



SUMMARY RECORD OF THE 38th MEETING

Chairman: Mr. EL-CHOUFI (Syrian Arab Republic)
later: Mr. TUBIANA (Liberia)

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The meeting was called to order at 3.10 p.m.

AGENDA ITEM 127: QUESTION OF THE ISLANDS OF GLORIEUSES, JUAN DE NOVA, EUROPA AND BASSAS DA INDIA (continued) (A/34/245, A/SPC/34/L.21)

1. Mr. HOUNGAVOU (Benin) recalled that, when the inclusion of item 127 in the agenda of the current session had been proposed, his delegation had been in favour of United Nations consideration of that issue so that it could be resolved peacefully in accordance with the Charter and the resolutions of the Organization. After hearing the presentations by Madagascar and France at the Committee's previous meeting, his delegation had realized that the issue was of transcendental importance not only for Madagascar but for all peace- and justice-loving countries mobilized against the forces of colonialism, foreign domination, exploitation and repression.
2. The case of Madagascar's former island dependencies was a classic case of incomplete decolonization. When Madagascar had attained independence in 1960, its Government had disputed France's decision to maintain the island dependencies under French control. In 1973, it had categorically denounced the 1960 agreement and the unilateral measures taken by France since then to perpetuate its occupation of the islands and had requested that they be returned in order to restore Madagascar's territorial integrity and national unity. It was thus clear that the decolonization of Madagascar had been incomplete. Since the parties to the dispute were bound to settle their differences peacefully in accordance with General Assembly resolution 2625 (XXV), Madagascar had been right to turn to the United Nations to demand redress.
3. The recent resolutions of OAU and the Non-Aligned Movement endorsing Madagascar's claim to the islands showed that the case must be brought to the international community so that an historic error could be corrected in the interests of the peace and security of Madagascar and the African continent. Because of their location in the Straits of Mozambique, the islands in question were of vital strategic importance and their occupation by a foreign Power which was always ready to intervene in Africa must be viewed with concern. There was a great risk that the islands might become militarized and be used as a base for aggression, subversion or the training of mercenaries with a view to intervention against independent States in the region, especially now that international imperialism, with its policies of militarism, aggression and exploitation, was re-doubling its threats and increasingly sophisticated attacks against defenceless, peace- and justice-loving peoples. That was why his delegation fully supported Madagascar's legitimate demands for the restoration of its territorial integrity and national unity, which had been violated by France's unilateral action in 1960 and its subsequent manoeuvres.
4. Madagascar's case was strengthened by the fact that the conclusion of a new convention on the law of the sea was now fairly imminent. Madagascar could not be expected to tolerate the continued occupation of islands situated off its own coast, for the implications of that occupation for the delimitation of its economic

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zone and the exploitation of its marine resources were tremendous. Under what principle of international law must a developing country be forced to relinquish to a highly developed country the vast potential offered by the exploitation of its marine resources within the framework of that new convention?

5. At the previous meeting, the representative of France had stated that the islands had become a French possession in the nineteenth century in accordance with the right to occupy land which had neither inhabitants nor master. He should have specified, however, that the islands had been colonized at the end of the nineteenth century, when the Western colonial conquest of Africa had been at its height. As for the right of occupation, everyone knew that that was a colonial right on the basis of which Africa had been shared out among the various colonial Powers in 1885 at Berlin. It was therefore a right which his country rejected totally as a denial of the right of peoples to self-determination. The case of the islands was a clear case of decolonization and was accordingly governed by General Assembly resolution 1514 (XV).

6. The representative of France had also stated that the islands had been placed under the authority of the Government of Madagascar until 1960 purely for reasons of administrative convenience. Yet, in so doing the colonial Power had ipso facto recognized that the islands belonged naturally to Madagascar. "Reasons of administrative convenience" should perhaps be interpreted as France's acceptance of the principle of geographical proximity which clearly applied in the present case. It would be interesting to know what reasons of administrative convenience now linked the islands to a colony which was situated more than a thousand kilometres away.

