

UNITED NATIONS



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JUN 29 1984

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1887th MEETING: 5 FEBRUARY 1976

NEW YORK

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NOTE

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The resolutions of the Security Council, numbered in accordance with a system adopted in 1964, are published in yearly volumes of *Resolutions and Decisions of the Security Council*. The new system, which has been applied retroactively to resolutions adopted before 1 January 1965, became fully operative on that date.

1887th MEETING

Held in New York on Thursday, 5 February 1976, at 3.30 p.m.

President: Mr. Daniel P. MOYNIHAN
(United States of America).

Present: The representatives of the following States: Benin, China, France, Guyana, Italy, Japan, Libyan Arab Republic, Pakistan, Panama, Romania, Sweden, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania and United States of America.

Provisional agenda (S/Agenda/1887)

1. Adoption of the agenda
2. The situation in the Comoros:
 - (a) Telegram dated 28 January 1976 from the head of State of the Comoros addressed to the President of the Security Council (S/11953);
 - (b) Letter dated 3 February 1976 from the Permanent Representative of Guinea-Bissau to the United Nations addressed to the President of the Security Council (S/11959)

The meeting was called to order at 4.15 p.m.

Expression of sympathy in connexion with the earthquake in Guatemala

1. The PRESIDENT: Before I turn to the provisional agenda for the afternoon, I should like to read out for the members of the Council a telegram which has been sent by the Secretary-General to General Kjell Eugenio Laugerud Garcia, President of Guatemala:

"I am deeply distressed to learn of the severe earthquake which has struck your country and your capital city. I wish to extend my most sincere sympathy to you and to the people of Guatemala who have been affected by the reported loss of life and tragic damage which has resulted. The United Nations stands ready to provide to your Government whatever assistance may be possible. In this respect the United Nations Disaster Relief Coordinator immediately set in motion the appropriate procedures to mobilize emergency assistance from the United Nations system and the international community."

I am sure that the members of the Council would wish to join with me in associating themselves with

the Secretary-General's message and the action envisaged therein.

Adoption of the Agenda

The agenda was adopted.

The situation in the Comoros:

- (a) Telegram dated 28 January 1976 from the head of State of the Comoros addressed to the President of the Security Council (S/11953);
- (b) Letter dated 3 February 1976 from the Permanent Representative of Guinea-Bissau to the United Nations addressed to the President of the Security Council (S/11959)

2. The PRESIDENT: In accordance with the decisions taken yesterday [*1886th meeting*], I invite the representative of the Comoros to take a place at the Council table. I also invite the representatives of Algeria, Equatorial Guinea, Guinea, Guinea-Bissau, Kenya, Madagascar and Somalia to take the places reserved for them at the side of the Council chamber, on the usual understanding that they will be invited to take a place at the Council table when they address the Council.

At the invitation of the President, Mr. Omar Abdallah (Comoros) took a place at the Council table; Mr. Rahal (Algeria), Mr. Ecuia Miko (Equatorial Guinea), Mr. Camara (Guinea), Mr. Fernandes (Guinea-Bissau), Mr. Maina (Kenya), Mr. Rabetafika (Madagascar) and Mr. Hussein (Somalia) took places at the side of the Council chamber.

3. The PRESIDENT: The Security Council will now continue its consideration of the item on its agenda. The first speaker is the representative of the Comoros, whom I welcome and invite to make his statement.

4. Mr. OMAR ABDALLAH (Comoros): I must start by expressing my appreciation of and admiration for the Security Council which, I believe, is the guarantor of peace in our perplexed world. The work that has been done by the Council from the time of its creation to this day and the part played by successive Presidents deserve our thanks. And I must thank, in particular, the current President, who has shown a lot of wisdom and prudence in conducting the meetings of the Council. At the same time, I must thank the Council for the interest it has taken in the affairs of

our small and new country. But, of course, as representatives realize, however small any country is nowadays, that country is a part of the body which is the world. And even if the smallest finger is unwell the whole body feels that it is not very well and the whole body might run a high temperature. Therefore, whatever happens in any place in our world today must concern other countries, however small or remote that particular place might be.

5. I shall begin my address with an introduction. I wish to explain the political situation in the Comoros in connexion with its independence and to state that France, according to its own laws and Constitution, has no right to attempt to cut off Mayotte from the body of the Comoro Archipelago, because the fact remains that, since the separation of the islands from the mainland of Africa, Mayotte has remained part and parcel of the Comoro islands, playing a very important part in the life of the country in give-and-take and co-operation in all circumstances. These four islands together form the State of the Comoros. It is a fact accepted by the United Nations, and the General Assembly in its resolution 3385 (XXX) voted to admit the Comoros as a Member of the United Nations as four islands and not three. That is irreversible. The world has accepted that situation. It is now a fact, and the fact will remain. Independence for those four islands is here to stay, and France, like any other nation, knows that. But there are, of course, minor differences of opinion which, I am sure, with the help of the Council will be removed; the situation will be improved, and ultimately those small islands off the eastern coast of Africa will not be the cause of any trouble in this vast world.

6. Naturally the first people who settled in the Comoro islands were Africans from the coast, and then other people from the continent of Asia followed. Whatever the case may be, the historians agree that settlement in those islands stated more than 4,000 years ago—and there is historical evidence of this, but we will not go into that; it would be irrelevant to do so. What is definite is that Arabs from Yemen and the Gulf arrived at these islands before the prophethood of Mohammed and they have since then continued to visit those islands. Some have settled there and their descendants comprise the citizens of those islands.

7. The earliest people to settle in the Comoros—some of the earliest people at any rate—were the Malaysians, as is revealed by history and the Mongolian features in the faces of some Comorians. Someone actually has remarked that I have some Mongolian features. How far that is right I do not know. Then the Shirazis followed, and many of their relics are still standing. These various elements mingled together to form one Comorian community, in such a way that they all lost the customs and traditions of their origin, whether that was Arabia, Iran, Malaya or India.

8. Whoever was born in these islands became a Comorian in every respect. This is unique. This absorption was inevitable because the society of the Comoro islands has always remained matrilineal. Therefore, there has never been in the Comoro islands any racial or religious conflict or problem. The religion of the overwhelming majority is one, Islam. They all belong to the Shafi school of thought and they have firmly rooted customs and traditions, binding all to the same outlook, attitudes and behaviour.

9. One reads or hears on the radio that in Mayotte there are Christians who deserve protection from France and that this is enough of an excuse to separate Mayotte from its sisters. This statement is misleading and erroneous because all those Christians belong to three families only, and their number is only 152, while the population of Mayotte consists of more than 40,000 people, all of them Moslems. Is it justifiable that this minority should be the cause of cutting off a part of the country on the pretext that their interests must be safeguarded? Their interests and rights as citizens of the Comoros are already safeguarded. In fact, not only are they safeguarded but, in addition, the islands and their successive Governments have always considered them to be citizens of one country, the Comoro islands. Because the people of these islands do not know discrimination, whether racial or religious, whoever settles in the Comoro islands is a Comorian, to the extent that Frenchmen who consider themselves to be Comorians enjoy all the opportunities and privileges open to the other Comorians.

10. The best example of this is the fact that a Frenchman born in France is now, after independence, one of the only three roving ambassadors of the young State, in spite of the misunderstanding existing between France and the Comoros. This has no parallel in the history of politics. It is a tremendous instance of social and political justice which deserves to be applauded by the whole world, particularly France, which believes very strongly in liberty, equality and fraternity. In the Comoros, we see a unique example of equality in opportunity and endeavour. The Christians in Mayotte have been allowed to participate fully in the political and social life of the Comoros. Some of them belonged to the Assembly. There was one who was a Minister, who was actually, in the absence of the then President, appointed as an Acting President. The Government of the Comoro islands therefore is not prepared to give any community, let alone a family, any special rights. How therefore can an integral part of it be cut off from the other parts for an excuse which does not hold water?

