



SUMMARY RECORD OF THE 42nd MEETING

Chairman: Mr. MATHIAS (Portugal)

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The meeting was called to order at 11 a.m.

AGENDA ITEM 58: QUESTION OF THE MALAGASY ISLANDS OF GLORIEUSES, JUAN DE NOVA, EUROPA AND BASSAS DA INDIA: REPORT OF THE SECRETARY-GENERAL (continued) (A/35/480; A/SPC/35/L.20)

1. Mr. OURABAH (Algeria) reminded the Committee that General Assembly resolution 34/91 had reaffirmed the necessity of scrupulously respecting the national unity and territorial integrity of a colonial territory at the time of its accession to independence, and had invited the Government of France to initiate negotiations without further delay with the Government of Madagascar for the reintegration of the islands in question, which had been arbitrarily separated from Madagascar. That resolution had reflected the position taken at the Sixteenth Conference of Heads of State and Government of OAU and the Sixth Conference of Heads of State or Government of Non-Aligned Countries.

2. The report of the Secretary-General (A/35/480) on the implementation of General Assembly resolution 34/91 showed that the position of the Government of France had not changed. His delegation therefore stressed the need for initiating negotiations in order to prevent any situation which might have a negative effect on friendly relations between Madagascar and France.

3. The legitimacy of Madagascar's claim to the islands in question was based on considerations of history, geography, and international law, and also on the practice of the colonial Power itself. The Merina dynasty of Madagascar had exercised sovereignty over the islands well before the arrival of the French colonists. Territorially, the Malagasy State consisted of several subgroups of various sizes which formed an organic whole with the main island. Even though the islands situated in the range of 150-350 kilometres from the main island were uninhabited for a large part of the year because of climatic conditions, the indestructible link between the constituent elements of Madagascar was based on that particular feature of the territory of the Malagasy entity, as well as on the legal criterion of geographical proximity.

4. The practice advised by the colonial Power made it clear that the islands belonged to Madagascar. The French authorities had themselves confirmed the unity of Madagascar and the islands in a number of legal texts, starting with the Annexation Act of 1896 and continuing up to the Constitution of the Fifth Republic. France, acting as the successor to the Merina dynasty, had placed the islands under the same administration as that of the main island, not only for reasons of administrative convenience, but also in recognition of the natural link between the administrative subdivisions.

5. Furthermore, in accordance with contemporary international law, even if the islands had not belonged to Madagascar before the French occupation, they had acquired such status by virtue of the fact of colonization itself. Under the law of succession of States, the predecessor State had the obligation to transfer the whole of a territory to the successor State, and that territorial transfer

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(Mr. Ourabah, Algeria)

necessarily implied the exercise of sovereignty by the successor State over the decolonized Territory with the same frontiers as it had had during the colonial period.

6. Madagascar had acceded to independence shortly before the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, which provided, inter alia, that any attempt to infringe the national unity and territorial integrity of a country was incompatible with the principles of the Charter. Furthermore, the Charter of the Organization of African Unity had proclaimed in 1963 that islands close to the coast of Africa were part of the African continent. Thus, the question of the Malagasy islands arose as a result of an incomplete decolonization.

7. In the interests of international peace and security, the Governments of Madagascar and France should initiate negotiations for the peaceful settlement of their dispute. The Government of Madagascar had always shown its readiness to enter into such negotiations. The Algerian delegation expressed the hope that the Government of France would show the same good will and comply with the wishes of the countries of Africa and the international community. In view of the persistence of racist domination in southern Africa and the strong foreign military presence in the Indian Ocean, the countries of Africa attached great importance to a peaceful and definitive solution of that question.

8. Mr. BLANCO (Cuba) said that his country, like Madagascar, had been subjected to colonial rule and had been obliged to struggle for its independence. The Cuban people had achieved independence in 1902 within the limits imposed by the Platt Amendment, according to which Guantanamo had been placed under the military occupation of the United States of America and Cuban sovereignty over the Isla de Pinos had not been recognized. Cuban sovereignty over that island had been restored in 1934; but the United States naval base at Guantanamo, an obsolete military installation, remained as a prolongation of foreign occupation.

