

UNITED



NATIONS

**REPORT
OF
THE SUB-COMMITTEE
ON THE SITUATION
IN ANGOLA**

**GENERAL ASSEMBLY
OFFICIAL RECORDS : SIXTEENTH SESSION
SUPPLEMENT No. 16 (A/4978)**

NEW YORK

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NOTE

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LETTER OF TRANSMITTAL

New York, 20 November 1961

Your Excellency,

I have the honour to send you herewith the report of the United Nations Sub-Committee on the Situation in Angola, prepared in accordance with the provisions of General Assembly resolution 1603 (XV) of 20 April 1961 by which the Sub-Committee was set up.

I have the honour to be, etc.

(*Signed*) Carlos SALAMANCA
Chairman

H.E. M. Mongi Slim
President of the General Assembly
United Nations
New York

INTRODUCTION

1. The United Nations Sub-Committee on the Situation in Angola was established by resolution 1603 (XV) adopted by the General Assembly on 20 April 1961. Acting in accordance with the provisions of operative paragraph 2 of that resolution, the President of the fifteenth session of the General Assembly, on 22 May 1961, appointed as members of the Sub-Committee: Bolivia, Dahomey, Federation of Malaya, Finland and Sudan.

2. By its resolution of 9 June 1961 (S/4835) the Security Council, *inter alia*, reaffirmed General Assembly resolution 1603 (XV) and requested the Sub-Committee appointed in terms of the General Assembly resolution to implement its mandate without delay.

3. The following representatives were appointed by their Governments to the Sub-Committee:¹

Bolivia: Mr. Carlos Salamanca;

Dahomey: Mr. Louis Ignacio-Pinto;

Federation of Malaya: Dato' Nik Ahmed Kamil;

Finland: Mr. Ralph Enckell;

Sudan: Mr. Omar Abdel Hamid Adeel.

The Secretary-General of the United Nations appointed Mr. Dantas de Brito to act as Secretary of the Sub-Committee.

4. At its first meeting on 26 May 1961, the Sub-Committee elected Mr. Carlos Salamanca (Bolivia),

¹ The following alternate representatives were subsequently appointed:

Bolivia: Mr. Jaime Caballero Tamayo;

Dahomey: Mr. Maxime Léopold Zollner;

Federation of Malaya: Mr. Zakaria bin Haji Mohamed Ali;

Sudan: Mr. Sir-el Khatim El Sanousi.

Chairman; Mr. Ralph Enckell (Finland), Vice-Chairman; and Dato' Nik Ahmed Kamil (Federation of Malaya). Rapporteur.

5. At its 55th meeting on 13 November 1961, the Sub-Committee unanimously approved the present report as a whole which it submits to the General Assembly and the Security Council.

6. This report of the Sub-Committee is divided into four parts.

7. Part one deals with the context in which the Sub-Committee carried out its mandate. In addition to a review of the United Nations deliberations relevant to Angola, there is an account of the Sub-Committee's work and its efforts to obtain the co-operation of the Government of Portugal.

8. Part two deals with the situation in Angola. It contains a review of that situation since the incidents in Luanda in February 1961 and deals with the question of repressive measures and the causes which led to the disturbances and conflict.

9. Part three deals with the background and context of the situation. It sets out the constitutional and legal status of Angola, the status of the indigenous inhabitants, general policies and practices, the labour situation, education, health, land problems, and economic conditions. It also gives an account of the growth of political aspirations in Angola.

10. In part four, the Sub-Committee surveys the international aspects of the situation in Angola. It examines the effect of that situation on friendly relations among States, the issue of a threat to international peace and security, and the question of a peaceful solution.

PART ONE

THE QUESTION OF THE SITUATION IN ANGOLA AND THE WORK OF THE SUB-COMMITTEE

I. Proceedings and decisions on Angola in the United Nations

A. PROCEEDINGS AND RESOLUTIONS ON "THE SITUATION IN ANGOLA"

11. In the course of 1961, both the Security Council and the General Assembly were seized of the question of the situation in Angola. Attention was first drawn to disturbances in Angola as a matter requiring Security Council action under Article 34 of the Charter by the representative of Liberia at the 934th Council meeting on 15 February 1961. This was followed by a letter dated 20 February 1961 (S/4738) requesting the Council to consider "the crisis in Angola" for the purpose of taking action "to prevent further deterioration and abuse of human rights and privileges in Angola".

12. By a joint letter of 10 March 1961 (S/4762), the day the Security Council was convened to consider the Liberian complaint, thirty-four Asian and African delegations,² in supporting the Liberian initiative, expressed the opinion that "This is a situation with grave potentialities for international friction which endangers the maintenance of international peace and security".

13. The Security Council first discussed the Liberian complaint at four meetings held from 10 to 15 March 1961. On 14 March 1961, a draft resolution was submitted by Ceylon, Liberia and the United Arab Republic (S/4769). Under the terms of this draft resolution, the Security Council would have taken note of recent disturbances and conflicts in Angola, the continuance of which was likely to endanger the maintenance of international peace and security, and would have (1) called upon Portugal to consider urgently the introduction of measures and reforms in Angola for the purpose of implementing General Assembly resolution 1514 (XV) (Declaration on the granting of independence to colonial countries and peoples) and (2) decided the appointment of a sub-committee to examine the statements made before the Security Council concerning Angola, to receive further statements and documents and to conduct such inquiries as it might deem necessary and to report to the Security Council as soon as possible.

14. On 15 March 1961, the Security Council voted on the draft resolution, which received 5 votes in favour, none against and 6 abstentions, and was therefore not adopted.

15. On 20 March 1961, forty Members³ requested the inclusion of an item entitled "The situation in

Angola" in the agenda of the fifteenth session of the General Assembly, which was then in progress (A/4712 and Add.1). It was later explained that the failure of the Security Council to act had compelled the States concerned to refer the matter to the General Assembly.

16. Thirty-six African-Asian States sponsored a draft resolution (A/L.345 and Add.1-5) which was identical with the aforementioned three-Power draft in the Security Council except for the references to the General Assembly instead of the Council. This joint draft resolution, with the provision that the Sub-Committee would consist of five members appointed by the President of the General Assembly, was adopted on 20 April 1961 by a roll-call vote of 73 to 2, with 9 abstentions. The text of resolution 1603 (XV) reads as follows:

"The General Assembly,

"Taking note of the recent disturbances and conflicts in Angola resulting in loss of life of the inhabitants, the continuance of which is likely to endanger the maintenance of international peace and security,

"Viewing with concern the growing restiveness of dependent peoples throughout the world for self-determination and independence,

"Aware that failure to act speedily, effectively and in time for ameliorating the disabilities of the African peoples of Angola is likely to endanger international peace and security,

"Recalling its resolution 1514 (XV) of 14 December 1960, by which the General Assembly declared without dissent that 'the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation' and asked for immediate steps to be taken 'to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom',

"Recalling further its resolutions 1541 (XV) and 1542 (XV) of 15 December 1960,

"1. Calls upon the Government of Portugal to consider urgently the introduction of measures and reforms in Angola for the purpose of the implementation of General Assembly resolution 1514 (XV),

² Afghanistan, Burma, Cameroun, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ethiopia, Gabon, Ghana, Guinea, India, Indonesia, Iran, Iraq, Jordan, Lebanon, Libya, Madagascar, Mali, Morocco, Nepal, Niger, Nigeria, Pakistan, Saudi Arabia, Senegal, Somalia, Sudan, Togo, Tunisia, Upper Volta, Yemen.

³ Afghanistan, Burma, Cambodia, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville),

Cyprus, Dahomey, Ethiopia, Federation of Malaya, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Japan, Jordan, Lebanon, Liberia, Libya, Madagascar, Mali, Morocco, Nepal, Niger, Nigeria, Pakistan, Saudi Arabia, Senegal, Somalia, Sudan, Togo, Tunisia, United Arab Republic, Upper Volta, Yemen.

with due respect for human rights and fundamental freedoms and in accordance with the Charter of the United Nations;

"2. *Decides* to appoint a sub-committee consisting of five members to be appointed by the President of the General Assembly and instructs this sub-committee to examine the statements made before the Assembly concerning Angola, to receive further statements and documents, to conduct such inquiries as it may deem necessary and to report to the Assembly as soon as possible."

17. The question was again brought before the Security Council on 26 May 1961 (S/4816) by forty-two Members⁴ who charged that "the armed suppression of the Angolan people and the denial of political rights and self-determination to them are in contravention of the Charter and of the General Assembly's resolution on Angola and constitute a serious threat to international peace and security".

18. The Security Council considered this complaint at seven meetings held between 6 and 9 June 1961. On 6 June 1961, Ceylon, Liberia and the United Arab Republic submitted a draft resolution (S/4828) which was subsequently approved by the Security Council with amendments submitted by Chile (S/4833 and Rev.1). These amendments replaced the reference in the preamble to a "threat to international peace and security" by the phrase "is likely to endanger the maintenance of" such peace and security, and inserted a new operative paragraph by which the Council would express the hope that a peaceful solution would be found to the problem of Angola in accordance with the Charter. The Security Council adopted the Chilean amendments by 9 votes to none, with 2 abstentions. The USSR also proposed an amendment (S/4834) to add the words "condemning the colonial war against the Angolan people" in the beginning of operative paragraph 3 calling on the Portuguese authorities to desist from repressive measures; the USSR amendment received 4 votes in favour, 3 against and 4 abstentions, and was therefore not adopted. The three-Power draft resolution, as amended, was adopted by 9 votes to none, with 2 abstentions.

19. The Security Council resolution of 9 June 1961 (S/4835) reads as follows:

"The Security Council,

"Having considered the situation in Angola,

"Deeply deploring the large-scale killings and the severely repressive measures in Angola,

"Taking note of the grave concern and strong reactions to such occurrences throughout the continent of Africa and in other parts of the world,

"Convinced that the continuance of the situation in Angola is an actual and potential cause of international friction and is likely to endanger the maintenance of international peace and security,

"Recalling General Assembly resolution 1542 (XV) of 15 December 1960 declaring Angola among

others a Non-Self-Governing Territory within the meaning of Chapter XI of the Charter as well as General Assembly resolution 1514 (XV) of 14 December 1960, by which the General Assembly declared without dissent that the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation and asked for immediate steps to be taken to transfer all powers to the peoples of these Territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom,

"1. Reaffirms General Assembly resolution 1603 (XV) and calls upon Portugal to act in accordance with the terms of that resolution;

"2. Requests the Sub-Committee appointed in terms of the aforesaid General Assembly resolution to implement its mandate without delay;

"3. Calls upon the Portuguese authorities to desist forthwith from repressive measures and further to extend every facility to the Sub-Committee to enable it to perform its task expeditiously;

"4. Expresses the hope that a peaceful solution will be found to the problem of Angola in accordance with the Charter of the United Nations;

"5. Requests the Sub-Committee to report to the Security Council and the General Assembly as soon as possible."

B. OTHER UNITED NATIONS RESOLUTIONS RELEVANT TO ANGOLA

20. General Assembly resolution 1603 (XV) refers to other United Nations resolutions which, although relevant to Angola, were adopted independently of discussions on the situation in Angola. Thus, reference is made in the preamble of resolution 1603 (XV) to resolutions 1514 (XV), 1541 (XV) and 1542 (XV), and in operative paragraph 1 to resolution 1514 (XV).

1. *General Assembly resolutions 1541 (XV) and 1542 (XV)*

21. Consideration of Angola's status dates back to the eleventh session of the General Assembly after Portugal, together with certain other countries, was admitted to membership in the United Nations. In accordance with the practice adopted in 1946, the Secretary-General asked the new Members to inform him whether they administered any territories whose peoples had not yet attained a full measure of self-government and which were within the scope of Chapter XI of the Charter. The Portuguese Government replied that "Portugal does not administer territories which fall under the category indicated by Article 73 of the Charter of the United Nations".

22. The discussions in the Fourth Committee led to a debate on the competence of the General Assembly to decide on the application of Chapter XI. Underlying this issue was the question whether Portugal had an international obligation to transmit information on its territories, especially those in Africa.

23. In 1956, the General Assembly rejected a proposal submitted by the Fourth Committee that the

⁴ Afghanistan, Burma, Cambodia, Cameroun, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Dahomey, Ethiopia, Federation of Malaya, Gabon, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Madagascar, Mali, Morocco, Nepal, Nigeria, Philippines, Saudi Arabia, Senegal, Somalia, Sudan, Tunisia, United Arab Republic, Upper Volta, Yemen, Yugoslavia, Togo and Pakistan subsequently associated themselves with this request on 2 and 9 June 1961, respectively. (S/4816/Add.1 and 2.)

General Assembly should establish an *ad hoc* committee to study the application of the provisions of Chapter XI to Members newly admitted to the United Nations. Similar proposals were also rejected at the twelfth and thirteenth sessions of the General Assembly.

24. In 1959, with the accelerated progress in the advancement of colonial peoples towards self-government and independence, particularly in Africa, the General Assembly at its fourteenth session accepted a proposal by the Fourth Committee to set up a committee of six to study the principles which should guide Members in deciding whether or not an obligation exists to transmit information under Article 73 e of the Charter. The Assembly requested the Secretary-General to prepare for the use of this committee an account of the history of this matter, including a summary of opinions on the subject expressed by Member States in the past and of the relevant legal treatises on the interpretation of the Charter.

25. The special committee of six members, consisting of Ghana, India, Morocco, the Netherlands, the United Kingdom and the United States, met in 1960. The Committee concluded that *prima facie* there is an obligation to transmit information in respect of a territory which is geographically separate and is distinct ethnically and/or culturally from the country administering it. It drew up a list of twelve principles which should guide Members in determining their responsibilities under Chapter XI.

26. By resolution 1541 (XV) the General Assembly, having considered the objectives set forth in Chapter XI of the Charter, approved the principles which it considered should "guide Members in determining whether or not an obligation exists to transmit the information called for in Article 73 e of the Charter of the United Nations". It also decided "that these principles should be applied in the light of the facts and the circumstances of each case to determine whether or not an obligation exists to transmit information under Article 73 e of the Charter".

27. With reference to these principles, it was pointed out that the Portuguese territories, especially those in Africa, including Angola, were geographically separate, and ethnically and culturally distinct from the country administering them; the change in constitutional status of those territories from "colonies" to that of "overseas provinces" had taken place in 1951 without the freely expressed will of the people of the territories concerned. Principles VIII and IX, which set out the form and process by which integration should be brought about, had not been applied in the case of those territories. The majority of the inhabitants did not have an equal status with the inhabitants of the metropolitan country.

28. Having examined the status of the Portuguese territories on the basis of the principles approved in resolution 1541 (XV), the General Assembly concluded that Portugal had a responsibility to transmit information under Article 73 e.

29. The General Assembly, by resolution 1542 (XV) on transmission of information under Article 73 e of the Charter, explicitly recognized that the desire for independence is the rightful aspiration of peoples under colonial subjugation and that the denial of their right to self-determination constitutes a threat to the well-being of humanity and to international peace; it also established the view of the Assembly, which has been recalled by the Security Council in its resolution of

9 June 1961 (S/4835), that Angola, including Cabinda, and other Portuguese overseas territories are Non-Self-Governing Territories within the meaning of Chapter XI of the Charter. The General Assembly also declared that "an obligation exists on the part of the Government of Portugal to transmit information under Chapter XI of the Charter concerning those territories and that it should be discharged without further delay".

2. General Assembly resolution 1514 (XV)

30. In resolution 1603 (XV), the General Assembly called upon Portugal to consider urgently the introduction of measures and reforms in Angola for the purpose of the implementation of resolution 1514 (XV) entitled "Declaration on the granting of independence to colonial countries and peoples", the operative part of which reads as follows:

"The General Assembly,

"...

"Declares that:

"1. The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation.

"2. All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

"3. Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence.

"4. All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence, and the integrity of their national territory shall be respected.

"5. Immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom.

"6. 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.

"7. 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."

C. THE POSITION OF PORTUGAL ON THE COMPETENCE OF THE UNITED NATIONS

31. It has been indicated in paragraph 11 above that Portugal, shortly after its admission to the United Nations, stated that it did "not administer territories which fall under the category indicated by Article 73

of the Charter of the United Nations". In support of this position, it stressed that under the Portuguese Constitution, as amended, and prior Portuguese legal texts, Angola and other Portuguese overseas territories are an integral part of Portugal. This stand has been maintained by Portugal ever since. Portugal also takes the position that it was admitted to the United Nations as a unitary State and cannot be asked to change its Constitution. On the same basis, Portugal also maintains that General Assembly resolution 1514 (XV) on the granting of independence to colonial countries and peoples has no application to it since Portugal does not administer any colonial territories. Finally, Portugal has argued that the competence to determine which territories come within the scope of Chapter XI of the Charter rests solely with Member States and that "the General Assembly does not possess the competence to declare territories of any Power non-autonomous".

32. Against the position taken by Portugal on the status of Angola, it has been pointed out by some Member States that Angola was commonly recognized as a Portuguese colony and that the Portuguese Constitution, when amended in 1951, incorporated without substantial change the provisions of the Colonial Act of 1930 under which Angola and certain other territories were colonies. Although these territories were now known as "overseas provinces", the status of their inhabitants had not changed in the revised Constitution (see para. 161 below). It has been further pointed out that irrespective of the constitutional status of the territory, the great majority of the inhabitants of Angola, who were Africans, did not have equal rights with the people in metropolitan Portugal and could not be said to have attained "full self-government". Furthermore, by its resolutions 1541 (XV) and 1542 (XV) the General Assembly affirmed its competence to determine which territories come within the scope of Chapter XI of the Charter.

33. On the basis that Angola is an integral part of its national territory, Portugal considers that matters relating to that territory are essentially within the domestic jurisdiction of Portugal and outside the competence of the United Nations. On 7 March 1961, in connexion with the request of Liberia that the Security Council consider "the crisis in Angola", Portugal sent a protest (S/4760) to the President of the Council contending that Liberia had disregarded Article 2, paragraph 7, of the Charter. Moreover, the letter observed, "only in the particular circumstances laid down in Chapters VI, VII, VIII and XII of the Charter can the Council acquire the jurisdiction and authority".

34. When the situation in Angola was brought before the General Assembly, Portugal reiterated its legal objections in the General Committee to the discussion of the item, and the Portuguese representative did not participate in the discussions at the plenary meetings. On 3 June 1961, following the request by forty-four Members to the Security Council that it consider again the situation in Angola (S/4816 and Add.1 and 2), Portugal addressed a communication (S/4821) to the President of the Council invoking again Article 2, paragraph 7, and strongly protesting that the request was based "on distorted facts and on entirely groundless accusations, intending to give an appearance of veracity to an alleged threat to international peace and security". Subsequently, Portugal charged that the violence in Angola was the result of "international terrorism and subversion" and suggested

that the Council condemn "indirect aggression in Africa".

35. Some of the Members who spoke on the question of competence maintained that the situation in Angola was covered by Article 34 of the Charter. The situation in Angola, it was said, had continued to deteriorate and was of such a nature as to bring about grave international consequences. In view of serious disturbances, severe repressions and violation of human rights, and regardless of the status of Angola, the situation was considered a serious threat to international peace and security. Another basic issue underlying the discussions was the right of Angola to self-determination, since the General Assembly had decided that it was a Non-Self-Governing Territory; Portugal not only denied the people of Angola this right but it was using armed force for the suppression of movements towards independence.

II. Organization of the work of the Sub-Committee

A. TERMS OF REFERENCE

36. By operative paragraph 2 of resolution 1603 (XV), the General Assembly instructs the Sub-Committee "to examine the statements made before the Assembly concerning Angola, to receive further statements and documents, to conduct such inquiries as it may deem necessary and to report to the Assembly as soon as possible".

37. Operative paragraph 1 and the preamble to resolution 1603 (XV) set out the considerations which the Assembly had in mind when appointing the Sub-Committee and which have guided the latter in its work.

38. The functions and the mandate of the Sub-Committee were reaffirmed, in general terms, in operative paragraphs 1 and 2 of the Security Council resolution of 9 June 1961 (S/4835) which read as follows:

"The Security Council,

"...

"1. Reaffirms General Assembly resolution 1603 (XV) and calls upon Portugal to act in accordance with the terms of that resolution;

"2. Requests the Sub-Committee appointed in terms of the aforesaid resolution to implement its mandate without delay;"

39. Furthermore, under operative paragraphs 3 and 4 of the resolution of 9 June:

"The Security Council,

"...

"3. Calls upon the Portuguese authorities to desist forthwith from repressive measures and further to extend every facility to the Sub-Committee to enable it to perform its tasks expeditiously;

"4. Expresses the hope that a peaceful solution will be found to the problem of Angola in accordance with the Charter of the United Nations;"

40. Operative paragraph 5 of the resolution of 9 June requests the Sub-Committee to report to the Security Council and to the General Assembly as soon as possible.

41. The Sub-Committee considered that under the terms of General Assembly resolution 1603 (XV), adopted on 20 April 1961, and Security Council resolution S/4835, adopted on 9 June 1961, its primary

mandate was to inquire as fully as possible into the situation in Angola.

42. Taking into account this mandate, the Sub-Committee addressed itself to three main aspects: the disturbances and conflicts in Angola since February, the background of the situation, and its repercussions within the context of international peace and security.

43. The Sub-Committee has taken into account the position of the General Assembly that the continuance of those disturbances and conflicts in Angola was likely to endanger the maintenance of international peace and security, and the position of the Security Council that the continuation of the situation in Angola was an actual and potential cause of international friction and was likely to endanger the maintenance of international peace and security. The Sub-Committee has also been guided by the hope expressed by the Security Council that a peaceful solution will be found to the problem of Angola in accordance with the Charter of the United Nations.

44. In connexion with its mandate, the Sub-Committee has also taken into account that the General Assembly in operative paragraph 1 of resolution 1603 (XV):

"Calls upon the Government of Portugal to consider urgently the introduction of measures and reforms in Angola for the purpose of the implementation of General Assembly resolution 1514 (XV), with due respect for human rights and fundamental freedoms and in accordance with the Charter of the United Nations."

45. Furthermore, the Sub-Committee had regard to resolutions 1541 (XV) and 1542 (XV) by which the General Assembly decided that Angola, together with the other overseas territories of Portugal, were Non-Self-Governing Territories within the meaning of Chapter XI of the Charter. In this connexion, the Sub-Committee notes that the responsibilities of Members under Chapter XI of the Charter are set out in Articles 73 and 74 and are not limited to the transmission of information under Article 73. They include the recognition of the principle that the interests of the inhabitants of these territories are paramount and the acceptance as a sacred trust of the obligation to promote to the utmost, within the system of international peace and security, the well-being of the inhabitants of these Territories. To this end, Members also undertake under Article 73, *inter alia*:

"a. To ensure, with due respect for the culture of the peoples concerned, their political, economic, social and educational advancement, their just treatment, and their protection against abuses;

"b. To develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement."

B. ORGANIZATION OF THE INQUIRY INTO THE SITUATION IN ANGOLA

46. From the outset, the Sub-Committee unanimously agreed that the objectives which the General Assembly had in mind could be effectively achieved only with the full co-operation of the Government of Portugal. In particular, the Sub-Committee considered that in

carrying out its mandate, it would be of the utmost importance for it to visit Angola to obtain first-hand information.

47. In the initial phase of its work, the Sub-Committee approached the Government of Portugal through various channels available to it, both informally and formally, with a view to obtaining its co-operation.⁵ Pending a reply from the Government of Portugal, the Sub-Committee explored available sources of information in order to obtain as complete a picture as possible and to prepare itself for direct observations in Angola. It also approached Governments which had granted refuge to a considerable number of persons from Angola to inquire whether they would consent to a visit by the Sub-Committee, should it so desire, in order to hear oral statements from Angolans who might have first-hand information regarding recent events.

48. The position of the Sub-Committee regarding the proposed visit to Angola was strengthened by the Security Council resolution adopted on 9 June 1961 (S/4835) which, *inter alia*, called upon the Portuguese authorities to extend every facility to the Sub-Committee to enable it to perform its task expeditiously. Following a second formal communication to Portugal, the Chairman received on 20 June 1961 a reply from Portugal.

49. This reply led to a further exchange of views and resulted in a visit of the Chairman, accompanied by the Secretary of the Sub-Committee, to Portugal. The visit to Lisbon took place from 16 to 22 July 1961. By the end of the visit, the Chairman had not been able to obtain the agreement of the Government of Portugal to a visit to Angola, but he did, however, receive some official information from Portugal to be placed before the Sub-Committee.⁶

50. After hearing the Chairman's report on his visit to Lisbon, the Sub-Committee was obliged to re-examine its own programme of work. It decided, after some discussion, to proceed with its mandate to inquire into the situation in Angola using the best sources of information available to it. It therefore decided to visit the Congo (Leopoldville), if possible, to gather first-hand information from Angolan groups and refugees. Accordingly, the Sub-Committee cabled the Government of the Congo (Leopoldville) urgently requesting its co-operation for that purpose.

51. At the same time, on 27 July 1961, the Sub-Committee submitted to the Security Council a progress report (S/4898) on its work setting forth the results of its conversations with the Government of Portugal and informing the Security Council of the decision of the Sub-Committee to visit the Congo (Leopoldville).

52. On 31 July 1961, the Sub-Committee received a cable from the Government of the Republic of the Congo (Leopoldville) agreeing to the visit and offering the Sub-Committee its co-operation. In view of its mandate to report as soon as possible, the Sub-Committee decided that three of its members should visit the Congo to gather first-hand information from among the Angolans there, while the Chairman and the Rapporteur should remain at Headquarters to begin preparation of the draft report.

53. The Vice-Chairman of the Sub-Committee, Mr. R. Enckell (Finland), together with the representative

⁵ The efforts to obtain the co-operation of Portugal and the texts of the communications are given in greater detail in section III below.

⁶ For details, see para. 68 below.

of Dahomey, Mr. Louis Ignacio-Pinto, and the representative of Sudan, Mr. Omar Abdel Hamid Adeel, visited the Congo from 9 to 18 August 1961. They were accompanied by the Secretary of the Sub-Committee.

54. They heard representatives of seven Angolan groups⁷ which requested to appear before the Sub-Committee and received statements or written material from these groups. They also heard refugees in Leopoldville and in other places in the Congo (Leopoldville) where large numbers of them were located. In all, the three members of the Sub-Committee held twenty-one hearings, both in Leopoldville and during their field trip.

55. The task of the three members who visited the Congo was greatly facilitated by the co-operation of the Congolese Government and representatives of the League of Red Cross Societies and the Congolese Red Cross.

56. In addition to the information obtained from the visit to the Republic of the Congo (Leopoldville), the Sub-Committee has received information from the Government of Portugal, from specialized agencies of the United Nations, from non-governmental organizations, and from individuals with first-hand information on Angola. Among the individuals heard by the Sub-Committee were members of Protestant missions working in Angola. The Sub-Committee also received a number of written statements and testimonies from Protestant organizations.

57. The Sub-Committee was not able to make an on-the-spot inquiry into the situation because of the unwillingness of Portugal to agree to the visit of the Sub-Committee to Angola, and it has therefore had to base its present report exclusively on information which could be obtained outside the territory and from documents made available to it. The Sub-Committee deeply regrets that, as a result of the lack of co-operation from the Government of Portugal, it was not in a position to verify directly the information provided to it concerning Angola, and that it was not able to obtain freely additional information which would have enabled it to prepare a more comprehensive study of the prevailing situation.

III. Efforts to obtain the co-operation of the Government of Portugal

58. At its first meeting on 26 May 1961, the Sub-Committee decided that it should initially approach the Government of Portugal through informal channels to seek its co-operation. Subsequently, on 5 June 1961 the Sub-Committee addressed a letter through its Chairman to the Permanent Representative of Portugal. This letter read as follows:

"I have the honour to inform you that, in pursuance of operative paragraph 2 of resolution 1603 (XV), the Sub-Committee on the Situation in Angola was formally organized at a meeting held at United Nations Headquarters on 26 May 1961.

⁷ The groups heard in the order of their first appearance before the Sub-Committee members were the following: Union of the Populations of Angola (UPA); Alliance of the Nationals of Zombo (ALIAZO); People's Movement for the Liberation of Angola (MPLA); National Union of Workers of Angola (UNTA); Movement for the Liberation of the Cabinda Enclave (MLEC); Organization for Congolese Understanding (NGWIZAKO); Movement for the Defence of the Interests of Angola (MDIA).

"In order to accomplish its work in a thorough and objective manner, the Sub-Committee deems it highly desirable to be able to have the co-operation of the Government of Portugal.

"The Sub-Committee expresses the hope that it will receive such co-operation. It would be glad to discuss with the Government of Portugal, as a first step, the possibilities of this co-operation and the forms in which it could take place, and would appreciate having, as soon as possible, the views of the Government of Portugal with regard to this matter."

59. After the adoption by the Security Council of resolution S/4835, the Sub-Committee, through its Chairman, addressed a second letter to the Permanent Representative of Portugal on 12 June 1961 as follows:

"I wish to refer to my letter of 5 June 1961, informing your Government of the formal organization of the Sub-Committee on the Situation in Angola in pursuance of operative paragraph 2 of General Assembly resolution 1603 (XV). In that letter the Sub-Committee asked the co-operation of your Government and suggested, as a first step, discussions on the possibilities of this co-operation and the forms in which it could take place.

"Since then the Security Council has again considered the situation in Angola, and at its 956th meeting, on 9 June 1961, adopted a resolution on this subject (S/4835). The Sub-Committee has taken note of the terms of reference assigned to it by the Security Council resolution. The Sub-Committee notes in particular that the Security Council has called upon the Portuguese authorities to extend every facility to the Sub-Committee to enable it to perform its tasks expeditiously.