11. From time immemorial, these islands have always lived together there, operating like organs of the same body. No one can deny this because it is impossible that it should be otherwise, since the islands are so near to each other, each one relying

upon its sister in all its affairs. Geography, nature and human needs have united them just like any other part of the world which is considered to be a unity.

12. If there have been differences in authority in these islands, it is like what has happened to other countries, such as France itself. Just as France will not allow the division of that noble country, so it is the case with the Government of the Comoros. It will never accept a division, of whatever nature, in its new, unique young State. In fact, the unity of Mayotte and the other islands is demonstrated by an historical fact—that in 1513, one Mohammed Bin Hassan, a Sultan of Anjouan, became a Sultan of Mayotte as a result of his marriage to the queen of that island. As a consequence of the natural unity of these islands, France itself also discovered that there was no alternative to combining these four islands together under one Government.

13. In 1841, France tried in vain to cut off Mayotte from its sisters. Actually, in 1843, it made Mayotte a dependant of the Isle of Bourbon, which is now called Réunion. Then, it discovered that this was not practicable and as a result, between 1843 and 1844, put Mayotte under Nossi-Bé, an island off Madagascar. Still it discovered that such a combination was artificial and did not work. Such a marriage could not be successful, and therefore it reversed the whole thing and placed Nossi-Bé under Mayotte from 1844 to 1878. Experience taught it that this would not work either and, therefore, France combined Mayotte with Madagascar. That did not serve any purpose either and France was forced to go back to reality in 1912, when it recognized that Mayotte could not be separated from its sisters. It therefore combined all four islands to form one colony under the rule of the Governor of Madagascar, a situation which obtained until 1946. Then, hard facts forced France to separate the archipelago from Madagascar completely and absolutely.

14. It is relevant to mention here that, in fact, Mayotte was the base for extending political and administrative authority to all the islands, as is revealed by the Decree of 1889, which mentioned Mayotte and its dependants. By this France accepted the incontrovertible fact that Mayotte and the other islands formed one indivisible State. They had always been so and have remained so. They were like that before colonialism. They remained so, in that natural condition, in the time of colonialism and will remain so after colonialism.

15. It is significant that the Republic of France has never questioned the unity of the archipelago, and that it made it known to the world that the four islands all formed one country under French rule. In these circumstances the French Government and the Chamber of Deputies in the Comoros agreed on 5 June 1973 that steps should be taken to hasten the islands' progress to independence. President Giscard d'Es-

taing himself followed these steps with interest, and never uttered a word which could be interpreted as rejecting the unity of the islands. In fact, he made it perfectly clear on 24 October 1974 that the Comoros were indivisible, as they had always been. It was only natural that they should so remain and have a common destiny. These are the words of the President of France.

16. In this spirit, serious work started at the end of 1974 to promote the application of article 53 of the French Constitution. That article welcomed the fact that the people of these islands wanted a referendum, which should be global, to show whether they wanted independence or not.

17. The global vote came and the answer was affirmative. This did not come as an accident. The unity of the islands, as was pointed out before, was an undeniable fact which was accepted by the French themselves. And the first text which revealed that was the one on 9 September 1889, to the effect that there should be political and administrative unity in the Comoro Archipelago. That article was never abrogated by any other texts in spite of a number of statements made later in connexion with various subjects which concern the Comoro islands. Amongst those statements made later on various subjects connected with the Comoros is the French law of 9 May 1946, the law of 16 April 1952, the law of 22 July 1956, the law of 22 December 1961, and the law of 3 July 1968. In fact, every time the French legislators wished to make a resolution concerning the Comoros they have always taken the archipelago as one country. One can even say that the legislators made this clear in the law of 9 May 1946, which was the consequence of a previous law, which stated the following as a proof of the unity of the Comoro islands: "It is stated in the law that the religion of Islam gives the islands their power in unity and so does the local dialect which combines all the people of these islands".

18. No wonder then that both France and the Comoros agreed that the vote should be global. The referendum took place and the population voted in favour of independence. The French law by which the referendum was held clearly stated that the vote would be global. Definitely, those who have the intention of holding another vote in one of the islands again would be contradicting French law, which would be definitely unbecoming to France. This idea of a global vote and the results did not come as a surprise to Comorians. For them it merely emphasized the *status quo*.

19. It is worthwhile mentioning again that the French law by which the referendum was held asserted that the referendum would be global and not held for each island in isolation. It appears as if the French thought the Comorians were not serious in their demand for independence or that there would be an element which would stand against those who declared that

independence should be given immediately. For these reasons, France was perplexed when it saw the results of the elections, and had to take Mayotte as an excuse for extending colonialism in the Comoros. This shows clearly that it was determined under all circumstances to remain in Mayotte because, immediately after the people of the Comoros voted for independence, France manifested a strong intention to stay there indefinitely. It nominated its representative, Mr. Veran, as High Commissioner and he has already established the French administration there. The French Public Treasury was opened to pay the civil servants in Mayotte with French money, of course. Also, the island was invaded by French soldiers. All types of soldiers were sent there, such as the French Foreign Legion, military forces, parachutists, special cadets, and men-of-war, one of which goes constantly around the island while the others remain alert in port.

20. Aeroplanes keep on moving and flying over the heads of the people and this frightens the inhabitants of Mayotte, especially those who dare to express their views on independence. On 16 July the French attempted to exile all the die-hard nationalists. Some of these were put in small boats and others in small ships without engines. I am pretty sure that was not done with the agreement of the Government in Paris, and I would not be surprised were the French representative here to find this something quite new. But that is actually what has happened, and the point which must be emphasized is that the Security Council must face facts and realities. The Council is here to solve problems. The French representative himself is, I am sure, one of those people who are keen to have this problem solved, somehow peacefully. I am pretty sure that he as much as the French people believes in human rights and the fact that every person in the world must enjoy freedom of expression. Therefore, I am not saying this in an attempt to destroy the name of France. I am just making statements which are facts and, if the Council wishes, it can find out whether what I say is true or not. I suggest that the French Government in Paris should start trying to find out about these things because these things create a bad impression of France. It is only certain individuals who are doing all this.

21. These ships were made actually to transport goods. There is evidence of this in the writings of the French themselves which state that, in the list of the intended referendum, 4,000 names are missing. They learned this by comparing it precisely with the list of the last referendum. What is the point then of having a referendum if 4,000 voters are absent? That is a mockery. To make the situation worse, those who remained behind are frightened, and men and women who are courageous enough to express their disgust for another referendum suffer persecution. There is nothing in this, therefore, except an attempt to extend colonialism on the islands for one reason or another.

22. It is clear, therefore, that to hold another referendum in Mayotte alone and to require the agreement of the French Parliament is a pretence of ignorance of the celebrated French Constitution. On top of that, it is an interference in the affairs of a foreign country because, once again, the referendum already held was on the basis of a French law, the citizens of the four islands voted in it as one nation, and the overwhelming majority voted for independence for the four islands as one country. And, in addition, the vote was held under the supervision of the French themselves and the administration.

23. Immediately after the results of the referendum were known, the Comoros were free and independent, but it was in July 1975 that the Comorians made an official declaration of their independence. What would the world and the United Nations think of the French attitude and behaviour? The mistake is not with the French people nor with the French Government, but with certain individuals who have overrun the French Constitution and the French sense of justice.

