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ORGANISATION DE L'UNITE
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Addis Ababa اديس ابابا

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ORIGINAL: FRENCH

REPORT OF THE SECRETARY-GENERAL ON THE QUESTION OF THE
ISLANDS OF GLORIOUS, JUAN DE NOVA,
EUROPA AND BASSAS - DA - INDIA



CM-1132

MICROFICHE

Report of the Secretary-General on the Question of the
Islands of Glorious, Juan da Nova,
Europa and Bassas - Da - India

The Council of Ministers of the Organization of African Unity adopted at its Thirty-fifth Ordinary Session held in Freetown (Sierra Leone), from 18 to 28 June 1980, Resolution CM/Rés.784 on the Islands of Glorious, Juan de Nova, Europa and Bassas da India. After taking note of the Report of the Secretary-General on the Question of the above mentioned Islands, (Document CM/1040 Part II), the Council

1. REAFFIRMED that the Islands of Glorious, Juan de Nova, Europa and Bassas - da - India constitute an integral part of the Democratic Republic of Madagascar;
2. URGED the French Government to begin negotiations as soon as possible with the Government of Madagascar for the re-integration of the above mentioned islands into the Democratic Republic of Madagascar;
3. CALLED upon the Government of France to revoke measures which might hinder meaningful negotiations between the two parties and to refrain from taking other measures which might have the same effect;
4. CALLED upon the African Group at the United Nations to follow the development of the matter at the Thirty-fifth Session of the United Nations General Assembly;
5. DECIDES to follow up the matter.

2. By this Resolution, the Council of Ministers wanted to confirm the former resolutions it adopted on the islands surrounding Madagascar, the historical and geographical tie, between them and the latter, as well as between them and Africa for the simple reason that these islands were a political and administrative entity forming part of a whole known as "Madagascar and Dependencies" during the colonial era.

The decision of the Council was dictated by Article 1 sub-paragraph 2 of the Charter of the Organization of African Unity according to which the "Organization of African Unity shall include the continental African states, Madagascar and other islands surrounding Africa".

3. The Islands of Glorious, Juan de Nova, Europa and Bassas - da - India were natural dependencies of Madagascar during the colonial era.

4. Madagascar's claim is based on the principle that the natural unity and territorial integrity of a country should be preserved at the time of its attainment to independence. This principle is in accordance with Resolution 1514 (XV) of 14 December 1960 adopted by the United Nations General Assembly. The case of the islands surrounding Madagascar is all the more consistent with these principles, since, these islands were under the administration of Madagascar during the colonial era.

5. In this context, and in the light of these factors, the Council requested the African Group at the United Nations to follow the development of the question at the Thirty-fifth Session of the United Nations General Assembly.

6. Since the meeting of the Council of Ministers held in Freetown in June 1980 there was hardly any improvement with respect to the question of the Malagasy Islands of the Indian Ocean.

In fact, the Representative of Madagascar to the United Nations reiterated before the Special Political Committee of the General Assembly in November 1980, his government's desire to initiate negotiations with the Government of France on the Islands of Glorious, Juan de Nova, Europa and Bassas - da - India, "natural dependencies of Madagascar" and called upon France to accept such negotiations.

7. In his comments, the Representative of Madagascar recalled the principles of the inviolability of a country's sovereignty and territorial integrity. He stressed the need to preserve the national unity and

territorial integrity of a country at the time of its attainment to independence and the duty of states to fulfil their obligations in good faith and to find quickly an equitable solution to their international disputes through peaceful means.

8. He criticized the decree of 1 April 1960, separating the above mentioned islands from Madagascar and the decree on the delimitation of exclusive economic zones around disputed land spaces. The Representative of Madagascar then made mention of the ambiguous stand of France which pretends that those islands have been French possession since the last century under the right of occupation of uninhabited lands and lands without owners.

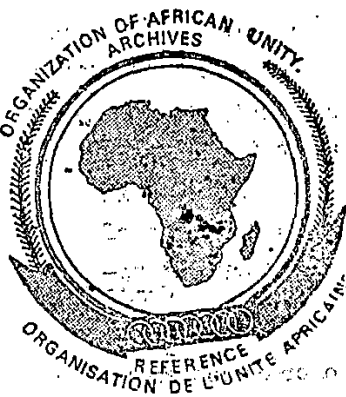
9. In implementation of Resolution CM/Res.784 adopted by the Council of Ministers of the Organization of African Unity at its Thirty-fifth Ordinary Session held in Freetown (Sierra Leone) in June 1980, the African Group at the United Nations participated in the discussions of the question in close collaboration with the delegation from Madagascar.

10. The question of these islands surrounding Madagascar had been considered by the United Nations General Assembly in December 1980. At the end of the discussion, the General Assembly adopted on 11 December 1980 by 81 votes in favour, 13 against and 37 abstentions, Resolution 35/123 on the Islands of Glorious, Juan de Nova, Europa and Bassas - da - India. This Resolution among others:

TAKES NOTE of Resolution CM/Res. 784 (XXXV) on the question on Madagascar adopted by the Council of Ministers of the Organization of African Unity in Freetown in June 1980;

REAFFIRMS the need to respect scrupulously the national unity and territorial integrity of a country at the time of its attainment to independence;

INVITES the Government of France to initiate with the Government of Madagascar, as a matter of urgency, the negotiations provided for in Resolution 34/91 with a view to settling the question in accordance with the purposes and principles of the Charter of the United Nations Organization.



11. The Malagasy Government pursued its efforts for a negotiated solution with the Government of France but the latter refused deliberately to discuss the problem although Madagascar is ever prepared to negotiate.

12. The French Government continues therefore to trample underfoot Resolution 34/91 adopted by the United Nations General Assembly on 12 December 1979.

13. Recently, after the adoption of Resolution 35/123 on the Islands of Glorious, Juan de Nova, Europa and Bassas - da - India, France challenged the competence of the United Nations Organization in the matter.

14. The Ministers for Foreign Affairs of Non-Aligned Countries also considered the question at their meeting held in New Delhi from 4 to 12 February 1981. Bearing in mind the various decisions formerly taken on the question by the OAU, the UNO and the Movement of Non-Aligned Countries, the Ministers urged the Government of France to initiate negotiations with the Government of Madagascar with a view to settling the question accordance with the purposes and principles of the Charter of the United Nations Organization.

15. The refusal of France to react to the appeals made by the OAU, the UNO and to comply with the principles and resolutions of International Organs is a violation of the international law and of the principle prohibiting the dismemberment of a colonial territory at the time of its attainment to independence. The attitude adopted by France with respect to the islands surrounding Madagascar does not create the necessary atmosphere for peace in the region. It gives rise, on the contrary, to some anxieties on the side of Madagascar since it may, in the long run, consolidate an arbitrary and unlawful accomplished fact.

16. It is therefore the duty of Independent Africa to convince France so that the latter may comply with the resolution of the International Community and rerocede the Islands of Glorious, Juan de Nova, Europa and Bassas- da - India to Madagascar.

17. The General Secretariat is following the development of the question of these islands surrounding Madagascar and will report to the Council of Ministers.

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