"The Sub-Committee, in the performance of its duties under the General Assembly and Security Council resolutions, considers that in order to obtain all possible factual evidence and arrive at an objective appraisal of the prevailing situation, a visit to Angola is of the utmost importance.

"The Sub-Committee would like to add it would also appreciate receiving written observations, memoranda and documents which your Government might wish to transmit to the Sub-Committee.

"I should like to reiterate on behalf of the Sub-Committee the hope that it will receive the co-operation of your Government which would facilitate the fulfilment of the Sub-Committee's mission.

"In order to implement its mandate without delay, as requested by the Security Council, the Sub-Committee would greatly welcome an early reply from your Government."

60. On 20 June 1961, the Chairman of the Sub-Committee received a letter from the Permanent Representative of Portugal to the United Nations. This letter, which was addressed to him as "Chairman of the Sub-Committee of Five", was as follows:

[Original: English]

"I have the honour to acknowledge receipt of Your Excellency's letter of the 12th June 1961, which I did not fail to transmit to the Portuguese Government.

"In connexion with it, this Mission has now been instructed to convey the following to Your Excellency:

"Both in the General Assembly and in the Security Council the Portuguese Government, through its

Representative, had the occasion to state clearly its point of view as regards the illegality of the debates which took place on the situation in Angola. Such debates not only violated the disposition of the Charter of the United Nations but also involved an infringement of the rights of a Member State.

"The results arrived at by those organs of the United Nations, as embodied in resolutions 1603 (XV) and S/4835 respectively, went manifestly beyond their competence and were not authorized by the Charter, nor did they find any justification in facts which in any case could be of no concern to the United Nations. These points of view of the Portuguese Government which were firmly expressed at the time of the debates remain unchanged, and therefore, the Portuguese Government, on account of the provisions of the Charter, is not in a position to recognize to the Sub-Committee a competence which it cannot recognize to the General Assembly or to the Security Council.

"Consequently, and notwithstanding the respect that the countries which compose the Sub-Committee deserve to the Portuguese Government, it is not considered possible to accede to the request presented in Your Excellency's letter, or to arrange for any facilities towards the same purpose.

"Without prejudice to the aforementioned, the Portuguese Government desires to express its high appreciation and consideration for the personality of the Chairman of the Sub-Committee, Ambassador Carlos Salamanca, who also represents a country with whom Portugal feels itself bound by strong ties of friendship and tradition. For this reason, and to enable His Excellency with information of a factual character and also to avoid that a personality with his responsibilities might be led to utilize material or data lacking complete accuracy or exactitude, the Portuguese Government wishes to extend to His Excellency an invitation to visit Lisbon, on a personal capacity, in order that with such an objective in view he might be able to meet representatives of the Portuguese Government.

"In case Your Excellency wishes to accept the aforesaid invitation, a date for the visit to Lisbon could be further mutually agreed upon."

61. The reply from Portugal was fully discussed by the Sub-Committee, and its position as agreed upon was communicated by the Chairman to the Permanent Representative of Portugal by letter dated 26 June 1961 as follows:

"I have the honour to acknowledge the receipt of your letter of 20 June 1961, in reply to my communications of 5 and 12 June 1961.

"Your letter has been brought to the attention of the Sub-Committee on the Situation in Angola. The Sub-Committee has found it necessary to reiterate in this connexion its position regarding the mandate given to it under the General Assembly and the Security Council resolutions (1603 (XV), S/4835). The Sub-Committee still hopes that your Government will reconsider its attitude and find it possible to give the Sub-Committee its co-operation to the extent called for by the Security Council resolution of 9 June 1961 (S/4835), and requested in my earlier letters. In particular, the Sub-Committee wishes to stress once again the utmost importance it attaches to gathering first-hand information. In its reports the

Sub-Committee would not like to have to base its findings exclusively on information available outside the borders of Angola.

"In the light of the foregoing, the Sub-Committee has decided that, as a first step to gaining direct information, I should accept your Government's kind invitation to visit Lisbon in the discharge of my responsibilities. This will also enable me to convey personally to your Government the concern of the Sub-Committee in obtaining full co-operation.

"I look forward to discussing with Your Excellency, at your earliest convenience, a mutually convenient date for my visit to Portugal, which I hope can take place in the immediate future."

62. In agreeing to this visit, the Sub-Committee considered that the main objective was to obtain the agreement of the Portuguese Government to a visit to Angola. In the eventuality that the Government of Portugal would be unwilling to extend its co-operation for that visit, the Sub-Committee would have to consider reporting accordingly to the Security Council and the General Assembly. Moreover, in view of the Security Council's request that the Sub-Committee carry out its mandate without delay, and of the Council's call for the extension of every facility to the Sub-Committee to enable it to perform its task expeditiously, it authorized its Chairman to make it clear that the Sub-Committee would not wish the fulfilment of its task to be frustrated by waiting unduly either for a reply by the Portuguese Government or for arrangements to be made for the visit.

63. The Sub-Committee further asked its Chairman to convey to the Portuguese Government that it would welcome any relevant information, and in particular information on measures and reforms in Angola that had been taken towards the implementation of General Assembly resolution 1514 (XV) as well as information on the extent to which measures to alleviate the factors found to be involved had been taken and repressive measures, in whatever form, had been halted in Angola.

64. During his visit to Lisbon, from 16 to 22 July 1961, the Chairman of the Sub-Committee was formally recognized in his official capacity by the Government of Portugal. He held conversation with Prime Minister Oliveira Salazar and with the Minister for Foreign Affairs, Mr. Alberto Franco Nogueira, and also met the Minister for Overseas Portugal, Mr. Adriano Moreira. In the course of these conversations, the Chairman conveyed the desire of the Sub-Committee to obtain the full co-operation of the Portuguese Government as called for by the Security Council.

65. The Portuguese authorities maintained the position that events in Angola were a matter of domestic concern for Portugal. On the other hand, although confirming that military operations were in progress in Angola, they reiterated that the situation in Angola had been brought about through international subversion and intervention from outside sources. During the conversations, the Chairman was informed that Portugal was determined to restore peace in Angola at all costs. The Chairman was further informed that there were already plans to introduce some reforms in Angola.

66. The Portuguese authorities considered that, whatever threat to international peace might be said to exist, it could be on the basis only of the qualification that "the situation which was created in the north of Angola constitutes an attempt against the security of

Portugal, and may for reasons foreign to Portugal constitute a menace to international peace”.

67. As regards the proposed visit of the Sub-Committee to Angola, the Portuguese Government emphasized that it did not consider it feasible “under the present circumstances” to agree to such a visit.

68. As a result of the conversations, the Minister for Foreign Affairs by letter dated 21 July 1961 addressed this time to the “Chairman of the Sub-Committee on the Situation in Angola”, communicated documentary information relating to Angola, including material on the events in northern Angola. The letter was as follows:

“In accordance with the conversations held between us, I have the honour to transmit to you files of information in the following fields relating to the Portuguese Province of Angola.

“File No. 1—Education

“File No. 2—Public health

“File No. 3—The housing problem

“File No. 4—Economic progress

“File No. 5—Railways, roads, airlines, hydroelectric installations and ports

“File No. 6—Social policy relating to labour

“File No. 7—Administration

“File No. 8—The events in Northern Angola: Facts and documents.

“Some of these files are accompanied by albums of photographs.

“The above-mentioned information and documents are not to be understood as transmitted under the terms of Article 73 of the Charter or to be used for the purposes of that Article; nor are they furnished within the framework of the resolutions which the General Assembly, contrary to the principles of the Charter, has recently adopted regarding the subject-matter of Article 73.

“Nevertheless, in line with the policy it has always followed and which it has repeatedly affirmed and carried out, the Portuguese Government, since it has nothing to hide, has no objection to furnishing all appropriate information outside the framework mentioned above, and it is on this basis that the enclosed documents are transmitted to Your Excellency.”

69. By a letter dated 11 September 1961, the Permanent Representative of Portugal to the United Nations transmitted to the Chairman of the Sub-Committee on the Situation in Angola the texts of the following five decrees:

(i) Decree abolishing the *Estatuto dos Indigenas portugueses das provincias da Guiné, Angola e Moçambique*;

(ii) Decree co-ordinating the application of customary and written law to private juridical relations;

(iii) Decree reorganizing the *Regedorias*;

(iv) Decree governing the occupation and granting of land in the Overseas Provinces; and

(v) Decree establishing Provincial Settlement Boards (*Juntas Provinciais de Povoamento*).

70. According to the letter of transmittal, these decrees were promulgated on 8 September 1961 and introduce “the reforms in Portugal’s overseas policy which were announced in a recent address delivered by Dr. Adriano Moreira, Minister for Overseas Portugal”. A copy of this address, given in Oporto on 28 August 1961, was also made available to the Sub-Committee.

71. By the same letter, the Permanent Representative of Portugal also transmitted another decree concerning the establishment of Municipal Assemblies, Municipal Commissions and Local Committees in the Portuguese Overseas Territories (Decree No. 43,730), which had also been included in the documentary information transmitted by letter dated 21 July 1961.

PART TWO

THE SITUATION IN ANGOLA

I. Disturbances and conflicts in Angola

72. Consideration of the situation in Angola by United Nations organs followed the disturbances in Luanda in February 1961 and the armed conflicts which spread from March 1961 over a considerable portion of the territory.

73. After the Security Council had considered the Liberian complaint on the Luanda events and failed to take a decision on the matter, the question was brought to the attention of the General Assembly in April 1961, as news from Angola pointed to an ever-deteriorating situation. During the debates in the General Assembly on 20 April 1961, a number of representatives dwelt on the disturbances and conflicts in Angola and stated that there had been severe repression and reprisals by the Government forces and that a large number of Africans, including defenceless men, women, and children, had been killed and wounded as a result of machine-gunning and bombing by Portuguese parachutists and other security forces. They claimed that a number of villages had been burnt and thousands rendered homeless. The Portuguese settlers armed by the Administration were accused of much violence and brutality. The delegation of Portugal did not participate in the debate in the General Assembly.

74. The conflict continued during the month of May and grew in intensity with the arrival of reinforcements from Portugal. The further deterioration of the situation led to its consideration by the Security Council between 6 and 9 June 1961 at the request of forty-four Member States. Members of the Security Council were unanimous in expressing concern over the deterioration of the situation. They drew attention to the need to stop bloodshed through abandonment of repression and expressed the hope that the Portuguese Government would co-operate with the Sub-Committee and take steps towards the political, social and economic advancement of the Angolan people.

75. Immediately after the disturbances in Luanda, the Portuguese authorities adopted special security measures and imposed censorship on outgoing messages. Troops were sent from Portugal to Angola to strengthen the security forces. Following the events in March and subsequent developments, full powers over all civil and military operations to restore order were entrusted in June 1961 to a new Governor-General, General Augusto Deslandes.

76. The Sub-Committee notes with regret that despite the resolutions of the General Assembly and the Security Council, the Government of Portugal continued its policy of suppressing the conflict by force. It further regrets that the Government of Portugal declined to provide facilities for the Sub-Committee to visit Angola to inquire into the nature and extent of the conflict, particularly as its very presence in the area might have helped alleviate the situation. The Sub-

Committee also regrets that until the end of July 1961 the entry of foreign journalists and correspondents into Angola was suspended.⁸

77. The Sub-Committee has based this part of the report on the statements made before the Security Council and the General Assembly, on the documents supplied to it by the Government of Portugal, and on information it has been able to obtain from various sources at United Nations Headquarters and in the Republic of the Congo (Leopoldville).

A. EVENTS IN LUANDA IN FEBRUARY 1961

78. The incidents of 4, 5 and 10 February 1961 in Luanda were dealt with in considerable detail in the Security Council in March 1961 and in the General Assembly in April 1961.

79. According to the accounts published by the Portuguese Government and elaborated upon by the representative of Portugal in the Security Council,⁹ these incidents were unexpected and were the work of a small foreign-inspired group in the city. It was said that, on 4 February 1961, at 2.30 a.m., a few groups of men in Luanda, armed with katans, pistols, and tommy-guns, simultaneously attacked the house of military detention, the civil prison of São Paulo, and the city police station. The sentries at the police station and the civil prison were killed, but the assailants were beaten back by the police. One of the groups also attacked a police jeep on routine patrol and killed its four occupants. Another band killed one police officer and wounded another on their night beats near the radio broadcasting station. Altogether, seven policemen were killed, and four gravely wounded; the assailants suffered nine dead and fourteen wounded. Eight innocent bystanders were also killed. A large number of assailants were subsequently captured. On 5 February 1961, during the burial ceremony for the deceased policemen, "agitators" hiding near the cemetery fired several shots at the mourners. The civilians, in turn, attacked the agitators and before the police could restore order, five of the assailants were killed and several wounded. On 10 February 1961, during a raid on another prison in Luanda, seven persons were killed and seventeen wounded.

80. The Portuguese Government has claimed that these disturbances of public order in Luanda "occurred without any previous unrest, commotion, or demonstration of any sort" and that complete calm had been restored after the events. It has claimed further they involved only small groups of "hooligans and hirelings"

⁸ On 20 July 1961 a joint communiqué from the Portuguese Ministry of Foreign Affairs and the Ministry for Overseas Portugal announced that "... foreign journalists, press correspondents, photographers and motion picture and television cameramen will be allowed to enter Angola, within the normal rules which have long governed the issuance of visas".

⁹ S/PV.944, p. 21; S/PV.945, p. 66.

who were not representative of the population of Luanda;¹⁰ that certain non-Angolans were involved in instigating the attacks¹¹ (one of the organizations said to be involved was the *Diretório Revolucionário de Libertação* (DRIL), a "communist organization");¹² that the weapons had been smuggled in from outside; and that the terrorists were interested only in causing any kind of disturbance of public order to create an appearance of rebellion which could be exploited by "international subversive forces".¹³

81. On the other hand, several delegations which called for action by the United Nations submitted a substantially different description of the events. They denied that the incidents in Luanda represented an isolated act of terrorism and suggested that they reflected a growing nationalist movement. They stated that the attack on the prisons was intended to liberate political prisoners who were due to be transferred, or at least to stage a demonstration which would alert the world to the conditions in the territory. They claimed that the authorities had launched severe reprisals, that a frenzied Portuguese mob had indiscriminately fired at Africans at the funeral service on 5 February 1961 without provocation, and that the casualties were far larger than indicated in official reports.

82. In a hearing before the sub-Committee, an Angolan group, the MPLA (Peoples' Movement for the Liberation of Angola) which claimed participation in the above events, said that the attacks had been made by nationalists in an attempt to free political leaders and Angolan patriots.

83. According to the information received by the Sub-Committee in the Republic of the Congo (Leopoldville), the attacks had been timed to take advantage of the presence of a large number of foreign correspondents in Luanda following rumours that the Portuguese vessel *Santa Maria*, captured on the high seas by Captain Henrique Galvão and his supporters, would be diverted to Angola. The prisons had been attacked in order to obtain world-wide publicity for the claim of clandestine groups that there was wide-spread opposition to Portuguese rule. It has also been claimed by persons heard by the Sub-Committee that some of the arms had been obtained by the attack on the police jeep and that the weapons exhibited by the Government as having been used by the attackers were not the weapons used.

84. With regard to the events of 5 February 1961 at the Luanda cemetery (during the funerals for the policemen who had died in the attacks on the prisons), the Sub-Committee received information that violence had been provoked by unfounded rumours of an attack on the mourners. Europeans thereupon organized a massacre of the indigenous population, from which not even groups of workers on the job in nearby industrial plants had escaped. The Sub-Committee was told that between 200 and 300 persons had been killed during this incident.

85. Following the attacks on the prisons, the Sub-Committee was told, a campaign of violence was begun by some civilian elements in Luanda, reportedly assisted or connived at by the police, against the indigenous population of the city. According to this information, in the days following the attack on the prisons, a large number

of indigenous persons were killed and left lying in the streets of Luanda. Fear, fed by rumours, spread over part of the white population of Luanda and security forces which had newly arrived from Portugal triggered further repressive measures on a large scale.

86. From the information available it would seem to the Sub-Committee that the raids against the prisons in Luanda on 4 February 1961 were locally organized. The Sub-Committee notes, however, that such acts might have been encouraged by awareness of the awakening of nationalism in the rest of the continent and political developments in the world, and that some of the persons involved might have had affiliations with Angolan political groups which openly operate outside Angola.

B. INCIDENTS IN THE MALANGE DISTRICT

87. In the course of its inquiries, the Sub-Committee also received information, both from Angolans and from non-Angolans, concerning serious incidents in January-February 1961 at the Baixa de Cassange in the Malange district.¹⁴

88. A large number of workers were reported to have protested against the alleged abusive practices of the cotton programme which had been instituted in certain areas of this district. During the protests, they were reported to have broken windows, upset stores of Portuguese merchants, and attacked a Catholic mission and residences of local government officials. These demonstrations were followed by severe reprisals by the security forces, including the bombing of a number of villages and mopping-up operations in areas not reached by the bombings.

89. The Sub-Committee has also been told that fleeing populations were bombed by aircraft and that while the exact number of casualties is unknown, the number of persons killed was very large. Many of the survivors fled to the Republic of the Congo (Leopoldville). The suppression of the revolt laid a blanket of gloom upon the indigenous population throughout the Malange district.

90. The Sub-Committee was informed that the District Governor reported to the authorities that some of the grievances were well-founded and that he had recommended changes. He was later transferred. Subsequently, however, some changes in the cotton programme were announced by the Portuguese Government (see part three, section III).

91. Although the Sub-Committee is unable to confirm the details of these events, it would note that the incidents in the Malange district may have had some repercussions on subsequent developments in Angola.

C. THE EVENTS OF 15 MARCH 1961

92. The Government of Portugal has described in considerable detail in the information supplied to the Sub-Committee a series of attacks on 15 March 1961 as the beginning of a wave of "terrorism" in northern Angola. It listed simultaneous "terrorist" attacks in well over a score of different locations in that area on the morning of 15 March 1961. They were said to have

¹⁰ S/PV.944, p. 26.

¹¹ *Ibid.*, pp. 38-40.

¹² *Ibid.*, p. 42.

¹³ *Ibid.*, p. 41.

¹⁴ The incidents at Malange were not reported at the time. On 10 March 1961, however, the Ministry for Overseas Portugal stated that "inter-tribal" fighting had broken out in the Malange district in February after "agitators had entered the territory in secret.

been directed mainly against villages and plantations. A prison in the Dembos region was raided and the prisoners set free. Carmona, a town with a population of about 28,000, was attacked by three groups of assailants.

93. It was said that these attacks, concentrated in the northern districts, had been carried out by a large number of persons who were armed with machetes and cudgels, as well as shotguns. They resulted in a large number of casualties—European, mulatto, and African—including many women and children, the victims having been treated brutally. Most of the assailants, according to this account, came from outside the regions attacked, and some were said to have been commanded by “foreign elements”.

94. The Sub-Committee notes that Portuguese authorities have charged that the attacks of 15 March 1961 had been organized by the UPA (Union of the Populations of Angola). On 19 March 1961, the Minister for Overseas Portugal was reported to have stated that the attacks had been provoked by “agitators” from the UPA, which he described as a “terrorist organization” with headquarters in a foreign territory bordering Angola. In June 1961, the Permanent Representative of Portugal told the Security Council that the main tool that “international terrorism and subversion” had utilized in connexion with the events was an organization called the UPA, the leanings of which “are clearly communistic”.¹⁵

95. Representatives of the UPA told the Sub-Committee that violence had been initiated by the Portuguese and not by indigenous Angolans. Because of the long sufferings the people had endured under Portuguese rule, the ruthless suppression of all attempts to seek improvement in their conditions, and the refusal of the Government of Portugal to negotiate, they said, the UPA had decided finally to make their protests known on a wider basis. It had decided in January 1961 that the indigenous workers should demand payment for their labour, protest against forced labour, especially of women and children, and ask for the reduction of the working day from fourteen to seven or eight hours.

96. Only after the Portuguese had resorted to violent suppression of the protests, they added, did the indigenous workers retaliate by force. Weapons used at the beginning had been primitive ones. Subsequently, arms had been seized from the Portuguese settlers. Deserters from the Portuguese army had also brought weapons.

97. Representatives of the UPA claimed leadership of the revolt in northern Angola. They stated that the group had a large membership inside and outside Angola and that the protests and the revolt were entirely Angolan in organization and participation.

98. The Sub-Committee was not able to find any evidence to support the accusation that the leanings of the group were “clearly communistic”. Interviews with refugees and other information available to it indicated that the group had acquired a sizable following in Angola.

99. The Sub-Committee has been told by another Angolan group, the MPLA (People’s Movement for the Liberation of Angola) that its militia contingents were also engaged in the struggle against the Portuguese forces, as the Portuguese Government had continued to reject a peaceful solution of the political problem.

D. DEVELOPMENTS SINCE MARCH 1961

100. Whatever the origins of the events of 15 March 1961, a state of panic followed, and the incidents led to a large number of casualties and much brutality; the conflict rapidly spread over a wide area and involved thousands of persons.

101. Determined to suppress the uprising by force, the Portuguese Government dispatched large reinforcements to Angola. Armed forces were reported to have taken full responsibility for public security in the districts of Congo, North Cuanza, and Malange. Portuguese women and children were evacuated, except from the large towns, and European settlers were organized into militia units. The attacks seemed to have abated for a few days after 15 March, but several thousand armed rebels continued to move freely near the border, and large-scale fighting broke out early in April.

102. Portuguese military communiqués and censored press dispatches from Angola indicated the rapid spread of the armed conflict. By the middle of April 1961, the rebels were said to have seized control of a large area including a wide corridor from Sacundica to the northern border. More and more, Portuguese reports claimed that the rebels were using automatic weapons and radio communications and that their operations showed tactical planning. Some of the engagements during April involved large numbers of attackers,¹⁶ and there were occasional reports of direct attacks on columns of Portuguese troops.

103. The Government ordered the evacuation of several outposts, and as reinforcements arrived from abroad, troops and police squadrons were dispatched to affected areas. The air force was frequently used to strafe or bomb rebel concentrations or to land paratroopers.

104. According to reports available, the month of May 1961 saw an increase in the number of rebel attacks, but the armed forces, reinforced from Portugal, were able to begin full-scale “mopping-up” operations in certain areas.

105. By the end of May 1961, the conflict had led to the loss of thousands of lives, the flight of tens of thousands of refugees, the spread of panic, and the abandonment of many villages and farms. Further reinforcements from Portugal had reportedly increased the number of troops in Angola to over 20,000. The rebels, on the other hand, were reported to be better organized than earlier and in control of a sizable area.

106. Concerned at the further aggravation of the situation and the likely danger to the maintenance of international peace and security, the Security Council, on 9 June 1961, reaffirmed the General Assembly resolution of 20 April 1961, called upon the Portuguese authorities “to desist forthwith from repressive measures”, and expressed the hope that “a peaceful solution” would be found to the problem of Angola in accordance with the Charter of the United Nations.

107. However, the Government of Portugal continued to pursue its policy of suppressing the rebellion by military measures, and both military operations and rebel activity continued unabated. By then, rebel activity had acquired the character of guerrilla warfare.

¹⁶ On 30 April 1961, for instance, official sources in Lisbon reported that 1,000 terrorists had attacked the village of 31 de Janeiro and that the battle had resulted in heavy casualties.

108. A series of military engagements was reported in late June 1961 and in July 1961, including attacks on Portuguese military columns, as well as on villages and farms. Though the strengthened Portuguese forces were apparently able to recover some villages in the north and to inflict heavy casualties on the rebels, reports indicated that thousands of rebels were at large and had attacked a number of smaller coffee plantations in the north as well as cotton plantations in the Icolo-Bengo area.

109. Late in July 1961 the government forces launched a large-scale land and air offensive against the rebels in the north. A number of towns and villages were retaken despite heavy resistance. Some reports in the Press indicated, however, that the rebels were active outside the large population centres conducting guerrilla warfare and that a large area was desolate.

110. From the middle of August 1961, the Portuguese forces have reportedly reoccupied a number of areas and established themselves in strategic locations. Few details on the course of military operations have been available. On 11 October, the Portuguese authorities claimed that the military operations in Angola had fulfilled their objectives. However, reports on the degree of control exercised outside population centres and strategic locations are conflicting.

111. The official military communiqués and press reports indicate that the military engagements since March were mainly concentrated in the northern districts of Angola. It is mainly from these districts that indigenous inhabitants have fled to safety in the Republic of the Congo (Leopoldville). But a number of acts of violence and arrests of persons suspected of belonging to "terrorist" groups, reported from widely separated towns and villages in the rest of the territory, would seem to indicate that disaffection and disturbance of peace cover a much larger area than the northern district.

112. The gravity of the situation in the territory is reflected in the toll of lives lost as a result of the disturbances and conflicts. By early June 1961, Portuguese reports indicated that about 1,000 Europeans and 8,000 Africans had been killed. Other estimates of the number of Africans killed were considerably higher—a figure of about 30,000 was frequently mentioned during the Security Council debates in June 1961. Subsequent estimates have been much higher.

113. Though the number of casualties cannot be accurately estimated because of the nature of the conflict, it would seem from the information available to the Sub-Committee that what is involved is much more than an ordinary disturbance of public order.

114. Even more indicative than the uncertain estimates of casualties is the flood of refugees, mainly from the northern districts of Angola and from Cabinda, to the Republics of the Congo (Leopoldville) and the Congo (Brazzaville). While the Portuguese residents of the northern districts seem to have moved towards Luanda in March 1961, the exodus of indigenous inhabitants towards the neighbouring African republics assumed very large proportions from April 1961. The Sub-Committee was informed by the representative of the League of Red Cross Societies in the Republic of the Congo (Leopoldville) that the number of relief ration cards issued to Angolan refugees in that country increased from 20,000 on 20 April 1961 to 40,000 on 15 May, 60,000 on 30 May, 80,000 on 12 June, 100,000

on 20 June and 120,000 on 15 July. The number of relief ration cards had increased to 131,000 by 1 September 1961. The actual number of refugees may be substantially higher since many had joined relatives in areas where refugee relief was not distributed. According to the ration cards issued, 25 to 30 per cent of the refugees were women, and 55 to 60 per cent children under the age of ten years. In addition, thousands of refugees are in the Republic of the Congo (Brazzaville) whose representative informed the Security Council, in June 1961, that 7,000 persons from Cabinda had sought refuge in his country. Many thousands of persons are reported to be hiding in the bush in Angola.

115. In the information communicated to the Sub-Committee, the Portuguese Government stated that the flight of refugees was due to the fact that as the Portuguese authorities gradually succeeded in re-establishing minimum conditions of defence and protection of lives and property, the terrorists had "resorted to the systematic massacre of all who showed any resistance to their arguments and who were to be found in areas still inadequately protected". But the information received by the Sub-Committee from the refugees themselves indicates that they had fled because of Portuguese actions or out of fear of such actions. Some were perhaps afraid of punishment for being known as favouring independence or for sympathy with clandestine political organizations.

116. Entire villages fled in panic, even from areas apparently outside the scene of armed conflict, after violence against persons in their villages or reports of violence in neighbouring villages. Some of the refugees were severely wounded, and, according to information available, said that they had been victims of violence by the Portuguese.

117. With regard to refugees from Cabinda who are in the Republics of the Congo (Leopoldville) and the Congo (Brazzaville), the Sub-Committee has received information that though little fighting had occurred in that area, the exodus of refugees began to take place early in April 1961 when Portuguese residents were alleged to have attacked and killed several Cabindese. This apparently occurred after tension had developed as a result of the arrest of petitioners who had requested reforms in the administration, citing protectorate agreements of 1883 and 1885. The Sub-Committee was informed that the Portuguese administrators had indicated that the refugees could return in safety to the area but that the latter were afraid and unwilling to return.

118. It is thus evident that the chain of events since the Luanda incidents of February 1961 has led to a grave situation and has increased bitterness and hatred. The situation continued to deteriorate despite the General Assembly resolution of 20 April 1961 and the Security Council resolution of 9 June 1961, as the Government of Portugal failed to respond to these decisions. The Sub-Committee has received information from various persons, some of whom have left Angola recently, indicating continued fear and terror.

119. Though the Portuguese authorities have claimed to have reoccupied the area involved in the conflict, the Sub-Committee has received no information to indicate that the nature of the situation has basically changed or that rebel influence has waned. It feels that military measures cannot re-establish enduring peace as they do not end the basic causes of the recent disturbances, but

only lead to greater bitterness. What is needed is an immediate change of attitude from reliance on force to the search for a peaceful and just solution responsive to the desires of the population.

II. Repressive measures

120. During the discussions in the Security Council and the General Assembly, several delegations expressed concern over the repressive measures of the Government of Portugal in Angola after the events in Luanda in February 1961.

121. The representative of Portugal explained in the Security Council in June 1961 that "the military operation has been purely defensive—directed exclusively against the attacking bands of terrorists".¹⁷ Denying the statements that large numbers of persons had been arrested in Angola, he stated that about 1,000 persons had been imprisoned during the disturbances.¹⁸

122. After considering the various statements made before it, the Security Council, in its resolution of 9 June 1961 (S/4835), deeply deplored "the large-scale killings and the severely repressive measures in Angola" and called upon the Portuguese authorities "to desist forthwith from repressive measures".

123. In the information supplied to the Sub-Committee, the Portuguese Government stated that it had been obliged "to take the necessary military measures to punish the criminal acts that have been perpetrated and admitted and to restore order". It added that "the sole aim" of the military measures taken was "to restore peaceful conditions and safeguards for lives and property . . .".

124. In an official communiqué issued on 4 July 1961 by the Ministry for Foreign Affairs, the Government of Portugal reiterated that "the only objectives of the armed forces have been the restoration of law and order, and the measures employed have been directed toward that end".