24. The main point is that the four islands of Grande-Comore, Anjouan, Mayotte and Mohéli are free and independent. It is not a question whether there should be another referendum or not. That is absolutely out of the question. That is not what we are discussing here. The discussion here is connected with the fact that these four islands are free. That was admitted by the United Nations and all the nations in the world have accepted it. It is a fact, and that fact remains—that the Comoros are absolutely independent and definitely free just like any other country.

25. Of course it has four main parts. We have Grande-Comore, Anjouan, Mayotte and Mohéli, all together forming one State, the State of the Comoro islands, a fact which I am sure the French sooner or later will accept, because the French have been known throughout their history to be a race of thinking, understanding people who believe that humanity all over the world must be respected, that the wishes of the people themselves must be followed, and that a great nation like France must keep its word.

26. Down through history France has said that the Comoros form one State, and I am pretty sure that, after the removal of these misunderstandings, which I am confident will be achieved very soon with the Council's help, the French will accept this fact that the Comoros, comprising four islands, are free and independent. The Comoros have no intention other than to live in friendship and amity with the nations of the entire world, and particularly with France which has ruled the Comoros for so long. The destiny of the Comoros was bound in one way or another—whether the Comorians liked it or not—with the destiny of France. They fought the Great Wars together. France instituted its ideas of democracy, and the Comorians cherished those ideas. They want to

continue to have very good relations with France, of course, as much as they wish to continue their friendship with other people and to co-operate with the Security Council and with the United Nations as a whole.

27. I think that what I said is sufficient to convince the Security Council that the Comorians are peaceful people who are not intent of fighting or quarreling but wish, like any other nation, to be free and independent and to have no interference in their internal affairs. The French gave their word and they will keep it; the Comorians have given their word that they will remain friends with the French and all other nations in the world and they will keep it. Let us hope for the best.

28. Mr. BOYD (Panama) (*interpretation from Spanish*): Mr. President, I wish to fulfil a painful duty by joining with the Secretary-General and you in conveying to the delegation of Guatemala our deep distress upon hearing the news of the earthquake which took place in the sister Republic of Guatemala early yesterday. It took a heavy toll of human life and material loss. It is our hope that the assistance to be given to Guatemala by the Secretary-General will become a reality and that it will reach its destination as soon as possible.

29. Mr. President, very briefly, may I congratulate you now that the United States has assumed the presidency of the Security Council for the month of February. I wish you every success as you perform your sensitive functions. I should like also to pay a tribute to Mr. Salim Ahmed Salim, who did such a splendid job as President of the Council during the past month of January. We wish, too, to extend congratulations to Mr. Omar Abdallah, the preceding speaker, who spoke with great wisdom and eloquence in defending the cause of the people of the Comoro islands.

30. In accordance with the terms of the Charter of the United Nations, on 12 November last the General Assembly adopted by consensus resolution 3385 (XXX) admitting the Republic of the Comoros to membership in the United Nations. In that resolution the need was stressed to respect the unity and territorial integrity of the Comoro Archipelago, made up of the islands of Anjouan, Grande-Comore, Mayotte and Mohéli. At the memorable meeting of the Assembly when that resolution was adopted, we wished by our vote to convey Panama's firm belief in the universality of the Organization. In that particular case, Panama's position was merely a reflection of the feelings of solidarity that we traditionally express as a Latin American country. In addition to respecting the desires for freedom and independence of the people of the Comoro islands, we have always been in favour of any decision promoting the complete freedom of Africa from the colonial yoke.

31. In all fairness it must be recognized that when the question of the Comoro islands was discussed in the Security Council France made it clear that it intended to follow a policy involving respect for the right of self-determination of the peoples of the world. The French delegation in the Council foresaw the grave difficulties which might be involved in the independence of the Comoro islands from the point of view of French constitutional order. France realized at the time that a conflict might occur between the wishes of the executive and the decision of the legislative, and that is indeed what took place. That has caused some embarrassment and is not, to our way of thinking, a matter which should properly be considered by the Security Council.

32. The people of Panama, under the leadership of General Omar Torrijos, have for many years been negotiating a new treaty with the United States to put an end to the colonial enclave known as the Panama Canal Zone that divides our country in half and disrupts its territorial integrity and unity. One of the many obstacles to the adoption of that treaty has been an American Senator from South Carolina, Strom Thurmond, who has assigned himself the task of recruiting opposition to the just cause of Panama, which claims sovereignty over its entire territory.

33. Similarly, we have learned from the French press that in the French National Assembly there is a deputy from Mayotte, Mr. Marcel Henri, who is doing his utmost to obstruct the unity and territorial integrity of the Comoro Archipelago, placing the island of Mayotte outside the independence movement.

34. Both in the case of the Comoro islands and in that of Panama, respect for the principle of the territorial integrity and unity of States, as enshrined in the Charter of the United Nations, is required, and any residual rights which certain foreign Powers might lay claim to are contrary to the rules of modern international law.

35. It is quite clear that, legally speaking, the Security Council and the General Assembly were quite correct in accepting for membership the new State in question as an independent republic made up of the archipelago comprising the islands of Anjouan, Grande-Comore, Mayotte and Mohéli. It is our duty now to maintain the territorial integrity of the Comoro islands as a sovereign and independent nation. It is a Member of the United Nations and, at the same time, it is also a member of the Organization of African Unity (OAU) and has been since 18 July 1975.

36. The Conference of Ministers for Foreign Affairs of Non-Aligned Countries, in which Panama participates, decided in its Lima Programme for Mutual Assistance and Solidarity¹ to support the just claims of the Government of the Comoro Archipelago, which wishes to maintain its territorial unity and integrity. In the opinion of the delegation of Panama, the four

islands just mentioned constitute an inseparable entity, which has been recognized by the international community. At this stage it would be inconceivable to adopt any measures implying that we are questioning the territorial integrity or unity of that country. That would be action contrary to the purposes and principles of the Charter and contrary to the Declaration on the Granting of Independence to Colonial Countries and Peoples.

37. The President of the French Republic, Mr. Giscard d'Estaing, on 24 October 1974, said the following:

"The population of the Comoros is a homogeneous population, where there is no colony of French origin, or at least only a very limited colony. Would it be reasonable to imagine one part of the archipelago becoming independent while another part, regardless of the feelings of its inhabitants, retained a different status? I think that we should face the realities of the world today. The Comoros are indivisible; they have always been so; it is normal that they should have a common destiny, even if some of their inhabitants wish for another solution. We do not have the right, at the time of the granting of independence to a Territory, to propose that the unity which has always characterized the Comoro Archipelago be terminated."

38. We believe that the solution to this problem would be for the parties to negotiate an acceptable agreement as soon as possible, so that the referendum which the Government of France seems determined to hold at all costs on Mayotte on 8 February will not be interpreted as a hard and fast position adopted by the entire French nation against the unity and territorial integrity of the State of the Comoros.

39. We wish to make an appeal to immortal France, which has so many friends in Panama, to settle this problem in an amicable manner, so that good relations among the parties to this seeming conflict may prevail and so that the Comoro Archipelago may progress and live in peace.

40. Mr. PAQUI (Benin) (*interpretation from French*): First of all, my delegation would like to associate itself with the Secretary-General's appeal for assistance for the people of Guatemala, which suffered an earthquake yesterday morning, and we should like to convey the sympathy of the Government and people of Benin to the Government and people of Guatemala on the tremendous losses they have suffered in human life and property.

41. It was not without genuine interest that my delegation listened to the statement made here by the representative of France [*see 1886th meeting*]. In that statement we sought acceptable justifications for the reasons and motives that led France, a country recognized as a champion of decolonization, to engage in a process obviously designed to divide the

Comoro Archipelago. In spite of all our good will we really cannot follow the argument of France in its attempts to justify its rejection of the charge of aggression against this young State Member of the United Nations.