9. The Government of France, however, had no need to follow the same course as the United States. The sponsors of draft resolution A/SPC/35/L.20 harboured no ill feeling against France, but merely wished it to initiate negotiations to put an end to that colonial anachronism and enable the people of Madagascar to achieve complete independence. Certainly it was not insulting or irrational to invite a State to participate in negotiations on the fate of island colonies located thousands of miles from its coasts and to recognize the sovereign right of Madagascar over those territories.

10. He hoped that the Government of France would comply with the will of the overwhelming majority of the international community and settle that question by negotiations. Such a solution would help to make the Indian Ocean a zone of peace.

11. Lastly, as representative of the country which at present held the Presidency of the non-aligned movement, he reiterated his Government's continued support for the just claim of the people of Madagascar.

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12. Ms. GONTHIER (Seychelles) said that 20 years after the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, there were still peoples who, despite their profound aspiration to liberty and peace, knew only exploitation and foreign domination.

13. The Malagasy islands of Glorieuses, Juan de Nova, Europa and Bassas da India were part of the territory of Madagascar, whose national unity and territorial integrity should be respected. Territories could not be detached from countries and then linked to other Governments in order to further the aims of those Governments. That was in contravention of the Charter and violated basic principles of human justice. Certain foreign Powers simply occupied territory subject to the sovereignty of coastal States when they were unable to obtain the complicity of Governments in the region.

14. She was glad to note the willingness of the Government of Madagascar to settle the dispute by peaceful means and undertake negotiations on a bilateral basis with the Government of France. Her delegation expressed regret that the negotiations called for in General Assembly resolution 34/91 had not yet been initiated, and it appealed to the other party concerned to take the opportunity to settle the matter in a just and lasting fashion.

15. Lastly, her delegation expressed its condolences to the Government and people of Italy in connexion with the disaster which had occurred in the southern part of that country.

16. Mr. DABBASHI (Libya) said that the resolution on the question of the Malagasy islands of Glorieuses, Juan de Nova, Europa and Bassas da India which had been adopted by the General Assembly during the last session had given rise to great hopes for a peaceful settlement of that dispute between France and the Democratic Republic of Madagascar. Unfortunately, as could be seen from the report of the Secretary-General (A/35/480), no progress had been achieved towards a settlement, and the resolution had not been implemented since France had persisted in its ill-advised attitude and had not abided by the provisions of the resolution.

17. Libya's position on that question was based on the resolutions of the Organization of African Unity and the non-aligned movement, which had declared that the islands in question constituted part of the territory of the Democratic Republic of Madagascar, from which they had been arbitrarily separated. He referred in particular to resolution 784 adopted at the thirty-fifth session of the Council of Ministers of the Organization of African Unity held at Freetown, Sierra Leone, from 18 to 28 June 1980.

18. In document A/34/245 of 12 November 1979, it had been affirmed that the retention of those islands by France was legally, historically and geographically unjustifiable and that France was merely seeking to continue its exploitation of their strategic position and natural resources. The clearest indication of France's intentions was provided by that country's plans to militarize the islands and establish the adjoining areas as exclusive economic zones up to the 200-mile limit. France's continued exploitation of the islands' resources, while the people of

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(Mr. Dabbashi, Libya)

Madagascar, their legitimate owners, were facing a shortage of economic resources, was unacceptable to the international community. Moreover, the militarization of the islands posed a threat not only to the security of Madagascar and of other States in the region but also to international peace as a whole; and it was therefore incompatible with international endeavours to make the Indian Ocean a zone of peace and security.

19. France should give evidence of its good intentions by complying with the will of the international community, implementing the relevant General Assembly resolutions and initiating negotiations with the Democratic Republic of Madagascar with a view to reaching a settlement in keeping with the aspirations of the people of Madagascar for the recovery of their territory.