125. In the course of its inquiries, the Sub-Committee received extensive information concerning measures going beyond requirements necessary for the maintenance or re-establishment of law and order, as well as violent reprisals by armed Portuguese civilians.

126. The Sub-Committee received complaints that military measures for pacification, such as the bombing of villages and areas suspected to contain concentrations of rebels, including the use of napalm bombs, resulted in the wounding and killing of innocent persons, including persons attempting to flee to safety across the border, and the destruction of the property of the indigenous population. Many refugees arrived in the Congo with bullet and bayonet wounds and burns. Some of them said that they had been attacked indiscriminately while fleeing in groups. It has been emphasized that punitive expeditions by ground forces and the extensive use of aviation had gone beyond what was necessary for the attainment of what the Portuguese Government stated to be the scope of its military actions.

127. Many of the complaints received by the Sub-Committee concern the indiscriminate violence attributed to Portuguese civilians armed and recruited into the militia. Civilians, driven by panic and a spirit of revenge, were said to have resorted to attacks on unarmed and

defenceless Angolans with little or no provocation and to have engaged in acts of vengeance.

128. The Sub-Committee was also told of indiscriminate arrests, imprisonment without trial, ill-treatment of prisoners, and the disappearance or execution of prisoners without the normal processes of law. Anxiety was expressed to the Sub-Committee regarding the lack of information about persons arrested, some of whom, it was feared, had disappeared. The Sub-Committee also received complaints that the emergency had led to the instigation of passions against Protestant groups and to actions against the employees of Protestant missions.

129. The Sub-Committee is particularly concerned about the reports and complaints that a large number of educated persons have been the victims of the conflict and that repression and reprisals were frequently directed against such persons because of suspicion that they were the real or potential leaders of the indigenous population.

130. The rapid succession of events created a state of panic over a very wide area and led to the flight of indigenous inhabitants to neighbouring territories (see para. 114 above).

131. In connexion with the reports of violence and repression in Angola, the Sub-Committee takes note of the information supplied by the Government of Portugal concerning "massacres" of the "white" and "African" population in northern Angola. The Sub-Committee wishes to emphasize that brutality, wherever and by whomever committed, cannot and should not be condoned.

132. Whatever the causes of the events, they served as an excuse, it is said, for the intensification of reprisals and repressive measures by Portuguese civilians and the security forces on the slightest pretext. Efforts made by some civilian administrators, who did not subscribe to terror, to end abuses were sabotaged. Representations made by some Portuguese residents to the authorities for action to combat reprisals, whatever their sources, proved to be of no avail.

133. According to this information, pre-emptive actions were applied to areas of Angola which had not been affected, and repression was carried to places where there had never been the slightest attack against the European population. Rumours of the discovery of alleged "plots" would be spread, and the local white population would request protection. In some cases protection would be given in the form of army patrols ready to give the example of summary executions. In other cases the situation would be left at the discretion of local elements. Many abuses were also committed by functionaries no longer subject to criminal trial for acts committed in the discharge of their duties, in accordance with a governmental decree.

134. The Sub-Committee notes that the Portuguese authorities have acknowledged the existence of attacks and abuses against innocent Africans and have made efforts to prevent such actions. The Minister for Overseas Portugal announced that local authorities had been instructed to multiply their efforts to ensure that no injustices are committed, "because in no circumstances can the just suffer for the sinner".¹⁹ It has been reported that the situation in Luanda, the scene of several such alleged attacks, improved after the arrival of army troops from Portugal.

135. The Sub-Committee notes that after the Security Council resolution of 9 June 1961, Prime Minister

¹⁷ S/PV.956, p. 47.

¹⁸ S/PV.952, p. 87.

¹⁹ S/PV.952, p. 81.

Salazar stated on 30 June 1961 that "the invitation to the Portuguese authorities to cease at once the measures of repression in Angola" was "theatrical" and could not have "the least hope of being accepted, so seriously does it offend the duties of a sovereign State".²⁰ Apart from the question of compliance by Portugal with the provisions of the Security Council resolution, the Sub-Committee considers that despite statements by Portuguese authorities regarding the existence of a virtual state of war in Angola, a clear distinction is essential between law enforcement and vengeful and uncontrolled violence. The Sub-Committee notes with regret that such a distinction has apparently not always been maintained and that complaints of harsh repression are still continuing.

III. Causes of the disturbances and conflicts

136. In the course of its inquiries, the Sub-Committee devoted special attention to the causes of the disturbances and conflicts in Angola.

137. The Sub-Committee has noted that the Portuguese Government takes the position that prior to the events in February 1961 Angola was a land of peace and tranquility and that the disturbances had been caused by foreign instigation. Prime Minister Oliveira Salazar cited the small security forces in Angola at the time of the outbreaks as evidence that hitherto Angola had remained calm and unaffected by outside agitation.²¹

138. Information provided from sources other than the Portuguese Government, including statements made before the Security Council and the General Assembly, indicate that for some years prior to the present disturbances, there had been increasing unrest among local inhabitants. The recent spread of open resistance and conflict had its origin basically in an accumulation of grievances and the impact of the accession to independence of a number of African territories, more particularly, the Republic of the Congo (Leopoldville). Measures to restrict contact with the outside world, displays of force and repression of suspects could no longer forestall continuing disturbances and protests. Such measures, intensified in the recent past, seem to have only increased tension and precipitated violent conflict.

139. Grievances of the mass of the indigenous population of Angola, as conveyed to the Sub-Committee, were said to arise not only from legal disabilities but also from various practices and the non-implementation of law. These grievances, which are described in greater detail in part three of this report, are briefly indicated below.

140. The policy of assimilation, proclaimed by the Administration, was not accompanied by an energetic effort to prepare the indigenous inhabitants for the status of citizens. Only a small number of Angolans were able to acquire citizenship, while the vast majority were denied opportunities for education and advancement and were subject to discriminatory legislation. Even the position of *assimilados* had deteriorated during the past few years, mainly because of the settlement of a large number of Portuguese immigrants in the territory.

141. The vast majority of the indigenous population has had no opportunity to participate in the management of the affairs of the territory. Many of the inhabi-

tants seem to have developed a feeling that they were treated as strangers in their own land and that they could not acquire fundamental rights unless they adopted an alien way of life, a feeling accentuated by the spread of African nationalism.

142. Many complaints concern the denial of human rights, abuse of authority and high-handedness, especially by local administrative officials. The Sub-Committee has heard a number of complaints against arbitrary arrests, long periods of imprisonment without trial, physically ill-treatment of prisoners, and the disappearance of prisoners. The Sub-Committee has been told that channels did not exist for the expression of grievances or complaints against injustices and that the authorities have not encouraged such approaches by the indigenous population.

143. The indigenous inhabitants have come to feel that they were the victims of exploitation. They have particularly complained of the system of taxation, the compulsory cotton programme, the inadequate prices paid for their crops and labour, and the inequitable practices of the traders. The Sub-Committee has been told that the acquisition of lands for settlers from Portugal sometimes involved dispossession of African cultivators (see part three, section V, below).

144. The Sub-Committee has also received complaints concerning the use of force, though sometimes veiled, to recruit contract labour for plantations, and the physical ill-treatment of labour.

145. Complaints have also been heard of inadequate economic and social development in the territory. Particularly acute was the inadequacy of educational and medical facilities for the indigenous inhabitants.

146. In the political field, demands for self-government, self-determination or independence were regarded as subversive and were repressed with severity. Since opportunities for political activity and the expression of Angolan nationalism had been closed and since there was no possibility for discussion or negotiation with the authorities who denied the existence of a colonial problem or the validity of the right of autonomy or self-determination, and since there was a severe suppression of peaceful political manifestations, all political movements favouring autonomy or self-determination had been forced into clandestine activity or into exile and some of them subsequently to "direct action". Repression led to undercover activity which in turn resulted in more severe measures and violence, thus setting in motion an increasingly explosive conflict.

147. It has been claimed that in 1958, after the Presidential elections had revealed a substantial opposition to the Government in Angola, police repression was stepped up. The Sub-Committee has been told that a large number of arrests were made in 1959 and that some of the persons arrested had disappeared. Repression increased further after the independence of neighbouring African countries.

148. However, despite repression, opposition political movements, including those of Portuguese residents who favoured a more liberal government, gathered strength. Clandestine meetings were held in the territory, anti-government literature was circulated, and dues collected for underground organizations. After the independence of the Republics of the Congo (Leopoldville) and Congo (Brazzaville), Angolan groups were able to operate more freely among the Angolan community in those countries, and to establish channels of communi-

²⁰ Speech delivered during the extraordinary session of the National Assembly held on 30 June 1961, Lisbon, *Secretariado Nacional de Informação*, 1961.

²¹ Interview with Prime Minister Oliveira Salazar published in *The New York Times* of 30 May 1961.

cation between members in exile and those in Angola. Their activities were also encouraged by the increasing availability of communication media, and the consequent awareness on the part of the indigenous population of developments such as the discussions within the United Nations concerning the territory.

149. The authorities, further concerned over the activities of political groups and the repercussions of developments in the neighbouring territories, had increased their pressure against persons suspected of supporting clandestine independence movements. From the middle of 1960, African houses were searched, and machetes and firearms were taken away. Portuguese civilians were supplied with arms and trained in their use.

150. Because of the intensified repression and the rejection by the Portuguese Government of negotiations for self-determination and independence, two of the Angolan political groups had veered to the view that "direct action" was the only possible means to further or achieve their objectives.

151. The Luanda incidents, it is said, were a consequence of this feeling, and they served the purpose of attracting international attention to the situation in Angola.

152. In the case of the conflicts in northern Angola, it has been stated that they have arisen primarily from the deeply-felt grievances against social and economic injustices, though resentment against settlers or despair at the prevailing situation might also have affected the course of the events. Instructions from outside or even the arrival of "agitators" would alone be insufficient to explain the scale of the incidents or their rapid spread, unless there was genuine dissatisfaction and deeply-felt grievances.

153. The Sub-Committee has had no opportunity to make an investigation on the spot. It notes, however, that the legitimacy of some of the grievances seem to have been recognized by the Portuguese Government and officials during the past few months.

PART THREE

BACKGROUND AND CONTEXT OF THE SITUATION

Introduction

154. Angola lies between 4° 22' S and 18° 03' S in latitude, and between 24° 05' E.G. and 11° 41' E.G. in longitude on the southwest Atlantic coast of Africa. Angola, except for the Cabinda enclave which is administered as part of it,²² lies to the south of the Congo River and is bordered by the Republic of the Congo (Leopoldville), Northern Rhodesia, and the territory of South West Africa. Its total area is estimated at 481,351 square miles (1,246,700 km²). The name "Angola" is a Portuguese corruption of the Bantu word "Ngola".

155. Angola belongs mainly to the northwestern portion of the Southern Africa plateau. The coast is fringed by a plain which in the north has a width of 150 miles (240 kilometres) or more but narrows till it practically disappears near 17° south latitude. Behind it the land rises in steep escarpments to the plateau.

156. Portuguese interest in Angola dates from the end of the fifteenth century after Diogo Cão anchored in the estuary of the River Congo or Zaire in 1482. In 1490 the King of Portugal sent an envoy to the capital of Mwami Congo with the first Christian missionaries. There followed the establishment of trading posts and forts along the coast. From the seventeenth to the nineteenth centuries, control over areas of the Angolan hinterland was gradually established. Up to the end of the nineteenth century, however, the hold of Portugal over the interior of Angola was slight.

157. Portuguese control over Angola was clarified by agreements signed after the Berlin Conference held in 1884-1885. Agreements concluded with the Congo Free State, with Germany, and with France in 1885-1887 (modified in some details by subsequent arrangements) fixed the limits of the territory, except in the southeast where the boundary between Northern Rhodesia and Angola was determined by a British-Portuguese agreement in 1891 and by the arbitration award of the King of Italy in 1905.

158. The total population of Angola at the time of the last census taken in 1950 was 4,145,266. An estimate of the population in 1960 was 4,605,000. The population density of Angola as a whole is about 10 per square mile (4 per square km).²³ The population is distributed unevenly. The western half contains nearly 80 per cent of the population.

159. The great majority of the native peoples of Angola are of Bantu-Negro origin, and only a small minority are non-Bantu Negroes. In the south there are some Hottentots and Bushmen. The Bantu may be divided into four main groups as follows: (1) Kongo

and Kimbundu; (2) Lunda, Chokwe and Ganguela; (3) Umbundu, which include the Bailundu group, Nyauke, and Humbe; (4) Ovambo and Herero. The first of these are found mostly in the northwestern region in the Congo district of Angola and in Malange and Cuanza Sul. The second group lives towards the eastern border and reaching into the districts of Bié and Cunene. The third group is found around the districts of Benguela, Bié, and Huila. The fourth group resides along the southern border of Angola.

I. Constitutional and legal status²⁴

A. GOVERNMENT AND ADMINISTRATION

160. The general principles relating to the government and administration in Portuguese overseas areas, including Angola, are derived from the Political Constitution of the Portuguese Republic as promulgated in 1933 and subsequently amended.²⁵ In its original form the Constitution did not deal at length with the position of Portuguese overseas areas, the basic text for such areas then being the Colonial Act, adopted in 1930. This Act was a short document confined to the enumeration of principles and the laying down of directives in accordance with those principles which were further developed in the Organic Charter of the Portuguese Colonial Empire of 1933. When the Constitution was adopted in 1933, article 133 thereof provided that "the provisions of the Colonial Act shall be regarded as pertaining to the Constitution".

161. In 1951 the Colonial Act was abolished, and its provisions were made, without substantial change, an integral part of a revised version of the Constitution. The majority of these provisions are now to be found in part II, chapter VII, of the Constitution entitled "Overseas Portugal" (*Do ultramar português*).²⁶ The principles concerning overseas territories are further elaborated upon in the Organic Law (*Lei orgânica do ultramar português*),²⁷ which superseded the Organic Charter of the Portuguese Colonial Empire in 1953. It was later amended in certain respects.²⁸ The Organic Law is supplemented by individual statutes in which the specific circumstances of each territory are taken into account (see paragraphs 168-179 below).

²⁴ For a glossary of Portuguese terms used in this report, see annex 1.

²⁵ The translation of the Constitution referred to in this report is to be found in the *Political Constitution of the Portuguese Republic*, S.N.I. Books, Lisbon, 1957, and addendum on amendments adopted in 1959.

²⁶ The term "colonies" which had been used in the Colonial Act was changed to "overseas provinces", and other expressions such as "Portuguese Colonial Empire" and "Ministry of Colonies" were changed to "Overseas Portugal" (*Ultramar português*) and "Ministry for Overseas Portugal".

²⁷ Act. No. 2066 of 27 June 1953. The Portuguese text may be found in the *Diário do Governo*, No. 135, Series I of 1953. Extracts from the Organic Law appear in the *United Nations Yearbook on Human Rights*, 1953, pp. 327-329.

²⁸ Law No. 2076, published in *Diário do Governo* of 25 May 1955.

²² The Cabinda Enclave, which is one of the thirteen districts of Angola, lies to the north of the Congo River and has an area of about 3,000 square miles (8,000 km²). It is bordered on the north and northwest by the Congo (Brazzaville) and south and southeast by the Congo (Leopoldville).

²³ Population density in 1959 as given in the *United Nations Statistical Yearbook*, 1960.

162. In the paragraphs that follow a brief description is given of some of the salient features of the Constitution and the Organic Law in so far as they define the legislative system applied to Angola.

1. Central organs of overseas government and administration

163. Article 1 of the Constitution enumerates the areas which are stated to constitute the territory of Portugal, including "in West Africa: the Cape Verde Archipelago, Guinea, São Tomé and Príncipe and their dependencies, São João Baptista de Ajudá, Cabinda and Angola". In article 135, the "overseas provinces" are described as "an integral part of the Portuguese State... united as between themselves and with Metropolitan Portugal".

164. Sovereignty in the Portuguese State, according to article 71 of the Constitution, "is vested in the nation", as represented by "the Head of the State, the National Assembly,²⁹ the Government³⁰ and the Courts of Justice". The organs of the State and Government which are most directly concerned with the overseas territories are the National Assembly, the Council of Ministers and the Minister for Overseas Portugal. According to the Organic Law (division VII) the central organs of overseas administration have "the co-operation" of the Corporative Chamber,³¹ the Overseas Council,³² the Conference of Overseas Governors,³³ the Economic Conference of Overseas Portugal,³⁴ and other ministries and technical advisory bodies. The National Assembly, the Government, and the Minister for Overseas Portugal have power to legislate for the overseas territories.

165. The jurisdiction of the National Assembly extends in the overseas territories, under article 93 of the Constitution, to the approval of the general principles relating to defence, currency, weights and measures, the creation of banks, and the judicial system. Article 150 provides that the Assembly may also legislate, *inter alia*, on the general system of government of the overseas territories. In addition to these general functions, the National Assembly is concerned with the year-by-year consideration of the accounts of the overseas territories.

²⁹ Until the recent election the National Assembly consisted of 120 deputies, elected by direct vote of citizen electors. In the past, three deputies were elected to represent Angola. They were not required to be residents thereof. The National Assembly consists now of 130 deputies.

³⁰ The Government under article 107 of the Constitution consists of the President of the Council of Ministers, i.e., the Prime Minister, and the Ministers.

³¹ The Corporative Chamber is a general advisory body composed of representatives "of local autonomous bodies and social interests" (article 102 of the Constitution), which is consulted by the Government on proposals, draft bills and treaties that are to be submitted to the National Assembly for approval; hence government measures dealing with overseas territories that, in accordance with the Constitution, must take the form of legislation are transmitted to the Corporative Chamber for its advice.

³² The Overseas Council is a permanent body established to advise the Minister for Overseas Portugal in matters concerning overseas administration and policy.

³³ The Conference of Overseas Governors meets from time to time, when considered necessary by the Minister for Overseas Portugal, for the discussion of the most important matters of the moment in regard to general overseas administration.

³⁴ The Economic Conferences of Overseas Portugal meet from time to time, when considered necessary by the Minister for Overseas Portugal, for the discussion of matters determined by the Minister concerning the economy of Overseas Portugal.

166. According to article 150 of the Constitution, the Government may legislate for the Portuguese Overseas Territories when, "under the terms of the Constitution, it has by decree-law to take action affecting the whole national territory, or when an executive measure provides for questions of common concern both to Metropolitan Portugal and one or more of the Overseas Provinces". In accordance with the Constitution (article 153) and the Organic Law, the Government supervises and controls the administration of the overseas territories as a whole. In particular, the President of the Council of Ministers is responsible to the President of the Republic for the general policy of government in overseas territories and presents to the National Assembly the proposals of the Minister for Overseas Portugal. The Council of Ministers appoints and dismisses governors-general and governors (Organic Law, division IX, 4).

167. The Minister for Overseas Portugal, under article 150 of the Constitution, is vested with authority which covers "all matters involving the higher or general interests of national policy in the overseas provinces or which are common to more than one overseas province". Some of the matters on which he may legislate (Organic Law, division X), after consultation in most cases with the Overseas Council, include the political and administrative statutes of the overseas territories, their financial administration, and the establishment and general functioning of corporative, moral, cultural, and economic bodies in such territories. He has a decisive voice in any disputes or disagreements between governors and their legislative councils concerning the legality or desirability of any measures which those councils approve, and his authorization must be obtained for the raising of any loans, the repayment of which cannot be provided from the current year's balance. All enactments to be enforced in the overseas territories are required to contain an instruction from the Minister for Overseas Portugal to the effect that they must be published in the official Bulletin of the territory or territories concerned. Finally, he may totally or partially annul legislative measures of the governments of overseas territories when he considers them to be either illegal or detrimental to the national interest. His administrative functions include the appointment and dismissal of officials in the overseas services, concessions of public land and important public works, the authorization of town planning or development schemes involving extraordinary expenditures, and the supervision and control of enterprises of public interest (Organic Law, division XI, 1).

2. Territorial organs of overseas government and administration

168. The Constitution provides, in article 149, that the overseas territories shall, "as a rule", be governed by special legislation passed by the legislative bodies of "Metropolitan Portugal" and by the provincial legislative bodies of the overseas territories.

169. The legislative functions of the governments of the overseas territories are always exercised "under the supervision of those bodies in which sovereignty resides" (article 152). The jurisdiction of the provincial legislative bodies is defined in article 151 of the Constitution as extending to "all matters of exclusive concern to an Overseas Province and outside the scope" of the National Assembly, the Government or the Minister for Overseas Portugal. However, the enactments

of the Overseas Governments cannot "revoke, suspend or run contrary to the provisions of the Constitution or of any other enactments passed by the legislative bodies of metropolitan Portugal" (article 151).

170. According to article 148 of the Constitution, "the Overseas Provinces shall be guaranteed the right of administrative decentralization and financial autonomy in conformity with the Constitution and with their state of development and resources".

171. Under article 168 of the Constitution, each overseas territory has its own separate budget, drawn up in accordance with a uniform plan, and approved "in the appropriate provincial bodies". However, article 175 also provides that "the financial autonomy of the Overseas Provinces shall be subject to such temporary restrictions as may be inevitable should a serious situation arise in connexion with their finances or should there be danger of their affecting the finances of metropolitan Portugal".

172. In accordance with the Statute of Angola,³⁵ the organs of government in that territory are the Governor-General, the Legislative Council and the Government Council.

173. The Governor-General is the supreme authority in the territory; he represents the Portuguese Government and possesses legislative and executive powers. He is appointed by the Council of Ministers, on the recommendation of the Minister for Overseas Portugal, and has a four-year term of office (Organic Law, division XVIII).

174. The legislative powers of the Governor-General include all matters of exclusive interest to the territory not within the jurisdiction of the National Assembly, the Government or the Minister for Overseas Portugal (Organic Law, division XXIV). The Governor-General also exercises all the prerogatives and powers conferred on him by the statute for his territory.

175. In the exercise of his legislative powers the Governor-General has to act, in general, in accordance with the vote of the Legislative Council (Constitution, article 152). If the Governor-General disagrees, he must submit the matter for decision to the Minister for Overseas Portugal (Organic Law, division XXIV).

176. In the exercise of his executive powers, which are defined in detail in the Statute for his territory, the Governor-General executes all laws and orders in force as well as the instructions of the Minister for Overseas Portugal and he keeps the Minister informed of all matters dealing with the administration of the territory. He is also in charge of, and responsible for, the operation of public services.

177. To assist the Governor-General in his executive duties, there is a Government Council which meets at his request and acts as an advisory cabinet. Members of the Council are entitled to be present at meetings of the Legislative Council and may participate in the debates and present proposals duly authorized by the Governor-General, without the right to vote (Organic Law, division XXVI, 4). The Governor-General is not obliged to follow the advice of the Government Council, but when he is required by law to consult it and does not follow its advice, he must inform the Minister for Overseas Portugal (Organic Law, division XXX, 3).

³⁵ Decree No. 40,225 of 5 July 1955, promulgating the Statute of the Province of Angola.

178. The Legislative Council is a body in which, according to the Constitution and the Organic Law, (Constitution, article 152; Organic Law, division XXV, 2), representation is suited to local social conditions. Its principal function is to discuss and suggest local policy which is to be implemented in local legislation and to express an opinion on matters presented to it by the Minister for Overseas Portugal or the Governor-General. The Legislative Council in Angola consists of twenty-nine members. Twenty-one members are elected every four years from among Portuguese citizens who have fulfilled all legal requirements for eligibility. The remaining members are nominated, including persons to represent the interests of the indigenous population.

179. The Legislative Council meets in ordinary and extraordinary sessions. In terms of the Organic Law (division XXVII, 3) the Minister for Overseas Portugal may dissolve the Legislative Council in the national interest. In this event, new elections are required within sixty days, but may be delayed for six months if this is considered desirable.

3. Local administration

180. Angola is divided into districts³⁶ headed by district governors who are direct representatives of the Governor-General. The various districts are divided into *concelhos* and *circunscrições*. There are also a few *intendências*. Administrative sub-units include the parish (*freguesia*) and, in less developed areas, the administrative post (*posto*).

181. Under the Organic Law (division XLVIII, 1) it is provided that local self-government, in areas containing persons eligible to vote, is to be exercised through municipal assemblies (*câmaras municipais*), municipal commissions (*comissões municipais*) and local communities (*juntas locais*). The election of members to such bodies was suspended in 1940, but has now been reinstituted in a new decree communicated to the Sub-Committee (see part one, section III).

182. Indigenous administration is carried out, for the most part, through the system of *regedorias*, or chieftaincies representing traditional native political aggregations of one or more tribes. Authority in each *regedoria* is vested in a chief (*regedor*), selected according to local custom and approved by the Portuguese authorities. The main duties of a *regedor* consist in carrying out the orders and instructions of the district administrators to whom they are directly responsible and the exercise of certain traditional powers vested in them by local custom. A *regedor* can also choose a council from among the most respected persons within his area, subject to the approval of his immediate superiors.

³⁶ The districts of Angola and their capitals are the following:

| District | Capital |
|--------------------|---------------------------|
| Cabinda | Cabinda |
| Congo | Vila Carmona (Uige) |
| Luanda | Luanda |
| Cuanza Norte | Vila Salazar |
| Cuanza Sul | Novo Redondo |
| Malange | Malange |
| Lunda | Vila Henrique de Carvalho |
| Benguela | Benguela |
| Huambo | Nova Lisboa |
| Bié-Cuando-Cubango | Silva Pôrto |
| Moxico | Vila Luso |
| Moçâmedes | Moçâmedes |
| Huíla | Sá da Bandeira |

183. The main provisions relating to indigenous administration were contained in the *Estatuto dos Indígenas Portugueses das Províncias da Guiné, Angola e Moçambique*, which, as indicated in the following paragraph, has now been repealed. These provisions have been re-enacted, without substantial change, in a new decree the text of which has been transmitted to the Sub-Committee (see part one, section III).

B. LEGAL POSITION OF THE INDIGENOUS INHABITANTS OF ANGOLA

184. This part of the report sets out briefly some of the provisions of Portuguese law relating to the legal position of the indigenous inhabitants of Angola. Reference is made to the Constitution, the Organic Law and, in particular, Decree Law No. 39,666 of 20 May 1954 on the Status of Indigenous Persons of Portuguese Nationality in the Provinces of Guinea, Angola and Mozambique (*Estatuto dos Indígenas Portugueses das Províncias da Guiné, Angola e Moçambique*, referred to hereinafter in this report, for purposes of convenience, as the Statute of 1954).³⁷ According to information recently made available to the Sub-Committee by the Government of Portugal, the Statute of 1954 was revoked in September 1961. Mention is made of some possible effects of this revocation later in the present report. However, in order to establish a clear picture of the background to the situation in Angola, the Sub-Committee has deemed it necessary to give some account at this point of the position of the indigenous inhabitants under the Constitution and as it appears to have been in the past under the Statute of 1954.

185. Article 138 of the Constitution provides that:

"Regard shall be had in the Overseas Territories to the state of development of the native inhabitants. To this end and where necessary there shall be established, by special statutes, in the spirit of Portuguese public and private law, systems in keeping with native usage and customs provided that these are not incompatible with morality, the dictates of humanity or the free exercise of Portuguese sovereignty."

This provision was originally contained in article 22 of the Colonial Act of 1930, but was incorporated in the Constitution in 1951, at which time, as already pointed out (see para. 161 above), the Colonial Act was abolished. Article 141 of the Constitution further provides that:

"The State guarantees, through special measures in the stage of transition, the protection and defence of the natives living in the provinces, in accordance with the principles of humanity and sovereignty... and international conventions."

186. Under the legal régime which has prevailed in the past,³⁸ it may be said that Portuguese nationals

³⁷ The full text may be found in the *Diário do Governo*, Series I, No. 110, of 20 May 1954. Extracts from this law appear in the *United Nations Yearbook on Human Rights*, 1954.

³⁸ Much of the legislation affecting the African population has been a continuation of the *Estatuto político civil e criminal dos indígenas das colónias de Angola e Moçambique*, 1926. This was replaced by a similar Statute in 1929. The 1929 Statute, together with the principles outlined in the Colonial Act of 1930, the Organic Charter of 1933 and the Overseas Administrative Reform Act of the same year, were the basis of Portuguese policy affecting the indigenous inhabitants before the Statute of 1954, which continued most of the previous policies and delineated with greater precision a number of concepts and practices.

in Angola fell into two categories. The first category was entitled to the full rights and duties of Portuguese citizens, while the second, which formed by far the bulk of the population, was governed by a special status which, for the purpose of convenience, may be described as "*indígena* status". Until its recent repeal in September 1961, the Statute of 1954 was the most detailed law defining this latter status.

187. Articles 1 and 2 of the Statute of 1954 provided as follows:

"Article 1

"In accordance with the Political Constitution, the Organic Law relating to the Portuguese overseas provinces and the present enactment, the indigenous inhabitants of the provinces of Portuguese Guinea, Angola and Mozambique shall enjoy a special status.

"The status of an indigenous person of Portuguese nationality shall be personal and shall be respected in whatever Portuguese territory the person possessing it may be in.

"Article 2

"A person shall be considered to be an indigenous inhabitant of a province aforementioned if he is a member of the negro race or a descendant of a member of that race and was born, or habitually resides, in the province but does not as yet possess the level of education or the personal and social habits which are a condition for the unrestricted application of the public and private law pertaining to Portuguese citizens.

"A person shall likewise be considered to be an indigenous inhabitant of the province if he was born of indigenous parents at a place outside the province to which his parents had temporarily moved."

188. The basic principle regarding persons of *indígena* status was laid down in article 3 of the Statute of 1954 which stated that "unless otherwise prescribed by law, indigenous persons shall be governed by the usages and customs pertaining to their respective societies". Various exceptions to this rule appear in the Constitution which provides, in article 138, that indigenous usages and customs are not recognized if they are "incompatible with morality, the dictates of humanity or the free exercise of Portuguese sovereignty". Article 3 of the Statute of 1954 furthermore required that the Portuguese authorities should, whenever possible, endeavour to bring local usages and customs "into conformity with principles of public and private Portuguese law" and to encourage "the progressive evolution of indigenous institutions in harmony with" these principles.