7. The General Assembly must call on France and Madagascar to enter into negotiations on the restoration of the islands to Madagascar in the interests of peace and security in the region and the historic friendship between the two countries. France must recognize that Madagascar's aspirations were legitimate and that it was in the interests of France and the African countries to settle the dispute by peaceful means. It was in that spirit that his delegation had co-sponsored draft resolution A/SPC/34/L.21. The United Nations offered the best framework for finding a just solution to the problem, and the draft resolution gave a balanced view of the legitimate concerns of the co-sponsors, who would never feel safe as long as any part of the African continent was occupied by foreign Powers.

8. Mr. MATANE (Papua New Guinea) said that his delegation had joined the sponsors of the draft resolution because it supported Madagascar's legitimate request that item 127 be dealt with in accordance with the Charter and with General Assembly resolution 1514 (XV). Otherwise, the question of Madagascar's former island dependencies would continue to be a source of tension between Madagascar and France and a threat to peace and security in the region.

9. His country felt a strong commitment to decolonization in the South Pacific and elsewhere. It agreed that, given their historical and geographical ties

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with Madagascar, it was illogical for the island dependencies to have been detached from Madagascar when the latter had attained independence, and it therefore supported Madagascar's request that the matter be resolved through negotiations with France and with the assistance of the United Nations and OAU.

10. The administering Power's position was that the islands in question were an integral part of France and that Madagascar's proposals would be tantamount to interference in France's internal affairs. Similar arguments had been put forward with regard to the remaining French territories in the South Pacific. There were grounds for both countries' positions, but as long as their views differed the issue would present problems within the region and at the international level. Accordingly, the most appropriate proposal appeared to be that the French Government should initiate negotiations with Madagascar with a view to the reintegration of the islands. The latter might be small and uninhabited, but they formed part of Madagascar both historically and geographically and were of strategic and economic importance to that country and to the region.

11. The item had clearly been referred to the Committee because Madagascar's repeated attempts to have the matter resolved through normal diplomatic channels had failed. The French Government's refusal to discuss the issue with it had prompted Madagascar to raise the problem in OAU and the Non-Aligned Movement and to refer it to the United Nations. His delegation hoped that the French Government would agree to discuss the matter with Madagascar with a view to arriving at a mutually acceptable agreement on the return of the islands to Madagascar.

12. Mr. BOUAYAD-AGHA (Algeria) said that the question of the islands of Glorieuses, Juan de Nova, Europa and Bassas da India was clearly a case of incomplete decolonization. Accordingly, 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 had called on the Government of France to restore the islands to Madagascar and to initiate negotiations as a means of settling the issue peacefully and fairly. In view of its close relations with both parties to the dispute, his country wished to participate in the debate in order to help spare the two countries future difficulties and encourage them to resort to negotiation rather than confrontation. It therefore welcomed Madagascar's request for negotiations and its conviction that the French Government would finally show flexibility and an ability to move with the times.

13. Considerations of history, geography and international law made it quite clear that the islands belonged to Madagascar, or, more precisely, that Madagascar consisted of various islands all of which belonged to Africa. France had taken possession of the smaller islands at the same time that it had colonized the main island, and since then it had in both theory and practice confirmed that all the islands shared a common destiny. That organic relationship had not been brought about by the colonial Power, however. Even before the French colonization, the islands within a radius of 150 to 350 kilometres of the

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main island had not, strictly speaking, been without masters. Historically, they had all been dependencies of the Merina dynasty of Madagascar. Their diverse names also bore witness to other former masters.

14. Again, while it was true that the islands remained uninhabited for a large part of the year, a similar situation existed in many countries. Moreover, before and during the period of French colonization they had been occupied several months a year by Malagasy fishermen.

15. The French authorities had themselves confirmed the unity of Madagascar and the islands by the Annexation Act of 1896, which had declared "Madagascar and its island dependencies" a French colony. That Act was of decisive importance when viewed in the context of General Assembly resolution 1514 (XV), paragraph 6 of which provided that, when sovereignty was transferred to a newly independent State, the latter's territorial integrity and national unity must be respected. Since the colonial Power had recognized the organic link between the various islands, it was bound by contemporary law to abide by that provision.

