Agenda of all meetings of the OAU, the UN, the Non-Aligned Movement, the Islamic Conference and the League of Arab States, until the restitution of the Comorian Island of Mayotte to the Federal Islamic Republic of the Comoros;

"13. Further requests the OAU Secretary-General to monitor the developments on the Question and present a report thereon to the next Session of the Council of Ministers."

V. REMARKS

8. The Secretary-General has maintained close contact with all parties and has informed them of his readiness to make available his good offices in the search for a peaceful solution to the problem.