189. Another basic rule concerning persons of *indígena* status appeared in article 23 of the Statute of 1954, which provided that no political rights were granted to such persons "in respect of non-indigenous institutions". Article 24 of the Statute of 1954, however, stated that "indigenous persons shall have the right of petition and complaint, which they may exercise at all administrative levels and, in particular, with regard to administrators of indigenous affairs and administrative inspectors".

190. The Statute of 1954 laid down various procedures by which a person of *indígena* status might relinquish that status and acquire citizenship. In the majority of cases, certain basic requirements, laid down in article 56 of the Statute, had to be met: the person

concerned had, *inter alia*, to be over eighteen years of age; to speak the Portuguese language correctly; to exercise an occupation, trade or craft that provided a sufficient income for the support of himself and his family; to be of good conduct and to have "attained the level of education and acquired the habits which are a condition for the unrestricted application of the public and private law pertaining to Portuguese citizens". Various proofs had to be furnished to establish that these requirements had been met, including a certificate of the criminal registry "showing that the person concerned has never been sentenced to imprisonment and has not been sentenced to detention on more than two occasions".

191. The Statute of 1954 also contained, in articles 60 and 61, certain exceptional procedures by which citizenship might be obtained. Persons were entitled to citizenship if they met any of the following qualifications: occupied a post in the government service; were members of an administrative body; had completed the first part of their secondary education; were registered traders, partners in commercial firms, or owners of industrial enterprises. Furthermore, provincial governors were empowered to grant it to individuals known to possess the necessary qualifications or who had performed considerable or distinguished services to the State. In the event that a man was accorded citizenship, the same status could be acquired, under article 57 of the Statute of 1954, by his wife and all children under his direct control who were less than eighteen years old if they spoke Portuguese correctly and had adopted the customs necessary for the complete enforcement of the public and private law applicable to Portuguese citizens.

192. Citizenship, once granted, could be revoked, under article 64 of the Statute of 1954 by "a decision of the competent district judge" on the basis of evidence submitted, with the participation of the Public Prosecutor's office, by the competent administrative authority.

193. Persons of *indigena* status were subject, in terms of article 25 of the Statute of 1954, to the Portuguese criminal law in the absence of "explicit legislative provisions concerning indigenous persons". The Statute also provided, in article 26, that, in the case of such persons, "imprisonment may be replaced by compulsory labour".³⁹ The judge was also instructed to take into account the influence upon the accused of "indigenous social conditions". The Organic Law, which remains in force, extends the metropolitan penal and penitentiary system to overseas provinces in so far as it is adapted to the social conditions therein (division LXIX, II).

194. The provisions of the Statute of 1954 relating to land ownership, education and labour are dealt with elsewhere in this report. However, it would seem appropriate at this point to make some reference to the rules laid down in that enactment governing the civil law applicable to persons of *indigena* status and to their dealings with other persons.

195. As regards the applicable civil law, such persons were subject in their dealings with one another to the "usages and customs" of their own societies. In certain instances, however, a person of *indigena*

status could opt for the ordinary Portuguese civil law, as provided in article 27 of the Statute of 1954, in matters concerning family relations, succession, trade and immovable property. Such option, according to article 28, had to be effected in the presence of a municipal judge who was required to satisfy himself, "on the basis of the testimony of two qualified citizens and such other formalities as he considers necessary, that the applicant had definitively adopted the way of life required for the application of the ordinary law". Under article 47 of the Statute of 1954, the Portuguese civil law was applied to legal relations involving persons of *indigena* status and others when "no other law" was applicable. Under recent legislation mentioned in part IV, section III, B, below, it appears that a person of *indigena* status may now effect an option for Portuguese civil law under simplified and less stringent procedures. The new legislation, furthermore, contains provisions for codifying and compiling native "usages and customs" which does not appear to have been undertaken to any considerable extent in the past.

196. Commercial relations between persons of *indigena* status and others were subject to special regulations in the Statute of 1954. It provided, in article 29, that such relations between the inhabitants of communities composed of detribalized persons of *indigena* status, or between such persons and persons of *não-indigena* status might by legislative measures be governed exclusively by Portuguese civil law. More limited provisions extending Portuguese civil law to commercial relations could be applied, in terms of article 47, in other cases where the "ordinary law" was to be administered when no other law was applicable. Trading between persons of *indigena* status and others in agricultural produce was also subject to special provisions under article 49 of the Statute which permitted the authorities in certain circumstances to control or prohibit such trading. The authorities could also establish markets with the exclusive monopoly and fix prices for the sale of native products to persons of *não-indigena* status.

II. General policies and practices⁴⁰

197. The general policies of Portugal regarding its overseas territories, including Angola, have been based on the concepts of national unity and cultural identity and the creation of a "multi-racial" society, the recognition of common interests calling for co-ordinated action in the economic and social fields, a degree of administrative and financial autonomy, the acknowledgement of the obligation to protect the indigenous inhabitants and their interests, and to work progressively towards their integration in the Portuguese civilized community.⁴¹

198. Side by side with the policy of integration, Portugal has stressed that it has traditionally respected the customary law of populations incorporated in the "national community" from the time of the discoveries. It has also stressed that constitutional principles have served as a basis for special and separate legislation

⁴⁰ For a glossary of Portuguese terms used in this report see annex 1.

⁴¹ In a speech delivered in Oporto on 28 August 1961, the Minister for Overseas Portugal re-emphasized the view that it had been of "incalculable benefit" to Africa that "some of its territories had been integrated within one political unit together with European peoples". He also reaffirmed Portugal's decision "to continue its policy of multi-racial integration".

³⁹ Promulgation of the new overseas penitentiary system extended the substitution of compulsory labour to sentences other than imprisonment.

relating to the indigenous inhabitants, the main aim of which was to allow peoples "to pass progressively from the tribal system to the fullness of civil rights generally enjoyed by other inhabitants of the territories".⁴²

199. Principles established in the several legislative measures dealing with the indigenous inhabitants have emphasized that the aim of Portuguese policy was to bring about the integration of the indigenous inhabitants into the Portuguese nation; this goal, it was asserted, had to be pursued prudently, always keeping in mind that the indigenous inhabitants had a culture, a social organization, and a law of their own; the obligation of the State was to protect the African in his primitive condition against the abuses and control of the colonists; to protect his property and to supervise his labour contracts with *não-indígena* persons. The assimilation of the indigenous inhabitants was to be brought about through the Portuguese language and through education; the African was to be guaranteed, once he had acquired a "civilized" way of life, the same legal status as a Portuguese citizen.

200. While policies and the system may have been based on the desire to respect local usages and customs and to prepare the population for gradual assimilation, the wide powers granted to officials whose legal responsibility was to protect the indigenous inhabitants led to many serious abuses.

201. The Sub-Committee notes that, under the present administrative structure in Angola, the authority of the Portuguese Government extends directly from Lisbon through the Governor-General, district governors, administrators (*administradores*), and the Chief of a sub-area (*chefe de posto*).⁴³ The administrators of *circuncrições* and the *chefes de posto* are the officials most directly responsible for administering the affairs of the indigenous population through native *regedorias* and village chiefs. Under the existing system the African is seldom in direct contact with the Portuguese authorities at a high level.

202. The development of practices under which it has been said the administrator of administrative areas (*circuncrições*) and the chiefs of sub-areas (*chefes de posto*) have come to represent the sovereignty of the Portuguese nation, the authority of the Republic and, in general, Portuguese civilization has been one of the most important factors in the background of the situation in Angola.⁴⁴ As they have had considerable power over the welfare of the indigenous inhabitants, including the exercise of judicial functions, their role in the carrying out of governmental action has been pervasive and decisive within a framework of wide administrative discretion.

A. POLITICAL RIGHTS AND RACE RELATIONS

203. The Sub-Committee has been told that the main source of dissatisfaction in Angola was the basic distinction in status between *indígena* and *não-indígena*, formerly known as "*não-civilizado*" and "*civilizado*" and the concomitant administrative practices. The basic

distinction made between European and non-European ways of life permeated all phases of life and has been the basis of various discriminatory practices.

204. Under the Statute of 1954, no political rights were granted to indigenous persons "in respect of non-indigenous institutions". The Portuguese position is that indigenous inhabitants had not been granted all the rights based on Portuguese constitutional institutions because such persons could not make proper use of all those rights.

205. As stated in May 1961 by Prime Minister Oliveira Salazar, "full citizenship" should be a "noble legal concept" and the granting of civil rights should correspond to a genuine and lasting evolution "or else the peoples run the risk of regression and a return to tribalism". He added that "a law recognizing citizenship takes minutes to draft and can be made right away; a citizen, that is a man fully and consciously integrated into a civilized political society, takes centuries to achieve".⁴⁵

206. This concept has been applied in Angola in such a way that "full citizenship rights" had been granted only to a small minority of the indigenous population while over 95 per cent had remained classified with a special status, thus arousing widespread discontent.

207. According to the most recent statistics, of the over-all population of 4,855,219 in Angola approximately 70,000 persons of mixed or native ancestry had become "assimilated" and enjoyed equal status with European-Portuguese citizens. Portuguese authorities have stated that this figure did not correspond to the true number of *assimilados* since only the first generation *assimilados* were included. On the other hand, they did not deny dissatisfaction with the relatively low number of *assimilados* in Angola.⁴⁵

208. In addition to the difficulties of relinquishing the *indígena* status and of fulfilling all the conditions required to become a citizen once an African had attained that status (see paras. 184-196 above), he had to maintain a European way of life. This policy of assimilation often had the effect of isolating the educated African from his own people. Whilst on the one hand theoretically granting the African equal status with Portuguese on the basis of equal education and other requirements, it in effect implied a lack of proper recognition of the desire and legitimate aspirations of the Africans to progress along the lines of their own values and way of life. It also appeared to create a socially superior minority. Information was provided to the Sub-Committee that more recently the rate of assimilation had slowed down because the authorities seemed to be making it more and more difficult for Africans to qualify, including the placing of obstacles based on considerations of religious affiliations. The rate of assimilation had also slowed down because of a growing desire among some Africans to retain their African identity and reluctance to become totally identified with a European culture.

209. The Sub-Committee was also told that in recent years the large influx of European settlers had aggravated the social divisions in Angola and had led to the lowering of the relative status of the *assimilados*. For although the Africans had to work for many years to fulfil the stringent conditions for the attainment of the

⁴² Interview with Prime Minister Oliveira Salazar published in *The New York Times* on 30 May 1961.

⁴³ The administrators and chiefs of sub-areas are part of the civil service. See also paras. 160-183 above.

⁴⁴ One of the persons heard by the Sub-Committee said one of the most common fetiches found in his area was a fetish which natives believed would protect the African when he went to the chief of the sub-area (*chefe de posto*).

⁴⁵ Interview with Prime Minister Oliveira Salazar published in *The New York Times* on 30 May 1961.

status of *assimilados*, immigrants from Portugal automatically had all the rights and privileges of citizens. It was pointed out that European settlers from Portugal sent to Angola were often poorly prepared to live there and were said to have created a bad atmosphere from the viewpoint of racial prejudice. The increase in immigration and the difficulties faced by the indigenous inhabitants in acquiring citizenship rights had therefore caused an erosion of the ideal of a multi-racial society.

210. Many of the persons heard by the Sub-Committee indicated that there existed a gulf between the stated aims of Portuguese policy and the practices in the territory. For instance, the Portuguese Government has maintained that "no racial or cultural barrier exists in the overseas provinces, but simply a section of the population consisting of whites, blacks and *mestiços* have reached a cultural level higher than that of the rest of the population."⁴⁰ However, the Sub-Committee was told that in Angola in practice there were various distinctions in the social status of the inhabitants.

211. In this connexion it was stated that though the major line of distinction in social practices has been between the *não-indígenas* and the *indígenas* and in spite of the objectives of Government policy regarding a multi-racial society, in Angola race and place of birth had come to determine, in practice, many rights and privileges. It was said that in Angola there were in practice five categories of inhabitants. First the Portugal-born Portuguese; second, the Portuguese actually born in Angola; third in line was the *mestiço* (mulatto); next was the African *assimilado*; and finally, the great majority of the Africans.

212. Portugal takes pride in the contribution it has made as "a pioneer of non-racism", and there has never been any legal colour-bar in its overseas areas. Portuguese tradition has contributed to the creation of multi-racial societies in which there is no colour or religious bar and in which human rights are at the very foundation of the political and social structure.

213. Up to the early fifties at least, many European observers felt that there was a real opportunity for Portugal to accelerate the development of a non-racial, integrated society in Africa. Some were impressed by the fact that in Angola education and economic standing in the community did not "follow the bounds of race". It was suggested by some observers that that would have been the most propitious time to widen rights and opportunities for the indigenous population. Many people had hoped that steps would be taken in this direction. Some Africans feel, however, that there had never been any real racial equality or promise of racial equality, but some others had shared hopes that changes might be made. The failure of the authorities to widen rights, promote more rapid assimilation, and offer the hope of an early achievement of stated objectives before the massive impact of the surge of other African territories to independence had greatly undermined such hopes.

B. PARTICIPATION IN PUBLIC SERVICE

214. Career officials in the Portuguese Overseas Service have been recruited from residents in Portugal

⁴⁰ Statement by Dr. Pedro T. Pereira in an article published in *The Standard-Times*, New Bedford, Massachusetts, 9 June 1961 and supplied by the Portuguese Government to the Sub-Committee.

and from residents in the Overseas Territories who are either Portuguese by birth or those who had attained the status of *assimilado*. Entry into the service has been either through the Instituto Superior de Estudos Ultramarinos at Lisbon or by promotion from a locally recruited service. Entry into the Instituto has been by public examination.

215. Entry from the locally recruited services has been by a qualifying examination. Candidates for the local services must have five years of secondary education, and where possible, preference has been given to persons born in the territory.

216. Various indigenous officials have been integrated into the administrative hierarchy as auxiliaries. These include formally recognized *regedores*, chiefs and head men, local police and administrative personnel.⁴⁷

217. The Sub-Committee was informed that, in spite of the above-mentioned provisions, in Angola preference in the recruitment for public services has generally been given to persons born in Portugal and that there has been discrimination against Africans who had become *assimilados*. In particular, it was pointed out that most of the administrative posts at and above the *chefe de posto* level were by custom and practice held by Portuguese. There were complaints that Angolans were restricted in the public competitions both for civil service posts as well as careers in the army. It was said, for instance, that non-assimilated Africans could not rise above the rank of lance corporal.

218. The question of the participation in the public services of qualified Africans was the subject of an administrative order issued in Luanda in 1945 by the then Minister of Colonies, Mr. Marcello Caetano, during a visit to Angola. After declaring that the law only recognized a distinction between *indígenas* and *não-indígenas*, the order went on to decree that the Governor-General of Angola should review the legislation of the colony and eliminate any restrictions upon the admission and access of *não-indígena* citizens to official posts within the colony except those based on education or technical qualifications or the criterion of selection by merit. The term *indígena* was to be applied only to those employees who retained *indígena* status; the designations was not to be used on the grounds of colour alone.⁴⁸

219. In 1953, the existence of practices in the overseas territories which distinguished between the whites and the *assimilados* was again the subject of comment by a former government official. Once again, it was emphasized that such practices arose from certain preconceptions of racial discrimination which were contrary to Portuguese tradition and received no support from the law.⁴⁹

220. According to a Portuguese Government spokesman⁵⁰ in June 1961, 40 per cent of "administration officials" were "non-whites". It was said that the percentage was sometimes higher and sometimes lower but never lower than 30 per cent. However, the Sub-

⁴⁷ For the functions of the *regedores*, see para. 182 above.

⁴⁸ F. C. C. Egerton, *Angola in Perspective*, p. 252.

⁴⁹ J. M. da Silva Cunha: *O sistema Português de política indígena*, Coimbra, 1953, p. 185.

⁵⁰ Statement by Dr. João da Costa Freitas, Under-Secretary for Overseas Administration, in an article published in *The Standard-Times*, Bedford, Mass., 8 June 1961, and communicated by the Government of Portugal to the Sub-Committee.

Committee has been told that non-whites were employed mostly in minor positions and that there had been no systematic and determined effort to train Africans to participate in administrative posts. Furthermore, the educational system as such had made it difficult for Africans to obtain the basic qualifications to enter public competitions (see section IV below).

C. THE ADMINISTRATION OF THE NATIVE TAX SYSTEM

221. Another series of complaints is related to the collection of the "annual personal tax", previously known as the "indigenous" or "native" tax.⁵¹ The administration of this tax has apparently been a major source of grievance, mainly because many Africans found it hard to raise the required sum in cash, and the punishment for non-payment was generally "compulsory" labour in public works.

222. The amount of the personal tax is established by the Governor-General and varies from district to district. The Sub-Committee was told that in 1960 the amount varied from 120 escudos in the rural areas to 250 escudos in Luanda, and that all males between 16 and 60 were liable. The fact that the members of the family are responsible for the payment of the tax and that it could be discharged by work for the Government or municipality or for private employers was said also to have led to serious abuses. Complaints were made that village chiefs were punished "taxes were not all duly collected."

223. The Sub-Committee was informed of many instances in which a man who had not paid his taxes was imprisoned while his wife and family were made responsible for raising the required sum. It was said that students over 16 were not exempt from taxation and some had to leave school to earn money to pay this tax.

D. CONTROL OF MOVEMENT AND RESIDENCE AND OTHER PRACTICES

224. One of the most common sources of grievance of the indigenous inhabitants was said to be the control of residence and movement through the use of a "pass system", and the administrative practices in this connexion.

225. Under article 9 of the Statute of 1954 a person of *indígena* status wishing to change his residence from one *regedoria* to another within the same administrative area was required to obtain a permit from the local administrative authority which had to be presented to the administration upon arrival at the specified destination. If he wished to change his residence from one *regedoria* to another which was part of a different administrative area, he had to obtain permission from the authorities in both areas. The Sub-Committee was told that a person of *indígena* status found outside his

own area without a pass was subject to immediate arrest. Testimony was received that persons wishing to go outside their own district for medical treatment in missionary hospitals were sometimes refused passes and doctors were warned not to treat patients without valid passes even if they managed to get to the hospitals.

226. The Sub-Committee also received information to the effect that in the towns, in Luanda for instance, it was customary for the local police to make frequent raids into the African areas to check the movement of the indigenous inhabitants. The official reasons for these raids were to check passes, tax receipts, etc. However, the complaints were that often people were rounded up and taken away even if their records were in order and only those who were immediately claimed by their employers were released.

227. Information provided to the Sub-Committee seems to indicate that beatings and arrests have long been considered by the indigenous inhabitants as part of the common order in Angola. Testimony from individuals who had lived in different parts of the territory and who came from different walks of life gave the same picture. In incident after incident described to the Sub-Committee, the stories of harshness, injustices and ill treatment were substantially the same except for the time and place. In particular, there were many complaints about the use of the *palmatoria*, a wooden paddle with holes and sometimes with nails, and the use of the *chicote*, a leather whip, mostly by labour overseers. Although, under the law, persons of *indígena* status had the right of complaint and petition, the Sub-Committee was told that Africans did not dare to exercise this right.

228. Some sources attributed these practices to a customary callousness, but others attributed it in part to general maladministration.

229. The Sub-Committee also heard that for many years there had been frequent charges of bribery of government officials. The administration itself, it appears, has been aware of the situation and has, in a number of cases, punished the officials involved. Yet, from the evidence received, it would appear that bribery was not always discovered, nor was it always punished. Instances were described of payments being made in connexion with assimilation papers; these payments were usually made to a third party whose job it was to arrange such payments. Suitable bribes were also often helpful, it was said, in obtaining the release of persons arbitrarily arrested or wrongfully taken to work as recruited labourers. The most flagrant bribery, however, was said to exist in connexion with recruitment of labour for European companies and settlers (see section III below).

230. The Sub-Committee considers that, in spite of the official objectives, some of the legislation and administrative practices in Angola as reported to the Sub-Committee would seem to have had the effect of discriminating against the indigenous inhabitants and of denying to them or restricting enjoyment of many of the fundamental freedoms and human rights.

231. Recent measures taken by the Portuguese Government would appear to indicate that that Government has come to recognize the necessity of immediate reforms and also seem to reflect concern for improvement in the administration of the territory, an example of which is the announcement that measures will be taken to reorganize the courts of first instance so as to

⁵¹ Hailey, *An African Survey* (Revised) London, 1957, p. 675.

"In the Portuguese system the procedure of taxation plays an important part in emphasizing the line drawn between the *civilizada* and the *não-civilizada* section of the African population. It is clear that the law is so applied as to relieve the *civilizada* section of many of the disabilities imposed by the tax laws, such as the liability to "correctional arrest", for default or delay in payment of tax. Secondly, a certain number of observers have asserted that the application of the tax laws is utilized by officers of the Administration for securing the labour required by the European cocoa, coffee, or sisal plantations or enterprises such as the diamond mines."

entrust wherever possible the functions of judge to a legal specialist.⁵²

III. Labour situation⁵³

A. LAWS GOVERNING LABOUR RELATIONS

232. General principles regulating indigenous labour have been laid down in the Constitution, the Organic Law of 1953, and the Statute of 1954. In addition to these texts, the Native Labour Code of 1928⁵⁴ which specifies the responsibilities of administrators, employers and workers has been the main legal source governing labour relations in overseas territories, including Angola. Labour relations concerning Europeans and assimilated persons are governed by the *Código do Trabalho* of 1957.

233. In 1956 Indigenous Labour Regulations⁵⁵ were enacted in Angola. These regulations present, in a single document, labour regulations published since the promulgation of the Native Labour Code.

234. Under the Constitution, indigenous persons may be compelled to work only in certain specified circumstances. In this connexion article 146 of the Portuguese Constitution provides that:

"The State may only compel the natives to work on public works of general interest to the community, on tasks the finished product of which will belong to them, in the execution of judicial sentences of a penal character or for the discharge of fiscal liabilities."

235. Article 145 of the Constitution prohibits the use of compulsion in the recruitment of labour for other purposes, particularly for private undertakings. Specifically prohibited are "systems whereby the State undertakes to provide native labour to any firms working for their own profit", and "systems whereby the natives in any territorial area are compelled to work for such firms, whatever the pretext". Furthermore, article 147 of the Constitution states that the "system of native contract labour shall be based on individual liberty and on the right to a fair wage and assistance, the public authorities intervening only for the purpose of regulation".

236. The Statute of 1954 provided that:

"Indigenous persons may freely choose the work they wish to perform, whether for their own or for another's account, on their own land or on land allotted to them for this purpose." (Article 33.)

"The performance of work for non-indigenous persons shall be subject to freedom of contract and to the right to fair pay and assistance, and shall be supervised by the State through competent authorities." (Article 34.)

237. Similar provisions also appear in the Native Labour Code, as follows:

⁵² The new measures also aim at securing the intervention of a representative of the public prosecutor and of admitting in every case the presence of a judicial mandatory as an essential element in the right of self-defence. Administrators will exercise judicial functions only when no other official will be available (speech by the Minister for Overseas Portugal, 28 August).

⁵³ For a glossary of Portuguese terms used in this report, see annex 1.

⁵⁴ *Código do Trabalho dos Indígenas nas Colónias Portuguesas de África*, approved by Decree No. 16,199 of 6 December 1928, referred to in this report as the Native Labour Code. For the English text, see ILO Legislative Series, 1928, part II.

⁵⁵ Diploma Legislativo No. 2,797, 31 December 1956.

"Article 3. The Government of the Republic shall neither impose upon the Natives of its colonies nor allow others to exact from them any kind of compulsory or forced labour for private purposes, without prejudice to the discharge by the said natives of the moral obligation incumbent upon them to procure the means of subsistence by labour and thereby to promote the general interests of mankind.

"Article 4. The Government of the Republic shall ensure the natives of its colonies full liberty to choose the work which suits them best, whether on their own account on their land or on the land which the Government assigns to them for this purpose on a large scale in all the colonies, or under a contract to serve another if they prefer this, provided that the Government shall reserve to itself the right to encourage them to work on their account to a reasonable extent in order to improve their means of subsistence and conditions of life, and to exercise benevolent supervision and tutelage in respect of their work under contracts of employment."

238. The obligations of the employer towards the worker and of the worker towards the employer have been covered by the Native Labour Code. They tend to ensure, *inter alia*, the protection of the worker's adherence to the terms of contract, the provision of medical, social and educational assistance to the worker and his family and his return to the place of his abode. For instance, the employer must carry out scrupulously the terms of the contract; he may not require the performance of work beyond the strength of the worker; he may not prevent the worker from living with his own family at the place of employment; he may not oblige the worker to buy goods from company stores and must prohibit the sale or distribution of liquor. The worker, on the other hand, must obey the employer's orders in so far as they are in agreement with the provisions of the Native Labour Code; he must perform his work "zealously and to the best of his ability". It is also the duty of the worker not to leave the place of work without previous authorization from the employer.⁵⁶

239. Under article 87 of the Native Labour Code, every indigenous male person over eighteen years of age resident in Angola is obliged to "procure an individual work-book to serve as an identity card and record of employment, which shall be known as a 'native work-book' (*caderneta indígena*)". Article 90 of the Native Labour Code provides that the work-book "shall contain at least the following particulars":

"1. The colony, district and commune or sub-district where it was issued and registered, and its number in the register in question;

"2. The name and tribe of the holder and his estimated age and civil condition at the date of issue;

"3. The locality, civil station and sub-district or commune where he usually resides;

⁵⁶ Under the Native Labour Code of 1928, article 352 provided that a worker should be sentenced to penal labour for not more than one year if he failed to perform duties incumbent upon him. If the worker without sufficient reason left the place of employment and thus failed to carry out the contract, he was liable to arrest by the curator or his agents, or by the administrative authorities... wherever he has found and was to be detained for trial. As from 30 June 1960 penal sanctions for breaches of contract have been revoked, and since then workers are subject only to civil sanctions (see para. 254 below.)

"4. The names of his parents and their address if known;

"5. The name and estimated age of his wife if he is married, even if merely according to tribal custom, and the names, estimated ages and sex of his children, if any;

"6. The print of the left thumb or both thumbs of the holder;

"7. The occupation or employment in which he habitually engages in order to maintain himself and his family;

"8. The name of the employer and the place of employment if he is employed for remuneration, and the date and period of validity of the contract of employment and the remuneration thereunder;

"9. A note of the date on which he leaves the employment for which he entered into a contract, and the manner in which he performs his duties as a native worker."

"Sole subsection. In addition to these entries, further entries may be made compulsory in respect of the payment of the native tax, vaccination or other treatment to prevent infectious diseases, the lands owned by the holder or freely assigned to him, the cattle which he owns and their marks, and any other particulars considered practically useful in connexion with the life of the natives or convenient proofs of their identity and rights and the performance of their duties."

B. FUNDAMENTAL CONCEPTS AND PRACTICES

240. The fundamental concept of labour, as held by the Portuguese Government, is that "the native must be educated, instructed and made moral and he must be taught to work towards the improvement of the conditions in which he lives". The labour situation in Angola cannot be understood fully without reference to this fundamental concept. It was part of this concept that if the indigenous inhabitant did not work of his own free will he should be induced to work "by persuasion and by gentle and kindly methods". However, if these methods proved ineffectual, idleness had to be punished.⁵⁷

This concept was embodied in the Organic Charter of the Portuguese Colonial Empire of 1933, as amended in 1947, as follows:⁵⁸

"Article 240. The State does not impose upon the natives of its colonies, or allow to be required of them any kind of obligatory or forced labour for private purposes, though it does not relieve them of the duty to try to obtain the means of subsistence by their own labour.

"Article 244. The natives of the Portuguese colonies are assured freedom to choose the work they prefer, whether on their own account or for others, either on their own lands or on those assigned for this purpose in the territories of the Empire. But the State reserves to itself the right to exercise guardianship over them and will endeavour to put them in the way of working on their own account by methods of

labour which will improve their condition individually and socially."

241. The Statute of 1954 restated the same principle as follows:

"The State shall endeavour to teach the indigenous peoples that work is an indispensable element of progress, but the authorities may not impose labour except in the cases explicitly prescribed by law." (Article 32).

242. The Sub-Committee has been told that the "moral obligation" to work, as it has been called, which has meant that every adult indigenous male had to work and the work had to be productive, and that he had to support himself and his family and to contribute to the development of the territory, has required at least six months of work in a year and, in some cases, even more under conditions which have been described as highly onerous and oppressive.

243. Furthermore, the liability of being recruited for public purposes in the case of indigenous inhabitants who worked for their own account but had not shown "the necessary care and diligence" led in practice to many abuses.⁵⁹

244. Because of the requirement to show the product of one's work, the burden fell on every adult African in Angola, the majority of whom normally live on the land, to prove to the local authorities that he was a productive unit.

245. If he was lucky, it was said, he could qualify officially as a private farmer⁶⁰ and would be exempt from liability to fulfil the labour requirement. He could also be exempted if he qualified as an agricultural labourer as defined in the regulations.⁶¹

246. The Sub-Committee was told in some areas not many Africans had been able to qualify as private farmers. It was said that administrators often made it difficult for Africans to qualify in order to keep them available for plantation labour. This was particularly the case in the coffee area.

247. The Sub-Committee also received information that implementation of the work-book (*caderneta*) rules had resulted in many abuses. Through the use of the work-book the African was always under control

⁵⁹ The Indigenous Labour Regulations of 1956 declare exempt from liability to work on public works: (a) non-specialized workers who, during the year, have been working for an employer at least for nine months; (b) specialized workers, under certain conditions; (c) tradesmen or employees in commercial establishments and employees on the staff of public services; (d) persons who, under specific conditions, either cultivate a certain area of land or keep a minimum number of cattle.

