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**ORGANISATION DE L'UNITE
AFRICAIN**

Secretariat
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Addis Ababa / أديس أبابا

COUNCIL OF MINISTERS
Forty-third Ordinary Session
Addis Ababa, Ethiopia
25th February -- 4th March 1986

CM/1359(XLIII)

ORIGINAL: FRENCH

Report of the Ad-hoc Committee of Seven of the Organization
of African Unity(OAU) on the Question of the Comorian
Island of Mayotte.

Cm/1359



MICROFILM

Report of the Ad Hoc Committee of Seven of the Organization of African
(OAU) on the Question of the Comorian Island of Mayotte.

The OAU Ad Hoc Committee of Seven on the Question of the Comorian Island of Mayotte met in Addis Ababa, on 16 July, 1985, during the Forty-second Ordinary Session of the Council of Ministers of the Organization of African Unity under the chairmanship of His Excellency, Mr. Martin BONGO, Minister for Foreign Affairs and Co-operation of the Gabonese Republic and Chairman of the Ad Hoc Committee.

2. All the Member States of the Committee, namely, Algeria, Cameroon, the Comoros, Gabon, Madagascar, Mozambique and Senegal were present. The list of participants is appended to this report.

3. In his introductory address, the Chairman indicated that the purpose of the meeting was to consider new developments in the situation since the last meeting held in Moroni, from 9 to 11 November, 1981, a meeting which resulted into the adoption of a pertinent recommendation. At that meeting, the Committee recommended to all the Member States of the OAU, individually and collectively, to use their relations with France so that the latter might restore, at the earliest, the island of Mayotte to the Islamic Federal Republic of the Comoros (operative paragraph 1). The Committee also recommended that a mission of the Committee and the General Secretariat of the OAU be sent as quickly as possible to get in touch with the authorities in France with the view to examining the practical modalities to restore the Comorian Island of Mayotte to the Islamic Federal Republic of the Comoros by setting, if possible, a time limit (operative paragraph 2).

4. Mr. Martin BONGO pointed out that, neither the report of the meeting held in Moroni, nor the recommendation adopted at that meeting, could be submitted to the Council of Ministers for consideration owing to the fact that, since 1981, the Council of Ministers only met to discuss budgetary and administrative matters.

5. Mr. BONGO remarked that notwithstanding the situation, he took the necessary steps to adhere to the recommendation. Thus, in a letter dated 25 May 1984 addressed to the French Minister for External Relations he requested his French counterpart to receive a mission of the Committee of Seven in the first half of July 1984. Besides, the Gabonese Minister for Foreign Affairs, by a note verbale of 22 November 1984, got in touch, with the French Diplomatic Mission in Libreville about this matter. There were also informal contacts to that end at the meeting of the Conference of the Heads of State of Africa and France held in Bujumbura in December 1984. In spite of all those initiatives the French were adamant. Attempts were made by the Chairman to convene the meeting of the Committee during the 38th, 39th and 40th Sessions of the Council of Ministers, but all these proved abortive on account of the prevailing political atmosphere at the OAU.

6. Mr. BONGO finally expressed his appreciation for holding of the meeting which, he said would give an idea about the situation, and enable them envisage new options for the future.

7. The Comorian Minister then took the floor and informed the Committee of recent developments on the matter. He pointed out that, during the last four years, bilateral contacts had been made with the French authorities, at the highest level, for a better understanding of the Comorian cause. He noted that the arrival of the socialists in power in 1981 brought new hopes as regards a rapid and fair solution to the question of the Comorian Island of Mayotte as Mr. Mitterrand had adopted a positive stand to that end, when he was a member of the opposition.

Unfortunately, the Minister went on, the Comorian Government and France could not reach an agreement, thus, revealing the bad faith of France. The latter, in fact, displayed the same negative attitude as the previous Government as regards the question of the Comorian Island of Mayotte.

8. As a result, the Comorian Minister for Foreign Affairs requested the Committee to take new initiatives and work out a strategy so that the French might find a rapid and fair solution to the problem. The question the Comorian Island of Mayotte which was in the meantime left in abeyance by the OAU should again be dealt with and a vigorous pressure exerted by the OAU and the international community as a whole on the French Government so as to enable the Comorian people and government benefit from their rights.

9. During the discussions which ensued, all those who intervened confirmed the importance of the question. The Island of Mayotte which belongs to the Comorian authorities may, in fact, be used sometimes as a base for terrorist activities against neighbouring countries, Mozambique in particular. It was therefore urgent to find, at the earliest, a solution to guarantee the rights of the Comorian people and government on the island. That would enable the Comorian government to control it effectively.

10. The Committee decided to ask its Chairman to make a statement to the 42nd Ordinary Session of the Council of Ministers on the Comorian Island of Mayotte and to submit to the Council a draft resolution for adoption.

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Annex I

Statement made by His Excellency, Mr. Martin Bongo,
Minister for Foreign Affairs of the Gabonese Republic,
Chairman of the OAU Ad-hoc Committee of Seven on the Comorian
Island of Mayotte, to the Forty-Second Ordinary Session of the Council
of Ministers of the Organization of African Unity.