16. France had, moreover, placed the islands and Madagascar under the same administration not only for reasons of convenience but also in order to maintain the natural link between them and preserve their territorial integrity. Thus, shortly after their colonization, the various islands had been brought under the administration of the Governor-General of Madagascar and the French Government had gone so far as to integrate them organically into the provinces and districts of the main island. Had the islands not belonged politically, economically and juridically to Madagascar, France would surely not have gone so far as to create artificial links between them and the main island's territorial subdivisions. That demonstrated beyond the shadow of a doubt that the islands formed part of a single territorial entity. The obvious complementarity between the different components of that entity had been consolidated not only by the legacy of centuries but also by the ties of affection binding their population and by their administration by the same authority.

17. The French Constitution had recognized Madagascar and its island dependencies as a single overseas territory, differentiating it from the overseas territory of the French Southern and Antarctic lands, which had never formed part of the Malagasy entity. Even in 1958, when Madagascar had become a Republic, France had not immediately expressed a desire to deprive it of its dependencies. It was only two years later, on the eve of Madagascar's full independence, that the French authorities had unilaterally detached the islands from Madagascar, and between 1960 and 1973 they had gradually entrusted the administration of the islands to the Prefect of Réunion without, however, making them dependencies of that "overseas department".

18. Thus, even if the islands had not belonged to Madagascar before the French colonization, they would have so belonged by virtue of their attachment to Madagascar under the French occupation. Under the law of succession of States, when a colonial Power withdrew from its possessions it handed over the territories in question within the same boundaries which they had had during the colonial

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period. Whenever a colonial Power had tried to hand over only part of a territory, disputes had arisen which had been resolved only by ensuring that the entire territory was handed over. Failure to do so also violated the principle that the frontiers of the new State could be defined by reference to its frontiers under colonial domination.

19. In the present case, Madagascar and its island dependencies had constituted a single overseas territory and a single dependent political and administrative entity. It was that entity which should have attained independence in its geographical entirety. Yet, the French Government had, immediately prior to independence, dismantled the entity's territorial integrity. The Malagasy Government had accepted that fait accompli with considerable reluctance and, in handing over the archives of the dependencies to the French Government, had taken care not to recognize French sovereignty over the islands, even referring to them in the documents of transmittal by their local Malagasy names. In 1973, the Malagasy Government had again reiterated its claim to the islands, but the French Government had refused to discuss the matter.

20. Recent developments in the sphere of regional security and the permanent sovereignty of States over their natural resources had made clear the urgent need to negotiate a settlement of the issue. The United Nations had recognized the need to create a zone of peace in the Indian Ocean. There could be no exceptions to the process of decolonization; furthermore, the Charter of the Organization of African Unity proclaimed that islands close to the African continent belonged to it geographically and historically. The friendly relations which the African States, and Madagascar in particular, had maintained with France entitled them to expect France to agree to a peaceful settlement of the question. His delegation hoped that negotiations would be initiated so that a peaceful solution could be found which restored Madagascar's territorial integrity and reaffirmed that the islands belonged to the African continent.

21. Mr. Tubman (Liberia) took the Chair.

22. The CHAIRMAN announced that Cape Verde, Ghana, Kenya, Papua New Guinea and Sierra Leone had become co-sponsors of draft resolution A/SPC/34/L.21.

AGENDA ITEM 53: QUESTIONS RELATING TO INFORMATION (continued) (A/34/21 and Corr.1, A/34/148, A/34/149, A/34/195, A.34/379 and Add.1, A/34/574; A/SPC/34/L.16 and Rev.1)

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23. The CHAIRMAN drew attention to the latest version of the draft resolution on item 53 (A/SPC/34/L.16/Rev.1). He hoped that the Working Group would be able to conclude its work on the draft resolution that afternoon and to introduce the draft in its final form at the Committee's next meeting.

The meeting rose at 3.55 p.m.