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Chairman: Mr. Guillermo FLORES AVENDAÑO
(Guatemala).

AGENDA ITEM 54

Non-compliance of the Government of Portugal with Chapter XI of the Charter of the United Nations and with General Assembly resolution 1542 (XV): report of the Special Committee on Territories under Portuguese Administration (A/5160 and Corr.1)

HEARING OF PETITIONERS

At the invitation of the Chairman, Mr. Luis Ranque Franque, representative of the Mouvement pour la libération de l'enclave de Cabinda (MLEC), took a place at the Committee table.

1. Mr. RANQUE FRANQUE (Mouvement pour la libération de l'enclave de Cabinda) observed that the general movement for the liberation of countries which had been enslaved by colonialism had enriched the world by the addition of a number of new nations, especially in Africa, which were now a source of strength to the United Nations. While colonization was a benefit for humanity in the sense that it enabled the advanced peoples to help those who were accidentally retarded, colonialism established a stranglehold on the colonized peoples; those peoples, subjugated by their civilizers, lost their personality, were treated as inferiors and obliged to remain silent and to work in the interests of their masters. Human beings demanded, however, that their personality should be recognized and respected. The emancipation of the colonized peoples was therefore a natural fact which the colonizers should anticipate and for which they should prepare. The free world should welcome and support the peoples who were struggling for liberation. The people of Cabinda were therefore submitting their dispute with Portugal to the United Nations in the firm belief that they would find defenders of their cause.

2. Cabinda, which was situated on the west coast of Africa between the Republic of Congo (Brazzaville) and the Republic of Congo (Leopoldville), had an area of over 7,200 square kilometres and a population of over 60,000. Cabinda believed in fundamental human

rights, the dignity and worth of the human person, the equality of rights of all men and all nations, justice and respect for obligations under international treaties, social progress, the improvement of living conditions, and freedom. Cabinda was the remnant of the Kingdoms of Loango, Kakongo and Ngoyo, which had been broken up by France, Portugal and Belgium at the Berlin Conference in 1885. Before the Portuguese occupation Cabinda had possessed a highly organized traditional society; the King had been surrounded by dignitaries who had played the role of ministers, the State had protected the citizens through laws prohibiting the sale of inhabitants as slaves to Europeans; there had been a genuine separation of the executive and the judiciary. At that time Cabinda had been thickly populated; education had been non-existent but people from Cabinda had been able to study in Europe, and in the eighteenth century they had already known the use of money.

3. Thanks to the stage of development reached by the end of the nineteenth century, Cabinda had been able in 1885 to conclude a treaty with Portugal under which the territory had become not a colony but a protectorate. Nevertheless Portugal, without altering the clauses of the treaty, had progressively imposed the status of a colony on the territory and finally had simply annexed it and transformed it into an integral part of the metropolitan territory according to the terms of article 1 of the Portuguese Constitution. The people of Cabinda denied that Portugal was entitled to assimilate Cabinda and incorporate it in the metropolitan country, for no such right was given to it in the 1885 protectorate treaty. Such a claim was inadmissible under the provisions of the General Act of the Conference of Berlin concerning the Congo, signed in 1885 and even under article 4 of the Portuguese Constitution. Under article 36 of the General Act the signatories to the instrument had reserved the right to introduce subsequently and by joint agreement any amendments or improvements which experience should prove necessary. At a later meeting of the signatory Powers, held at Saint-Germain-en-Laye, Portugal had not announced its intention of converting Cabinda into a Portuguese province. Cabinda therefore remained an integral part of the "conventional basin" of the Congo. Consequently it could not be transformed into a metropolitan province. Furthermore, article 4 of the Portuguese Constitution, which was asserted to be the juridical basis for the so-called overseas territories, laid down that the Portuguese nation formed an independent State which recognized no limitations to its sovereignty in the internal sphere but morality and law and no limitations in the international field except those which derived from conventions or treaties freely entered into or from customary law freely accepted. That being so, how could a treaty freely entered into by two countries, and which did not grant the protecting country the power unilaterally to modify the status of the protected country, be disregarded?