20. Mr. SOGLO (Benin) said that the arguments advanced by the Malagasy representative, which were historically, geographically and juridically incontestable, had placed the problem under discussion in its correct context - the context of an unfinished decolonization. Despite the understandably emotional nature of the issue, and the silence and tergiversations of the other party, the representative of Madagascar had maintained a responsible approach which could not fail to favour negotiation on the matter.

21. The delegation of Benin reaffirmed the rights of the Malagasy Government to the islands of Glorieuses, Juan de Nova, Europa and Bassas da India, based on their geographical situation, and confirmed by history and the constant practice of the colonial Power. Those rights had been recognized by the Assembly of Heads of State and Government of the Organization of African Unity (OAU) at Freetown in June 1980, and by the Sixth Conference of Heads of State or Government of Non-Aligned Countries at Havana in 1979. On the basis of the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV), and in particular the provisions concerning the preservation of the national unity and the territorial integrity of a country at the time of its accession to independence, the General Assembly had adopted resolution 34/91 which referred to the relevant recommendations of the OAU and the non-aligned movement. It was therefore clear that the vast majority of the international community wished to see the question settled in accordance with those principles. Any attempt to obstruct such a settlement was bound to result in cavilling reminiscent of the colonial greed which had led to the partition of Africa at Berlin in 1885.

22. Madagascar's claim was not only legitimate from the historical and legal point of view but was also particularly significant in the light of the struggle of the peoples of the region to preserve their hard-won independence and their sovereignty over their natural resources. The islands in question, situated in a strategic zone which controlled the route round the Cape of Good Hope, could also serve as jumping-off points for armed intervention or clandestine operations by mercenaries.

23. The United Nations, which was responsible for defending the legitimate interests of weak, defenceless countries, must endorse Madagascar's just claim by

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(Mr. Soglo, Benin)

adopting the recommendations contained in draft resolution A/SPC/35/L.20 of which his delegation, in a spirit of militant solidarity with the Malagasy revolution, was a sponsor.

24. The CHAIRMAN invited delegations wishing to do so to explain their vote before the vote on draft resolution A/SPC/35/L.20 which, he had been informed, had no financial implications.

25. Mr. KA (Senegal) said that at the meetings of Heads of State or Government of the OAU and the non-aligned countries, some delegations, including his own, had expressed reservations both on the content of the resolutions concerning the islands in the Mozambique Channel and on the approach adopted to settle that question.

26. Senegal, which like most African States Members of the United Nations was a product of self-determination, was naturally firmly attached to that principle whenever there was a question of liberating really existing peoples from any colonial yoke. The traditional seisin machinery of the OAU Liberation Committee and the United Nations Committee of Twenty-four had usually been applied to realize the claims of peoples allegedly under colonial domination. Since that machinery had not been used in the particular case before the Committee, his delegation was inclined to think that the question should be solved bilaterally through negotiation between the parties concerned.

27. Although General Assembly resolution 34/91 - which the Committee was being asked to endorse - invited the parties concerned to initiate negotiations without further delay for the reintegration of the islands concerned, it contained a contradiction in terms since the idea of "negotiations" was implicitly rejected when the final aim of the negotiations was already known and indicated to the parties concerned. In 1980, the draft resolution on the Indian Ocean islands was being discussed by the Special Political Committee and not by the Committee of Twenty-four. The text before the Committee was based on General Assembly resolution 1514 (XV), and attempted to have the Committee confirm the inalienable right of some uninhabited islands to self-determination.

28. In addition to the obvious contradictions which did not seem to trouble certain delegations, but which explained the reservations expressed on the matter at the OAU and non-aligned meetings, there was also the fundamental question of the maintenance of the present status of freedom of navigation in the Mozambique Channel, and of free access for all to that water way. The Committee should concern itself in particular with the need to protect Africa from inter-bloc rivalries, in the interest of international peace and security, especially since the islands were situated in a strategic zone which was vital to the whole continent. For all those reasons, negotiations should be pursued in order to find a solution acceptable to all.