42. After all, we know that it is not necessary for there to be resort to arms, confrontations and military force to justify talk of aggression. There can be economic, political and, indeed, geo-sociological aggression, and it is within this context that we see the complaint of the Comorian authorities. So the reasons why the Comorian Government called for the convening of this meeting are not only convincing but entirely acceptable and justified, in the view of my delegation.

43. If we look back and attempt to follow the vicissitudes marking the accession to independence of the archipelago in July 1975 and its admission to the United Nations, we shall not find it difficult to understand that France, from the very outset, had no intention of giving up the Comoros entirely. Otherwise, how are we to explain the persistent refusal of France to recognize the results of a certain number of democratic consultations held under its authority? Initially, the major political parties between which the Comorian electorate was divided and which were later joined by the Parti pour l'évolution des Comores merged and made a statement, the political part of which stipulates in paragraph 3:

"The essence of the action of the new Party created by the merger of the other parties will fundamentally be based on two objectives: first, the establishment of an administrative and political system that will make it possible to associate the mass of the Comorian people, through their elected political representatives of whatever level, in the work of the development of each island, and consequently of the whole of the archipelago; secondly, the accession of the Comoro Archipelago to independence in friendship and co-operation with France."

44. The elections held subsequently on the basis of that clear and precise programme, which demonstrates the political maturity of the Comorians, brought to the Assembly an overwhelming majority of elected representatives who campaigned for independence. Those results should have been enough for France to understand the will of the Comorian people and negotiate with the Comorian authorities the transfer of international sovereignty and, in consequence, the confirmation of the independence of that country. But, far from taking that course, after having noted the desire for independence in the archipelago, France decided to hold a referendum and acted as if it was not convinced of the impact of that option on the Comorian people.

45. France's attitude and its determination to hold a referendum in Mayotte are quite incomprehensible

to my delegation, because, after all, how is it possible for the country whose motto is "Liberty, Equality, Fraternity", for France which administered the Comoro islands as a unit, to fail today to accept the consequences of the process which it itself stated? How can it possibly persuade the members of the international community that the reasons of convenience which in former times brought about the union of those islands under a single administration today cannot permit the authorities of the Comoros to govern the archipelago as an indivisible whole? Whatever the French delegation may say, it cannot convince us that this is not a manoeuvre aimed against the unity and territorial integrity of the Comoro Archipelago. This is not a simple conflict about the geographical boundaries of a new State. Those boundaries have been recognized by the General Assembly, since, in resolution 3385 (XXX) in which the Comoros were admitted to the United Nations, it was made quite clear that that State was made up of four islands, including Mayotte.

46. Nor can there be any doubt in the minds of the French authorities with regard to the territorial limits of that State. Proof enough can be found in the statements of the head of the French State at the press conference he gave on 24 October 1974, from which the representatives of the Libyan Arab Republic and Algeria read out extracts yesterday afternoon [*ibid.*], and the statements of certain French politicians. The international community was quite justified in believing that the announced referendum would not take place, particularly because, when the Council studied the application of the Comoros [S/11848] for admission to the United Nations [*see 1848th meeting*], the attitude of France was welcomed with satisfaction.

47. Surely no one will come and tell us now that France and the international community at that time were under a misunderstanding, since neither the members of the Security Council nor the members of the General Assembly thought for a moment that they were admitting a State with one of its parts missing or can France really be telling us today that it recognizes the independence of only three Comorian islands?

48. The French attitude might be comprehensible today if the law establishing a referendum had stipulated clearly at the time that the results of those consultations would be considered on an island-by-island basis, instead of globally. To say today that Parliament decided to organize this referendum is tantamount to saying that Parliament went back on its own decision. So the problem which arises here is no longer just a problem of a conflict between the legislative and the executive, or just a question of a simple misunderstanding, but rather a contradiction within the legislature itself. Those who rely on the statements of politicians are right, and the causes of the conflict have to be sought elsewhere.

49. However that may be, speaking in the Security Council when the Council adopted resolution 376 (1975) recommending to the General Assembly that the Comoros be admitted to membership in the United Nations, the representative of Benin sought to issue a warning against the present situation when he stated the following on behalf of the Group of African States, of which he was Chairman at the time:

"The Group would not wish to see, in the position taken by France, an expression of any desire to manoeuvre, in the future, in the archipelago of the Comoros, where governments could be made and unmade, or indeed, of any encouragement, intentional or unintentional, to any urge for secession." [*1848th meeting, para. 113.*]

50. However, the organization of the referendum planned for 8 February constitutes not only intervention in the internal affairs of the Comorian State, but actual encouragement of the urge for secession which we mentioned. That is why the invitation issued by France for international observers to be sent to witness the carrying out of the referendum is quite unacceptable, because if France wanted to invite those observers it should have done so when it organized the first referendum. At that time that country did not feel that it needed to agree to the request of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to send observers to the Comoros. In any case, there is a great temptation today to believe that if France is insisting on its invitation it is because it is sure of the outcome. The Council must not allow itself to become a party to this manoeuvre.

51. It was not a secret to anyone then, any more than it is today, that at least two thirds of the population of Mayotte would declare itself in favour of an association with France. My delegation, in the light of this fact and in the interests of France itself and the people of the Comoros, would like to appeal to France to refrain, in so far as it can, from organizing this referendum, which can only be a blot on its escutcheon, its traditional reputation and the high esteem in which it is held in Africa. We believe that, as between honour and the concern to preserve the political ambitions of certain individuals, France will have no hesitation in choosing, we venture to claim, honour.

52. Mr. President, I would not like to conclude my statement without conveying to you our sincere congratulations on your assumption of the presidency of the Council for February. We are convinced that this post will enable you to take a view of international affairs different from the one you held before. Knowing your fighting spirit as we do, knowing you as a zealous champion of democracy, we have no doubt that you will do everything in your power to see to it that true democracy, and not a travesty of democracy, prevails in the Comoros.

53. I should also like to take this opportunity to express the satisfaction of my delegation at the masterly way in which our brother Mr. Salim conducted the proceedings of the Council last month. His performance had no equal. His youth, his intrinsic worth, his courtesy, proved the truth of the saying, "Noble spirits do not require years to prove their worth".

54. The PRESIDENT: I now invite the representative of Kenya to take a place at the Council table and to make his statement.

55. Mr. MAINA (Kenya): Mr. President, may I first of all express my gratitude to you and the Council for inviting Kenya to participate in the debate. Nor would I wish to let this opportunity pass without paying a tribute to you personally for taking swift action to bring this matter before the Council. I would also like to take the opportunity, Mr. President, to state that the news of your departure, your decision to leave this international community to rejoin our common profession—I am a teacher myself; that is why I say this—is sad, but I am sure that the good relations that you and I have been seeking to promote between our two countries will continue to grow, and I trust that your interest in promoting world peace, economic well-being and good relations between all nations will find room for expression and focus in the academic world you are about to rejoin. We wish you well. We also pay a tribute to your predecessor, M. Salim, for the very valuable tasks he accomplished during the month of January.

56. May we also join with others in expressing our sympathy with the people of Guatemala during this period of their difficulties. It is our hope that the international community will join in giving Guatemala material assistance as this time of need.

57. The issue before the Security Council is extremely important to all Members of the United Nations. What we are discussing concerns the unity and territorial integrity of one of the new Members of the United Nations, a member of OUA and also a member of the non-aligned movement.