4. The practical consequences of the change in Cabinda's status had been disastrous. Despite the wishes of the people and the example given by France, Belgium and the United Kingdom, Portugal obstinately refused to emancipate its colonies and was trying arbitrarily to integrate them in its metropolitan territory. Despite the provisions of article 2 of the protectorate treaty of 1885, under which Portugal had undertaken to practise indirect administration, i.e. to allow the spokesmen and representatives of the people to govern the country and to limit its role to that of a technical adviser, Cabinda had in fact lost its status as a protectorate, since the authority of the indigenous chiefs had been abolished. The Africans had no rights; they were not allowed to criticize the régime, to complain of the inhuman treatment inflicted upon them by Portuguese officials, or to protest against the seizure of their possessions. There was no Press and democracy was unknown.

5. When, in December 1960, the descendants of the signatories to the protectorate treaty had requested the Minister for Overseas Portugal to establish institutions for the preparation of Cabinda for independence, they had been arrested and deported. The MLEC vigorously protested against the dictatorial régime established by Portugal in flagrant violation of the letter and spirit of the treaty. Portugal refused to allow the indigenous inhabitants to participate in the administration of their country and reserved public office for metropolitan officials. Nevertheless, despite the obscurantist policy followed, Cabinda possessed an intellectual élite, educated in religious institutions. Since the incorporation of the territory in the metropolitan country, however, the Portuguese, by means of a series of purges, the most recent of which had been in 1958, had expelled the indigenous officials from the territory because they considered them to be too familiar with the people.

6. The only education in Cabinda was lower primary education consisting of four years of study. Moreover the primary schools were reserved for white children and a few "assimilados" and were only to be found in two parts of the country. Recently rural schools, meagrely equipped and giving only two-year courses, had been opened in a few villages. The Portuguese Government did nothing to enable African children, no matter how gifted they might be, to continue their education outside the enclave. Illiteracy was rife and was one of the instruments of Portuguese domination. The fact that Cabinda possessed an élite was due to the neighbouring and other countries, thanks to which there were schoolmasters and teachers, labour inspectors, public works technicians, doctors and nurses, hydraulic engineers and forestry experts, surveyors, agronomists, etc. Portugal did not grant scholarships for study abroad; the people would therefore be grateful to any countries which would assist them by granting such scholarships.

7. As far as the health service was concerned, there were two hospitals and a few infirmaries. The health service suffered from inadequacy of staff and equipment. The people were unable to understand why their country, which supplied such a variety of produce, had no facilities for medical training or why the medical care available was so inferior that the people of Cabinda preferred to go to Brazzaville or Leopoldville for treatment. There were no maternity hospitals or institutions for mother and child welfare in the territory. There was no free distribution of milk for young

children. There were, however, international agencies which assisted under-developed countries, particularly in the medical field. The fact that Portugal did not allow the people of Cabinda to have the benefit of such international assistance proved that it was resolved slowly to exterminate the indigenous population. Portugal seemed to be unaware of the need for an efficient health organization. Vaccinations were given from time to time but the Portuguese Administration had never concerned itself with arrangements for the distribution of drinking water and the indigenous inhabitants drew water from polluted wells. Bilharzia was endemic in Cabinda and there were many deaths from malaria each year.

8. The people were obviously under-nourished, whereas if sea-fishing were properly organized an adequate supply of food would be available. Ninety per cent of the people had never tasted beef, although Cabinda was highly suitable for stock-breeding.

9. Housing for the greater part of the population was primitive. While in the former Belgian Congo and the former French Congo the colonial Administration had encouraged the construction of well-built houses, nothing was done in Cabinda to improve the housing of the indigenous population.

10. Work for the upkeep and repair of the highways was carried out by women and was forced, i.e., unpaid, labour. The administrators made use of free female labour for their own benefit, so that immense plantations were cleared, worked and cultivated by Cabindan women. While the women were thus subjected to slavery, the men were sent to other parts of the country to work for nothing on the plantations of the Portuguese colonialists. The contract labour system imposed periods of up to six months of forced labour on the indigenous inhabitants. Those who were not recruited for such work were obliged to work without pay on the repair of public works and administration buildings. All such work was done under police supervision.

11. In the absence of any industries, there were few chances of employment at Cabinda and the indigenous workers were very poorly paid. An indigenous unskilled worker earned from 10 to 17.50 escudos a day and a skilled worker from 20 to 22.50. Moreover, Portuguese employers thought it quite normal to make their workers wait for several months for their wages and the Government itself set a bad example by delaying as long as possible in paying the salaries of its African officials. Furthermore, employers paid as little as possible in cash. They provided their African workers with the food and clothing they needed on credit; the workers then ran into debt and the employers reaped the double advantage of being sure of a safe clientele in the shape of their own workers, who were obliged to accept whatever price the employers set. Some types of work, such as driver, mason or clerk, were reserved to the Portuguese.

