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REPORT
OF THE
SUB-COMMITTEE ON THE SITUATION IN ANGOLA^{1/}

^{1/} Also submitted to the members of the Security Council under the symbol S/5205.

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LETTER OF TRANSMITTAL

New York, 13 November 1962

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 General Assembly resolution 1603 (XV) of 20 April 1961, Security Council resolution S/4835 of 9 June 1961, and General Assembly resolution 1742 (XVI) of 30 January 1962.

Accept, Excellency, the assurances of my highest consideration.

(Signed) Carlos SALAMANCA
Chairman

H.E. Muhammad Zafralla Khan
President of the General Assembly
United Nations
New York

INTRODUCTION

1. The Sub-Committee on the Situation in Angola, established by resolution 1603 (XV), adopted by the General Assembly on 20 April 1961 (see annex II.A) and reaffirmed by the Security Council resolution (S/4835) of 9 June 1961 (see annex II.B), was continued by General Assembly resolution 1742 (XVI) of 30 January 1962 (see annex II.C). The Sub-Committee had submitted a progress report to the Security Council^{2/} on 27 July 1961 and a full report to the Security Council^{3/} and the General Assembly at its sixteenth session.^{4/}
2. The members of the Sub-Committee - Bolivia, Dahomey, Federation of Malaya, Finland and Sudan - were represented during the period covered by this report by the representatives and alternate representatives listed in annex I.
3. At its 113th meeting on 8 November 1962, the Sub-Committee on the Situation in Angola unanimously approved the present report, which it submits to the General Assembly and the Security Council. The report is a continuation of the previous report of the Sub-Committee and covers the period from 13 November 1961 to 8 November 1962.
4. Part one describes the consideration of the question by the General Assembly at its sixteenth session; the framework in which the Sub-Committee organized, and the circumstances in which it carried out its work; the Sub-Committee's renewed attempts to secure the co-operation of the Government of Portugal and the negative response of that Government.
5. Part two, dealing with the development of the situation, has separate sections examining in turn the armed action and repressive measures employed by the Government of Portugal in Angola and the guerrilla warfare being waged by Angolan nationalists; the causes, extent and significance of the movements of

^{2/} Official Records of the Security Council, Sixteenth Year, Supplement for July, August and September 1961, document S/4898.

^{3/} Ibid., Supplement for October, November and December 1961, document S/4993.

^{4/} Official Records of the General Assembly, Sixteenth Session, Supplement No. 16 (A/4978).

Angolan refugees; the question of political prisoners; political developments affecting Angola and the activities and programmes of Angolan political groups. There is also a section on the international aspects of the situation.

6. Part three contains a summary of the Sub-Committee's findings as well as its conclusions.

PART ONE

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

I. Consideration of the question by the General Assembly
at its sixteenth session

A. Proceedings in the General Assembly

7. The provisional agenda of the sixteenth session of the General Assembly^{5/} included as its item 27: "The situation in Angola: report of the Sub-Committee established by General Assembly resolution 1603 (XV)".

8. On 21 September 1961, at the 135th meeting of the General Committee, the representative of Portugal declared that the inclusion of the item in the agenda would violate Article 2, paragraph 7, of the Charter. At the same meeting the General Committee decided to recommend the inclusion of the item, and at its 138th meeting it adopted without objection a USSR proposal to recommend that the item should be considered in plenary meetings of the General Assembly, without reference to a Committee.

9. At its 1014th plenary meeting on 25 September 1961, the General Assembly approved the recommendations of the General Committee over the objections of the representative of Portugal.

10. The report of the Sub-Committee, signed on 13 November 1961, was issued on 27 November 1961.^{6/} At its 143rd meeting, on 18 December 1961, the General Committee recommended to the General Assembly that it examine item 27 at its resumed session on 15 January 1962. The recommendation was approved by the General Assembly at its 1083rd meeting on 19 December 1961, and the Sub-Committee's report was discussed between 15 and 30 January 1962 at the 1088th to 1102nd plenary meetings.