⁶⁰ Under the Indigenous Labour Regulation of 1956, "a farmer is a person who possesses a farmer's book corresponding to the model issued by the Agricultural Services, endorsed by the district administrator, and who, in this capacity:

"(a) Has maintained his permanent residence for more than three years in an improved dwelling on or alongside the land which he cultivates or in a nearby village;

"(b) Cultivates the minimum area prescribed for him by the Agricultural Services;

"(c) Has maintained in good condition for more than three years the perennial plants which he has been instructed to cultivate;

"(d) Keeps cattle, where possible, for breeding and work, caring for them in the manner prescribed by the Veterinary Services;

"(e) Protects the soil from erosion and follows the other essential technical instructions relating to the cultivation, preparation and presentation of the produce."

⁶¹ An agricultural labourer has had at least to cultivate a specified area of land, which without the help of his family would require him to spend 180 days of work.

⁵⁷ League of Nations: Letter from the Head of the Portuguese Delegation and Memorandum from the Portuguese Government, concerning the question of slavery (C.532.M.188, 1924 VI.C. C.T.E.17)

⁵⁸ Quoted from the Report of the *Ad Hoc* Committee on Forced Labour, Geneva 1953. A revised version of these articles appears in the Organic Law of 1953, division LXXXVI.

and was not free to live his own life. The work-book had to be shown on demand and inspection was particularly strict in urban areas. If he did not have a work-book, or if he was found not to have worked the required number of days, or the work-book was not properly filled in and up to date, he was required to seek employment. Africans were therefore at the mercy of the employers and authorities whose responsibility it was to make the necessary entries.⁶² Moreover, since it was not always possible to find work in his own area, and he could not leave without permission, the effect of the labour system was that he had to submit to recruitment either for private employers or for public purposes.

248. In 1956, the International Labour Organisation (ILO) reported that it appeared from available information that recruitment played an important role in Portuguese territories, including Angola.⁶³ According to statistics published by the Government of Angola in 1959, out of a total of 339,014 workers, 21,652 were recruited for public work, 102,033 were recruited for private employment and 215,329 were working without contract.⁶⁴

249. The Native Labour Code provides that recruitment is under the supervision and inspection of the authorities and can, subject to some exceptions, be practiced by persons holding licences. When labourers are recruited at a considerable distance from the place of employment, contracts of service must be concluded "with the co-operation of the authorities", that is to say, in the presence of a public official, who authenticates these contracts after he has ascertained that the contracting parties "mutually and without any coercion" accede to each and all of the clauses of the contract.

250. Public officials have been prohibited from recruiting indigenous workers for private employers but they have been required to facilitate recruiting operations by suggesting areas where recruitment is easiest, advising tribal chiefs and indigenous persons, either in the presence of recruiting agents or otherwise, to obtain employment, explaining in all cases that indigenous persons "are not in any way under an obligation to enter into a contract of employment with the recruiting agents in question. Although the law provides that the actions of government officials must not be such that they are interpreted as coercion, the Sub-Committee was told that in many instances the presence of the officials at the scene of recruitment had indirectly helped private recruiters to obtain workers who otherwise would not have accepted the contracts offered.

251. The Sub-Committee was also told that it was a common practice of some private employers, who regularly need large numbers of workers, to curry favour with government officials by means of various gifts of money and property. In some instances described to the Sub-Committee, it was alleged that government officials received payment in return for securing workers for private employers, the size of the payment being in proportion to the number of workers made available.

252. One of the most frequently reported grievances in connexion with labour practices was the rounding

up of people by day or by night, sometimes with forced entry. In some cases, it was said, people were later asked to sign contracts and were then considered as contract labourers. In other cases, they were sent to work on public works projects such as the building of roads and airfields.

253. These and other practices involving disregard by the authorities of the prescribed law or such interpretation of the law as might suit the case at hand have been said to have constituted direct or indirect encouragement of compulsory labour for private enterprise. Certain forms of labour recruitment through recruiting agents (*angariadores*), it is said, had all the appearances of "forced labour".⁶⁵

254. The Sub-Committee was told that once having been recruited, the workers would be limited in their freedom by their employer. The workers not only could not return home without a pass from the administrative authority concerned in the area where they worked but could not leave without their employer's permission (see paragraph 238 above).

255. The Sub-Committee heard grievances that workers usually were not permitted to return home even in cases of illness or death in the family.

256. Many complaints were made against the duration of labour contracts and methods adopted by employers illegally to prolong the term of service.⁶⁶ Long enforced absences of able-bodied males, the Sub-Committee was told, had the effect of depopulating villages and creating hardships on those who remained behind.

257. Despite provisions of the law and the fact that in the past officials have been removed for illegal practices, the Sub-Committee was told that labour recruitment practices have not always come to the knowledge of the higher authorities since it is not in the interest of the employers to let them be known and the indigenous inhabitants were hardly in a position to report such practices.⁶⁷

258. Although indigenous women are said to be exempt from compulsory labour on Government or municipal public works, or from any other work outside the area where they reside, information has been given that they are subject to call for work such as cleaning

⁶⁵ In 1952-1953 the *Ad Hoc* Committee on Forced Labour, after studying the information supplied by the Portuguese Government and the relevant legislation, concluded:

"(a) That forced or compulsory labour is prohibited in principle by Portuguese legislation but that there are certain restrictions and exceptions in this legislation which permit the exaction of forced or compulsory labour;

"(b) That the provisions protecting indigenous workers against unfair methods of recruitment do not, however, exclude a certain amount of compulsion, and it is possible that in practice certain pressure is brought to bear upon workers by responsible officials to induce them to conclude contracts of employment offered by recruiting agents."

United Nations—ILO Report of the *Ad Hoc* Committee on Forced Labour, UNE/2431, pp. 64-65.

⁶⁶ ILO: The maximum duration of written contracts in 1956 was two years when concluded with the assistance of the authorities, but contracts on plantations were normally for twelve months.

⁶⁷ In reply to various charges of abuses in connexion with recruitment, the Portuguese Government pointed out in 1955 that "any abuses which are brought to the attention of the authorities are investigated by them and, if proved, meet with the most severe punishment. Report of the Secretary-General of the United Nations and the Director-General of the ILO, p. 330-331 (E/2815).

⁶² The authorities and employers who had to make entries were required to return the work-book promptly and if it could not be returned to issue a receipt and accept responsibility in case of loss.

⁶³ *An African Labour Survey*, Geneva, 1956, pp. 312-313.

⁶⁴ *Provincia de Angola, Repartição Estatística Geral: Anuário Estatístico 1959*, Luanda 1960, p. 56.

of villages, clearing paths and cultivation of certain lands "reserved for natives in the vicinity of their villages". The Sub-Committee also received information from both African and non-African sources of the use of women, even pregnant women, for heavy tasks on roads. The demands were often such, it was said, that when there were not enough able-bodied males for public work, women and children were taken on the jobs.

259. The Sub-Committee was told that students or young persons were not automatically exempt from labour requirement or recruitment.⁶⁸ There were complaints that many of them were used to help in the coffee harvest.

260. Indigenous workers are not to be compelled to do more than nine hours of "effective work a day", though the competent authority can authorize overtime on condition that the worker be given a compensatory rest period.⁶⁹

261. The Sub-Committee heard of many grievances arising from long hours of work and harsh treatment of those who were unable to work as fast or as efficiently as the overseer thought necessary. The Sub-Committee was not able to ascertain what standards were applied in judging the "effective work". It also heard some complaints of physical punishment.

262. The Sub-Committee heard many grievances on wages. In this connexion the Sub-Committee was told that though workers called upon by the local authorities for maintenance and sanitation of their villages were to be granted subsidies in the form of materials, tools, or seed, road work was often not paid, and sometimes the workers were not even provided tools. There were also complaints that until recently women and young persons picking and sorting coffee beans had not always been paid the required wages.

263. The Sub-Committee notes that the wages for indigenous workers were fixed under the Native Labour Code in 1928 as a percentage of the "native tax". Article 197 provided that daily rates were to be from 1 to 1.5 per cent of the annual native tax (annual personal tax) and that if wages were paid by the month they should be between 25 and 40 per cent of the native tax. It further specified that the minimum rate should be applied to workers employed in the sub-district where they reside. In 1959, according to official statistics published in Angola,⁷⁰ average monthly wages for African rural workers ranged from 150 escudos in districts such as Bié and Malange, to 300 in Benguela, 350 in Uíge and 450 in Cabinda.⁷¹

⁶⁸ The ILO noted in 1958 that the provisions governing forced or compulsory labour for public purposes as allowed in the existing legislation for the execution of public works did not appear to apply fully to certain articles of the Forced Labour Convention of 1930. It was pointed out that the age limits specified by the convention are between eighteen and forty-five while the limits stipulated by the Portuguese legislation were from fourteen to sixty. (*An African Labour Survey*, p. 300.)

⁶⁹ ILO: *An African Labour Survey*, Geneva 1958, p. 341.

⁷⁰ Província de Angola, *Repartição de Estatística Geral: Anuário Estatístico 1959*, Luanda 1960, pp. 57-58.

⁷¹ Figures published by the ILO show that in 1956 minimum monthly wage rates for agricultural workers working in their own district was 57.50 escudos (\$US2.00) with food and 158.00 escudos (\$US5.50) without, and for those working outside their own district, the wages were 70 or 225 escudos (\$US2.43 or \$7.83). For special categories of workers, including industrial workers, minimum wages were 84 escudos (\$US2.96) with food and 300 escudos (\$US10.43) without. (ILO: *An African Labour Survey*, Geneva 1958, p. 687, appendix III, table 28.)

264. In cases of contract labour the Sub-Committee was told that the workers were frequently not paid in accordance with their respective contracts. Complaints were also made against irregular practices of employers such as overcharging deductions for food and clothing, and forcing workers to buy all their supplies from the employer. Sometimes, it was said, workers were forced to buy goods at higher prices and items they did not want.

265. The accumulative effect of the above-mentioned practices was to make money extremely hard to come by and the annual personal tax a grievous burden.

C. THE COTTON PROGRAMME

266. Cotton has been traditionally grown in the Catete, Muxima and Balange regions, where at one time European settlers devoted much time and money to growing it. In the information provided to the Sub-Committee, the Portuguese Government states that following the application of measures to protect cotton growing, "such as the institution of export bounties and the guaranteed purchase of all cotton at a fixed price, cultivation has made real progress".

267. The varieties grown are mostly medium staple. There has been not only an increase in area planted to cotton but also improvement in agricultural methods. The Cassange region in Malange alone has been responsible for more than 50 per cent of the production, and Catete for more than 20 per cent. Cotton has also been grown in Porto Amboim, Ambriz, Ambrizete, Seles, Quissama, Dondo, and other places.

268. The cotton-growing programme in Angola has been a source of many serious grievances. In the areas where the programme has been in force, every adult was required to grow a certain area of cotton. He received no wages but at the end of the season was paid according to the amount of cotton he had produced at prices fixed by the Government. As he could not move away from the area in which he lived without special approval, an indigenous inhabitant born in the cotton growing area had no choice but to implement the programme. For this reason the Sub-Committee was told that the cotton programme had characteristics of a forced cultivation programme and the Africans felt that they were at the mercy of the cotton monopolies.⁷²

269. Under this programme cotton was grown on a shifting cultivation basis, and when the soil was exhausted, workers were moved to new plots. The Sub-Committee was told that after a few seasons, many cultivators were assigned plots away from their homes. In some cases distances were so great that they could not return home daily. Their only recourse in these circumstances was to move to the plot and stay there. Since only cotton could be grown on the assigned plot,

⁷² In 1958, the ILO reported that compulsory cultivation of land in Angola and other Portuguese territories as provided under the Native Labour Code (section 296 (c)) was not entirely in line with the Forced Labour Convention of 1930. Under article 19 of that Convention, compulsory work may only be enacted "as a measure of protection against famine or a deficiency of food supplies". The ILO also noted that while the Legislative Decree (No. 40405 of 24 November 1955) did not put the cultivation of cotton on the same footing as compulsory cultivation, it had however "been stated in a book published by an official Portuguese agency that 'in practice it often happens that the zeal (or excess of zeal) of the authorities causes them to go beyond legal limits, and they act as though the system in force were that of compulsory cultivation'". (ILO: *An African Labour Survey*, p. 300.)

anyone found trying to grow food crops on the plot was punished. Members of the family had to be left in the villages to take care of food crops and the live-stock. Families were thus separated for most of the cotton growing season, thus disrupting village life.

270. It was also complained that the officially fixed prices were low and agents did not always pay even those prices.⁷³ In bad season, cultivators sometimes went into debt.

271. The injustices arising from the cotton programmes led to uprisings in two cotton growing areas in 1960 and 1961 (see paras. 87-91). In May 1961, compulsory cotton cultivation laws were repealed. In this connexion a high government official said:⁷⁴

"We must realize . . . that the improvement of social justice may have immediate reflexes producing adverse economic conditions . . . we must without hesitation do away with acute causes of social disparity . . . Recently a number of laws referring to cotton growing were revoked and I mention this merely to make clear to all what I am trying to say . . ."

272. The Sub-Committee notes that of the ILO Convention ratified by Portugal up to June 1958, only one was declared applicable without modification in Angola, four were inapplicable, and a fifth decision was reserved.⁷⁵ According to the formal registrations received by the ILO before 29 March 1961, Portugal had as at 1 July 1960 ratified twenty-three international labour conventions. Of these, eight, including the Abolition of Forced Labour Convention, 1957, were not yet in force. Of the fifteen in force, nine were declared by Portugal to be inapplicable in Angola, while the remaining six were in force in Angola with varying degrees of application. With reference to the Forced Labour Convention, 1930, which became applicable without modification to all Portuguese non-metropolitan territories, including Angola, in 1956, the ILO report submitted to the forty-fifth session of the International Labour Conference in 1961 noted that up to 1 July 1960 recourse to one or more forms of forced labour was still authorized in the overseas provinces of Portugal for the cultivation of crops, public works, and taxes.⁷⁶

273. Information provided by the Portuguese Government to the Sub-Committee stated that the abolition of Forced Labour Convention of 1957 had come into force "in Portuguese Territory" in 1960. The information also showed that since 1 July 1960 and up to 19 June 1961, Portugal had ratified the following conventions: Convention No. 104—Abolition of Penal Sanctions (Indigenous Workers), 1955; Convention No. 111—Discrimination (Employment and Occupation), 1958; and Convention No. 107—the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries.

⁷³ In 1959-1960 the official prices paid to growers for first grade cotton was 3.20-3.40 escudos (\$US 0.11-0.12), and for second grade, 2.30 escudos (\$US 0.08) a kilogramme. (*Relatório e contas do Banco de Angola*, 1960, p. 100.)

⁷⁴ Adriano Moreira, *In the Name of Victims*, speech delivered at the Angola Legislative Council on 2 May 1961, p. 12. Text communicated to the Sub-Committee by the Government of Portugal.

⁷⁵ ILO: *An African Labour Survey*, p. 633, appendix III, table 36.

⁷⁶ ILO: *Aspects of social evolution in present and former non-metropolitan territories*. Part four of the Report of the Committee of Experts on the Application of Conventions and Recommendations submitted to the forty-fifth session of the International Labour Conference, 1961, p. 254.

274. The Sub-Committee notes that on 24 February 1961 the Government of Ghana filed a complaint under article 26 of the Constitution of the International Labour Organisation in which it stated that it was not satisfied that Portugal was securing the effective observance in her African territories of Mozambique, Angola and Guinea of Convention No. 105 which both Portugal and the Republic of Ghana had ratified.⁷⁷ The United Arab Republic Government associated itself with the complaint.⁷⁸

275. On 3 June 1961, the Governing Body approved the recommendation of its officers to refer the whole matter to a Commission of Inquiry under article 26 of the Constitution of the ILO.⁷⁹ Later the Governing Body approved the Director-General's proposals concerning the composition of the Commission, which consists of three members residing in Italy, Senegal and Uruguay respectively.⁸⁰ The Commission has been requested to submit a report to the 150th session of the Governing Body (November 1961).

276. In a recent statement, the Minister for Overseas Portugal said that the "labour régime", though enacted many years ago, "took its inspiration from respect for the dignity of the human personality." That explained, he said, why Portugal had had no difficulty in ratifying international conventions dealing with labour.⁸¹

277. Official information provided to the Sub-Committee by the Portuguese Government states that since 1960 Portugal has introduced various changes in labour law, including legislation of June 1960 revoking all penal sanctions for breach of work contracts. It has also adopted basic legislation on collective bargaining which is now to be applied to all overseas Portugal, including Angola, and legislation on wage-fixing machinery for cases in which parties in collective bargaining do not reach agreement. The ILO model code of regulations for industrial safety and health has been adopted, and the Overseas Labour Inspection Department has been granted autonomy from the Civil Administration.

278. The Sub-Committee was deeply disturbed by the testimony it received on the labour situation in Angola. It notes that grievances as regards labour practices led to protests which preceded the conflicts and disturbances.

279. Although the Sub-Committee is not in a position to assess the efforts in implementation by the Portuguese Government of relevant legal texts, particularly more recent legislation, it notes that many of the complaints it received were to the effect that there have not been substantial changes in labour practices in Angola in the recent past. It also notes that it has received no information that recent changes have as yet affected the working conditions of indigenous inhabitants.

IV. Education and public health⁸²

A. EDUCATION

280. Article 133 of the Political Constitution of the Portuguese Republic, as amended, states that:

⁷⁷ ILO document G.B.148/23/18, 148th session, 7 to 10 March 1961.

⁷⁸ ILO document G.B.149/15/31, 2 to 3 June 1961.

⁷⁹ ILO document G.B.149/15/34, June 1961.

⁸⁰ ILO document G.B.149/9/41, June 1961.

⁸¹ Speech in Oporto, 28 August 1961.

⁸² For a glossary of the Portuguese terms used in this report, see annex 1.

"It is intrinsic in the Portuguese Nation to fulfil its historic mission of colonization in the lands of the Discoveries under their sovereignty and to diffuse among the populations inhabiting them the benefits of their civilization, as also to exercise the moral influence enjoined upon it by the Patronage of the East."

281. Under the Constitution (article 140), Portuguese Catholic missions in overseas territories are especially protected and assisted by the State as educational and welfare institutions and as instruments of civilization. Under the Organic Law it is their exclusive responsibility to provide, wherever they have been established, instruction especially designed for the indigenous population. Where Catholic missions cannot provide such instruction, the State remains responsible and may grant permission to provide schools for the purpose (Organic Law, division LXXXII).

282. The Statute of 1954 laid down certain general principles to be applied as regards the education of indigenous persons. Article 6 of the Statute provided as follows:

"The instruction especially intended for indigenous persons shall have as its general purpose the moral, civic, intellectual and physical education prescribed by law and the imparting of work habits and work skills, as determined by the needs of both sexes and by social and regional economic conditions."

It further provided that

"The instruction referred to in this article shall always be directed towards inculcating a knowledge of the Portuguese language, but the use of the vernacular languages may be authorized as a means to that end."

283. According to information provided by the Portuguese Government to the Sub-Commission on Prevention of Discrimination and the Protection of Minorities, in connexion with the study of discrimination in education in 1954, there were two types of schools in Angola: (a) "Rudimentary schools intended for *indigenas* children of Africans or *mestiços* as their first introduction to civilization"; and (b) schools for students who had attained "a stipulated level of mental and social development". In the latter type of school students could be white, *mestiços*, or *assimilados*.

284. The official explanation of the special education for *indigenas* children was as follows:

"The so-called 'rudimentary schools' do not constitute a system parallel to, and distinct from, the primary education system. The purpose of these schools is simply to provide an 'adaptive' education; pupils proceed from the 'rudimentary schools' to the primary schools. This adaptive (rudimentary) education precedes primary school and is therefore 'pre-primary' in character. In this connexion, there is no discrimination whatsoever of a racial character. The criterion applied is a purely educational one; the pupils who attend the 'rudimentary schools' could not, because of their level of education and inadequate knowledge of Portuguese, usefully attend primary schools.

"The material conditions for admission to the rudimentary schools are not different from those relating to primary schools..."⁸³

⁸³ E/CN.4/Sub.2/L.92/Add.78, information furnished on 20 May 1954.

285. Under this system the rudimentary course was to provide a programme of instruction of three years with an additional two years in technical schools.

286. The conditions on which a person of *indigena* status could attend public (government) schools in Angola, other than so-called "rudimentary schools" had been laid down in article 6 of the Statute of 1954:

"Those indigenous persons who have received 'adaptation' training or who demonstrate, in the manner prescribed by law, that they do not require such training, shall be assured of admission to public schools under the conditions applicable to other Portuguese nationals."

287. Primary and secondary education is under the control of the State.⁸⁴ Primary school consists of four years, divided into two cycles. The first cycle is three years (the elementary stage), and the second is one year (complementary stage). Under the Constitution, primary education is compulsory. In Angola, primary education has been free and compulsory for European and "assimilated" children.⁸⁵ Although, once they qualify by adaptive education, indigenous children have access to public schools, it does not appear from the information available that compulsory education has been applied to them.

288. There are two types of secondary schools in Angola, the *liceu* and the technical professional schools, which include agricultural schools. Secondary education in Angola is governed generally by the regulations applying in Portugal. The schools recruit pupils from the fourth class of the primary school. According to official Portuguese information dated 1956, fees were charged in public schools above the primary education level and were the same for all students. Secondary courses at the *liceu* cover seven years in three cycles, 2-3-2. The first two cycles are termed general and provide the culture necessary for social life. The certificates awarded at the end of the second cycle qualifies for junior administrative posts. Technical and vocational education covers a two-year preparatory cycle and a second cycle varying in length according to the type of study and may last four years.

289. In 1958-1959, the total number of schools in Angola was 1,706 and the total school enrolment was 96,229.⁸⁶ Of this total, 66,447 were enrolled in Government and ecclesiastical schools which included 814 schools providing special courses for indigenous persons, 211 primary schools, 5 secondary schools and 10 technical professional schools. There were a total of 645 private schools providing education for 29,762 students of whom 13,226 were in primary schools, 13,913 in adaptation courses and 2,335 in secondary schools and 288 in technical professional schools (see table 1, p. 33).

290. The data given for school enrolment by age groups shows that 94 per cent of the students enrolled were between ages 6 and 13 inclusive, with only some

⁸⁴ Private schools are subject to state inspection and may be authorized to grant diplomas if their curricula and the standard of their teaching staff are not inferior to those of corresponding public institutions. Portuguese language and Portuguese history are required subjects in every school for Portuguese nationals. (Organic Law, division LXXXI, III).

⁸⁵ UNESCO: *World Survey of Education, Handbook of educational organizations and statistics*, Paris, 1955, pp. 539-540.

⁸⁶ *Província de Angola, Repartição de Estatística Geral, Anuário Estatístico 1959*, Luanda, 1960, p. 61. Of this figure, 29,824 were girls, including 13,173 in adaptive courses, 12,573 in primary schools, and 2,709 in *liceus*.

6 per cent of the students aged 14 and above.⁸⁷ In 1959, while there were 23,909 students in the 13-year-old age group, there were only 1,278 in the 14-year-old age group. Of the students in the 14-year-old age group, 720 were enrolled in *liceus*, 472 in technical professional schools, 39 in ecclesiastical schools, 43 in elementary professional schools, and 4 in art schools.

291. Information was provided by the Portuguese Government to the Sub-Committee concerning education in Angola. This information, however, does not appear to be comparable to official data for previous years. The following paragraphs summarize this information as provided.

292. In 1960 there were 2,250 primary schools (1,468 public, 782 private) with a total enrolment of 134,757 pupils of all races. In addition, there were 11,933 Catholic religious instruction schools with 387,010 pupils. It was estimated that there were about 160,000 pupils in Protestant religious instruction schools, giving a total enrolment of about 547,000.⁸⁸ In 1961 there were three primary school teacher-training establishments in Angola with 14 teachers and 507 pupils. The majority of the teachers trained in these establishments instruct the indigenous inhabitants who attend the primary schools run by the missions.

293. There were in 1960 "236 secondary educational establishments in Angola with an enrolment of more than 20,000 pupils of both sexes". Of these establishments, 51 were "academic secondary schools". No break-down was given as to the number of government secondary schools. There were, however, 140 government academic secondary school teachers and "7,668 pupils not including pupils in private schools, of whom there are several thousand". In 1961 two "middle technical schools" were established: an industrial institute for training engineering technicians and a "commercial institute" for training accountants.

294. The Sub-Committee notes that the information provided by the Portuguese Government indicates that there was in 1960 no institution of higher education in Angola but that traditionally "non-indigenous" pupils have attended the universities in Portugal and that the only higher education facilities in Angola were university extension courses conducted by faculty members of metropolitan universities.

295. It has been pointed out that educational policy regarding indigenous inhabitants seemed to aim at preparing the native African to qualify for "the status of a European" or at all events of "a European as conceived by the Portuguese".⁸⁹

296. Many of the grievances presented to the Sub-Committee regarding education were centred around the fact that in spite of Portugal's declared policies, access to education for non-assimilated Africans was surrounded by difficulties. In the first place, in the interior region there were few schools even at the rudimentary level.⁹⁰

⁸⁷ *Ibid.*, pp. 64-65.

⁸⁸ The estimate used one-third of the number of Protestants as shown in the 1950 census.

⁸⁹ Hailey: *An African Survey*, (Revised 1956), London, p. 1227.

⁹⁰ UNESCO has estimated that illiteracy in Angola around 1950 was between 95 and 99 per cent of the indigenous adult population and 32.2 per cent of the "civilized" population. (The UNESCO criterion of literacy is the ability both to read and write.) *World Illiteracy at Mid-century*, Paris 1957, pp. 34 and 38. According to information provided to the Sub-Committee

297. Secondly, it was contended that the system of education was suitable only to training a small *élite* and not appropriate for mass education. In particular, the Sub-Committee heard complaints that secondary education was not easily accessible to Africans. Many Africans could not afford the fees charged in public schools, even though these were less than those charged in private schools. Moreover, to enter a government secondary school, a pupil had to be under 14 years of age. As most Africans start school late and then have to go through the adaptive course, this age limit cited was a serious hurdle to admission of Africans to secondary schools. Children of *assimilados* could automatically attend government secondary schools, but indigenous Africans had to comply with special requirements. In practice the whole system appeared to be a "vicious circle". The status of assimilation provided facilities for education, but education was required for assimilation.

298. Other difficulties, it was said, arose from the requirement of a birth certificate to enter school and from the strictness of examinations of students prepared at private schools. A retroactive tax applied if the child was not registered at birth, and it usually took two or three months to obtain a birth certificate. In the rural areas these requirements created even greater hardships.

299. Because of shortage of government schools and the difficulties of entering them, many of the Africans who had been able to obtain a secondary education had done so through private schools, particularly missionary schools. In this connexion the Sub-Committee was told that the influence of the Protestant missions had not always been welcome in Angola and that Protestant schools were criticized for allegedly introducing alien ideas and "denationalizing" the indigenous population. The Protestant missions have denied any intention to denationalize the indigenous inhabitants, pointing out that they have always used officially approved curricula.

300. The Sub-Committee notes that over the past decade some efforts have been made by the Portuguese Government to improve the situation of education and that public expenditure on education rose from some 12,600 *contos* (\$US438,000) in 1951 (1.2 per cent of the total current expenditure)⁹¹ to 44,000 *contos* (\$US1,530,000) in 1957 and to 63,200 *contos* (\$US2,198,000) in 1959.⁹²

301. However, the Sub-Committee notes with concern that the general thrust forward that has characterized education in Africa during the past decade has not been accompanied by parallel developments in Angola. The deficiencies in the Angolan educational system and the administrative practices connected with it seem to have created much frustration and disillusionment and made the Africans suspicious of the ultimate objectives of Portugal's policies.

302. Although the information provided by the Portuguese Government to the Sub-Committee indicates that some progress has been made over the last few years, the lack of educational facilities in Angola has

by the Government of Portugal, an inquiry in 1959 showed that in seventeen rural enterprises 33.4 per cent of the indigenous inhabitants could read and write Portuguese.

⁹¹ U.K.: *Overseas Economic Surveys, Portuguese West Africa (Angola)*, June 1953, London 1954, p. 4.

⁹² Portugal: Instituto Nacional de Estatística, *Anuário Estatístico do Ultramar*, 1959, Lisbon 1960, Table 110, p. 313. These figures do not include assistance provided to Catholic missions and schools. In 1959 such assistance amounted to 34,600 *contos*.

been and remains a serious problem. The *World Survey of Education* shows, for instance, that in 1954-1955 less than 5 per cent of the children between 5 and 14 were enrolled in school.⁹³ The shortage of facilities is further borne out by the fact that in 1959, only two years ago, there were only 211 government primary schools and five academic secondary schools. Moreover, the fact that over 95 per cent of the students in Angola leave

⁹³ UNESCO: *World Survey of Education, II, Primary Education*, 1958, p. 878.

school between the ages of 13 and 14 would seem to be a serious reflection on the economic and social conditions in the territory which also urgently need to be remedied.

303. The Sub-Committee considers that with the repeal of the Statute of 1954 it is even more essential that urgent measures be taken at all levels to introduce a massive programme of education designed to eliminate illiteracy and to prepare the indigenous inhabitants for the full exercise of their rights.

