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REQUEST FOR THE INCLUSION OF AN ADDITIONAL ITEM IN THE AGENDA
OF THE THIRTY-FOURTH SESSION

QUESTION OF THE ISLANDS OF GLORIEUSES, JUAN DE NOVA,
EUROPA AND BASSAS DA INDIA

Letter dated 12 November 1979 from the Permanent Representative
of Madagascar to the United Nations addressed to the Secretary-
General

On instructions from my Government, I have the honour to request the inclusion in the agenda of the thirty-fourth session of the General Assembly of an additional item entitled "Question of the islands of Glorieuses, Juan de Nova, Europa and Bassas da India".

In accordance with rule 20 of the rules of procedure of the General Assembly, I am attaching to this request an explanatory memorandum together with four appendices; I should be grateful if you would have them circulated as an official Assembly document.

(Signed) Blaise RABETAFIKA
Ambassador,
Permanent Representative

ANNEX

Explanatory memorandum

1. On 1 April 1960, the day before the initialling on 2 April 1960 of the agreement transferring power to the Malagasy Republic, France confronted the latter with a fait accompli by arbitrarily detaching from Madagascar the Glorieuses archipelago and the islands of Juan de Nova, Europa and Bassas da India and placing them under the direct authority of the French Minister for Overseas Departments and Overseas Territories.
2. By order of 19 September 1960, confirmed on 11 March 1972 and 17 April 1973 (the latter date being several weeks before the conclusion on 4 June 1973 of the new Franco-Malagasy agreements), the French Government entrusted the administration of these islands to the Prefect of Réunion, but without giving them the status of separate territorial entities or making them dependencies of Réunion.
3. The prejudicial effect of these unilateral measures on Madagascar as regards full exercise of the latter's sovereignty over the entire Territory is made all the more serious by the fact that Madagascar was entitled to benefit from the practice consistently followed by France during the colonial period in the matter of jurisdiction over the islands.
4. Until 1960, France continued to confirm the organic unity of Madagascar and the islands, which was given legal effect by the Annexation Act of 6 August 1896 declaring "Madagascar and its island dependencies" to be a French colony and was reaffirmed by the decrees of 9 September 1899, 8 April 1908 and 23 February 1918 in the case of the Glorieuses archipelago, by the orders of 21 November 1921 and 16 June 1932 in the case of Juan de Nova and by the order of 20 December 1949 in the case of Europa.
5. There is thus a basic contradiction between the legal position taken prior to independence and the institutional and administrative measures taken subsequently; this contradiction was pointed out by the Malagasy delegations in the negotiations leading up to the 1960 and 1973 agreements, in the course of which they presented a formal claim by Madagascar to the islands in question. The French side refused to consider this claim, although it was bound to consider it by the principles of international law relating to the succession of States and respect for sovereignty and territorial integrity.
6. In this connexion, attention should be drawn to the following facts and principles:
 - (a) The Glorieuses archipelago and the islands of Juan de Nova, Europa and Bassas da India are natural dependencies of Madagascar, and it has never been denied that the island of Juan de Nova at least is inhabited eight months out of twelve by Malagasy fishermen.

(b) International law provides that geographical proximity gives a neighbouring State a natural right of sovereignty over small nearby islands.

(c) Resolution 66 (I) of the United Nations General Assembly included "Madagascar and Dependencies" among the Territories concerning which France was required to transmit information pursuant to Article 73 e of the United Nations Charter.

(d) When sovereignty is transferred to a newly independent State, the latter's territorial integrity and national unity must be respected, as is provided in operative paragraph 6 of the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV)).

(e) The basic rule in the matter of the succession of States is that the accessory follows the principal (accessorium sequitur principale).

7. These facts and principles demonstrate the validity of the Malagasy claim, which was summarily dismissed by the French Government, leaving the Democratic Republic of Madagascar only the following means of recourse in order to safeguard its rights:

(a) Denunciation of all measures taken by France with regard to the disputed islands;

(b) A request for the opening of meaningful negotiations concerning the islands;

(c) Submission of the matter to regional and international organizations.

8. Thus, Madagascar has denounced the gradual militarization of some of the islands and their incorporation into a strategy which is incompatible with the requirements of national or regional security and of the creation of a zone of peace in the Indian Ocean. The delimitation of 200-mile exclusive economic zones around the islands has been the subjects of protest by the Malagasy Government, which were transmitted to the French Government on 27 March 1978 and brought to the attention of States Members of the United Nations on 18 April 1978.

9. The Malagasy Government has at the same time pursued its efforts to arrive at a negotiated solution, and, at the meeting of the Franco-Malagasy Joint Commission in March 1979, it was agreed by the Ministers for Foreign Affairs of the two Governments that the future of the islands would be determined through negotiations between the two parties. A new approach to the French Government in the latter part of June 1979 produced no results.

10. The obvious unwillingness of the French Government to initiate negotiations on this matter prompted the Malagasy Government to raise the problem once again in the Organization of African Unity in July 1979 and in the Movement of Non-Aligned Countries in September 1979.

11. At its sixteenth ordinary session, the Assembly of Heads of State and Government of the Organization of African Unity adopted a resolution of the Council of Ministers (CM/Res.732(XXXIII)) declaring that the islands of Glorieuses, Juan de Nova, Europa and Bassas da India were integral parts of the national territory of the Democratic Republic of Madagascar and calling upon the French Government to return them to Madagascar (see appendix III).

12. Similarly, the Sixth Conference of Heads of State or Government of Non-Aligned Countries, in relation to the situation of the Glorieuses, Juan de Nova, Europa and Bassas da India islands, which geographically and historically belonged to Madagascar, called for the reintegration of those islands in the Democratic Republic of Madagascar, from which they had been arbitrarily separated in 1960 by decree of the former metropolis (see appendix IV).