11. In his statement, presenting the report, the Chairman of the Sub-Committee referred to the relevant resolutions under which the Sub-Committee had functioned, the work done by the Sub-Committee at Headquarters and in the Congo (Leopoldville) and his own visit to Lisbon on the Sub-Committee's behalf. He pointed out that

5/ Ibid., Sixteenth Session, Annexes, agenda item 8, document A/4815.

6/ Ibid., Sixteenth Session, Supplement No. 16 (A/4978).

in order to carry out its mandate, the Sub-Committee had sought the Portuguese Government's co-operation for the purpose of visiting the scene of conflict, with the prospect that such a visit might help to alleviate the situation. However, Portugal had denied the Sub-Committee access to Angola and had reiterated its intention of putting down the revolt by force of arms. Notwithstanding that negative attitude, the Government of Portugal had provided general information on the Territory for the Sub-Committee's exclusive use, as well as an account of the events in northern Angola. The Sub-Committee had given full attention to that information, to the information gathered directly by three members of the Sub-Committee on the frontiers of Angola and in Leopoldville, and to information from persons acquainted with the Territory and from other available sources specified in the report. Within those limitations, the Sub-Committee had endeavoured to determine impartially the true facts and the historical sequence of developments in a situation the continuance of which, according to the relevant resolutions of the General Assembly and the Security Council, was likely to endanger the maintenance of international peace and security.

12. At the same meeting, the representative of Portugal declared that the discussion was illegal because it contravened Article 2, paragraphs 4 and 7 of the Charter. He then withdrew and was absent for the duration of the discussion.^{7/}

13. A draft resolution submitted on 15 January 1962 by the delegations of Bulgaria and Poland^{8/} stated, inter alia, that the General Assembly, convinced that the colonial war being pursued by the Government of Portugal in Angola, its violation of the Security Council resolution of 9 June 1961, its refusal to implement the provisions of the Declaration on the granting of independence to colonial countries and peoples contained in General Assembly resolution 1514 (XV), and its refusal to implement General Assembly resolutions 1542 (XV), 1603 (XV) and 1654 (XVI), constituted a source of international conflict and tension as well as a grave threat to world peace and security and called for sanctions against Portugal under the provisions of the

^{7/} The Portuguese representative's statement is summarized in paragraphs 19-22 below.

^{8/} Official Records of the General Assembly, Sixteenth Session, Annexes, agenda item 27, document A/L.383

Charter. The operative paragraphs of the draft resolution would: (1) solemnly reaffirm the right of the people of Angola to self-determination and independence; (2) condemn the colonial war pursued by Portugal against the Angolan people and demand that the Government of Portugal cease it immediately; (3) call upon the Portuguese authorities to desist forthwith from all repressive measures against the Angolan people and to release immediately all Angolan political prisoners; (4) request the Special Committee of seventeen members established by resolution 1654 (XVI) to give in its work top priority to the problem of granting independence to Angola and to report on this question to the General Assembly at its seventeenth session; (5) request the Special Committee of seventeen members to see to the implementation of the present resolution and with that aim to send its representatives to Angola; (6) recommend to all States to deny to the Government of Portugal any support and assistance, including assistance in the form of arms and war material, as well as to put an end to any export to Portugal of arms or any kind of war material; (7) suggest to the Security Council to consider in urgent manner and under Articles 41 and 42 of the Charter of the United Nations the application of sanctions against Portugal, which was pursuing a colonial war in Angola, creating a threat to international peace and security, violating the Security Council resolution of 9 June 1961 and refusing to implement the General Assembly resolutions on Angola, such sanctions being applicable until the present and all the above-mentioned resolutions of the Security Council and General Assembly had been implemented.

14. On 23 January 1962, a draft resolution^{9/} was submitted by forty-one African and Asian delegations: Afghanistan, Burma, Cambodia, Cameroon, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Ethiopia, Gabon, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Jordan, Laos, Lebanon, Liberia, Libya, Mali, Mauritania, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Saudi Arabia, Senegal, Sierra Leone, Somalia, Syria, Tanganyika, Tunisia, United Arab Republic, Upper Volta and Yemen. On 25 January the original sponsors, together with the Central African Republic, Japan and Madagascar, submitted a revised draft resolution^{10/} deleting the words in operative paragraph 6, providing for

^{9/} Ibid., document A/L.384.