Table 1

EDUCATION STATISTICS^a

| | Government | | Private | | Total | |
|--|------------|--------------------|---------|-----------|--------|---------------------|
| | 1955 | 1958-1959 | 1955 | 1958-1959 | 1955 | 1958-1959 |
| <i>Number of schools</i> | | | | | | |
| Primary | 144 | 211 | 154 | 371 | 298 | 582 |
| Secondary: | | | | | | |
| <i>Liceu</i> | 2 | 5 | 18 | 26 | 20 | 31 |
| Technical professional ^b .. | 5 | 10 | 5 | 5 | 10 | 15 |
| Indigenous education: | | | | | | |
| Adaptation courses ^c | 837 | 814 ^d | 158 | 243 | 995 | 1,057 |
| Elementary professional .. | 7 | 6 | — | — | 7 | 6 |
| Teacher training | 1 | 2 | — | — | 1 | 2 |
| Other schools | — | 13 ^e | — | — | — | 13 ^e |
| TOTAL | 996 | 1,061 | 335 | 645 | 1,331 | 1,706 |
| <i>Number of students</i> | | | | | | |
| Primary | 11,132 | 16,771 | 7,564 | 13,226 | 18,696 | 29,997 |
| Secondary: | | | | | | |
| <i>Liceu</i> | 1,510 | 3,006 | 1,610 | 2,355 | 3,120 | 5,361 |
| Technical professional ^b .. | 1,300 | 3,074 | 530 | 288 | 1,830 | 3,362 |
| Indigenous education: | | | | | | |
| Adaptation courses ^c | 35,938 | 41,866 | 12,310 | 13,913 | 48,248 | 55,779 |
| Elementary professional .. | 468 | 426 | — | — | 468 | 426 |
| Teacher-training | 161 | 297 | — | — | 161 | 297 |
| Other schools | — | 1,007 ^f | — | — | — | 1,007 ^f |
| TOTAL | 50,509 | 66,447 | 22,014 | 29,762 | 72,523 | 96,229 ^f |

^a Source: Angola: *Repartição de Estatística Geral, Anuário Estatístico, 1959* Luanda 1960, p. 61

^b Including agricultural schools.

^c Adaptation courses as provided under an order of 11 April 1956.

^d Decrease in number of schools due to difficulties of functioning.

^e Nursery schools, ecclesiastical schools, and one art school.

^f Including 378 students in nursery schools, 416 students in secondary ecclesiastical schools, 87 students in higher ecclesiastical schools and 126 students in art schools.

B. PUBLIC HEALTH

304. The general structure of health services is based on a Health Directorate which exercises technical and administrative control over all the State health services and also supervises the work of voluntary organizations in the field of health.

305. The central services include inspection of pharmacies, public health and control of epidemic and endemic diseases (particularly malaria, leprosy, and tuberculosis), trypanosomiasis control, medical care of African workers (the Nutrition Commission is attached to this service), maternal and child health, sanitary control (air, land, and sea), health statistics, and general medical and hospital services.

306. The Health Directorate is responsible for the

technical and administrative direction of establishments distributed throughout the territory according to the administrative divisions to which they belong.

307. Voluntary organizations, religious missions and industrial undertakings assist the Government in the medical and health care of the population.⁹⁴ According to the number of workers employed, industrial and other concerns are required by law to provide medical facilities. For instance, employers who regularly employ over a hundred workers are required to maintain a second-class dressing station under a nurse in charge,

⁹⁴ According to information provided by WHO, in 1956 the following facilities were provided by various non-governmental institutions: 62 hospitals, 248 health units, 272 medical aid posts, 6 nursing homes, 16 maternity centres, 8 leprosaria, 42 ambulances, and 13 dispensaries.

and those regularly employing over one thousand must maintain a private hospital.⁹⁵

308. Information provided by the World Health Organization (WHO) indicates that the number of medical and paramedical personnel in Angola in 1956, in both government and non-government service, was as follows:

| | Government | Private | Total |
|------------------------------|------------|---------|-------|
| Physicians | 180 | 90 | 270 |
| Midwives | 29 | 59 | 88 |
| Nurses and auxiliaries | 438 | 404 | 842 |
| Pharmacists | 18 | 10 | 28 |
| | 665 | 563 | 1,228 |

309. According to information provided by the Government of Portugal to the Sub-Committee, there were in 1959 "1,838 doctors and other specialized clinical personnel", and 97 administration officers serving the following institutions: 2 central hospitals, 13 regional hospitals, 80 regional clinics, 80 health departments, 32 maternity clinics, 205 public health centres, 13 dispensaries, 5 leper colonies, 1 psychiatric hospital. According to this information, in 1959 there were the following private hospitals and personnel: "62 hospitals, 600 public health centres, and 692 doctors and other specialized medical personnel."

310. In 1954, the total government budget devoted to the administrator of health services was 74,500 *contos*.⁹⁶ (\$US2,591,000), or 4.7 per cent of the total budget. In 1956, it was 75,500 *contos* (\$US2,626,000), or 5 per cent of the total. This figure did not include capital expenditures which amounted to 150,000 *contos* (\$US5,217,000) between 1954 and 1960 and, if taken into account, brings the total expenditure to 8 per cent.⁹⁷

311. The Sub-Committee was not in a position to gather comprehensive data on the health situation. Information provided by the Portuguese Government to the Sub-Committee stated that statistics recorded at the Health Services in Angola showed that in 1959 there were 15,216 deliveries with 97 deaths, giving 6 deaths per thousand deliveries; and of the 12,736 children treated, there were 216 deaths, giving a figure of 12 deaths per thousand cases.

312. From the information available it seems that no reliable vital statistics exist for the African populations as a whole. According to the *United Nations Demographic Yearbook* for 1960, the infant deaths per 1,000 live births in Angola were 226 for the "civilized section" in 1958.⁹⁸ A former Portuguese official suggested in 1954 that there was a very high infant mortality rate for the bush (50 to 60 per cent of the children born each year).⁹⁹ According to information provided by the Portuguese Government to

WHO in 1956, recent surveys of the population have resulted in more accurate vital statistics as follows:

| | 1954 | 1955 | 1956 |
|------------------------|------|------|------|
| Birth rate | 32.5 | 33.6 | 36.0 |
| Death rate | 13.9 | 14.9 | 15.7 |
| Rate of increase | 18.6 | 18.7 | 20.3 |

Provisional figures for 1959 gave the crude birth rate as 19.0.¹⁰⁰

313. Information provided by the Portuguese Government to WHO in 1960 shows that a very small proportion of the total population benefits from good water.¹⁰¹

314. Considerable effort has been made by the Government to wipe out sleeping sickness and tuberculosis. According to information provided by the Portuguese Government, from 1950 to 1958 over 200,000 persons were examined each year, and the percentage of the population infected was reduced from 4.86 per cent in 1949 in the Congo, Luanda, and North Cuanza districts to 0.007 per cent in 1958. Annual expenditures were stated to be about 4,823 *contos* (\$US168,000).

315. The Portuguese Government reports that considerable work has been done in connexion with malaria control. In Luanda, for instance, the houses treated have included almost all the native houses and the majority of the houses of non-indigenous people situated in the neighborhood.

316. Charges have been made in the past as to the poor diet and lack of medical care for workers. The Portuguese Government has denied these charges and has stated that on the contrary, recruited workers generally gained weight and were physically more fit after their period of work. The Sub-Committee had no opportunity to assess the situation.

317. The general complaint was that government health services were inadequate. The Sub-Committee notes from the statistics provided by WHO, and even taking into account increases in recent years, that the total number of doctors in the territory is still very low in terms of the total population. Furthermore, most of the private doctors reside in urban centres or confine their services to the employees of private companies. The Sub-Committee noted that private institutions and doctors play an important role in the provision of medical services to the indigenous population. For instance, according to the information provided by WHO, of the 7,345 leper cases, only 1,295 were under treatment by government agencies;¹⁰² the remaining were under treatment by mission doctors.

318. One of the complaints heard by the Sub-Committee was that no international organizations had been allowed to work in Angola. However, recent information from WHO indicates that there has been a change in the situation, and WHO will provide assistance to Angola in connexion with the malaria control programme.

⁹⁵ According to the same source, the Angola Diamond Company, for instance, in 1956 provided 6 hospitals, 4 maternity centres, 64 medical aid posts, and 4 ambulances. These were staffed by 14 physicians, 2 pharmacists, 23 male nurses, 33 female nurses and auxiliary midwives, 117 assistant nurses, 1 European midwife, 1 laboratory technician, and 1 pharmacy assistant.

⁹⁶ This figure gives an annual expenditure of approximately 16 *escudos* (\$US0.56) per inhabitant.

⁹⁷ Information provided to the Sub-Committee by WHO.

⁹⁸ Table 16. On the basis of the 1940 and 1950 population censuses, during that decade the annual rate of increase was 1.04 per cent (Table 6).

⁹⁹ Marcello Caetano: *Os Nativos na Economia Africana*, Lisbon, 1954, p. 25.

¹⁰⁰ *United Nations Demographic Yearbook, 1960*, table 13, p. 477. Provisional figures based on baptisms recorded in church registers.

¹⁰¹ WHO: AFR/RC.10/TD/8. A total of 149,361 persons benefit from "good water in villages and commercial gatherings". There were 436,388 persons benefiting from good water in cities and 461,156 in towns. The population benefiting from water tanks included 93,891 indigenous inhabitants, of whom 26,000 live in the areas in which they exist, and 67,891 herds-men live in the neighbourhood.

¹⁰² WHO: WHO/AS/110.58, pp. 28 and 29.

V. Problems relating to land use and land ownership¹⁰³

319. Angola is fourteen times the size of Portugal with less than half the population of the metropolitan country. The Government of Portugal maintains that there is no land problem in Angola and that the only difficulty is one of utilizing the available land in the most effective manner. However, the Sub-Committee has been told that problems of land use and ownership have been one of the main sources of dissatisfaction and have aroused resentment among the indigenous inhabitants. In this section of its report, therefore, the Sub-Committee deems it necessary to give a brief account of the provisions of Portuguese law relating to land use and ownership in Angola and of the main problems which have arisen in practice in relation to land questions.

320. At the beginning of this century, Portuguese legislation (Law of 9 May 1901) laid down the general principle that land in the overseas territories which did not at that date constitute private property in accordance with Portuguese law was State domain. Thus land inhabited by indigenous persons would appear to have come within the concept of State domain. Subsequent legislation provided for the reservation of lands for the indigenous inhabitants. A decree of 31 May 1919 (Decree No. 5847-c) contains the following specific provisions:

"There will be reserved by the Central Government or by the Governor-General with the consulting vote of the Commission of Lands definite areas of land destined exclusively for natives.

"It is permitted to the same natives to occupy certain sections in those areas, but such an occupation will never give them the right of ownership and it will be regulated between them by their habits and customs."

Indigenous persons were not obliged to reside in the reserved areas and could occupy unalienated land outside them. They could not be required to leave these areas except on payment of compensation and on a guarantee that an equal area of land would be made available for them in the reserves.¹⁰⁴

321. Land concessions in overseas territories were regulated up to 1944 by various legislative measures, but in 1944 an attempt was made to codify the relevant rules in a law of 16 May 1944 (Law No. 2001) and regulations issued under Decree No. 33727 of 22 June 1944. However, this decree was suspended in 1945, and previous legislation regarding this matter continued to be applied, subject to some later modifications, until the adoption of new legislation in 1961.

322. The Portuguese Constitution of 1933, as amended, provides in article 143 that in the overseas provinces "the natives are confirmed, in accordance with the law, in their property and in the possession of their lands and crops, and this principle shall be respected in all concessions made by the State".

323. The concept that persons of *indigena* status might acquire certain individual rights to immovable property appears to have gained legal recognition in the Organic Law of 1953. A provision therein (division LXXXV) stated that "special regulations governing the ownership of land shall be recognized or established

as applicable to the Natives with respect to areas intended for their settlements or for cultivation by them...". More detailed effect was given to this provision and to indigenous land rights in general in the Statute of 1954.

324. A brief account of the position regarding land use and ownership as it was under the Statute of 1954 would seem in order to give a picture of the background to the situation in Angola.

325. Article 35 of the Statute established the basic principle for such persons living in tribal societies. It read as follows:

"Indigenous persons living in a tribal organization shall be assured of the joint use and enjoyment, in the manner prescribed by customary law, of the land necessary for their settlement and for the growing of their crops and the grazing of their cattle.

"Occupation of land as provided in this article does not confer individual rights of ownership and shall be governed as between indigenous persons by the relevant usages and customs."

Thus, in tribal societies, for the most part, land was held in common under a right of usufruct.

326. Under certain circumstances, however, a person of *indigena* status could gain individual title to real property. Article 37 of the Statute of 1954 provided that "the State shall recognize and foster individual rights of indigenous persons over rural and urban properties". It then specified that persons of *indigena* status who had opted for the Portuguese civil law¹⁰⁵ "in the matter of immovable property may acquire rights of ownership and other rights *in rem* over immovable property through inheritance, legacy, gift or purchase". Other indigenous persons who had not so opted were entitled to individual appropriation of land and acquisition of individual title only in certain circumstances and subject to special conditions specified in the Statute of 1954 as outlined in the paragraphs that follow.

327. Article 38 of the Statute provided that "unoccupied or abandoned land" could "be appropriated on an individual basis". In this respect it appears relevant to note that in Angola land which is or becomes "vacant" under Portuguese law appears to be within the *patrimonium* of the province, which can exercise a right of eminent domain over it.¹⁰⁶ In the second place, article 38 provided that indigenous persons could acquire individual rights on land already subject to private ownership "with the owner's consent". Finally, the article stated that:

"At the request of the chiefs and with the agreement of their advisers, a district governor may designate as suitable for appropriation on an individual basis land previously intended for common usufruct where indigenous settlements or crops of a permanent nature are established."

Only members of the *regedoria* in question were permitted to participate in such appropriation.

328. Article 39 of the Statute of 1954 laid down the procedures by which such persons could acquire title to immovable property. The same article also provided that the title acquired "may be limited to

¹⁰³ For a glossary of Portuguese terms used in this report see annex 1.

¹⁰⁴ A summary of this legislation is to be found in Hailey, *An African Survey* (Revised 1956), London, 1957, p. 755.

¹⁰⁵ See section I, B.

¹⁰⁶ José Carlos Ney Ferreira, Vasco Soares da Veiga, *Estatuto dos Indígenas Portugueses das Províncias da Guiné, Angola e Moçambique*, Lisbon, 1957, p. 77.

*dominium utile*¹⁰⁷ at a rental specially established by law". The procedures for acquisition of individual title included "concession by the provincial government; duly authorized concession, or sub-concession, by private persons as prescribed by law"; and "*bona fide* continuous, peaceful and public occupancy, for at least ten years, of previously unoccupied or abandoned land, on condition that the occupier cultivate trees or regular crops thereon".

329. An indigenous person who had acquired individual rights to land under the foregoing provisions was subject to certain obligations, and his rights were subject to various limitations. Under article 41 of the Statute of 1954, he was obliged to maintain agricultural land in good condition, to collect the produce grown thereon, and to improve progressively his methods of cultivation. If he met these obligations, he was exempted from public obligations involving separation from the land for more than three months other than those arising out of military service or judicial sentences. Furthermore, according to article 42 of the Statute, the individual rights of an indigenous person could be forfeited "during the period prescribed by law in the event that the occupier, save for reasons beyond his control, does not put the land to effective use, abandons it or ceases to cultivate it, or is expelled for some lawful reason from the social unit by virtue of which he obtained" his rights. In article 44 of the Statute, it was provided that the individual interests in immovable property acquired by indigenous persons could be transferred only to other indigenous persons. Finally, under article 46 of the Statute, it was "unlawful to pledge or to offer as security rural or urban land belonging to indigenous persons except for liabilities assumed through the credit or economic assistance agencies established by law for the benefit of indigenous persons".

330. Individual rights of indigenous persons to immovable property acquired and maintained as indicated above were given a certain measure of formal legal protection. The Statute for indigenous persons provided, in article 43, that "except in cases provided for by law in respect of the lapse of concessions" an indigenous holder could not be deprived of individual title "unless the land is appropriated in the public interest against compensation in the form of other available land or other indemnification in accordance with the law".

331. An indigenous person claiming title by prescription was required, in terms of article 40 of the Statute of 1954, to submit an application to a municipal judge describing the area occupied and the facts on which the claim to title was based. The judge, or a person appointed by him, was then required to inspect personally the land "to verify the facts alleged by the claimant and, in the event that the outcome of the inspection is in the claimant's favour, shall order ownership of the land to be provisionally registered and provisional title thereto to be conveyed". The land registry was thereafter required to identify the land, to demarcate it and to convey the "definitive title".

332. The Statute of 1954 made provision in article 45 for the establishment of a register of indigenous property in the municipal court or land registry. Titles obtained by way of concession from the provincial government or by way of prescription as indicated in

the previous paragraph were to be officially registered. Title obtained through concession from private persons could be registered "at the request of any of the persons concerned". Article 45 further provided that "a conveyed title shall be protected by the State only after it has been duly registered". However, no specific regulations were issued for the implementation of this article.

333. The position described above is that which obtained until September 1961 when the Statute of 1954 was repealed. The provisions of the Statute relating to land, whether held in common or individually appropriated, have for the most part been re-enacted in two new decrees communicated to the Sub-Committee, "co-ordinating written and customary law" and "governing the occupation and granting of land in the overseas provinces". The former decree re-enacts the basic rules for tribal populations concerning common holding of land and its individual allocation. The latter decree and the relevant regulations rationalize and simplify procedures for acquiring or registering rights over immovable property and codify much of the land legislation contained in a large number of earlier laws.¹⁰⁸

334. The new legislation does not seem to alter the basic concepts previously applied but may reflect some concern on the part of the Portuguese authorities over certain of the land problems which have become acute in particular areas of Angola.

335. In this connexion, the Sub-Committee heard many complaints of abuses which had taken place in the territory, especially since 1945. These abuses seem to have arisen mainly because of the gulf between the civil authorities and the indigenous inhabitants, the loopholes in the legislation, the complexities of procedures, the pressure of the settlers and the corruption of some of the administrators. The Sub-Committee was told that questions of land use and ownership became acute as immigration was stepped up from Portugal and as the immigrants were encouraged and assisted to settle on land.

336. It would appear that the problem became particularly serious when the high prices for coffee and sisal led to a greatly increased demand for land concessions in areas suitable for cultivation of these crops. It is significant that difficulties have been especially great in the districts of Congo and Cuanza Norte where land problems have apparently assumed a more serious character and where recent conflicts have been most acute.

337. The Sub-Committee was told that as the demand for land increased as a result of immigration and the development of the plantation economy, a substantial number of abuses occurred affecting land held by indigenous persons. In the areas affected, the Africans began to feel that the Administration was serving the interests of immigrants at the expense of their long-established rights. The Sub-Committee heard com-

¹⁰⁷ Usufruct or right to the use and profits of the soil as distinguished from ownership of the soil itself.

¹⁰⁸ The material supplied to the Sub-Committee by the Government of Portugal does not contain the full text of the regulations for occupation and concession of land in overseas Portugal. The new regulations appear to make provision under simplified procedures for the registration of "individual rights" to land. In the past, such registration appears to have been difficult in practice to effect, with the consequence that it was often impossible for indigenous persons to prove that they possessed such rights. The new regulations also contain provisions designed to prevent and to punish the displacement of indigenous persons from land which they occupy in accordance with the law.

plaints that they had been deprived of large portions of their lands in certain areas, often the best land, by inequitable interpretations of the law or in contravention of the law.

338. The Sub-Committee was told that non-registration and abandonment were the two grounds commonly utilized for the appropriation of land held by indigenous inhabitants.

339. The indigenous inhabitants, most of them illiterate, were said to have found it difficult to secure the registration of property as the procedures were too complicated. Unless they completed all the requirements for establishing their rights, their land was subject to appropriation, even though they had cultivated it for long periods of time.

340. The Sub-Committee was told that in other cases local administrators deprived the indigenous inhabitants of their lands on the pretext that they had been abandoned. In some instances the indigenous inhabitants had been compelled to sell their lands or had been given less fertile lands in replacement.

341. Such practices seem to have created deep resentments in the areas affected. As the settlers or the absentee plantation-owners staked out land which had been occupied by the indigenous inhabitants, the latter were forced to become labourers or tenant farmers on the plantations or to subsist on small areas of inferior quality. In some cases they could see the new owners enjoying the fruits of their labour, and sometimes, deprived of their farms, they were subjected to compulsory labour requirements.

342. The resentment of the indigenous inhabitants grew as the plantation economy developed and the appropriation of land increased and seems to have contributed substantially to the recent disturbances and conflicts in the territory.

VI. Economic conditions¹⁰⁹

343. The Portuguese Constitution provides that the economic organization of Overseas Portugal "shall form part of the general economic organization of the Portuguese nation and shall thereby take its place in the world economy". To attain this end, the Constitution lays down that the free circulation of products within the whole national territory is to be facilitated by suitable means, including the gradual reduction or suspension of customs duties.¹¹⁰ The same principle is to apply as far as possible to the movement of persons and capital (article 158). However, "it is for metropolitan Portugal to secure, through measures taken by the competent bodies", a proper balance in the interests which "should be considered as a whole in the economic system of the overseas territories" (article 160).

344. Under article 173 of the Constitution, as an overseas territory Angola may not contract foreign loans. When there is need to borrow from foreign markets, the financial operation is to be made "ex-

clusively to the account of Metropolitan Portugal, without the Province assuming any responsibility towards those markets". The overseas territories, however, are to assume full responsibility with regard to "metropolitan Portugal".

345. The Organic Law of Overseas Portugal (division LXX) provides that the economic and social life of the overseas territories shall be regulated and coordinated in accordance with the relevant provisions of the Constitution, and in particular with the following considerations:

"(a) The systematic utilization of the territory's existing and potential natural resources;

"(b) The settlement of the territory, including immigration schemes for families of Portuguese nationals, the regulation of the migration of workers and the regulation and protection of emigration and immigration;

"(c) The people's moral, intellectual and economic advancement;

"(d) The progressive nationalization of activities which, by reason of their nature or capital structure, should be integrated into the national economy as a whole;

"(e) The exercise of social justice compatible with economic and political conditions."¹¹¹

346. Other relevant provisions of the Organic Law are to the effect that economic development is to be encouraged in so far as it is "in accordance with the basic principles of unity and coordination" (Organic Law Division LXXII); that the currency in overseas territories is to be the escudo¹¹² (Organic Law, division LXXIII, 2); that all means of regular communication between mainland Portugal and her overseas territories or between the different overseas territories are to be reserved to Portuguese enterprises or to the Portuguese State; any exceptions to this rule need a special authorization (Organic Law, division LXXIV, 1); that the movement of persons within the whole national territory is to be facilitated, but a Portuguese or a foreigner may not be allowed to enter or may be expelled from any territory if his presence there might cause serious internal or international difficulties. Appeal against any such decision lies exclusively with the Portuguese Government (Organic Law, division LXXI, 2).

A. GENERAL

347. The present economic situation in Angola is characterized by the fact that Portugal and the European population permanently settled in the territory control almost exclusively the management and financing of economic enterprises. This has been recognized by Prime Minister Oliveira Salazar in a speech before the National Assembly on 30 June 1961.¹¹³

348. The European population has increased from 79,000 in 1950 to about 209,000 in 1959.¹¹⁴ The bulk of the European population comes from metropolitan

¹⁰⁹ For a glossary of Portuguese terms used in this report, see annex 1.

¹¹⁰ The eventual objective is the establishment of a common market. It is reported that a decree promulgated on 8 November 1961 provides for the abolition within ten years from 1 January 1962 of all restrictions on or barriers to the free circulation, within those territories of the Portuguese escudo area which have autonomous customs systems, of all nationally produced goods (i.e. either produced entirely in the escudo area, or including imports in a proportion not larger than 40 per cent).

¹¹¹ Organic Law of Overseas Portugal Act No. 2066 of 27 June 1953; *Yearbook on Human Rights for 1953*, p. 327.

¹¹² The parity of the Portuguese escudo is as follows: Esc. 28.75 = U.S.\$1.00.

¹¹³ Oliveira Salazar, "The Portuguese Overseas Territories and the United Nations Organization", Secretariado Nacional da Informação, Lisbon 1961, English text communicated to the Sub-Committee by the Portuguese Government, p. 20.

¹¹⁴ Horacio de Sá Viana Rebelo, *Angola na Africa deste tempo*, Lisbon 1961, p. 115.

Portugal, largely as a consequence of the policy of the Portuguese Government which has encouraged the settlement of Portuguese as a major objective of its development plans.

349. Most of the African population is engaged in subsistence agriculture or in unskilled labour. In 1954, the economically active male population was estimated at 1,036,750, and the total number of wage earners (including women) was 401,000.¹¹⁵

350. Considerable numbers of Angolans are to be found in the Congo (Leopoldville), the Congo (Brazzaville), Northern and Southern Rhodesia, South West Africa, or the Republic of South Africa. The search of economic opportunities, regular migratory movements of labourers, or other reasons are responsible for migration abroad. Around 1954 it was estimated that some 500,000 Angolans were living outside the territory.

B. AGRICULTURE AND FISHERIES

351. As in most African countries, agriculture is the basis of the economy of Angola. In 1958, agricultural products represented 78.6 per cent of the value of all exports. Coffee, sisal, and sugar, which are grown mainly on European plantations, are of major importance in the commercialized agricultural sector of the economy as is cotton which is grown chiefly by Africans.¹¹⁶ In general there have been fairly marked variations in total production from one year to another due to varying climatic conditions. Nevertheless, the general trend is towards rising output of crops, particularly those grown on European plantations.

352. Production of coffee, Angola's main crop and most important export, has risen substantially since 1949. Data from the Portuguese Government¹¹⁷ indicate that during the past ten years the average annual exports of coffee have amounted to around 52,000 tons. In 1960, 87,000 tons of coffee were exported at a value of 1,264,000 contos (\$US43,961,000). Latest surveys showed that there were 14,700 registered growers cultivating an area of 310,000 hectares. Recent conditions are said to have interfered considerably with the 1961 harvest.

353. After coffee, sisal exports hold the second place as the country's most valuable agricultural export, although world prices have dropped considerably since 1952. In 1960, 58,000 tons of sisal were exported, valued at 376,000 contos (\$US13,060,000).

354. Data provided by the Portuguese Government to the Sub-Committee show that 70,000 tons of sugar were produced in Angola in 1960, of which 46,400 tons were exported, valued at 123,000 contos (\$US4,269,000).

355. Until 1961 there has been a special programme for the cultivation of cotton. Government measures to stimulate cotton production included export bounties and guaranteed purchase of all cotton at a fixed price. Nearly all the cotton produced is exported to Portugal. According to Portuguese figures, exports of raw cotton in 1960 were 9,000 tons, valued at 146,000 contos (\$US5,091,000). Average exports for the past ten

years were about 5,700 tons, valued at about 86,000 contos (\$US2,981,000).

356. No production figures exist for the traditional agricultural sector, but indications are that while there was a tendency towards rising yields in the European agricultural sector, no important changes in subsistence production seem to have occurred.¹¹⁸ Cultivation methods have remained basically the same, and yields continue to be low, despite measures taken in recent years by the Government to improve African agriculture.¹¹⁹

357. The live-stock population consists chiefly of cattle herds. Goats, pigs and sheep are also raised. The cattle per head of population decreased from 0.33 in 1948-1949 to 0.27 in 1956-1957. It is reported that special efforts have recently been made by the Government to increase the live-stock population.¹²⁰ Dairy products are still largely imported. In 1960, imports of milk were 1,497 tons; butter, 366 tons; and cheese, 445 tons, as compared with yearly average imports over 1955-1957 of 900 tons of milk, 300 tons of butter and 300 tons of cheese.¹²¹

358. The fishing industry occupies a relatively important place in the economy of Angola. According to information provided by the Portuguese Government to the Sub-Committee, exports of fish and fish products amounted to 491,000 contos (\$US17,084,000) in 1957 when they reached a peak, but by 1960 exports had fallen to 190,000 contos (\$US6,608,000) owing in part to a continual drop in prices.¹²² Investments in the fishing industry in the past ten years were estimated at 400,000 contos (\$US13,912,000) and the total investment at 1 million contos (\$US34,780,000).

C. MINING

359. Mineral deposits and other natural wealth below the surface are, according to article 49 of the Constitution, part of the public domain of the State. Mining in Angola is undertaken by companies which have been granted concessions by the State. Individual prospecting is on traditional lines. A prospector, once licensed, may seek mineral deposits outside the areas reserved for specified companies or for the Government. He may claim an area on which prospecting may be reserved to him for a limited period with the possibility of an extension. The claimant may not, however, industrially extract minerals until a concession has been granted to him.

360. The mining industry in Angola, although expanding, is still in the early stages of development,

¹¹⁸ In terms of exports, the most important food crops grown by Africans are maize, manioc, beans, and some palm oil and palm kernels. In 1960, 117,000 tons of maize were exported valued at 165,000 contos (\$US5,739,000).

¹¹⁹ Including such measures as anti-soil erosion programmes and distribution of seeds. There is also a programme for the stabilization of African farmers. Those joining the scheme voluntarily are required to practice more advanced agricultural methods of farming to increase production and protect the land against erosion.

¹²⁰ A credit bank for agriculture and stock raising has been established to provide cheap credit to small and medium farmers and to help them in preparing plans for agriculture and stock raising.

¹²¹ Angola: *Boletim Mensal de Estatística* No. 12, December 1960, table 5, p. 21; *UN Economic Survey of Africa since 1950*, New York 1959 Sales No.: 59. I.IK.1, p. 29.

¹²² According to official figures published in the Angola *Boletim Mensal de Estatística* No. 12, table 7, pp. 26-27, December 1960, total exports of fish and fish products, including dried fish, fish flour and fish oils, amounted to approximately 227,000 contos (\$US7,860,000).

¹¹⁵ ILO *African Labour Survey*, Geneva 1958, p. 666, appendix III, table 2.