13. The decisions taken by these two bodies lend the problem of the Malagasy islands a new international dimension to which the Democratic Republic of Madagascar wishes most particularly to draw the attention of the United Nations.

14. It should be noted that, in a telegram addressed to the Secretary-General on 13 February 1976, the President of the Democratic Republic of Madagascar had referred to this problem in the following terms: "The Malagasy people, for their part, regard their independence as incomplete as long as portions of African territory remain under foreign domination. For that reason, we have never renounced our rights to the small Indian Ocean islands, including Juan de Nova, which, historically, geographically and legally speaking, have always been an integral part of Malagasy national territory."

15. In the opinion of the Malagasy Government, the General Assembly is the body which can most appropriately assist the parties in finding an urgent solution to what is already a long-standing dispute in keeping with the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV)).

16. This declaration embodies the principles in accordance with which the parties to an international dispute are required to seek a solution to it on the basis of the sovereign equality of States and respect for their territorial integrity so as not to endanger justice or international peace and security.

17. In the context of co-operation between the Organization of African Unity and the United Nations, the latter should exert all of its authority in support of the resolution adopted at Monrovia in order to put an end to a situation characterized by the violation of international law and of the principle prohibiting the dismemberment of a colonial Territory.

18. It would be appropriate to call upon France to revoke or desist from any measures which impair the sovereignty of the Democratic Republic of Madagascar or might hamper the search for a just solution to the problem.

APPENDIX I

Geographical location of the Glorieuses archipelago and of
the islands of Juan de Nova, Europa and Bassas da India

The archipelago of Glorieuses is situated some 200 kilometres west-north-west of Madagascar ($11^{\circ} 34'$ south latitude, $47^{\circ} 17'$ east longitude). It consists of five small islands and has a total area of 10 square kilometres.

Juan de Nova is situated 200 kilometres west of Madagascar ($17^{\circ} 03'$ south latitude, $42^{\circ} 43'$ east longitude). It has an area of approximately 10 square kilometres.

Europa is situated less than 300 kilometres from Madagascar ($22^{\circ} 21'$ south latitude, $40^{\circ} 21'$ east longitude). It has an area of 30 square kilometres.

Bassas da India is situated 350 kilometres west of Madagascar ($21^{\circ} 27'$ south latitude, $39^{\circ} 45'$ east longitude). Its area is estimated at 4 square kilometres.

The island of Réunion is, by contrast, situated 1,300 kilometres from Glorieuses, 1,400 kilometres from Juan de Nova, 1,550 kilometres from Europa and more than 1,600 kilometres from Bassas da India.

M O Z A M B I Q U E

APPENDIX II

Archipiélago
de las Gloriosas

Archipiélago
de las Comoras

Juan de Nova

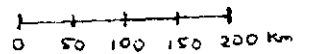
Antananarivo

hacia la Isla
de la Reunión
(800 km)

Bassas da India

Europa

M
A
D
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APPENDIX III

Resolution on the islands of Glorieuses, Juan de Nova, Europa and Bassas da India adopted at the thirty-third ordinary session of the Council of Ministers of the Organization of African Unity, held at Monrovia from 6 to 20 July 1979
(CM/Res.732(XXXIII))

The Council of Ministers of the Organization of African Unity, meeting in its thirty-third ordinary session in Monrovia, Liberia, from 6 to 20 July 1979,

Recalling resolution CM/Res.642(XXXI) on the islands of Glorieuses, Juan de Nova, Europa and Bassas da India,

Having considered the Secretary-General's report on these islands,

Recalling the United Nations General Assembly Declaration 1514 (XV) of 14 December 1960,

Considering that these islands geographically and historically belong to Africa in accordance with sub-paragraph 2 of Article 1 of the Charter of the Organization of African Unity,

Recalling that these islands during the colonial era formed a single political and administrative entity within the territory then known as Madagascar and Dependencies,

Considering the fact that the former colonial Power arbitrarily separated these islands from Madagascar by an official decree of 1 April 1960 when Madagascar was about to achieve independence on 26 June 1960,

1. Declares that the islands of Glorieuses, Juan de Nova, Europa and Bassas da India are integral parts of the national territory of the Democratic Republic of Madagascar;

2. Calls upon the French Government to return the islands in question to the Democratic Republic of Madagascar and to resume negotiations immediately with the Government of Madagascar;

3. Requests the French Government to make the necessary arrangements to repeal the measures taken by the French authorities, measures which impair the sovereignty of the Democratic Republic of Madagascar, and to refrain from taking other measures which may affect the good relations between the two countries;

4. Demands that all foreign Powers withdraw from these islands;

5. Requests the Secretary-General of the Organization of African Unity and the African Group at the United Nations to make sure that the question of the islands around Madagascar, until their complete recovery by Madagascar, be a permanent item in the agenda of the United Nations, the Organization of African Unity, the Movement of the Non-Aligned States and any other appropriate conference in which African States participate.

APPENDIX IV

Extract from the Final Declaration of the Sixth Conference of
Heads of State or Government of Non-Aligned Countries, held at
Havana from 3 to 9 September 1979

"MALAGASY ISLANDS IN THE INDIAN OCEAN

"100. In relation to the situation of the Glorieuses, Juan de Nova, Europa and Bassa de India islands, which geographically and historically belong to Madagascar, the Conference called for the reintegration of these islands in the Democratic Republic of Madagascar, from which they were arbitrarily separated in 1960 by decree of the former metropolis."