^{10/} Ibid., document A/L.384/Rev.1.

the "addition of three members" to the Sub-Committee "to be nominated by the President of the General Assembly". The delegation of Togo requested the addition of its name to the list of sponsors on 29 January 1962.^{11/}

15. Under the revised draft, the General Assembly, having examined the report of the Sub-Committee on the Situation in Angola appointed under resolution 1603 (XV) and convinced that the continued refusal of Portugal to recognize the legitimate aspirations of the Angolan people to self-determination and independence constituted a permanent source of international friction and threatened international peace and security, would: (1) express its appreciation of the work of the Sub-Committee on the Situation in Angola and commend to the Portuguese Government, for urgent consideration and effective implementation, the observations, findings and conclusions set out in the Sub-Committee's report; (2) solemnly reaffirm the inalienable right of the Angolan people to self-determination and independence; (3) deeply deprecate the repressive measures and armed action against the people of Angola and the denial to them of human rights and fundamental freedoms, and call upon the Portuguese authorities to desist forthwith from repressive measures against the people of Angola; (4) appeal to the Government of Portugal to release immediately all Angolan political prisoners wherever they might be held; (5) urge the Government of Portugal to undertake, without further delay, extensive political, economic and social reforms and measures, and in particular to set up freely elected and representative political institutions with a view to transfer of power to the people of Angola; (6) decide to continue the Sub-Committee on the Situation in Angola appointed under resolution 1603 (XV): (a) to continue the performance of its tasks; (b) to study ways and means to secure the implementation of the present resolution and to report thereon to the Security Council and to the General Assembly through the Special Committee of seventeen members established under resolution 1654 (XVI); (7) request the Special Committee of seventeen members established under its resolution 1654 (XVI) to give its most urgent consideration to the question of Angola with a view to the speedy achievement of independence by the people of Angola; (8) request Member States to use their influence to secure the compliance of Portugal with the resolution; (9) request all States Members of the United Nations and members of

^{11/} Ibid., document A/L.384/Rev.1/Add.1.

the specialized agencies to deny to Portugal any support and assistance which may be used by it for the suppression of the people of Angola; (10) request the Government of Portugal to submit a report to the General Assembly at its seventeenth session on the measures undertaken by it in implementation of the present resolution; and (11) recommend to the Security Council, in the light of the Council's resolution of 9 June 1961 and of the present resolution, to keep the matter under constant review.

16. At the 1102nd plenary meeting of the General Assembly, on 30 January 1962, the two-Power draft resolution (A/L.383) was rejected by a roll-call vote of 43 votes to 26, with 32 abstentions.

17. At the same meeting, in respect of the forty-five Power draft resolution (A/L.384/Rev.1 and Rev.1/Add.1), a separate vote was taken on the last phrase of operative paragraph 6 (b), providing that the Sub-Committee should report "through the Special Committee of seventeen members established under resolution 1654 (XVI)". The phrase was rejected by a roll-call vote of 44 to 37, with 20 abstentions. A proposal by the United States of America for a separate vote on paragraph 7 was adopted by 47 votes to 45, with 8 abstentions. The result of a roll-call vote on that paragraph was 44 in favour, 32 against and 26 abstentions. The paragraph was not adopted, having failed to obtain the required two-thirds majority. The draft resolution as a whole, as amended, was adopted by a roll-call vote of 99 votes to 2, with 1 abstention and became resolution 1742 (XVI) (see annex II.c).

B. The position of the delegation of Portugal

18. At the 135th meeting of the General Committee, on 21 September 1961, the representative of Portugal, in objecting on the basis of Article 2, paragraph 7, of the Charter to the inclusion of the item "The situation in Angola" in the agenda of the sixteenth session of the General Assembly, declared that since Angola was an integral part of Portugal, and since Portugal had been admitted to membership in the United Nations as a unified State, the United Nations would exceed its competence by agreeing to the inclusion of the item.