¹¹⁶ See Section III above. At the time of the 1957-1958 crop, there were 56,757 cotton growers with 53,960 hectares under cultivation.

¹¹⁷ Figures have been rounded to the nearest thousand. Equivalent US dollar figures are also rounded to nearest thousand.

but prospecting is proceeding actively and numerous concessions to prospect have been granted to various firms. Iron ore mines have been put into production recently, and output is increasing. In 1960, production was 666,000 tons and exports were 546,000 tons, valued at about 152,000 contos (\$US5,287,000). Thus far, however, the most important mining output in terms of value is diamonds, which yielded in 1960 export proceeds of around 496,000 contos (\$US17,320,000).¹²³ Petroleum was found in Angola in 1958 and is now being exploited. In 1960, according to figures supplied to the Sub-Committee, total investment in the petroleum industry was estimated at 1,300,000 contos (\$US45,214,000). The total refinery output in 1960 was 177,000 tons.¹²⁴

D. INDUSTRY AND POWER

361. The Government has taken measures to encourage industries and capital investment. Special preferential treatment is given to the establishment of industries processing local materials. However, despite its expansion, industrial production in Angola is still of relatively little economic importance to the territory and is intended mainly for the local market. It consists essentially of industries processing local raw materials and is to a large extent connected with the output of plantations. The principal industries are oil mills, breweries, spinning and weaving mills, boot and shoe factories, tobacco factories, sisal stripping works and cement works. Production figures provided to the Sub-Committee by the Portuguese Government show that, taking 1953 as the base year, the greatest percentage increases by 1960 were in cement (462), sacks (359), beer (354) and alcohol (154). Smaller gains were registered in the production of such consumer goods as tobacco (64), textiles (41), soap (84) and cotton blankets (4). Fish canning and processing showed a decrease of about 33 per cent.¹²⁵

362. The Portuguese Government has pointed out that among the factors discouraging industrial development has been the lack of effective demand. Total purchasing power of the African community remains very low and this, in turn, prevents the expansion of the local market for manufactured products.

363. There has been a considerable expansion of electric power capacity during the past decade. Installed capacity in Angola rose from 18,500 kilowatts in 1951 to 71,500 kilowatts in 1959.¹²⁶ Production increased from 26.3 million kilowatt-hours in 1951 to 51.5 million kilowatt-hours in 1955, 117.4 million kilowatt-hours in 1958 and 123.1 million kilowatt-hours in 1959.¹²⁷

¹²³ Diamond mining is carried out by the *Companhia de Diamantes de Angola* which has exclusive prospecting rights for diamonds over five sixths of the area of Angola. This company is one of the largest single economic enterprises in the territory. In 1955, its capital was increased to 294,000 contos (\$US10,225,000) and a new contract was negotiated with the Portuguese Government. In 1959, the company had 23,900 indigenous employees.

¹²⁴ The total refinery output included 48,000 tons of gas oil, 28,000 tons of 80 octane gasoline, 30,000 tons of "fuel oil 1,500", 44,000 tons of bunker oil C, and 27,000 tons of extra heavy fuel oil.

¹²⁵ 1960 production figures were as follows: cement, 161,000 tons; sacks, 4,249,000; beer, 99,000 l. bottles; alcohol, 28,000 tons; soap, 7,000 tons; tobacco, 1,000 tons; textiles, 3,251,000 metres; cotton blankets, 205,000; canning and preserving of fish, 24,510 tons.

¹²⁶ *United Nations Statistical Yearbook, 1960*, table 123, p. 284.

¹²⁷ *Ibid.*, table 124, p. 292.

E. TRANSPORT AND COMMUNICATIONS

364. Since 1949 a great effort has been made to increase the transportation and communications network. A large proportion of investment under development plans has been allocated to expansion and improvement of the road and rail networks. Information provided to the Sub-Committee by the Portuguese Government stated that in 1961 the road network totalled some 35,519 kilometres serving a total area of nearly 1,250,000 square kilometres.¹²⁸ There are three major railways running from the coast inland: from Luanda to Malange, from Lobito to the Katanga border, and from Moçamedes to Serpa Pinto. The total length of railways is 2,919 kilometres, of which 1,275 are state owned and operated and 1,644 are private.

F. INTERNATIONAL TRADE

365. In Angola, exports and imports are subject to exchange and trade controls. Portugal and the Portuguese overseas territories constitute a single exchange control territory, and current payments between the territories are made through controlled accounts.¹²⁹

366. Since the end of 1948 tariffs were revised. According to information published in 1956, there has been a preferential tariff applying to goods originating in Portugal and Portuguese territories transported directly by Portuguese ships (in zones where traffic is reserved to the national mercantile régime) and to goods originating in Goa, Macao, and Timor transported by ships flying any flag (provided no national shipping services exist).

367. Goods exported from Angola are subject to export duties and other taxes. A number of items, including, for instance, sugar, cotton, coffee, and cereals, have been subject to special régimes. Goods from Angola are accorded preferential treatment by Portugal or are subject to the minimum tariff régime.¹³⁰

368. Variations in Angola's exports depend mainly on the quantity and price of coffee exported, since coffee was and remains the main export commodity of the country in terms of value, constituting one-third of the total exports in 1960. There was a steady rise in Angola's export proceeds between 1955 and 1958; since then, the exports have remained stable at slightly below the 1958 level. The quantity of coffee exported has increased from 32,000 tons in 1954 to 87,000 tons in 1960. Information provided by the Portuguese Government shows that the average unit value of coffee exported reached a maximum in 1954 and has declined since then.

369. The value of imports has steadily increased and in 1960 was more than double that in 1949. There has been no basic change in the commodity composition of imports. Imports of machinery and vehicles have constituted approximately one third of the value of total imports over the past five years.

¹²⁸ According to this information, there are 8,000 kilometres of first-class roads connecting the most important centres; 9,718 kilometres of second-class roads; 1,560 kilometres of third-class roads; and 15,361 kilometres of non-classified roads.

¹²⁹ It is reported that under a decree promulgated on 8 November 1961 special provisions are made concerning the settlement of intra-regional accounts.

¹³⁰ For information on tariffs, see International Customs Tariffs Bureau: *International Customs Journal, 1956-1957*, No. 10, Angola, Brussels, 1956. Customs duties and other levies on intra-area trade will be liberalized beginning January 1962, according to information available.

370. Angola's balance of trade was broadly in balance over the last decade. For the first six years (1951-1956), exports exceeded imports by an average of about 450,000 contos (\$US15,660,000) per annum. Since 1957, imports have exceeded exports by approximately 150,000 to 200,000 contos (US\$5,217,000 to \$US6,956,000) per annum, or approximately 2.5 per cent of the total trade. The Portuguese Government states that in recent years the excess of imports over exports has been due to the import of capital goods for development.

G. DIRECTION OF TRADE

371. Over the last decade Angola's exports to Portugal have fluctuated between 15.5 and 31 per cent of the total exports. In 1960, Portugal's share of Angola's exports was 24.2 per cent. About 15 per cent went to the United Kingdom. The United States which was the largest single customer in 1959, taking about 25 per cent of Angola's exports, took only 19 per cent in 1960. Diamonds are the principal item exported to the United Kingdom, and coffee the principal item exported to the United States.¹³¹

372. Portugal remains Angola's chief source of imports. In 1960, imports from Portugal were valued at some 1,700 contos (\$US6,000,000). Portugal's share of the imports into Angola fluctuated very little since 1950 and was 47 per cent by value in 1959 and 1960. The United States share in Angola's imports was 9.2 per cent of the total in 1959 and 9.4 per cent in 1960. In 1960 there was a trade deficit of 853,000 contos (\$US29,667,000) with Portugal and a surplus of 658,000 contos (\$US22,885,000) with foreign countries. This pattern has been fairly constant over the last ten years. Thus, Angola has been an important source of foreign exchange for Portugal.

H. FINANCE

373. Information provided to the Sub-Committee by the Portuguese Government shows that revenue and expenditures in Angola have risen steadily since 1930 and have more than doubled over the last decade. Up to 1955 there was a trend towards rising budgetary surpluses. Since then, there has been a reversal in that trend.¹³²

I. INVESTMENT AND DEVELOPMENT PLANS

374. Public capital works programmes have been elaborated for Angola since 1938. After 1945 they took the form of successive development plans which continued to be in essence public investment programmes. In 1953, the Portuguese Government drew up the first national development plan (1953-1958), of which the Angola development plan became an integral part. The

development plan for 1953-1958 provided for the investment in Angola of 2,182,000 contos (\$US76,000,000) (see table 2, p. 41). About 92 per cent of the investments under the plan was to be allocated to the development of basic facilities (railways, ports, hydro-electric power, etc.). According to details published, the plan contained no appropriations for investment in education, health or social services.¹³³

375. The second national development plan (for 1959-1964) provides for the investment of 4,032,000 contos \$US159,000,000) see table 3, p. 41). This plan, in comparison with the first, gives more emphasis to agriculture, forestry, animal husbandry, and particularly land settlement. In addition, 100,000 contos (\$US3,478,000) is allocated to town planning, housing, water supplies, and sanitation; 156,000 contos (\$US5,426,000) to education and 295,000 contos (\$US9,912,000) is allocated to general research.¹³⁴

376. Special objectives in both plans have been the extension of land under cultivation, the settlement of Portuguese,¹³⁵ and the expansion of foreign trade.

377. Angola assumes full charge for the financing of the development plans, either directly by local financing or by repayment of outside loans. Data available for the 1953-1958 plan showed that 95 per cent was to be financed from local resources and 5 per cent from outside loans.¹³⁶ Local resources include budgetary surpluses as well as special taxes and funds provided by marketing boards and other local institutions.

378. Under the development plan for 1959-1964, according to information from the Portuguese Government, about half of the total expenditure is to be financed from Angolan local resources. Portugal has not provided any grants to Angola. Allocated expenditures under the plan for 1961 are reported to be 819,000 contos (\$US28,485,000), of which 600,000 contos (\$US20,868,000) are to be provided by loans from Portugal.¹³⁷

379. According to published data, actual expenditures under the development plans have lagged considerably behind planned estimates (particularly during the first two years of the 1953-1958 development plan).¹³⁸ Actual in-

¹³³ Portugal Instituto Nacional de Estatística. Centro de Estudos Económicos, *Revista No. 16*, p. 178.

¹³⁴ Portugal, Presidência do Concelho: *Projecto de Plano de Fomento para 1959-64*, Lisbon 1958, pp. 262-267.

¹³⁵ There are settlement projects at Cela and at Matala in the Cunene River Valley.

¹³⁶ United Nations *Economic Survey of Africa since 1950*, New York, 1959, Sales No.: 59. I.IK.1, p. 246, table 4-XXIV.

¹³⁷ *Relatório e contas do Banco de Angola, Exercício de 1960*, pp. 162-163.

¹³⁸ Portuguese Government information shows that the yearly average planned investment was one-sixth of the total. Expenditures under the development plans were as follows:

Investment under the development plans (in thousand contos)

| | |
|-------------------|-----|
| 1953 | 275 |
| 1954 | 286 |
| 1955 | 278 |
| 1956 | 542 |
| 1957 | 400 |
| 1958 | 366 |
| 1959 | 570 |
| 1960 ^a | 978 |
| 1961 ^a | 819 |

Source: Portugal: *Anuário Estatístico do Ultramar*, 1956, table 110; 1959, table 111.

^a Projected expenditure.

¹³¹ Portugal: Instituto Nacional de Estatística, *Anuário Estatístico do Ultramar 1959*, Lisbon 1960, table 71, and *Relatório e contas do Banco de Angola, Exercício de 1960*, p. 36.

¹³² Total revenue for 1959 and the supplementary period until 31 March the following year was 2,589,000 contos (\$US90,045,000), of which 311,000 contos (\$US10,817,000) was from import duties, 191,000 contos (\$US6,643,000) from export duties and 120,000 contos (\$US4,174,000) from the annual person indigenous tax. Revenue from industrial tax amounted to some 88,000 contos (\$US3,061,000) and a similar amount was received from the share of profits of the *Companhia de Diamantes de Angola*. Total expenditure over the same period was 2,425,000 contos (\$US84,341,500).

vestments under the second plan have improved and the Government of Portugal states that, by the end of 1961, 2,251,000 contos (\$US78,272,000) or over half of the planned investment under the 1959-1964 plan will have been spent. Available data shows that the proportion of development expenditure to be financed from local funds and budgetary surpluses is being reduced and that from special loans from Portugal is being increased.¹³⁹

380. The Sub-Committee heard complaints about the policy of general economic integration of the Angolan economy into the economy of Portugal and the ensuing subordination of Angola's development to the interests of Portugal. There were also complaints that existing regulations operated to the disadvantage of Angola which was an important dollar earner for the escudo area.

381. The Sub-Committee was further told that certain interests in Portugal had deliberately obstructed industrial development in Angola and that only those Angolan industries which were not in competition with industries in Portugal were assured of some protection in marketing their products within the Portuguese area. In the past, the Government of Portugal was said to have refused permits for the establishment of industries other than those for the processing of local raw materials. In this connexion however it was pointed out that, though cotton is one of the principal crops in Angola, the local textile industry has not assumed significant proportions, and most of Angola's cotton is exported to Portugal for processing.¹⁴⁰ Practically no dairy industry exists in Angola and, with the exception of the fish industry, there are few food processing plants.

382. A number of complaints were also received by the Sub-Committee regarding commercial relations between Africans and non-Africans in Angola which had been regulated by provisions contained in the Statute of 1954. It was stated in particular that many abuses had developed out of the provisions in the Statute, that the sale of native agricultural products to *não-indígenas* was subject to government control and could be limited or prohibited. African producers of food stuffs usually had to sell their products at fixed prices to European traders or companies.¹⁴¹ Even most of the small trading was in the hands of Europeans. Although the law provided that goods sold by Africans to Europeans always had to be paid for in cash, the provision was not always observed and Africans were often victimized.

¹³⁹ Planned investments for 1960 and 1961 were as follows:

| | (in thousands contos) | | (\$US million) | |
|--|-----------------------|------|----------------|------|
| | 1960 | 1961 | 1960 | 1961 |
| TOTAL | 977.5 | 819 | 34.0 | 28.0 |
| From budgetary surpluses | 235 | 101 | 8.0 | 4.0 |
| Loans from Portugal | 533.5 | 600 | 19.0 | 21.0 |
| Other, including Angola Development Fund | 209 | 118 | 7.0 | 4.0 |

Source: *Relatório e contas do Banco de Angola, Exercício de 1959* pp. 162-163, and *Exercício de 1960* pp. 162-163.

¹⁴⁰ Imports of cotton goods in 1960 were valued at 277,000 contos (approximately \$US9,000,000) (*Angola Boletim Mensal de Estatística* No. 12, December 1960, table 3, p. 16).

¹⁴¹ Until 1961 various agricultural products were marketed through associations or agencies with headquarters in Lisbon. In 1961, as part of the new Portuguese policy of decentralization, the headquarters of the Maize Growers' Association was transferred to Angola. Agencies for cereals, coffee, and cotton are to cease operation in Lisbon and will be replaced by institutes in each of the overseas territories (speech by the Overseas Minister, 28 August 1961).

383. The Sub-Committee notes that although there appears to have been considerable economic growth in Angola during the last decade, this growth seems to have been confined mainly to the exchange sector of the economy. Foreign trade, the plantation economy, and mining were the sectors showing significant expansion, and such expansion benefited mainly the Portuguese community in Angola.

384. The Sub-Committee notes from information available to it that the development plans for Angola have served to a large extent to build up complementary relationships with the economy of Portugal and that the allocation of investment gives priority to the development of basic facilities, the increase of exports, and the settlement of the European population. The development of the industrial sector in Angola has been selective, providing primarily for the creation of industries which were not competitive with metropolitan establishments.

385. On the other hand, the economic conditions of the African population do not appear to have changed to any great extent in the same period. This is shown by the large share which subsistence production still occupies in the total output of the economy and by the slow expansion of the native exchange economy. This has affected the participation of Africans in the exchange economy and has kept African purchasing power at low levels. Very slow progress has been made in the improvement of African agriculture, in the provision of credit facilities for Africans, and in the expansion of health, social and educational programmes.

Table 2

ANGOLA. NATIONAL DEVELOPMENT PLAN (1953-58)
(In thousand contos)

| | Planned expenditures |
|--|----------------------|
| Use of resources and settlement (including) | 704 |
| Agriculture, silviculture and cattle raising | — |
| Hydroelectric development | 541 |
| Settlement | 44 |
| Communications and transport (including) | 1,478 |
| Roads | — |
| Rail transport | 1,159 |
| Ports | 291 |
| Airports and aeronautical equipment.. | 26 |
| GRAND TOTAL | 2,182 |

Source: Information provided to the Sub-Committee by the Portuguese Government.

Table 3

ANGOLA. NATIONAL DEVELOPMENT PLAN (1959-64)
(In thousand contos)

| | Planned expenditures |
|--|----------------------|
| Use of resources and settlement (including) | |
| Agriculture, silviculture and cattle raising | 480 |
| Hydroelectric development | 240 |
| Settlement | 1,085 |

Table 3 (continued)

| | Planned expenditures |
|---|----------------------|
| Communications and transport (including) | 2,147 |
| Roads | 780 |
| Rail transport | 745 |
| Ports | 370 |
| Airports and aeronautical equipment.. | 140 |
| GRAND TOTAL | 4,032 |

Source: Information provided to the Sub-Committee by the Portuguese Government.

VII. Growth of political aspirations in Angola

386. Portuguese policy does not recognize the legitimacy of any nationalist aspirations for self-determination and independence of Angola. The stated objective of Portuguese policy is to create an integrated multi-racial society in Africa as the only lasting solution to the human and economic problems. Prime Minister Oliveira Salazar stated recently:

"The familiar treatment of successive generations has forged and consolidated the unity that was foreseen at the outset. It is, therefore, no political or legal fiction but a social and historical fact translated in Constitutions, which raises very serious difficulties for those who intend to dedicate themselves now to the task of emancipating Portuguese Africa. They come too late, for the job has already been done. That unity does not allow of transfers, cession or abandonment. The juridical figures of the plebiscite, the referendum, auto-determination do not fit into its structure either."¹⁴²

387. The Sub-Committee was told that, in spite of Portuguese policies and repression of nationalist aspirations, nationalist movements had developed in Angola. Information provided to the Sub-Committee traced the development of political aspirations from the period after the First World War when attempts had been made to give expression to grievances over the loss of land and harsh labour conditions.

388. Some expression of African aspirations was permitted in the 1920's, and certain indigenous associations were recognized by Portugal in the Overseas Territories. In this period the African National League was established in Angola, and later the Regional Association of the Natives of Angola was formed.

389. After the Second World War, renewed efforts were made by Angolans to give further expression to their political aspirations. However, as Angolan nationalist activities were not permitted, such efforts led to the establishment of underground political organizations which extended their activities both inside and outside Angola.

390. The Sub-Committee was told that by prohibiting political activities and trade union organizations, the Portuguese authorities were able to keep Angola out of the world press and to claim that the silence was proof of peace and harmony in Angola.

391. In 1952, a group of over 500 Angolans addressed a petition to the United Nations complaining of the mistreatment of indigenous inhabitants by the

¹⁴² Oliveira Salazar, *Portugal and the anti-colonialist campaign*, Speech delivered by H.E. the Prime Minister Professor Oliveira Salazar before the National Assembly at the session held on 30 November 1960. English text supplied by the Portuguese Government, p. 13.

Portuguese authorities and asking the United Nations to take steps to end the Portuguese rule in Angola.

392. The admission of Portugal to the United Nations in December 1955 led to discussions in the Fourth Committee of the General Assembly concerning the status of and conditions in Portuguese Overseas Territories, including Angola. The concern shown in the United Nations and the progress of other African territories towards autonomy and independence seem to have encouraged Angolan elements inside and outside Angola to greater efforts for the attainment of their social and political objectives.

393. The Union of the Populations of Northern Angola, which had been established in Leopoldville in 1954 as a Bakongo nationalist party to campaign for discussions with the Portuguese authorities for the ultimate independence of Angola, gradually expanded its activities into Angola especially among the Bakongo. It changed its name in 1958 to Union of the Populations of Angola (UPA). Representatives of the UPA told the Sub-Committee that, in 1959, some members of the UPA who had been living in the Congo were compelled by the Belgian authorities to return to Angola and that, through their activities, the UPA was able to increase its influence in the territory.

394. The UPA representatives stated that their party was a national organization with some 70,000 registered members, including peoples of various ethnic groups. They claimed that the UPA now has support both among the Bakongo people and other inhabitants of Angola. They said that the UPA's objective is the total independence of Angola, from Portuguese control. It is dedicated to establishing, in Angola, an autonomous State conforming to the traditions and needs of the people.

395. Representatives of the UPA also told the Sub-Committee that they were not against Portugal or the Portuguese but were opposed to oppression. They stated that they were prepared to collaborate with a democratic Portuguese Government if it recognized the right of Angola to self-determination. They claimed that the UPA was the main party fighting in Angola.

396. Representatives of the Peoples Movement for the Liberation of Angola (MPLA) told the Sub-Committee that their group considers itself an "African patriotic organization". Their first manifesto was circulated in 1956, representatives of the MPLA told the Sub-Committee. The declared objective of the MPLA is the immediate and total independence of Angola and the establishment of a democratic government in line with the world movement for political liberation and economic independence. In 1959 the MPLA established an office in Conakry.

397. In a statement to the Sub-Committee, representatives of the MPLA said that it had 34,800 registered members, though exact figures of the membership inside Angola were not available.

398. The Sub-Committee was told that in 1959, in view of the growth of nationalist aspirations, Portuguese authorities intensified repressive measures. Additional troops were brought to Angola, and the construction of airfields was undertaken in the northern region. A large number of people were arrested early in March 1959 and put in prison.¹⁴³

¹⁴³ One source said that hundreds of those arrested had "disappeared" and that many were still held in "special prisons at Bahia dos Tigres, São Tomé, Porto Alexandre, Silva Porto, and Damba".

399. More stringent measures were adopted by the Portuguese authorities from 1960 onwards, and appeals for recognition of the right of self-determination and for negotiation of a peaceful solution were not heeded. In June 1960, persons suspected of political activities were arrested in Lobito, Malange, and other areas. Among those arrested at that time were the leader of MPLA, Dr. Agostinho Neto, and the Chancellor of the Archbishopric of Luanda, Father Andrade.

400. In view of the continuing Portuguese position that self-determination was not a problem that could be raised and because of Portugal's unwillingness to accord any recognition to the political problem in Angola, no dialogue had been possible between Angolan groups and the authorities. After approaches to secure reforms had failed, some groups towards the end of 1960 came to the conclusion that direct action was the only means left to gain independence for Angola.

401. Apart from groups whose membership is mainly African, a group which calls itself the Portuguese Democratic Opposition has also been active in Angola. The Sub-Committee was told that this organization had taken the view that the colonial problem in Angola could be solved by the acceptance of the principles set down in the Universal Declaration of Human Rights and the United Nations Charter, the release of political prisoners, the restoration of fundamental freedoms, and a programme of intensive economic and social development with a view to achieving fixed targets within a specified period.

402. The Sub-Committee was told that, as it had become evident at the last Presidential election that the desired changes in the Government could not be brought about under the existing circumstances, the opposition had decided to undertake a struggle for the immediate autonomy of Angola.

403. The Sub-Committee also heard representatives of several other groups which have been established with specific political purposes and objectives. Some of them are more of a regional character.

404. The Alliance of Nationalist of Zombo (ALIAZO) said it has been functioning since 1956 and was organized as a political group in 1960. Its membership consists of people from the Zombo region in Angola. ALIAZO seeks to obtain from Portugal the recognition of the right of Angola to self-determination. It is willing to seek an area of agreement with the Portuguese authorities through negotiation. However, ALIAZO representatives told the Sub-Committee that, since the events in 1961, their party had been working with other Angolan groups to achieve independence.

405. NGWIZAKO, established in February 1960 in Leopoldville, claims membership from the northern re-

gion of Angola and describes itself as "a political movement comprising Portuguese-speaking nationals of the Kongo". It favours independence of Angola by non-violent means and negotiation. One of its objectives is the restoration of the Kingdom of the Congo, and it is opposed to the UPA.

406. In 1959, a group which had been previously known as the "Association des Ressortissants de l'Enclave de Cabinda", became established as the "Mouvement pour la Libération de l'Enclave de Cabinda" (MLEC) with headquarters in Leopoldville. The objective of this group, as stated to the Sub-Committee, is the establishment of "a democratic independent State following a nation-wide popular referendum held under United Nations supervision".

407. Representatives of the Movement for the Defence of the Interests of Angola (MDIA) told the Sub-Committee that this group had been formed in January 1961, following a split within the UPA, by those who opposed recourse to violence. The MDIA favours negotiation with Portugal and the setting up of a time-table leading to independence. It wishes to maintain a Luso-Angolan partnership and has approached the Portuguese Government for negotiations on reforms leading to independence.

408. The Sub-Committee has heard of the above groups in its effort to obtain all the information relating to the situation in Angola. The Sub-Committee notes from the information available to it that there appears to exist a wide-spread desire for political expression by Angolans.

409. The Sub-Committee further notes that all the organizations heard by it advocate immediate reforms and self-government or self-determination for Angola. Not only the groups opposed to violence but also the groups such as the UPA and the MPLA, which have claimed responsibility for "direct action" have expressed their desire and willingness to seek a peaceful settlement if the attitude of the Government of Portugal were to make that possible.

410. In resolution 1542 (XV), the General Assembly has expressed the view that "the desire for independence is the rightful aspiration of peoples under colonial subjugation". It would seem to the Sub-Committee that an end to the bloodshed can only be achieved by contacts between the authorities and the political groups concerned. Whatever the attitude or preference of the Government of Portugal towards the future of Angola, the Sub-Committee does not feel that the description of the members of some of these groups as *ipso facto* "criminals" or "agitators" is conducive to a peaceful solution.

PART FOUR

INTERNATIONAL CONCERN

I. Reactions to the occurrences in Angola

411. The Sub-Committee notes that reports concerning the course of the disturbances, the repressive measures and the military conflict in Angola, and the flight of tens of thousands of refugees from the territory have led to wide-spread concern around the world. The requests of a large number of Member States for the consideration of the situation by the Security Council and the General Assembly, the statements made before these organs, and the decisions adopted by them reflect the anxiety of the international community over the conflict and its effects on international peace and security.

412. During the debates in the General Assembly and the Security Council, a number of representatives stated that Portugal's policies and measures had aroused strong sentiments in their countries and that the continuance of the situation was likely to have international repercussions, notably by jeopardizing Portugal's friendly relations with other States.

413. The Sub-Committee notes in particular that the independent States of Africa have expressed serious anxiety over the situation. In resolutions of inter-governmental conferences and in a number of other official statements, they have condemned the Portuguese policies and actions, pledged moral and material support to Angolan nationalists in their struggle for self-determination, and called for urgent action to end the conflict. They have expressed the view that the conflict had broken out because of the refusal of the Portuguese Government to respect the legitimate aspirations of the Angolan people and its efforts to preclude by force progress towards self-determination in Angola. The Monrovia Conference of independent African States in May 1961 adopted a resolution by which it

"Calls on all African and Malagasy States to pledge their wholehearted material and moral support to the Africans in Angola in their struggle for autonomy; appeals to the universal conscience against the atrocities and the bloody repression of the Angolan population."

414. The delegation of Ghana informed the Security Council in June 1961 that its Government had closed all Ghanaian sea and air ports to Portuguese shipping and airplanes, withdrawn the existing licenses to import goods from Portugal, and announced that travel documents and transit visas would be granted to the citizens of Portugal only if they unequivocally declared their opposition to the policy now being pursued by the Government of Portugal in Angola and other territories in Africa at present under Portuguese administration.¹⁴⁴ The Government of the Republic of the Congo (Leopoldville) informed the Security Council of its denunciation of three agreements concluded on behalf of the Congo by Belgium, with the Portuguese Government (S/4824).

415. The Security Council in its resolution of 9 June 1961 (S/4835) took note of the "grave concern and strong reactions" to occurrences in Angola "throughout the continent of Africa and in other parts of the world", and expressed its conviction that the continuance of the situation "is an actual and potential cause of international friction . . .".

416. The Sub-Committee notes that international concern intensified as the conflict continued unabated despite the decisions of the General Assembly and the Security Council calling for a peaceful solution in accordance with the provisions of the United Nations Charter.

417. In the course of a hearing on 15 June 1961 before the Committee on Foreign Relations of the United States Senate, a United States State Department official said that the United States Government had conveyed to Portugal its opposition to any use of United States military equipment in Angola.¹⁴⁵ The Government of Norway announced on 21 June 1961 that it had refused to license arms for Portugal because of its colonial policy in Angola.¹⁴⁶ The United Kingdom Government on 27 June 1961 announced that it had suspended licenses for the supply of military equipment to Portuguese overseas territories.¹⁴⁷

418. In July 1961 the Government of Senegal broke diplomatic relations with Portugal, and the Government of Dahomey demanded the evacuation of the small Portuguese enclave on its territory, giving as one of the grounds for their actions the attitude of Portugal towards decolonization of Africa.¹⁴⁸

419. On 31 August 1961 the Foreign Ministers of the signatories of the African Charter¹⁴⁹ condemned alleged Portuguese "crimes" in Angola.

420. The Conference of the Heads of State or Government of the non-aligned countries in Belgrade stated in the declaration issued on 6 September 1961:

"The participating countries draw attention with great concern to the developments in Angola and to the intolerable measures of repression taken by the Portuguese colonial authorities against the people of Angola and demand that an immediate end should be put to any further shedding of blood of the Angolan people and that the people of Angola should

¹⁴⁵ U.S. Congress, *Hearings before the Committee on Foreign Relations, United States Senate, Eighty-seventh Congress, First Session on S.1983, Part 2*, pp. 771 and 772.