58. We all recall that on 17 October 1975 [1848th meeting], the Security Council, in its resolution 376 (1975), which was adopted by a vote of 14 votes to none, in which France did not participate, recommended to the General Assembly the admission of the Comoros to the United Nations. On 12 November 1975 the Assembly, in its resolution 3385 (XXX), acted on the recommendation of the Council and admitted the Comoros to membership in the United Nations by consensus. These formal and solemn motions of the Security Council and the General Assembly made the Comoros a Member of the United Nations enjoying all rights and privileges, as well as the burdens which that membership implies.

59. The developments that led to the events I have just described are well recorded and known, but they

can bear repetition in brief, although they will no doubt be recounted over and over again. The Comoros, sometimes styled the Comoro Archipelago, has been under French colonial rule for many years. It has been ruled as one country, and all the steps the French Government has taken in the past leading the Comoros to freedom have been fully recorded by the United Nations. The significant events are: the agreement reached by the French and Comorian Governments in the Joint Declaration on the Accession to Independence of the Comoro Archipelago² of June 1973, the referendum of 22 December 1974, and the assumption of independence by the Comorian Government on 6 July 1975.

60. The next significant events include the public position assumed by the Government of France. It appears that the Government of France was distinctly displeased by the assumption of freedom and independence by the Comoros, and a forceful armed action was contemplated. This was abandoned, and a partial occupation of the Comoros took place in the province of Mayotte. Instead of France organizing the withdrawal of its forces from the Comoros, it took action calculated to dismember the Comoros.

61. In the General Assembly on 26 September last year, the Minister for Foreign Affairs of France stated the following:

"Quite recently France consulted the people of the Comoro islands regarding their future. The great majority favoured independence and, without waiting for completion of the constitutional process, decided through their deputies to take over management of their own affairs. The French Government recognized that, and announced that it was prepared to begin talks immediately regarding the transfer of responsibilities. We still hope there can be agreement among Comorians permitting establishment of a framework within which this new State will begin its future. In this case, as in others, France is true to its continuing policy of respect for the right to self-determination".³

62. It is significant that when the Security Council met on 17 October to consider the admission of the Comoros to the United Nations, the representative of France repeated the statement of the Foreign Minister and, in declaring the non-participation of France in the Security Council proceedings, stated, *inter alia*:

"Since my Government, which has set this new State on the road to independence, would not like to see the first steps of the Comoros in international life give rise to a contradiction which, in our view, it would be inappropriate to bring before the Organization, we do not feel that we can participate in either the discussion or the voting on this item of the agenda.

"Although we shall not be participating in today's vote, France would voice the hope that the Comoros and the international community will construe that attitude as proof of its desire to assist, as soon as possible, in the adoption of a final solution acceptable to all the parties concerned. Negotiations between the French and the Comorian representatives have just taken place in Paris. For the time being, they have been suspended so as to provide both parties with additional time for reflection.

"It goes without saying that my country, as it has always proved in the past, has at all times been aware of the particular responsibilities incumbent upon it by virtue of the application of the principle of self-determination. It likewise goes without saying that in this matter France is not seeking any particular advantage". [*Ibid.*, paras 8-10.]

63. Inasmuch as the representative of France had institutional difficulties which he did not resolve, the United Nations has even more serious difficulties in dealing with the continued French occupation of the territory of the Comoros and with the present illegal activities of the Government of France in the Comoros. France lost sovereignty over the Comoros when that State assumed national responsibility, which act was confirmed by its admission to the United Nations.

64. France has declared on more than one occasion its respect for self-determination. There must be a limit to self-determination and a context in which it is viewed and implemented. The United Nations must have been aware of the dangers of a loose expression of the principle of self-determination from the beginning. In the oft-quoted resolution of the General Assembly which codified this principle of self-determination it is no accident that the last two paragraphs deal with this problem. In paragraphs 6 and 7 of resolution 1514 (XV), the Assembly declared:

"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.

"All States shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the present Declaration on the basis of equality, non-interference in the internal affairs of all States, and respect for the sovereign rights of all peoples and their territorial integrity".

65. In the view of my delegation, France cannot logically rely on the principle of self-determination to dismember the Comoros, a sovereign Member of the United Nations.

66. The United Nations also has another serious institutional problem. France is a permanent mem-

ber of the Security Council. When the application for the admission of the Comoros was considered by the Council, France was represented in the Council but declared its wish not to take part either in the discussion or in the voting. The question that arises now is whether France is a party to Council resolution 376 (1975), which recognized the Comoros as a sovereign State and recommended its admission to the United Nations. It is the view of my delegation that France is fully a party to that decision, and if there are any doubts it can seek a legal opinion. There is, however, no need to do so because there are numerous precedents to confirm that France is fully a party to the decision. This is even further confirmed by the fact that as a permanent member of the Council, it had the power to produce a different result.

67. Since France cannot rely on the disunity of the Comoros to continue to occupy one part of the Comorian territory and to take actions which give the impression that it has sovereignty over the Comoros, it would be interesting to know the basis of its actions.

68. In view of the foregoing we are bound to ask: Is it French national advantage which France is seeking in the Comoros? We have been told that this is not so. Is it national pride, in that the Comoros speeded up the date of its independence? This would be untenable in the case of a mature and experienced nation of the status of France, in that national affairs are not handled like the affairs of a private individual. Perhaps in this as well as in other undeclared interests in the Indian Ocean is contained the answer. It is difficult otherwise to understand why France is encouraging and taking actions that could lead to the dismemberment of a State Member of the United Nations. We consider that it is not too late for France to change this course of illegal action in the Comoros.

69. In conclusion, I should like to appeal to the Council to impress on the French Government the need to honour its obligations under the Charter and the principles of the United Nations by refraining from taking any actions which may interfere with the sovereignty and territorial integrity of the State of the Comoros.

70. Yesterday evening the representative of France made a statement to clarify the positions held by the executive arm of his Government which were not upheld by the French Parliament. The dialogue that followed was clear enough to show that our colleague, the representative of France, would be the first to suffer if internal disagreements of his Government were made a subject of debate in the Council. Merely to illustrate this difficulty, and without in any way intending to embarrass our colleague, one can legitimately ask whether he represents France, the French executive or the French Parliament or all at the same time.

71. We cannot agree to be drawn into this type of discussion since it would make the Organization

unworkable. When we call on the Government of France to stop taking actions calculated to dismember the Comoros, we mean "the Government of France" in the ordinary sense attached to that expression.

72. The PRESIDENT: The next speaker is the representative of Guinea. I invite him to take a place at the Council table and to make his statement.

73. Mr. CAMARA (Guinea) (*interpretation from French*): First of all, I should like to associate my delegation with the appeal of the Secretary-General and, on behalf of the Government of the State Party of Guinea, I should like to express our sympathy to the people of Guatemala in connexion with the catastrophe that country has just suffered.

74. Mr. President, before turning to the item before the Security Council permit me, on behalf of my delegation to congratulate you on your assumption of the presidency of the Security Council for February, and at the same time to pay a well-deserved tribute to your predecessor, Mr. Ahmed Salim of the United Republic of Tanzania for the courage, wisdom and tact with which he conducted the proceedings of the Council in January.

75. It was on 6 July 1975 that the heroic people of the Comoros, fully aware of their history and the responsibilities imposed on them by present-day society, proclaimed their independence. That date in its historic significance marked the first manifestation of a specific desire, freely expressed by an overwhelming majority of the Comorian people in the course of the referendum which took place on 22 December 1974. Under resolution 3385 (XXX), the General Assembly decided, by consensus, to admit this new independent and sovereign State to membership of the international community.

76. As have all other States present here, my country, the Republic of Guinea, has always been devoted to the sacred principle of the right of all peoples to self-determination and independence, a principle laid down in the Charter of the United Nations and in resolution 1514 (XV), the Declaration on the Granting of Independence to Colonial Countries and Peoples. Consequently, we, the members of the international community, should denounce and condemn any attempt to disrupt the national unity and territorial integrity of the Republic of the Comoros.