19. At the 1088th plenary meeting of the General Assembly, on 15 January 1962, the representative of Portugal reiterated that the discussion of the item was illegal in view of Article 2, paragraphs 4 and 7, of the Charter. Measures for the maintenance of law and order had been taken in a relatively very small part

of Angola, where "terrorists" infiltrating from a neighbouring country and supported from abroad had altered the traditional peace of the Territory, and where calm had already been restored. The infiltrators might have been joined by 3,000 or 4,000 inhabitants, out of a total Angolan population of 4.5 million. Nothing that Portugal had done in opposing the attackers constituted a threat to international peace and security.

20. With regard to "displaced persons", the representative of Portugal said that the great majority had fled in the first few weeks, long before the arrival of Portuguese forces. Moreover, an almost equal number of refugees had moved southwards inside Portuguese territory. However, tens of thousands of people had already returned to their homes, and the Government of Portugal was fully disposed to give assistance to all those who were still in foreign territory and wished to return.

21. After dealing with the recent overseas reforms applying to Angola, the representative of Portugal declared that Portuguese problems were always solved in accordance with traditional principles, and foremost among those principles were the development and stabilization of a multiracial society.

22. The representative of Portugal criticized the Sub-Committee's report, which, he said, reflected in its methods and conclusions the prejudice that from the very beginning had characterized the discussion of the Angolan question in the Organization. Although the Sub-Committee had been established illegally, in violation of the Charter, his Government had given it all possible co-operation but the Sub-Committee had reached conclusions which were not borne out by facts. The report called for a lengthier reply than that which could be devoted to it in his statement and he would present comments on it in writing. His delegation would not take part in the debate and he entered the strongest possible reservations of his Government in respect of any resolutions which might be adopted.

23. By a letter dated 16 January 1962, the representative of Portugal submitted the promised reply to the Sub-Committee's report in a document entitled "Some comments of the Portuguese delegation to the sixteenth session of the General Assembly of the United Nations on the report of the Sub-Committee on the situation in Angola".^{12/}

^{12/} Ibid., document A/5082.

24. The Portuguese delegation also submitted, by a letter dated 27 January 1962, a document entitled "Comments by the Portuguese delegation concerning the General Assembly debate on the 'situation in Angola'",^{13/} in which it reiterated the Portuguese position in connexion with some aspects of the debate on Angola and with the draft resolutions under discussion.

C. Statement by the Chairman of the Sub-Committee

25. The Sub-Committee considered most carefully the comments of the delegation of Portugal on its report. The allegations made against the Sub-Committee's methods of work were, in the Sub-Committee's view, completely unwarranted. There was nothing in the Sub-Committee's terms of reference that had required it to take, nor had it taken, any a priori position regarding its investigation. At a very early stage it had requested permission to visit Angola in order to carry out an on-the-spot investigation, but the Portuguese Government had denied it access to the Territory. It had therefore had recourse to other procedures likely to bring out the facts about Angola. Its examination of the Portuguese delegation's allegations of errors of fact showed that in many cases they were no more than renewed assertions by the Portuguese Government which conflicted with a considerable body of evidence. In other cases, they appeared to be due to a misreading of the text of the report. The Sub-Committee also noted that in some instances the Portuguese comments, while not denying the facts, disputed the Sub-Committee's interpretation of the facts because it was at variance with the views held by the Government of Portugal.

26. The Sub-Committee noted that the Portuguese delegation's accusations against the integrity of the Sub-Committee had not been supported by any other delegation. It also noted that the debate had been marked by a tone of moderation and a trend towards a new effort to find a solution with the co-operation of the Government of Portugal, as reflected by the forty-five Power draft resolution providing, inter alia, for the continuation of the Sub-Committee. It considered therefore that in the circumstances a public dialogue with the Portuguese delegation could serve no useful purpose and might prejudice future efforts by the Sub-Committee. Accordingly, it decided not to reply at that stage to the Portuguese delegation's "comments" in detail and, instead, its Chairman made a brief, general statement.

^{13/} Ibid., document A/5087.