¹⁴⁶ *News of Norway*, issued by the Norwegian Information Service, Vol. 18, No. 25, 29 June 1961.

¹⁴⁷ Parliamentary Debates (Hansard) House of Commons, 27 June 1961, "Written Answers to Questions", Col. 18.

¹⁴⁸ The fort of São João Baptista de Ajudá in the coastal town of Ouida. The fort was abandoned by the Portuguese on 31 July 1961 and occupied by the Government of Dahomey. The Portuguese Government protested to the Government of Dahomey against its action.

¹⁴⁹ Ghana, Guinea, Mali, Morocco, United Arab Republic, and the Provisional Government of the Algerian Republic.

¹⁴⁴ S/PV.953, pp. 16-17.

be assisted by all peace-loving countries, particularly United Nations Member States, to establish their free and independent State without delay."

421. The Conference of the African-Malagasy Union¹⁵⁰ at Tananarive, in its final resolutions published on 14 September 1961, announced that the Union condemned Portugal for its actions in Angola, proposed that all Member States of the United Nations break off relations with Portugal, and pledged material and moral aid to "Angolan nationalists" struggling against the Portuguese administration.

422. Noting the growing concern of Member States and mindful of the purpose of the United Nations "to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples", the Sub-Committee would hope that prompt measures would be taken by all concerned to promote a peaceful solution.

II. The issue of a threat to international peace and security

423. The General Assembly, in resolution 1603 (XV) of 20 April 1961, expressed the view that "failure to act speedily, effectively and in time for ameliorating the disabilities of the African peoples of Angola is likely to endanger international peace and security". In the light of the continued deterioration of the situation, the Security Council, in its resolution of 9 June 1961 (S/4835) expressed its conviction that "the continuance of the situation in Angola is an actual and potential cause of international friction and is likely to endanger the maintenance of international peace and security".

424. These conclusions followed statements by a number of delegations that the situation in Angola, created by Portugal's policies in violation of the provisions of the Charter, might affect Portugal's relations with other States. Moreover, violation of fundamental human rights and continued severe repression of the Angolan people, despite the recommendations of the United Nations, might arouse popular feelings in other nations, particularly among the people in the neighbouring countries bound by kinship to the Angolan peoples, and might lead to serious international repercussions. A number of African Member States stated that they could not stand by and let events take their course, and that they could not remain indifferent to the appeals of the Angolans if they were persecuted for demanding independence.

425. The representative of Portugal, in his statements in the Security Council, denied the existence of a threat or the possibility of a threat to the peace, insisting in particular that any threat to the peace would be created not by the efforts of his Government to restore public order within its territory, but by the actions of other Powers which were intervening or might intervene in Angola.¹⁵¹

426. During the visit of the Chairman of the Sub-Committee to Lisbon, the Portuguese Government reiterated its position that the disturbances and conflicts in Angola were mainly the result of foreign intervention and that such intervention, which con-

stituted an attempt against the security of Portugal, might become a menace to international peace (see part one, section III, above). In the information provided to the Sub-Committee, it claimed that the events had taken place in accordance with a plan which had been prepared in conjunction with foreign Governments and their delegations to the United Nations; that the "terrorists" who had crossed the border into Angola were controlled, financed, supplied with arms and trained in foreign territory; and that their leaders were foreigners or had lived for a long time in foreign countries. It also cited as evidence of foreign intervention statements made in the United Nations organs and elsewhere by officials of other Governments pledging support to the Angolan people and organizations in their struggle against the Government of Portugal.

427. The Sub-Committee notes that while, on the one hand, Portugal has maintained that violence in Angola is the result of foreign intervention it has, on the other hand, advanced the contention that the situation in Angola is a purely domestic matter.

428. The information containing allegations of foreign intervention officially supplied by the Portuguese Government to the Sub-Committee does not add substantially to what had been stated by its representative in the Security Council prior to the adoption of the Council's resolution of 9 June 1961. The allegations relate largely to expressions of sympathy and support by other Governments to the Angolans in revolt or to the granting of hospitality to Angolan organizations. The Sub-Committee notes that, while Portugal has made allegations of foreign intervention, it has not sought to seize the Security Council and the General Assembly of a formal complaint of such intervention.

429. With regard to the statement by the Government of Portugal concerning infiltration from across the borders, the Sub-Committee notes that large numbers of Angolans had settled in neighbouring territories for many years and that there has been relatively free movement by Angolans across the borders which artificially divide tribes. Tribal loyalties seem to have remained strong, as reflected in the substantial material assistance received by the refugees fleeing from the conflict. Although some of those involved in the fighting may have crossed international frontiers, the Sub-Committee has not received concrete evidence that non-Angolans had been involved or that the neighbouring Governments had assisted in the military operations or in any way acted in violation of international law and their obligations under the United Nations Charter. The Sub-Committee notes that the organizations operating in the open outside the territory claim that they had been forced to conduct part of their operations in exile because of repression in Angola and that they remain genuinely Angolan.

430. While the existence of Angolan communities abroad and tribal loyalties across the frontier seem to be significant factors affecting the situation in Angola, the Sub-Committee considers that the situation was not caused by foreign intervention as alleged by the Government of Portugal.

431. The Sub-Committee would reaffirm its opinion, expressed earlier in the report, that the events have had their origin in the grievances and aspirations of the Angolan people, and that the means to solve the present difficulties are to be sought mainly within Angola through a drastic reorientation of policy in conformity with the obligations of Portugal under the

¹⁵⁰ The following twelve States are members of the African-Malagasy Union: Cameroun, Central African Republic, Chad, Congo (Brazzaville), Dahomey, Gabon, Ivory Coast, Madagascar, Mauritania, Niger, Senegal and Upper Volta.

¹⁵¹ S/PV.950, p. 53-56.

Charter and the relevant recommendations and decisions of the General Assembly and the Security Council.

432. The Sub-Committee would particularly draw attention to General Assembly resolution 1514 (XV) upholding the right of self-determination of peoples and calling for the cessation of "all armed action or repressive measures of all kinds directed against dependent peoples" and to the Assembly's recognition in resolution 1542 (XV) that the denial of the rights of peoples under colonial subjugation to self-determination "constitutes a threat to the well-being of humanity and to international peace".

433. The Sub-Committee notes that speedy and effective measures have not been taken in conformity with the above recommendations and decisions for the reduction or elimination of the danger recognized by the General Assembly and the Security Council. The continuance of the conflict appears to have led to increased international friction and might lead to serious international incidents.

434. The Sub-Committee feels, therefore, that urgent measures are required to end the conflict and that determined efforts should be made towards a peaceful solution.

III. The question of a peaceful solution¹⁵²

A. REVIEW OF THE SITUATION

435. The Sub-Committee, in reviewing the situation in Angola, would like to emphasize once more its inability to obtain complete information because of the failure of the Government of Portugal "to extend every facility to the Sub-Committee to enable it to perform its task expeditiously" as called for by the Security Council.

436. However, the information available to the Sub-Committee leaves little doubt that the disturbances and conflicts in Angola are mainly the consequences of genuine grievances of the indigenous population against the administration of the territory, including dissatisfaction with economic conditions, the impact of African nationalism, the rise of political groups seeking redress of grievances and the right of self-determination, and the severe repression to which these groups had been subjected.

437. The disturbances and conflicts have resulted in the loss of thousands of lives, the flight of nearly 150,000 refugees from the territory, and the creation of "a veritable atmosphere of war".¹⁵³ They have involved much brutality against both the Portuguese and the Angolans, accompanied by fears and charges of attempts toward the "extermination" or "annihilation" of racial groups, that is, of a racial conflict of a genocidal nature. Severe economic effects have been caused by the destruction of property, the abandonment of villages, the loss of a part of the coffee crop, and the military expenditures. The events have created bitterness which will make the restoration of calm and the achievement of co-operation among the racial groups for the progress of the territory and its population ever more difficult.

438. During the past few months the situation in Angola has not improved, but deteriorated. The con-

flict has increased the problems and heightened passions.

439. In emphasizing the urgent need for a cessation of armed conflict, the Sub-Committee has in view not only the heavy toll of lives in the past few months but also the apprehensions concerning the future.

440. While the Government of Portugal continues to depend on the suppression of the conflict by military means, it would seem that the rebel side is equally determined to continue guerrilla warfare as the means for the achievement of the recognition of its rights and aspirations. Not only are military measures contrary to the recommendations and decisions of the General Assembly and the Security Council, but they also cannot resolve the basic problems in Angola and lead to peace and stability.

441. The rapid spread of the conflict shows that the rebellion has as its main cause genuine and widespread discontent and a growing spirit of nationalism. The existence of fluid frontiers, the strength of feeling among the refugees and their fellow tribesmen in the vicinity of the northern border, and the feelings aroused by Portuguese actions of the past few months would appear to lead to the conclusion that though the area of military activity may be reduced or strategic points recovered, the end of the conflict cannot be ensured by military measures alone.

442. The Sub-Committee would draw attention to the considered judgement of the General Assembly in resolution 1514 (XV) that "the process of liberation is irresistible". It is too much to hope that the nationalist sentiments aroused in the Angolan population and the desire for change will subside and that the *status quo* can be re-established. The choice between voluntary surrender or annihilation offered to those now in revolt leaves no room for the adjustments which political and military realities would appear to impose upon Portugal regardless of its own position and policy aims.

443. Despite the apparent calm which still prevails in the part of the territory not affected by recent conflicts and disturbances, the information available to the Sub-Committee indicates the existence of discontent in those areas and a strong desire for a rapid improvement of the status and conditions of the Angolan people.

444. The General Assembly, aware that failure to act speedily, effectively and in time for ameliorating the disabilities of the African peoples of Angola was likely to endanger "international peace and security", established the Sub-Committee to inquire into the situation; it also called on the Government of Portugal "to consider urgently the introduction of measures and reforms in Angola for the purpose of the implementation of General Assembly resolution 1514 (XV), with due respect for human rights and fundamental freedoms and in accordance with the Charter of the United Nations".

445. The Security Council reaffirmed the General Assembly's resolution, called upon Portugal to act in accordance with the terms of that resolution, and "to desist forthwith from repressive measures".

446. In the light of the gravity of the situation described in this report and its varied repercussions, the Sub-Committee notes with regret that the Government of Portugal has not up to now seen its way to co-operating with the General Assembly and the Security Council to fulfil the legitimate aspirations of the peoples of Angola and has thereby failed to contribute to the maintenance of international peace and security.

¹⁵² For a glossary of Portuguese terms used in this report, see annex 1.

¹⁵³ Statement by Mr. Adriano Moreira, Minister for Overseas Portugal, 13 April 1961.

B. PORTUGAL'S REACTION TO THE RESOLUTIONS OF THE GENERAL ASSEMBLY AND THE SECURITY COUNCIL

447. The Sub-Committee regrets that the Government of Portugal adopted and has maintained a negative attitude towards the recommendations and decisions of the General Assembly and the Security Council, with the result that urgent measures to alleviate the situation have not been undertaken. The delegation of Portugal absented itself during the consideration of the situation in Angola by the General Assembly. The representative of Portugal stated in the Security Council on 9 June 1961 that his Government considered the Council's resolution of that date "as entirely illegal and unjust" and made "the strongest possible reservations to the resolution".¹⁵⁴

448. The position of Portugal regarding the resolutions of the United Nations organs remained virtually unchanged, and the Government of Portugal did not consider it possible to accede to the request of the Sub-Committee for a visit to Angola, though, as noted earlier, it indicated willingness to supply "information of a factual character" (see part one, section III, above).

449. The Sub-Committee once more expresses its regret that the Government of Portugal was unwilling to give its full co-operation to the Sub-Committee despite the United Nations decisions and the appeals of a very large number of Member States. It expresses its disappointment that Portugal did not avail itself of the opportunity presented by the establishment of the Sub-Committee to allay the serious concern caused by the events. The presence of the Sub-Committee in the territory might well have helped to reassure the population, to end the bloodshed and to demonstrate the desire of the Government of Portugal to co-operate with the United Nations in the search for a peaceful solution.

450. Despite the attitude of the Government of Portugal, the Sub-Committee would like to view the invitation extended to its Chairman in July 1961 and the transmittal of some information to the Sub-Committee (including legislation promulgated on 8 September 1961 introducing some reforms in Portugal's overseas policy) as a limited, though hardly satisfactory, response to the Sub-Committee's approaches for Portugal's co-operation with the United Nations.

451. Though the reforms are rather limited in scope and it is difficult to know their full impact until more information is available and experience in their implementation is gained, they would seem to reflect some awareness by the Government of Portugal of the need to adjust its policies to the realities of the situation and the opinion of the international community.

452. Of the legislative measures promulgated on 8 September 1961, the most important was the repeal of the Statute of 1954. With this act the legal distinction between persons of *indígena* status and others as regards political rights is formally ended.

453. The ending of the distinction would imply the elimination of assimilation as the first condition for the acquisition of political rights. The former rule that persons of *indígena* status were granted no political rights "with respect to non-indigenous institutions" no longer applies. However, the practical consequences of this change must be measured against the fact that

to qualify either as a candidate for political office or as an elector, it remains necessary to meet the educational, financial and other requirements established by law.

454. It would not seem possible at this stage to indicate the full legal and practical consequences of the repeal of the Statute of 1954 in other fields. The distinction between persons of *indígena* status and others has not been abolished in all its forms. The Portuguese Constitution contains special provisions concerning indigenous persons, and many of the general provisions of the Statute of 1954 are embodied in more detailed decrees and regulations, including the new legislation promulgated on 8 September 1961. Though the repeal of the Statute of 1954 would have been indispensable for the introduction of any far-reaching reforms, the effective elimination of *indígena* status and its varied consequences depends on a revision or repeal of relevant legislation and particularly the reform of administrative practices.

455. The other main changes effected by the new legislation are briefly indicated below.

456. While providing for the continued application of native customary law in tribal societies, the new legislation lays however some new emphasis on the codification of customary law and appears to render it easier and simpler to opt for Portuguese civil law.

457. With reference to rights over land, the new legislation largely reproduces the corresponding provisions of the Statute of 1954, and its purposes would seem mainly to rationalize and simplify the procedures for acquiring or registering rights in immovable property (see part three, section V, above).

458. Under the new legislation the area of land surrounding a *regedoria*, which is reserved for the eventual use of the inhabitants thereof, has been increased from four to five times the area of land actually under occupation or use by those inhabitants. Penalties are to be imposed on persons who are responsible for displacing the inhabitants of a *regedoria* from the land to which they are entitled. The new legislation seeks to give better protection through registration to those members of tribal societies who have acquired individual rights of possession and use of immovable property. The rights are also stated to be transferable. Finally, procedures have been introduced to ensure that State land granted by way of concessions is limited to a reasonable amount and is put to the best use.

459. Evaluation of changes in penal laws would require more information than is available at present as well as confirmation in practice. The Sub-Committee notes that the Minister for Overseas Portugal has referred to a reorganization of the courts of first instance, but the Sub-Committee has not received specific information on the subject.

460. The recent legislation does not seem to affect substantially the laws applicable to the indigenous inhabitants with respect to labour, as the repealed provisions are largely covered by the Constitution and the Native Labour Code.

461. One of the new decrees establishes Provincial Settlement Boards. They will be responsible for all matters relating to the settlement of the territory by "aborigines, natives or immigrants" and for expediting such settlement. The Minister for Overseas Portugal has emphasized as one of the justifications for the measure the necessity of increasing the settlement

¹⁵⁴ S/PV.956, p. 81.

of Portuguese Africa by "European Portuguese". High priority is to be given to such settlement.

462. The Sub-Committee considers that a review of the policy with regard to land use, including the question of immigration, in relation to the economic development and political future of Angola is of great importance.

463. On the other hand, despite assurances that the interests of the indigenous inhabitants will be protected, the Sub-Committee is apprehensive about the implications of statements made by Portuguese officials to the effect that new settlement is intended "to perpetuate Portuguese sovereignty" and that "soldier-settlers" would be established in Angola.

464. The Sub-Committee also expresses deep concern over the psychological implications of plans for settlement at this time, particularly if they were to cover lands from which indigenous inhabitants may have fled as a result of the conflict. It feels that a restoration of normalcy in Angola requires priority for the creation of conditions and the taking of measures which will facilitate the return of refugees and which will in no way undermine the hopes of the population for the full enjoyment of their resources and the unfettered determination of their destiny.

465. In a recent speech in Oporto the Minister for Overseas Portugal referred to the decree reorganizing the *regedorias* as inspired by the desire of ensuring the participation of the inhabitants in the administration of local affairs. A further reason for reorganizing the *regedorias* may have derived from the repeal of the Statute of 1954 which had contained some of the basic provisions on these institutions. The new decree in its application may permit improvements but its provisions appear to follow in almost every substantial respect the corresponding provisions of the Statute of 1954. It also lays upon the *regedores* the obligation to observe, and inculcate respect for the provisions of "military discipline".

466. The decree on the conditions for establishing local autonomous bodies has been referred to by the Government of Portugal as providing for "the re-establishment of the normal functions of administrative bodies. The decree revokes a decree of 1940 which had postponed elections to such bodies in overseas provinces, and appears designed to give renewed effect to parts of the Organic Law without major change. It deals with local self-government in the provinces in areas containing persons eligible to vote under Portuguese Law. The Sub-Committee notes that tribal populations remain outside these local forms of self-government.

467. In short, the recent reforms would seem to have been designed mainly, as indicated by Portuguese officials, to offset alleged misunderstandings abroad and to rationalize procedures. Their immediate effect on ameliorating the conditions in the territory as recommended by United Nations organs appears to be limited.

468. The position of the United Nations organs as to the nature and direction of the necessary measures and reforms is clearly indicated in the Charter, in General Assembly resolutions 1514 (XV), 1542 (XV) and 1603 (XV), and in the Security Council resolution of 9 June 1961. These texts provide the guide lines for consideration by the Government of Portugal in connexion with its future policy towards Angola. Progress along the lines relevant to General Assembly and Security Council resolutions would require further revisions in the laws and reforms in their application.

469. While recognizing difficulties of readjustment on certain aspects of policy and of the prompt introduction and implementation of reforms, the Sub-Committee feels that there should not be any insurmountable barriers to the introduction of such measures. The Sub-Committee believes that the recognition of the personality of Angola, the primacy of the interests of the inhabitants of the territory, the acceptance of the principle of self-determination to Angola and the need for immediate steps to prepare Angola for self-government are not antithetical to the vital interests or the historic mission of the Portuguese people. Such steps are, on the other hand, fully consistent with the recognition of racial equality and the proclaimed philosophy of Portugal.

C. THE UNITED NATIONS AND A PEACEFUL SOLUTION

470. In its resolution of 9 June 1961 (S/4835) the Security Council expressed the hope that a peaceful solution would be found to the problem of Angola in accordance with the Charter of the United Nations.

471. The Sub-Committee is convinced that such a peaceful solution requires efforts both towards the immediate ending of bloodshed and towards the co-ordinated political, economic, and social development of the territory. It feels in particular that measures to remove the legitimate grievances of the population and the establishment of contacts with representatives of Angolan political groups are essential to ensure a cessation of the conflict and to achieve a peaceful solution.

472. The Sub-Committee is convinced that it is in the genuine interest of the Government of Portugal to heed the opinions expressed by the United Nations organs and to take the necessary measures with the co-operation of the Organization. It is further convinced that constructive co-operation between the Government of Portugal and the United Nations is the best means of bringing about a prompt end to the conflict and a peaceful evolution towards the objectives stated in the United Nations resolutions. It feels that rapid measures by the Government of Portugal can still preserve the positive elements of past policies and achievements.

473. The Government of Portugal may well consider the example of other metropolitan Powers which have granted or recognized the right of self-determination and independence to territories which had been administered as overseas territories or provinces and the numerous examples of fruitful relationships which resulted therefrom.

474. The Sub-Committee would express its view that the United Nations cannot but continue its concern with the developments in Angola in view of the provisions of the Charter, the international aspects and repercussions of the situation, and its vital interest with regard to peace in Africa and in the world. The Sub-Committee would hope that the United Nations and its Member States would take further action as appropriate to persuade and assist the Government of Portugal and the Angolan people to embark on a policy of peaceful settlement in conformity with the Charter.

475. The Sub-Committee notes that the representatives of the Angolan groups heard by it, including those accused by the Government of Portugal of responsibility for the recent disturbances, stressed their desire for a peaceful solution of the problem and for co-operation among racial groups within Angola on the

basis of equality. This publicly expressed position would seem to provide an opportunity and hope for the achievement of the ends laid down by the General Assembly and the Security Council.

476. The Sub-Committee has been told by some of these groups that they had found no channel for discussion with the Government of Portugal and that the latter had eliminated any basis for discussion by its firmly negative attitude on the question of self-determination. The Sub-Committee would express the hope that the Government of Portugal would see fit to accept the path of negotiation for a solution of the Angolan problem.

477. The Sub-Committee would hope that the facilities of the United Nations would be available to those concerned in their search for a peaceful solution.

478. The Sub-Committee feels that a peaceful solution of the Angolan problem requires not only a drastic reform of legislation and administration but also the formulation of plans to prepare the territory for self-government and the exercise of self-determination. It would emphasize, in particular, the need for a rapid and massive expansion of educational facilities in order to enhance the economic, social, and political advancement of the territory.

479. The Sub-Committee would point out that the expenditure of resources on military and security measures, especially when the requirements for development of the territory are so great, does not serve the

interests of either Portugal or the Angolan people. Attention should rather be focused on the fulfilment of the basic needs of the people, taking into account the expectations aroused in the population by developments in other territories.

480. The Portuguese authorities face a historic choice: whether to continue to rely on the use of force, with the inevitable miseries, economic losses, and uncertainties; or to respond to world opinion and take measures to reassure the population, ensure the return of the refugees, and build a new relationship with the people of Angola. Much time has been lost in a critical situation, with the casualties and the bitterness mounting in Angola. What is needed is readiness to understand the new forces in the world, courage to accept change, and wisdom to formulate and pursue viable means towards an enduring peaceful solution.

DONE at United Nations Headquarters, New York, this thirteenth day of November, one thousand nine hundred and sixty-one.

(Signed) Carlos SALAMANCA, *Bolivia*

Louis IGNACIO PINTO, *Dahomey*

Nik Ahmed KAMIL, *Federation of Malaya*

Ralph ENCKELL, *Finland*

Omar Abdel Hamid ADEEL, *Sudan*

Dantas DE BRITO
Secretary

ANNEX 1

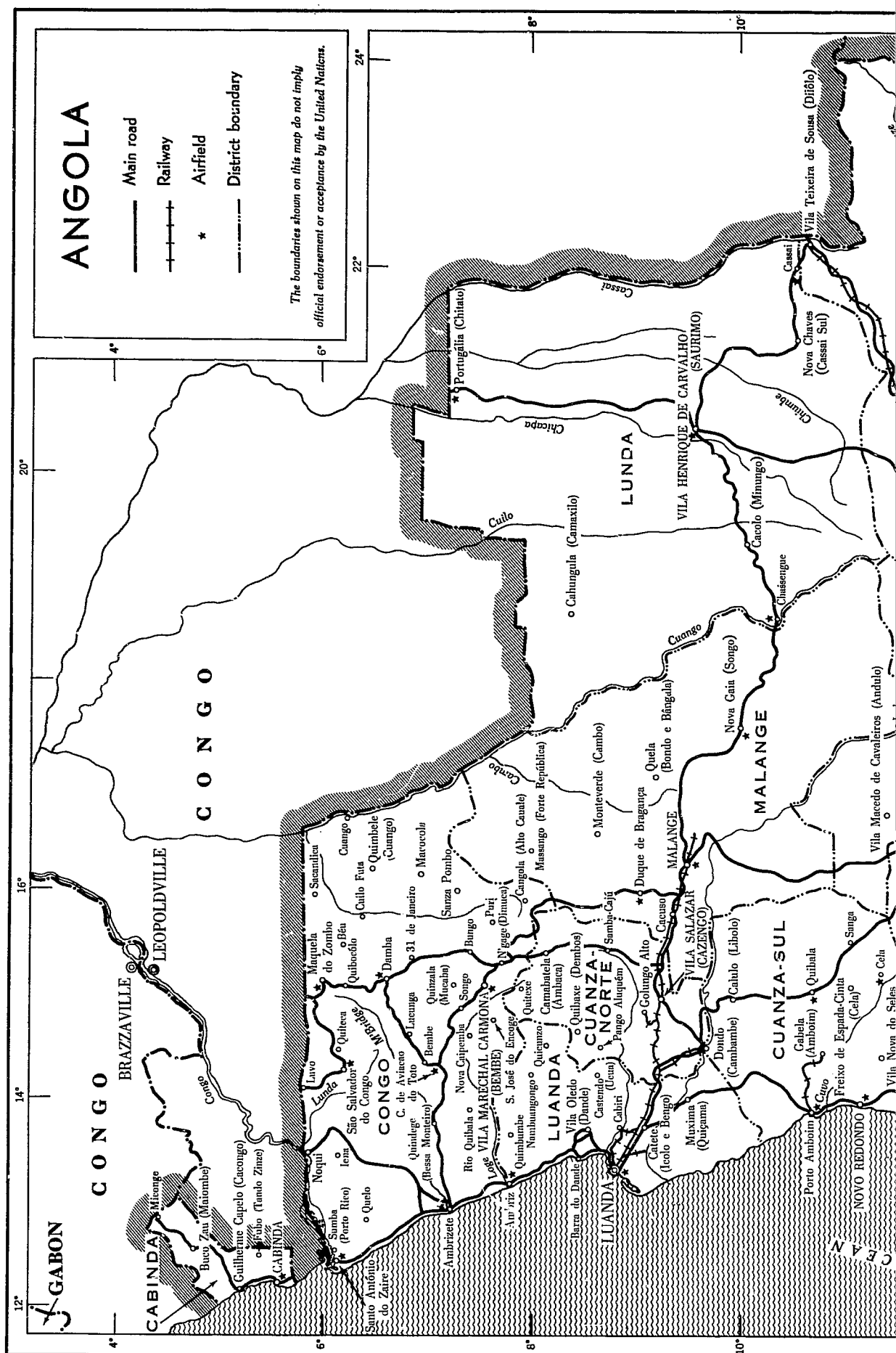
Glossary of Portuguese terms used in the report

| | |
|-------------------------------|---|
| <i>Administrador</i> | An administrator in charge of a <i>circunscrição</i> or <i>concelho</i> . |
| <i>Angariador</i> | Licensed labour recruiting agent. |
| <i>Assimilado</i> | Literally, an assimilated person. Under the Statute of 1954 this term was used to designate an African who had obtained the status and rights of a full Portuguese citizen. |
| <i>Bilhete d'identidade</i> | Identity card issued to certify that the holder had attained the status of an assimilated person. |
| <i>Cabo de ordem</i> | Clerk with police and auxiliary functions. |
| <i>Caderneta (indígena)</i> | Identity card issued to non-assimilated Africans. Commonly referred to as "work-book" or "native work-book". |
| <i>Chefe de posto</i> | Official in charge of a sub-area called a <i>posto</i> . See <i>posto</i> below. |
| <i>Circunscrição</i> | Circumscription or "administrative area", an administrative sub-division of a district. |
| <i>Civilizado</i> | Formerly used to mean a person who had a European way of life and spoke Portuguese. |
| <i>Concelho</i> | The traditional Portuguese basic administrative unit with local self-government. In overseas areas, <i>concelhos</i> may be provisionally replaced by administrative <i>circunscrições</i> . A <i>concelho</i> may be divided into a number of parishes and administrative <i>postos</i> . |
| <i>Conto</i> | Portuguese unit of currency (1 conto = 1000 escudos). |
| <i>Distrito</i> | District. Angola is divided into 13 districts. |
| <i>Escudo</i> | Portuguese unit of currency. The parity of the Portuguese escudo in terms of United States dollars is Esc. 28.75 = \$US1. |
| <i>Freguesia</i> | An administrative sub-division of a <i>concelho</i> corresponding to a parish. |
| <i>Guia</i> | Permit or pass. Usually refers to permit to travel, hence road pass. |
| <i>Indígena</i> | Under the Statute of 1954, it was used as a legal term designating an individual living in accordance with tribal ways, i.e. non-assimilated African. Also used in Portuguese in a more general sense to mean African or "native". Used in the report as an adjective to qualify the special <i>status</i> of indigenous inhabitants. |
| <i>Intendências</i> | A group of <i>circunscrições</i> or non-urbanized areas of <i>concelhos</i> . |
| <i>Liceu</i> | Secondary school. |
| <i>Mestiço</i> | A person of mixed European and African parentage, generally the descendant of a European father and African mother. Referred to as <i>mulato</i> in this report. |
| <i>Mulato</i> | Mulatto. |
| <i>Não-civilizado</i> | Literally an uncivilized person. Formerly used to designate non-assimilated Africans. |
| <i>Não-indígena</i> | Non-indigenous person. Under the Statute of 1954, this term applied to an assimilated African, a mestiço or a European. Used to replace the term <i>civilizado</i> . |
| <i>Palmatória</i> | A wooden paddle used as an instrument of physical punishment. |
| <i>Posto (administrativo)</i> | An administrative sub-division of a <i>circunscrição</i> . Sometimes translated as an administrative sub-area. |
| <i>Regedor</i> | Chief or head of a <i>regedoria</i> . |
| <i>Regedoria</i> | A term used to designate a traditional group and may include groups of villages, the nearest equivalent of which is a "chieftancy", "chieftainship", or the French term "chefferie". It is the unit of "native administration" in Angola. |

ANGOLA

Main road
Railway
Airfield
District boundary

The boundaries shown on this map do not imply official endorsement or acceptance by the United Nations.



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