12. Corporal punishment was still practised in the Territory, and whereas in the ex-Belgian Congo flogging had been abolished during the time of the colonial administration, the inhuman punishment of the "palmatório" was still administered in Cabinda.

13. Portugal had established a protectionist economic policy which brought the indigenous population no advantage whatever. Under that policy Portugal was able to dispose of products of poor quality which in a free-trade system would not stand up to competition. No indigenous inhabitant who was not an "assimilado"

was allowed to be in business. In recent years the Portuguese Administration had been encouraging the indigenous inhabitants to grow coffee and cocoa, but indigenous growers were paid the most niggardly prices for their crops: for example, they received 1.50 escudos a kilo for their coffee.

14. Although the geographical configuration of the country was extraordinarily favourable, the road network left much to be desired. A joint transport company had recently been established and in 1959 it had operated a total of three omnibuses. On some routes there was a service only once every three days.

15. Despite article 4 of the protectorate treaty, which recognized the right of the chiefs and inhabitants of Cabinda to their land and laid down the conditions for the alienation or sale of land, the Portuguese settlers chose the best land without applying to the legitimate owners and without paying them any compensation. They did so with the full support of the Administration: any protest was quickly stifled and the protester thrown into prison. The real owners could only stand by, powerless to do anything, while their property was filched.

16. As far as the fishing industry was concerned, the Portuguese Administration was simply trying to oust the Cabindan fishermen in order to replace them by Portuguese fishermen, who were given grants to enable them to acquire modern equipment. Moreover, free fishing, or fishing by tourists, was forbidden in Cabinda and an indigenous inhabitant who wanted to fish regularly had to register his boat, for a payment of 300 to 400 escudos a year.

17. Thus the Cabindans derived no benefit whatever—political, social or economic—from the presence of the Portuguese in their country. The Blacks were persecuted and martyred, as though the object was to replace them by starving Portuguese from the metropolitan country. There was a mass influx of destitute Portuguese, who, thanks to the money paid by the Cabindan taxpayers, soon established themselves and began to follow their predecessors in eroding the rights and interests of the Cabindan people.

18. Despite the liberation wave which was engulfing Africa, Portugal intended to maintain its policy of enforced assimilation in Cabinda. Thousands of Cabindans, unable to tolerate that humiliation, had fled abroad; their number, including their many children, was probably greater than the number who were still in Cabinda. The Cabindan emigrants generally became naturalized citizens of the host country in order to avoid the humiliation of calling themselves Portuguese nationals.

19. The Portuguese Government did not provide the United Nations with any information concerning the territories under its administration. Portugal had declared that it was considering the introduction of reforms in its overseas territories but Cabinda was still waiting for the so-called reforms to be put into effect. In order to convince the Portuguese authorities of its desire to work for the emancipation of Cabinda, the MLEC had presented a plan to them in September 1961 setting out the necessary stages which would enable Cabinda to attain full independence. There had been no response whatever from the Portuguese authorities.

20. The MLEC was fundamentally in favour of the unity of Africa, which belonged to the Africans and no

part of which could be ceded to a so-called multiracial nation. It would be hard for Cabinda, as a very small country, to fulfil the requisite conditions for becoming a State. It should be given assistance to enable it to recover from the Portuguese exploitation. The MLEC could not advocate the future attachment of Cabinda to one of the neighbouring republics until the wishes of its people had been determined. It might perhaps be advisable for Cabinda to follow the example of some small countries in Europe, such as the Republic of San Marino, Andorra, Monaco or Liechtenstein, and establish relations with its neighbouring countries in the diplomatic field and in such matters as customs, communications and defence. That was the aim of the MLEC, which had a membership of over 30,000.