27. At the 1101st plenary meeting of the General Assembly, on 29 January 1962, the Chairman said that the Sub-Committee had been guided by one main objective, namely to help the Security Council and the General Assembly to clarify a serious and complex situation. That objective required neither explanation nor defence, and there was no reason for dealing with the motives and intentions attributed by the Portuguese delegation to the Sub-Committee. The "comments" reflected the Portuguese Government's attitude of non-co-operation and of not consenting to its official position being subjected to scrutiny in any way. The Sub-Committee, he added, had studied the information it had obtained without giving preference to any source and had made an objective effort to arrive at a comprehensive view of the situation in spite of the fact that the Government of Portugal had denied it access to Angola.

28. Since, in its subsequent correspondence with the Sub-Committee, the Portuguese Government has reiterated its views concerning the methods used by the Sub-Committee in presenting and evaluating information concerning Angola, and has put them forward as the basis for its negative position regarding co-operation with the Sub-Committee, this question is further examined in section III below. In addition, some of the Portuguese delegation's comments on the substance of the Sub-Committee's previous report are examined in part two, section II.

D. Views expressed by other delegations during the debate

29. During the debate on the item "The situation in Angola" at the sixteenth session of the General Assembly, certain views were expressed by other delegations which the Sub-Committee considers significant.

30. On the matter of the competence of the United Nations a large number of representatives expressed the view that previous resolutions on this question, including the Security Council resolution of 9 June 1961 (S/4835), had invalidated the Portuguese assertion that under Article 2, paragraph 7, of the Charter the Organization was not competent to deal with the question. It was also pointed out that, although under an amendment to the Constitution of Portugal in 1954 the overseas territories had been redefined as "provinces", this did not correspond to the realities of the situation, and the so-called provinces continued to be essentially Non-Self-Governing Territories.

31. In addition to numerous references during the debate to General Assembly resolution 1603 (XV), which, it was pointed out, had been adopted by an overwhelming majority, and to the resolution of the Security Council (S/4835) calling upon "the Portuguese authorities to desist forthwith from repressive measures and further to extend every facility to the Sub-Committee", mention was made by some delegations of the binding character of Security Council decisions, and several delegations spoke of the need for the adoption of sanctions against Portugal, including an embargo on arms shipments, either immediately or at a later date, in case of Portugal's continued failure to comply with its obligations under the Charter.

32. Several delegations emphasized that the situation in Angola was a threat to international peace and security and some of them added that, unless the Government of Portugal complied with the Security Council resolution, action should be taken under Article 6 of the Charter.

33. A number of African representatives said that they could not remain indifferent to the fate of fellow Africans; their Governments would do all they could, within the United Nations and outside it, to help the Angolans to achieve independence. If the Organization did not assume all its responsibilities and the Angolan people had no choice but to continue its fight for freedom, the Governments of the independent African States, they said, would have to take concerted action for the defence of the vital interests of Africans.

34. There was virtual unanimity among the speakers that the demand for self-determination could not be stifled by the military measures of the Government of Portugal and there was strong criticism of Portuguese policies and practices. Most speakers considered the recent reforms inadequate, although a few delegations expressed the opinion that such reforms should be regarded as first steps in the right direction.

35. A number of representatives condemned in particularly strong terms the policy of "economic exploitation" which had been pursued by Portugal in Angola in conjunction with forced labour, low cultural and social standards and the total prohibition of political activity. It was emphasized that oppression, more than anything else, had been responsible for the uprising in February 1961. After referring to the refusal of the Government of Portugal to co-operate with the United Nations, the speakers favoured the measures provided for in the two-Power draft resolution (A/L.383) (see paragraph 13 above).

36. The majority of speakers expressed satisfaction with the moderate terms of the forty-five Power draft resolution (A/L.384/Rev.1 and Rev.1/Add.1) (see paragraph 15 above), although some representatives indicated that they had reservations regarding certain paragraphs, particularly in connexion with the question whether the situation was a threat to international peace, as stated in the sixth preambular paragraph, and with the use of the words "repressive measures" in operative paragraph 3.

37. Many delegations emphasized the need for a cease-fire, a general amnesty, the liberation of political prisoners and the setting up of representative political institutions.

38. Most delegations urged Portugal to adjust its policies to realities, recognize the separate personality of Angola and accept and implement the right of Angolans to self-determination and independence.