29. Mr. LEPRETTE (France) expressed his delegation's condolences to the representative of Italy for the tragic consequences of the earthquake which had occurred in the southern part of his country.

30. The French delegation had not asked for the floor before the present procedural stage - explanations of vote before the vote - because it did not recognize the competence of the General Assembly on the matter which had improperly been referred to it. In the time at its disposal, his delegation would be unable to reply point by point to the statement by the representative of Madagascar.

31. The territories under discussion had been part of the French Republic since the nineteenth century, when those small islands, the total area of which was some 11 square miles at low tide, had been vacant land with no inhabitants. The French had taken over the islands in accordance with the rules of international law and without the slightest protest from the international community; and the islands were placed under the authority of the Minister for Overseas Departments and Territories. The Government of Madagascar had taken note of that situation on 2 April 1960, at the time of the conclusion of the first series of co-operation agreements with France. French sovereignty over those islands, which had not been contested until recent years, had been uninterrupted since its very beginning.

32. Consequently, the inclusion of item 58 in the agenda of the current session of the General Assembly was a typical interference in the internal affairs of France, which was surprising since it came from a country with which France had close relations. As he had pointed out at the meeting of the General Committee on 17 September 1980, it was also contrary to Article 2, paragraph 7, of the Charter. His delegation was therefore obliged to deny the validity of any conclusions adopted on the item. It would not recognize the recommendations made, either on the principle or on the subject of possible discussions. The very title of the item was contrary to good sense and logic. It had been worded in the light of General Assembly resolution 34/91 which, as the preceding speaker had said, was full of contradictions.

33. Various attempts had been made to justify the claims advanced and give them a semblance of legitimacy, but the arguments put forward could not stand up to serious analysis.

34. First of all, the argument of contiguity had been used. That argument was not recognized in international law. Moreover, territory at a distance of 150 to 380 kilometres could hardly be called contiguous. The same argument could equally well be used in favour of other countries of the area - Mauritius, the Comoros Seychelles or Mozambique - and in fact it was used by some of them.

35. The idea had been put forward that the new limit of 200 sea-miles might ipso facto confer on Madagascar territorial and maritime control of the greater part of the Mozambique Channel and of wide areas of the ocean in the direction of Mauritius and Réunion. Such an argument was in complete contradiction with the work of the Third United Nations Conference on the Law of the Sea. The extension of Maritime Zones under national jurisdiction had never resulted and could never result in an extension of the sovereignty of the coastal State to territories

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(Mr. Leprette, France)

which did not belong to it. Delimitation of those zones had to be effected in agreement with neighbouring States. If every coastal State was entitled to claim all the islands less than 200 miles off its coast, the political map of the world would be transformed and world peace threatened.

36. It would be equally fruitless to try to link the continental shelf of those islands to that of Madagascar. Contrary to what had been said at the preceding meeting, those islands were undersea mountains isolated from the basement of the main island. They were all separated from Madagascar by troughs more than 3,000 metres deep. The International Court of Justice itself had clearly indicated that areas of the continental shelf situated some hundred miles from a coast, or separated from that coast by an undersea trough, could not be considered as adjacent to that coast from the geographical point of view or to constitute its natural prolongation.

37. Lastly, the decision of 15 October 1958, which had repealed the Madagascar Annexation Act, had made no mention of the islands under discussion. They had not been taken over at the same time as Madagascar, and had been the subject of a different annexation. They could not therefore be considered as dependencies of the main island.

38. The French delegation would therefore unhesitatingly vote against the draft resolution which was based on specious reasoning and fictitious conclusions and reiterated all the ideas contained in General Assembly resolution 34/91.

39. His delegation merely wished to reaffirm that the matter under discussion was not a problem of decolonization since the minute islands in question, which lacked all resources, even drinking water, had never been able to support any living soul.

40. In conclusion, he expressed his delegation's astonishment at the unfortunate reference in the draft resolution to the provisions of the Charter concerning the peaceful settlement of disputes, as well as to the Declaration adopted in General Assembly resolution 2625 (XXV). That Declaration in particular stated that States should refrain in their international relations from the threat or use of force and should settle their international disputes by peaceful means and co-operate with one another in accordance with the Charter. France fully approved those principles and had always affirmed its attachment to the Charter.