(Addis Ababa, 16 July 1985)



Mr. Chairman,

To begin with, I should like to express my thanks to you, to all my colleagues and other delegation leaders for giving me the opportunity to take the floor, in my capacity as the Chairman of the OAU Ad-hoc Committee of Seven on the Question of the Comorian Island of Mayotte.

If, in recent years, we have not been including in our agenda the question of the Comorian Island of Mayotte, it is simply because our Council did not have the opportunity to consider the report of the last meeting of the Ad-hoc Committee held in Moroni from 9 to 11 November 1981. This report is contained in Document CM/1195(XXXIX) which should have been submitted to the Council for consideration at its 39th Session scheduled for 26 July to 2 August 1982 in Tripoli. Since the twentieth Assembly of Heads of State and Government was not prepared by a meeting of the Council of Ministers and since the budgetary session which took place in February did not examine political matters, the report could not be submitted to the Council.

At the end of this meeting organized "to consider new developments in the situation and to recommend, in collaboration with the Government of the Comoros, measures likely to facilitate the peaceful settlement of this Question", the Ad-hoc Committee adopted a recommendation appended to the Report. Two clauses may retain our attention.

The first operative paragraph recommends that Member States, individually and collectively, take advantage of their relations with France so that the latter may restore, at the earliest, the Island of Mayotte to the Islamic Federal Republic of the Comoros.

The second clause recommends that, for that purpose, a mission of the Ad-hoc Committee of Seven and the General Secretariat of the OAU get in touch with the French authorities, as quickly as possible, with the view to examining practical modalities to restore the Island to the Islamic Federal Republic of the Comoros, by fixing if possible, a time-limit.

It is, to agree on a programme for the purpose that, an attempt was made by Gabon to bring together the other Member States during the 38th, 39th and 40th Sessions of the OAU Council of Ministers, that attempt was fruitless in the absence of a quorum, and on account of the crisis then facing our Organization.

I have, on the proposal of my counterpart and brother of the Comoros, by a letter dated 25 May 1984, a certified true copy of which can be provided, suggested to the French Minister for External Relations, to receive a mission of the Committee of Seven in the first half of July 1984.

This effort was renewed through diplomatic channel in November of the same year.

Today, matters are at a standstill on account of the mutism and indifference of France.

The Comorian Government itself which, in the last four years did its best to find a solution to the problem, could not agree with its French counterpart in the bilateral contacts made.

Mr. Chairman,

I cannot but express satisfaction at our meeting this morning, and, I would like to congratulate all the members of the Committee on their willingness and positive contribution to this discussion.

The essential wish of the Committee is that the Council confirm the report contained in Document CM/1195(XXXIX) and the recommendation appended to that report.

The Committee wishes also that the Council give it a mandate to hold another meeting with the view to working out a new strategy in the light of the prevailing situation and the concerns arising from it.

Mr. Chairman, These are, in short, the essential points of my statement.

May I urge you to allow my Comorian counterpart to take the floor and inform us of the situation which has been prevailing in the archipelgo since the last meeting of the Committee in 1981.

I thank you.

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Forty-third Ordinary Session
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Annex II

STATEMENT
MADE BY H.E. MR. SAID KAFE,
MINISTER FOR FOREIGN AFFAIRS AND COOPERATION OF THE ISLAMIC
FEDERAL REPUBLIC OF THE COMOROS ON THE QUESTION OF THE
COMORIAN ISLAND OF MAYOTTE AT THE FORTY-SECOND ORDINARY
SESSION OF THE OAU COUNCIL OF MINISTERS
(ADDIS ABABA, 16 JULY, 1985)

Mr. Chairman,

Dear Colleagues,

I thank you first of all for having kindly given me the floor by this exceptional procedure so as to enable me make a statement to the Council of Ministers on the question of the Comorian Island of Mayotte. I should like, therefore, to apologize to all of you, my Colleagues, for intervening at a time when the deliberations of the Council of Ministers are about to close.

The item on the question of the Comorian Island of Mayotte was on the provisional agenda of our Council but owing to the fact that the OAU Ad-Hoc Committee of Seven on this question has so far not been able to submit to the Council of Ministers its report, adopted at its last meeting held in Moroni in November 1981, we deemed it useful to suspend provisionally the inclusion of the item in the agenda pending the meeting of our Committee and the submission of its report. Now, the Committee has just met this morning. In order to gain time, we requested our Chairman of the Council of Ministers to kindly allow us to make this statement, considering the importance of the question.

As I have just said, Dear Colleagues, the last meeting of the OAU Committee of Seven on the question of the Comorian Island of Mayotte dates back to 9 November, 1981 in Moroni, our Capital.

At the end of that meeting, we had adopted a certain number of decisions or recommendations likely to make the Mayotte case progress.