II. Terms of reference and organization of work

A. Terms of reference

39. The original terms of reference of the Sub-Committee were laid down by the General Assembly in resolution 1603 (XV) of 20 April 1961 and were reaffirmed, in general terms, by the Security Council in its resolution of 9 June 1961 (S/4835) (see annex II, A and B). By resolution 1742 (XVI) of 30 January 1962, the General Assembly decided to continue the Sub-Committee, defining its terms of reference in operative paragraph 6 as follows:

"The General Assembly,

...

"6. Decides to continue the Sub-Committee on the Situation in Angola appointed under General Assembly resolution 1603 (XV);

(a) To continue the performance of its tasks;

(b) To study ways and means to secure the implementation of the present resolution and to report thereon to the Security Council and to the General Assembly;"

40. With respect to its mandate under operative paragraph 6 (a), the Sub-Committee, having regard to other provisions of General Assembly resolution 1742 (XVI), to General Assembly resolution 1603 (XV) and to the Security Council resolution of 9 June 1961 (S/4835), considered that it should concern itself mainly with the following questions:

(a) Disturbances and conflicts in Angola subsequent to the previous report of the Sub-Committee and the extent to which they persist in Angola;

(b) Repressive measures and armed action against the people of Angola undertaken since the submission of that report, with particular reference to operative paragraph 3 of the Security Council resolution of 9 June 1961 and to operative paragraph 3 of General Assembly resolution 1742 (XVI); the refugee situation and the question of political prisoners;

(c) Measures and reforms in Angola, with reference to operative paragraph 1 of General Assembly resolution 1603 (XV), in particular the implementation of reforms introduced by the Government of Portugal, and

to operative paragraph 5 of General Assembly resolution 1742 (XVI), notably in the matter of the establishment of freely elected and representative political institutions with a view to transfer of power to the people of Angola;

(d) The bearing upon international peace and security of the situation in Angola, in the light of the first and third preambular paragraphs of General Assembly resolution 1603 (XV), the fourth preambular paragraph of the Security Council resolution of 9 June 1961 and the sixth preambular paragraph of General Assembly resolution 1742 (XVI);

(e) The question of a peaceful solution in accordance with the Charter, with particular reference to operative paragraph 4 of the Security Council resolution of 9 June 1961.

41. With regard to the functions assigned to it by operative paragraph 6 (b) of resolution 1742 (XVI), the Sub-Committee considered that it should examine such ways and means of securing implementation of the resolution as good offices or other diplomatic approaches, and formal and informal contacts with the Government of Portugal, as well as other ways and means under the Charter and relevant resolutions of United Nations organs, to induce Portugal to give effect to General Assembly resolution 1742 (XVI).

42. In connexion with its work on the problem of Angola, the Sub-Committee bore in mind operative paragraph 10 of General Assembly resolution 1742 (XVI), which recommends the Security Council, in the light of the Council's resolution of 9 June 1961 and of resolution 1742 (XVI), to keep the matter under constant review.

B. Organization of work

43. In continuing to discharge its functions under operative paragraph 6 (a) of resolution 1742 (XVI), the Sub-Committee considered that it should in the first instance proceed with the gathering of information relating to the situation in Angola, including published official and other material from Portuguese sources. It also decided to continue to hold hearings at United Nations Headquarters and elsewhere. At United Nations Headquarters the Sub-Committee heard, in addition to a number of Angolans, persons who had lived or

had recently been in Angola, and persons who were familiar with the situation in Angola or who were in touch with people in Angola. It also received written information from Angolan groups and from a number of non-governmental organizations.

44. Simultaneously with this activity, the Sub-Committee sought, through formal and informal contacts, the co-operation of the Government of Portugal.

45. As in 1961, the Sub-Committee decided that it would be necessary to visit the Congo (Leopoldville) in order to gather up-to-date information from Angolan groups and refugees. In response to the Sub-Committee's request in this regard, the Congolese Government offered its co-operation, and the Sub-Committee visited the Congo (Leopoldville) from 18 to 25 August 1962.^{14/}

46. After hearing the views of Angolan groups at Leopoldville,^{15/} the Sub-Committee visited the areas of Matadi and Thysville along the frontier with Angola in order to obtain up-to-date information from refugees, in particular those who had recently arrived from Angola, regarding the political and military aspects of the situation. In the Thysville area, the Sub-Committee divided itself into two groups which toured separate parts of that area.