21. The Cabindan people had been struggling to free themselves from the Portuguese yoke since 1958. The Cabindan nationalists who had started the struggle before that date had been sentenced to long terms of imprisonment and had been deported; nobody knew what had become of them. In December 1960 the descendants of the signatories to the protectorate treaty and other personages had sent to the Minister for Overseas Portugal, on behalf of the people of Cabinda, a memorandum, copies of which had been sent to all the countries of the free world and to the United Nations, in which they had asked for the 1885 treaty to be brought to an end and for conversations to be opened for the purpose of deciding upon the institutions to be established in Cabinda. If the reforms they had requested had been accepted, Cabinda would have enjoyed self-government by 1 January 1961, pending its accession to full independence. On the contrary, in April 1961 the Portuguese authorities had arrested and deported all the signatories to the memorandum and a great number of other people. Since then the MLEC had constantly asked the Portuguese authorities to fix the date and place for a meeting at which the structures to be adopted for the enclave of Cabinda could be discussed. It had never received an answer.

22. Throughout that time the Portuguese troops had been setting fire to the houses of the indigenous in the north and east of the country. He could mention more than thirty villages which had been destroyed in that way, their inhabitants having been burned alive in their houses or forced to take refuge in the forest. The property they left behind was looted by the Portuguese soldiers. The MLEC therefore appealed to the United Nations to take vigorous steps without delay to put an end to the atrocities of the colonialists, who were being driven by fear to commit the most heinous crimes. He was anxious to impress upon the Committee that the stubborn refusal of the Portugal Government to grant independence to the territories it was administering could lead to the outbreak of an international conflict.

23. In Cabinda, as in Angola, Mozambique and its other territories, Portugal was committing real crimes of genocide. The Portuguese troops in Cabinda raided village after village at night, arresting all the men of any influence, who were deported to an unknown destination. Despite the Christian principles they professed, the Portuguese did not hesitate to slaughter whole populations whose only crime was to demand freedom. When the Portuguese troops found any villages empty in the course of their nightly expeditions, they set fire to them and on the following day Portuguese aircraft bombed the forests in order to kill the fleeing inhabitants, on the pretext that terrorists from neighbouring countries had been spotted. Portu-

guese aircraft even violated the frontiers of the neighbouring countries at times. The political prisoners who were deported were killed one after another in Portuguese prisons. He gave the names of fifteen of his compatriots who had been liquidated in that way in Angola.

24. The MLEC considered that it was the deliberate negligence of the Portuguese Administration and the disguised slavery practised by the Portuguese in Cabinda that had brought about the depopulation of the country and its political, social and economic retrogression. The policy the Portuguese were practising in Cabinda was in flagrant contradiction with the letter and the spirit of the 1885 treaty under which Portugal had undertaken the protection of Cabinda. Thus Portugal had not fulfilled the civilizing mission that had been entrusted to it. Worse still, taking advantage of the state of ignorance in which the Cabindan people were sunk, it had changed the status of the Protectorate of Cabinda by reducing the country to the rank of a colony and then incorporating it in the metropolitan territory. It had categorically refused to consider the just claims put forward by the descendants of the signatories to the 1885 treaty and the many requests for the opening of conversations. In fact, its policy was characterized by the complete suppression of fundamental freedoms in Cabinda.

25. The higher interest of the people of Cabinda demanded the termination of the 1885 agreement between Portugal and Cabinda by which the Cabindan signatories had entrusted the protection of their own country to Portugal. In view of the fact that Article 73 of the United Nations Charter recognized the right of all

peoples to self-determination, and that Portugal was a Member of the United Nations, the MLEC asked the United Nations to be the arbiter in the dispute between Cabinda and Portugal, so that Cabinda might attain unconditional independence forthwith. The MLEC also requested the United Nations to submit the financial aspect of the question to the International Court of Justice, so that Cabinda might obtain reparations for the seventy-seven years of pillage that it had endured. It asked for the immediate withdrawal of the Portuguese troops stationed in Cabinda and it requested the United Nations to intervene with the Portuguese Government in order to obtain the release of political prisoners, in particular Mrs. Lourenço Pucuta, a signatory to the memorandum of December 1960. The MLEC asked the United Nations to establish a committee for the settlement of the dispute between Cabinda and Portugal and it begged the United Nations to provide moral and material assistance for Cabinda; the United Nations could perhaps undertake to set up the institutions Cabinda would need to start its national life. The MLEC hoped that the United Nations would give sympathetic attention to its requests.

26. He went on to read out the petition signed in 1885 by the princes and governors of the villages of Cabinda in which they had requested that their country might become a protectorate of Portugal.

27. The CHAIRMAN said that in view of the late hour the petitioner could complete his statement at the following meeting.

The meeting rose at 1.15 p.m.