May I quote the first two operative paragraphs of the recommendation:

QUOTE

- 1) "Recommends to all OAU Member States, individually or collectively, to use their relations with France to make the latter restore, as soon as possible, the Island of Mayotte to the Islamic Federal Republic of the Comoros."
- 2) "Recommends for this purpose, that a mission of the Ad-Hoc Committee of Seven on the Comorian Island of Mayotte and the OAU General Secretariat contact, as soon as possible, the French authorities so as to consider the practical modalities for the restoration of the Comorian Island of Mayotte to the Islamic Federal Republic of the Comoros by fixing, if possible, a time-limit".

Unfortunately, due to the political situation obtaining during the last three years in our Organization, our Committee could not implement its recommendations.

Consequently, the Mayotte case at the level of the OAU seems to have been left in abeyance while at the level of the other international organisations such as the UNO, OIC, the Movement of Non-aligned countries, resolutions and recommendations are adopted at each of their meetings to support the Comorian people and Government in their legitimate efforts to regain their territorial integrity.

We rightly feel that the OAU, as a Pan-African Organisation and in conformity with its vocation, should have been in the vanguard of the search for a solution to this problem.

It, therefore, devolves upon our Organisation to turn to account the renewed dynamism which permits it to give a new impulse to the question of the Comorian Island of Mayotte.

As regards the negotiations at the bilateral level, I say that the Comorian Government has not remained idle to this effect that during the last four years, contacts were established with the French authorities at the highest level of the State, to make good the Comorian cause. This was to comply with the recommendations of the international organisations which preach dialogue and consultation.

The change in policy in France in 1981, with the advent of the Socialist Party to power, raised hopes with regard to the speedy settlement of the problem.

In fact, while it was in the opposition, this party headed by its Secretary General, the present President of the French Republic, clearly and soundly opposed the French Law which sanctioned the dismemberment of our country. The Members of Parliament of the Socialist Party even went as far as to inform the French Constitutional Council in a Letter of Notification to have that law repealed, deeming it contrary to the French constitution.

It was, therefore, natural that the Comorian people and Government and even the international public opinion welcomed with relief and hope the accession of the Socialists to power, particularly after the statement of the French President, Francois Mitterand who said when speaking about the question of Mayotte: I quote "I am not the man to change stand when the situation changes". Unquote.

I must, however, admit that the Comorian Government continues to come up against a wall of obtuseness which is only the reflection of the bad faith of the French party.

In fact, the French authorities, today as yesterday, disavow the solemn commitments made to the Comoros and the international public opinion on the eve of the independence of our Archipelago.

Those commitments, as you are all aware, aimed naturally at respecting and preserving the unity and territorial integrity of the future state of the Comoros in conformity with the sacrosanct rule of the French constitution on the indivisibility of overseas territories and colonial entities and in compliance with the International Public Law and particularly the principle, dear to our Organisation, of the intangibility of borders inherited from colonisation and declarations 1514 and 2621 of the United Nations Organisation on the granting of independence to colonial countries and peoples.

Today the French Party, to justify its show of strength wants to ignore the results of the referendum for self-determination of the Comoros, by putting forward Article 53 sub-paragraph 3 of the French Constitution which stipulates, I quote "No transfer, no exchange no adjunction of territory shall be valid without the consent of the people concerned". Unquote.

Now, everybody knows that for the specific case which concerns us, the territory in question is the Archipelago of the Comoros composed of four islands of Anjouan, Mayotte, Moheli and Grande Comore. In this case, it is not a transfer or an exchange or an adjunction of territory but entirely a secession of a sole territory, the Archipelago of the Comoros, whose right to self-determination had been exercised in due form on 22 December 1974.

The deduction of the referendum votes of 22 December 1974, island by island, constitutes a feat of strength to withdraw Mayotte arbitrarily from the Comoros.

In fact, the question which we had to reply was "would you wish the Comoros to be independent?" and not "would you wish the island of Mohali to be independent?" "would you wish the island of Mayotte to be independent?" "Would you wish the island of Grenda.-Comore to be independent?" " Would you wish Anjouan to be independent?". This is to mention our four islands.

No island was called upon separately to make a decision on its lot on 22 December 1974. Besides, this explains the fact that France deemed it necessary to organise a posteriori other referenda, this time in Mayotte only to legitimate the illegitimate.

You all know, my dear Colleagues, the reaction of the International community which thoroughly condemned those referenda by declaring them null and void.

This shows the soundness of our cause and the merits of our claim.

In spite of this, it is ten years now that this problem exists, with all the risks of such a situation for the political stability and climate of serenity obtaining in our region.

It, therefore, behoves us all, dear colleagues, to take new initiatives and consider a strategy capable of inducing the French Party to commit itself clearly and decisively to the path of a just and speedy solution to this problem.



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It is high time for the pressure of the International Community to exert itself more strongly particularly at the level of our Organization.

I am convinced that each one of us, conscious of the seriousness of a problem which concerns not only the Comorian people and Government but also our African Continent as a whole, will use all his influence so that a satisfactory solution, consistent with law and justice, may be found, as soon as possible, to this problem.

This is why the Ad-Hoc Committee on the Comorian Island of Mayotte, meeting this morning, deemed it necessary to submit to our Council a draft resolution.

I have no doubt that we shall all adopt it unanimously.

I thank you.

1986-02

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