41. Mr. BENCHEKROUM (Morocco) said that his delegation objected to the draft resolution before the Committee for several reasons. The first was that the representative of Madagascar had put forward no new arguments, but had merely repeated those of the preceding year, which even then had convinced only people who already agreed with him. Secondly, in 1980 unlike the preceding year, no special memorandum had been submitted to the Committee on the matter. Thirdly, the Malagasy delegation had admitted that the islands were not inhabited and were of no economic interest for Madagascar; but Madagascar, it seemed, continued to benefit from the meteorological observations of some technicians installed on some of the islands. Apparently, the presence of those technicians presented no danger to the security and independence of the main island. Its domestic situation was not threatened, and even less its policy of non-alignment or its socialism.

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(Mr. Benchekroum, Morocco)

42. The draft resolution referred to the position adopted at meetings of OAU and the non-aligned movement, but did not mention the serious reservations expressed at those meetings by several delegations.
43. The delegation of Madagascar was the first to admit that there was nothing to decolonize, since there were no inhabitants on the islands. Yet that same delegation, in its statement at the preceding meeting, had referred to an unfinished decolonization, perhaps because any reference to decolonization was an effective means of obtaining votes for a proposal.
44. Many delegations considered that the problem of the islands concerned other States in the region also. The President of the Comoros had already said that, as soon as Mayotte had been recovered, his country would officially claim the Glorieuses. Other claims had not yet been stated in public. If the Committee supported the Malagasy arguments at the current session, it would in the near future be faced with a dispute between neighbouring States Members of the United Nations.
45. The submission at the current session of the same draft resolution as in 1979 seemed to reflect a desire to block any idea of control of the Mozambique Channel by neighbouring countries and peoples. States adjacent to the Mozambique Channel were not the only ones which might one day suffer from the Malagasy solution to the problem. Other countries in West Africa and Latin America might not be too pleased with it, either. It should be remembered that in 1979 tankers transporting 2.7 million tons of oil per day had left the Gulf of Oman, and that 60 per cent of that total had passed through the Mozambique Channel. Those figures justified the present and future apprehensions of many African and Latin American countries.
46. For all those reasons, his delegation considered it important to reflect at length on the matter before adopting a draft resolution such as that now before the Committee.
47. The CHAIRMAN invited the Committee to vote on draft resolution A/SPC/35/L.20.
48. At the request of several representatives, a recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Argentina, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Chad, China, Colombia, Congo, Cuba, Czechoslovakia, Democratic Yemen, Ecuador, Egypt, Ethiopia, German Democratic Republic, Ghana, Guinea, Guyana, Hungary, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Mozambique, Nepal, Nicaragua, Nigeria, Oman, Panama, Papua New Guinea, Peru, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Seychelles, Sierra Leone, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Togo, Trinidad and Tobago, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

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Against: Belgium, France, Germany, Federal Republic of, Greece, Guatemala, Honduras, Italy, Luxembourg, Morocco, Netherlands, Senegal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Burma, Canada, Central African Republic, Comoros, Cyprus, Denmark, Djibouti, Dominican Republic, Fiji, Finland, Gabon, Iceland, Ireland, Israel, Ivory Coast, Japan, Lebanon, New Zealand, Niger, Norway, Pakistan, Philippines, Portugal, Singapore, Spain, Sweden, Thailand, Tunisia, United Republic of Cameroon, Zaire.

49. Draft resolution A/SPC/35/L.20 was adopted by 83 votes to 13, with 32 abstentions.

50. Mr. MOUMIN (Comoros) said that his delegation had abstained on the draft resolution because his country did not consider itself bound by that or any other resolution concerning the Glorieuses Islands. The Government of the Comoros reserved the right to reopen the question of those Islands at a later date.

The meeting rose at 12.05 p.m.