77. It is unfortunately deplorable and tragic to note that, in spite of the provisions of resolution 1514 (XV), in which the Assembly stipulates, *inter alia*, that

"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"

and in spite of the appeal issued by the Council of Ministers of OUA in its resolution 421 (XXV)⁴ and that of the Conference of Ministers for Foreign Affairs of Non-Aligned Countries, held at Lima,¹ France is illegally occupying part of the State of the Comoros, namely, the island of Mayotte.

78. What is worse, it has decided to organize a referendum on 8 February 1976 in that island, a referendum which it claims is a way of consulting the population of the island in an attempt to determine whether it wishes to choose freedom or slavery. And what are known as the conditions of security have been created to make possible this "free" choice—for we are perfectly well aware of the existence in that area of legionnaires, police, warships, an aircraft carrier and French commandos. This has just been confirmed by the representative of the Comoros. This situation is not only a flagrant violation of the territorial integrity of a State Member of the United Nations, but also a threat to international peace and security.

79. France has its own social and cultural history. How can France deliberately deny the social and cultural history of the Comoro Archipelago with its natural constituents, which are: Anjouan, Grande-Comore, Mayotte and Mohéli?

80. Let us remember that the unity and territorial integrity of the Comoros have been established by French legislation itself, from the law of 25 July 1912 which made a colony of all these islands, right up to the law of 1974 on the referendum, and including the law of 1947 making of the territory an autonomous administrative unit, the law of 22 December 1961 on the political organization of the Comoro Archipelago and the law of 3 January 1968 which modified and supplemented this last one.

81. We hope that France will abide by its obligations under these various pieces of legislation which recognize in their entirety the unity and territorial integrity of the Comoros. In this regard President Valéry Giscard d'Estaing stated on 24 October 1974 at a press conference:

"The population of the Comoros is a homogeneous population, where there is no colony of French origin, or at least only a very limited colony. Would it be reasonable to imagine one part of the archipelago becoming independent while another part, regardless of the feelings of its inhabitants, retained a different status? I think that we should face the realities of the world today. The Comoros are indivisible; they have always been so; it is normal that they should have a common destiny, even if some of their inhabitants wish for another solution. We do not have the right, at the time of the granting of independence to a Territory, to propose that the unity which has always characterized the Comoro Archipelago be terminated."

82. This statement of President Giscard d'Estaing was quoted yesterday by our brother from Algeria [1886th meeting, para. 88] and today again it was repeated by other speakers before us. We repeat it here in turn because this is not only an authoritative voice but, above all, the voice of reason, the only voice worthy of the greatness of France and in keeping with the spirit of the Charter of the United Nations. In our view, the French Parliament, in its traditional wisdom, should have heeded and still should heed that voice in these present deliberations and, indeed, should allow itself to be guided by that voice.

83. It is clear that France is obliged to accept the logical and juridical consequences of an act of sovereignty in its totality and spare us any further consultations in flagrant contradiction with its present position. We cannot believe that France, faithful to its policy of decolonization since 1960 and its policy of non-intervention in the internal affairs of other States which have been recognized as independent and Members of the United Nations, can fail to give up a practice so similar to that of bantustanization, which France itself condemned and repudiated at this very table in the course of the recent debate on Namibia. The French Government should give up this practice, which is contrary to good French traditions and the ideals which have always inspired and guided it in its work of decolonization. The United Nations can and must safeguard the unity and territorial integrity of this young, independent and sovereign State and call on France to put an end to its unjustifiable and unjustified presence in the island of Mayotte, because its presence there is an open violation of the sovereignty and independence of a State member of OUA, internationally recognized, a State which the General Assembly, at its thirtieth session, admitted to membership on the recommendation of the Security Council.

84. Consequently, permit us, on behalf of our delegation, on behalf of the Government of the State Party of Guinea, and in the name particularly of the new bases for co-operation between France and Guinea, to appeal urgently to France to stop the referendum planned for 8 February 1976 in the island of Mayotte and to withdraw all its forces from the territory.

85. Permit me once again to repeat to France the appeal made to it at Kampala, in resolution 421 (XXV) of the Council of Ministers of OUA, and at Lima by the Conference of Foreign Ministers of Non-Aligned Countries, calling upon it to withdraw in good faith from the island of Mayotte, an integral part of the Republic of the Comoros.

86. France, we repeat, began the process of decolonization at the beginning of 1960. This is something we have not forgotten, and we believe that, faithful to its ideal of liberty and its democratic traditions, France will refrain from organizing the referendum

planned for 8 February 1976, thus respecting not only the Charter of the United Nations but also the wish so widely expressed by the Comorian people on 22 December 1974.

87. Mr. de GUIRINGAUD (France) (*interpretation from French*): I have listened with close attention to the delegations that participated in the debate, and I believe that they all have undertaken the discussion of this subject in good faith. I now in turn should like to bring further clarity to the debate and try to dispel some confusion by reverting to the two points most frequently mentioned in the statements that have been made here. The first is the situation in Mayotte and in the Comoros, and the second is the constitutional and decision-making process in France.

88. On the first point, I believe that we all agree that the results of the referendum of 22 December 1974 reflected the views of the Comorians regarding their future. It is true that the over-all figure of 94 per cent of the votes in favour of independence is very impressive. It reflects the intentions that had been expressed earlier by France. I hasten to explain however, that the 6 per cent of the voters who rejected independence are not scattered in various villages. I fear that the African representatives who spoke of dismemberment or Balkanization did not perhaps perceive reality accurately. The 6 or 7 per cent who voted "no" represented 40,000 inhabitants on one single island.

89. An island cannot be said to be an area designed by men. It is a natural fact, the particular features of which sometimes impose themselves on us more than we would wish. It is true that the ethnic make-up, religion and living habits of the people in the Comoro islands are very similar. There is some geographical homogeneity in the four islands and, at least logically, one would assume that they could be considered indivisible. That was indeed the view of the President of the French Republic, who expressed the intentions and the preferences which were referred to yesterday and today by a number of speakers.

90. But the figures are there; they have confirmed that at the present time—I stress "at the present time"—there is a problem in Mayotte. That problem is generally recognized, and we have invited those who may still have doubts on this point to send to Mayotte on 8 February their government observers, who could testify the situation. If that is considered superfluous, we shall take note of it. It will mean that the sincerity of the consultation is not in question. But that will not remove the problem.

91. I should like to draw the Council's attention to a truly fundamental point. Whether or not we like it, there is a difficulty in Mayotte; a problem exists. Mr. Salim is well aware of that, I am sure. He cannot at one and the same time recognize the sincerity of the consultation and criticize its timeliness. He cannot say: "Do the best you can, pretend that Mayotte

does not exist." He cannot disregard that dissenting view, simply because he is an honest man and because he himself in a recent debate on Belize in the Fourth Committee mentioned the opinion of a distinguished South American jurist, Mr. de Castro.

92. What did that jurist say? That distinguished member of the International Court of Justice stated that "the primary issue is the interests of the inhabitants of a territory. The legal bonds arising from colonization cannot be allowed to obstruct the implementation of the principle of self-determination."

93. Applying that principle to Mayotte, I would say that the primary question is implementing the will of the people and the right to self-determination of the inhabitants of the island. In other words, if the inhabitants are to be given the means to exercise self-determination particular desires which they want no part of cannot be imposed on them. If we say that unity cannot be imposed, that is stating the answer of France to the problem of Mayotte.

94. I insist that people take positions here. I ask: What would the opponents of the referendum of 8 February suggest by way of an alternative solution? What solution is suggested? Should force be used, or be allowed to be used? Then, and only then, would it be proper to speak of aggression.

95. I am sure that our African friends and our friends of the third world who are genuinely concerned with a new and just political order will recognize that the major concept of self-determination is a complex one. I can appreciate their antipathy with respect to what is called "Balkanization", but I would make two points. The first is that it is puerile to believe that the danger of the territory's breaking up arises from manoeuvres ascribed to the abominable colonial masters or to a mythical imperialism. Those slogans do not correspond to reality, which is much more mundane. The truth of the matter is merely that neighbouring populations at times do not get along very well; they may wish to indulge in rivalries or clan conflicts. The truth in this case is that France did not find the Comoro Archipelago united when it set foot on Mayotte first, and then much later on the other islands. We are sorry indeed that at the time of decolonization three islands had not yet reached agreement with the fourth. We would have preferred harmony to reign to a greater extent. We have not spared any efforts along those lines and we shall not do so in the future.

96. My second comment is that the region in question has not been Balkanized. Mayotte, quite obviously, does not wish to become a new State Member of the United Nations, and the French Government will not encourage it in that direction. The State of the Comoros has become independent, and that was recognized by France. Mayotte can remain part of

French territory, if it so desires, or it can still become a part of the State of the Comoros if it so desires. Whatever the solution, there will not be one more State than was anticipated when France recognized that the Comoros were moving towards independence.

97. The representative of Guinea-Bissau, in a very interesting statement yesterday, said that Portugal, if it had so desired, could have created several States in Cape Verde. I might reply that if the new Portugal did not desire that in Cape Verde, France is no more desirous of it in the Comoros. France did not even want to keep part of that archipelago. I do not know what would have happened in Cape Verde if there had been a referendum in that archipelago. I note however that one did not take place. But I would remind representatives that a referendum is an integral and necessary part of French constitutional procedures.

98. France, I might add in passing, is not prepared to give up what it feels is the highest expression of the principle of self-determination and of true democracy. I might also say, this time for the benefit of Mr. Kikhia, if he allows, that France has never imposed any prior conditions to the unity of the Comoros, nor have we endeavoured to have a principle of territorial division take precedence over the principle of territorial integrity. It simply finds itself faced with certain facts.

99. I now turn to the constitutional principles in effect in France. The French Government, when it organized the referendum in the four islands, Grande-Comore, Anjouan, Mohéli and Mayotte, sincerely wished to act in accordance with the over-all results. And when I say the Government, I mean all the branches of the executive, beginning, of course, with the President of the Republic, and then the Prime Minister, the Ministers who are members of the Cabinet, and the whole chain of the executive which leads, as far as the United Nations is concerned, to myself, your humble servant. All have explained the situation to the best of their understanding. They have expressed their intentions. Those intentions, as I said yesterday, were not commitments, nor could they have been.

100. The French Government had no intention of dividing the inhabitants of the archipelago. The Mahorians themselves established that division in accordance with the desire they expressed, by a two-thirds majority, not to join the inhabitants of the other islands but to remain French. One should perhaps seek the reason for that attitude not in any alleged machinations on the part of the French Government, which did not desire such differences, but perhaps in the particular character of the Mahorians, which antedates the establishment of French authority in the area.

101. All the French Parliament could do was to draw appropriate conclusions from the consultations which took place in the Comoros in accordance with the process of self-determination in which the French Government had taken the initiative. The French Parliament alone has supreme constitutional powers when it is a question of modifying the composition of French territory. Nothing is clearer in this connexion than the rule which gives the Parliament decision-making powers in this respect. It is set forth in article 53 of the French Constitution, which I feel it might be appropriate to read here:

“Peace treaties, trade treaties, treaties or agreements relating to international organizations, those which engage the finances of the State, those which modify legislative provisions, those which relate to the status of individuals, those which involve the cession, exchange of, or addition to territories cannot be ratified or approved except by virtue of a law. They take effect after ratification or approval. No cession, no exchange of, addition to territory is valid without the consent of the people concerned.”

102. It is obvious—and all interpretations agree in this connexion—that this absolute rule set forth in the constitutional text for treaties applies *a fortiori* to any unilateral procedures with the same scope, that is, here, to the results of a referendum relating to self-determination. There is nothing very special about that provision; it may be found in the constitutions and constitutional practices of the democratic States whose representatives are seated at this table. I might mention article 80 of the Italian Constitution of 1942, which is very close to our article 53.

103. I am sure that you would not disagree with me, Mr. President, if I said that only the American Congress can consent to the withdrawal of or cession of a territory of the Union, and that the President of the United States must submit for the authorization of the Congress any treaties, in accordance with article II, section 2 of the Constitution of your country, which is practically two centuries old.

104. English constitutional principles, though unwritten, are I think similar to ours on this point, without mentioning the constitutions of other members of the Council, with which I am not so familiar. I might recall, however, article I of the Covenant of 1924 on the creation of the Union of Soviet Socialist Republics, paragraph B of which specifies that the supreme bodies of the Union, and in particular the legislative bodies, alone have the power to modify the boundaries of the Union. I suppose that, generally speaking, territorial acquisition, like territorial cession, must be ratified in the Soviet Union by the equivalent of the French parliamentary bodies.

105. It follows from those considerations that several of the representatives seated at this table are also

unable to enter into any legal commitments regarding the territory of their country. Therefore, as I stated yesterday, the French statements which have been referred to by several speakers in this matter have been, are and will indeed always be declarations of intent similar to those which we hear daily from Governments or their representatives in the United Nations. It is no right to say that there are ulterior motives, even less that some have been guilty of machinations. Those statements were uttered in good faith by the executive power, within the limits of the powers which are laid down in constitutional provisions which are public and published and to which anyone may refer.

106. There is no problem of honour here, as some have thought fit to suggest, nor any problem of dignity. There is only a constitutional question. If we were to take as commitments, in the strongest legal sense of the term, all official pronouncements in this establishment, I believe that we would be soon reduced either to silence or needless disputes.

107. If I may, I should now like to refer to two or three statements that have been heard in the debate this afternoon. The representative of Guinea spoke of the presence of French warships in the area of the Comoros. May I deny that as forcefully as I can. There is a French fleet in the Indian Ocean which normally cruises from the Red Sea to the Kerguelen Islands. It has been in the Indian Ocean for the past 20 years at least. Those vessels do not threaten the Republic of the Comoros any more than they do the other States in the area, any more than do other far larger fleets belonging to other Powers, which also constantly cruise in that area.

108. I might also add that in Mayotte, where there are 36,000 inhabitants, the total number of French military men present is no more than 240—compared with 36,000. Those 240 men are in the only military installation on the island, which takes up a total area of less than half a hectare, and really what is involved is only buildings and land that are being leased. No French military air, ground or maritime facilities exist in the Comoros. France established no military bases there during past decades and, indeed, does not intend to do so today.

109. The representative of the Republic of the Comoros, who spoke at the beginning of our meeting, referred to movements of populations and alleged deportations ordered by French authorities in Mayotte. In that connexion, may I say that as soon as the French Government learned of the departure from Mayotte of Comorians who came from other islands of the archipelago, it called for a legal inquiry. The first results of that inquiry indicate that the departures were limited to a few hundred in number, and not a few thousand as has been claimed. In most cases the persons involved were Comorians who had recently settled in Mayotte encouraged by the pre-

ceding President of the Council of Government of the Comoros. Most of them came from the island of Anjouan. They freely chose to join the Comorian State. It goes without saying that the French local authorities received instructions to be particularly careful about ensuring that no pressure of any kind be brought to bear on the inhabitants of Mayotte forcing them to leave the island. It goes without saying also that those same authorities are in no way obstructing the freedom of movement of the inhabitants of Mayotte.

110. Finally, some speakers have referred to the admission of the Republic of the Comoros to the United Nations and to the resolutions which were adopted in that connexion by the Security Council and by the General Assembly. They thought they could infer therefrom that France, which did not oppose those resolutions, had implicitly accepted the State of the Comoros with the territory it claims. I wish to remind those speakers that in both votes, France was very careful not to participate. I even believe that this is the only time that has happened.

111. We did not want to prevent a State from coming into the United Nations, a State which we ourselves had said wished independence and which we ourselves had helped to attain independence. A negative vote by us would, quite obviously, have prevented that State from entering the United Nations. We did not want to deprive that young State of the support it could have in the Organization or of the recognition which it was thus able to receive from the international community. We called upon our friends to vote in favour of the admission of that State.

112. The fact that we did not participate in the vote clearly conveyed that we had certain reservations about some aspects of the candidacy of the State of the Comoros, and one of those aspects was the territorial make-up claimed by the State of the Comoros. Once again, I repeat that France did not recognize the territorial make-up of the Comoros as that State defined it and as it appears in the resolutions that were adopted when the Comoros joined the United Nations.

113. Mr. PAQUI (Benin) (*interpretation from French*): Unfortunately, I was not in the room when the representative of France began his statement but I was able to follow a good deal of his argumentation, and it seems to me that there is something missing in the reasoning of the representative of France.

114. He laid careful stress on the role of the French Parliament. Now the question I would like to raise is whether or not the French Government had the right to organize a referendum in a French territory without the authorization of the French National Assembly. If the French Government had that right I really do not see how today people can take refuge behind the opposition in the National Assembly. But if the French Government did not have the right, the French

National Assembly should have taken a decision before the referendum took place.

115. That having been said, we are told that France did not want to keep any part of the Comoro Archipelago. We tried to show that even the very process followed right up to independence was not such as to inspire all that much confidence. The independence of this State and its entry into the United Nations was brought about precisely because France, at that time, even if it did not vote in favour of resolution 3385 (XXX), was none the less bound by Security Council resolutions. The fact that it accepted the idea that the Comoros should be admitted to the United Nations as an indivisible entity composed of four islands binds France, and that is why we fail to understand today the argumentation whereby France wishes to prove to us that it was acting in good faith in this operation.

116. The representative of France quoted a statement of a distinguished Latin American jurist to the effect that juridical bonds could not impede the application of the right to self-determination. Very well, but what are these ties? What juridical ties bind France to Mayotte today?

117. The representative of France said that the Comoros did not form an entity. The question which may be asked in connexion with territories formerly under French domination is to know which of the States that are today Members of the United Nations had their present territorial limits at the time when France began colonization. Because if we say that there was no territorial unity in this case, one can say, too, that there was no territorial unity in any of the other States either. France regrouped the archipelago for reasons of convenience and therefore there is no reason why it should not consider the Comoros an entity. This is where we differ from the French delegation. We should like to be told if, for example, the French Government had the right to organize a referendum in the Comoros saying that that referendum would be considered from a global viewpoint, without the authorization of the French National Assembly.

118. Mr. de GUIRINGAUD (France) (*interpretation from French*): To reply immediately to the representative of Benin, of course, the French Government could not organize a referendum without a law. The executive in France is subject to the legislature, as I have so often said, and to organize a referendum there must be a law. It was the law of 15 November 1974 which authorized the organization of the referendum. That law authorizing the referendum made it clear that Parliament would define the voting procedure and that in accordance with the Constitution, Parliament would have to take a decision on what should follow that consultation. We never concealed that. It was stated at the twenty-ninth session of the General Assembly⁵ by the representative of France to the Fourth Committee.

119. Mr. PAQUI (Benin) (*interpretation from French*): If I correctly understand the representative of France, this is a pirate law which the National Assembly of France adopted. How can you adopt a law to organize a referendum in a State which is considered a unit and say that you reserve the right to interpret the results of that referendum, when it has been stated that the results of the referendum would be considered globally? I really do not see why they are planning other ways out and complicating the matter even further for the international public.

120. Mr. de GUIRINGAUD (France) (*interpretation from French*): The representative of Benin was surely not in the Fourth Committee when this was stated at the twenty-ninth session, that is, in 1974, and no doubt he was not familiar in detail with the law adopted by the French Parliament. But I am surprised that he can talk of a pirate law when this law applied to French territory. The French Parliament had the right to legislate for a French territory without any need for "piracy" to be mentioned. This is really the first time that I have heard such an expression used with regard to legislation concerning the territory of a State.

121. I repeat that the law defined the voting procedure, that is, the way in which the voting would take place, and stipulated that Parliament would have to take a decision about what to do after the consultation. Parliament made no commitment about the unity of the territory of the Comoros at that time. It reserved its right to judge on the follow-up to the consultation. Therefore, there is no contradiction between the position adopted by Parliament in November 1974 and the decision taken by Parliament in June 1975.

122. Mr. SALIM (United Republic of Tanzania): This is just a point of interest. I was in the Fourth Committee when the French representative made his statement in connexion with the French Government's position with respect to the future of the Territory. And yesterday [*1886th meeting*] in my statement I alluded to that. I said at that time to the French Government that it was inconceivable to have a multiplicity of statuses for the Territory of the Comoros and that the Comoros should retain the frontiers it had as a colony.

123. Now, I am even more concerned when I hear the French representative saying what he is saying now, because it would appear that this statement was made by our colleague from France in the Fourth Committee in 1974; yet by that time the French National Assembly had already planned the type of referendum that would be held in the Comoros. That being the case, of course the French Government was undertaking certain intentions. We were quarrelling yesterday about the words "intentions" and

"commitments"; so I will not go into that field again, in order to reduce the number of rights of reply.

124. But it would seem that when the French Government made that statement, which we consider a commitment, because, as I said yesterday, the French Government as an administering Power has certain responsibilities before the Organization, when it made the undertaking or indicated that intention to the United Nations solemnly as an administering Power, it already had the blessing of the National Assembly, at least to the extent that there was going to be a referendum.

125. Frankly, if at that time they had reason to doubt that that would not be the case, why let the people of the Comoros indulge in such a mockery? For I am sure that if the people of the Comoros had known from the very beginning that the motives of this referendum were still dubious, certainly they would not have expended their energy and their resources in the expectation of something whose outcome was still a subject of a different interpretation. I must say in all humility, the more the representative of France explains his position, the more my conviction of the inconsistency of the French position on this question is reinforced.

126. Mr. de GUIRINGAUD (France) (*interpretation from French*): I do not want to prolong the debate. I regret that I was not able to convince my colleague, Mr. Salim of the United Republic of Tanzania, better. I have often told him, and I have said here, that the intentions of the French Government, of the French executive, were quite clear. The law as voted by Parliament was not at all against the idea of the Comoros becoming independent as a unit. But Parliament, after the consultation, decided to interpret the results of the consultation according to the vote of the people island by island. Because of that, we find ourselves in our present situation. I do not think there is any need to go into further detail on that.

127. The PRESIDENT: Before adjourning the meeting, I should like the members of the Council to know that I have just been informed that certain members of the Council have joined in sponsoring a draft resolution on the subject now before us. I understand that the text has been given to the Secretariat and that it will shortly be available to members.

The meeting rose at 6.45 p.m.

Notes

¹ See A/10217 and Corr.1.

² See *Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 23*, chap. XI, annex, appendix II.

³ *Ibid.*, Thirtieth Session, Plenary Meetings, 2634th meeting.

⁴ See A/10297, annex I.

⁵ See *Official Records of the General Assembly, Thirtieth Session, Fourth Committee*, 2124th meeting, para. 40.

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