47. During its stay in the Congo (Leopoldville), the Sub-Committee had the benefit of contacts with Congolese authorities, representatives of the League of Red Cross Societies, the Congolese Red Cross, and Catholic and Protestant organizations concerned with aid to Angolan refugees. The co-operation received from all of them greatly facilitated the Sub-Committee's work.

^{14/} The following representatives made the journey: Mr. Carlos Salamanca, Chairman (Bolivia), Mr. Ralph Enckell, Vice-Chairman (Finland), Mr. Zakaria bin Jahi Mohamed Ali, Acting Rapporteur (Federation of Malaya), Mr. Maxime-Léopold Zollner (Dahomey), and Mr. El Nur Ali Suleiman (Sudan). They were accompanied by the Secretary of the Sub-Committee.

^{15/} The groups heard, in the order of their first appearance before the Sub-Committee, were the following: People's Movement for the Liberation of Angola (MPLA); National Front for the Liberation of Angola (FNLA); Action Committee for National Union of Cabinda (CAUNC); Movement for the Liberation of the Cabinda Enclave (MLEC); NFO-BAKO party; Movement for the Defence of the Interests of Angola (MDIA). The Sub-Committee also received statements from the following groups: NGWIZAKO; National Union of Workers of Angola (UNTA); The General Confederation of Angolan Workers (CGTA) and the General League of Angolan Workers (LGTA).

48. In studying ways and means of securing the implementation of resolution 1742 (XVI), as required by paragraph 6 (b) of the resolution, the Sub-Committee considered that the terms of the resolutions and the context of the situation required that steps towards implementation should rest in the first instance with the Government of Portugal. With this in view, the Sub-Committee decided to renew its efforts to obtain the co-operation of that Government which it regarded as the most appropriate means of achieving United Nations objectives with respect to the situation in Angola.

49. In that connexion, the Sub-Committee noted in particular that resolution 1742 (XVI) called for certain actions by Portugal, necessary for the fulfilment of some of the Sub-Committee's functions. The General Assembly had addressed itself to the Government of Portugal in the following terms:

"The General Assembly,

...

1. ... commends to the Portuguese Government, for urgent consideration and effective implementation, the observations, findings and conclusions set out in the Sub-Committee's report;

...

3. ... calls upon the Portuguese authorities to desist forthwith from repressive measures against the people of Angola;

4. Appeals to the Government of Portugal to release immediately all Angolan political prisoners wherever they may be held;

5. Urges the Government of Portugal to undertake, without further delay, extensive political, economic and social reforms and measures, and in particular to set up freely elected and representative political institutions with a view to transfer of power to the people of Angola;"

50. With a view to securing Portugal's co-operation in achieving these objectives, the Sub-Committee communicated directly with the Portuguese Government. It also had recourse to the good offices of Members in the best position to influence the Government of Portugal. The efforts of the Sub-Committee to secure the co-operation of the Government of Portugal are described in section III below.

51. In carrying out its task, the Sub-Committee bore in mind the separate purposes for which the General Assembly had continued the Sub-Committee after having established a Special Committee of seventeen members by resolution 1654 (XVI) of 27 November 1961, and a Special Committee on Territories under Portuguese Administration by resolution 1699 (XVI) of 19 December 1961. As they would deal with certain aspects of the Portuguese Government's compliance, in respect of Angola, with General Assembly resolutions 1514 (XV), 1541 (XV) and 1542 (XV), all of which had been recalled in resolution 1603 (XV) under which the Sub-Committee had been established, the Sub-Committee decided to concentrate its attention on the political and security aspects of the situation in Angola, with a view to limiting the extent of overlapping activities and avoiding duplication of work as much as possible.

III. Renewed efforts to obtain the co-operation of the
Government of Portugal

52. In its previous report the Sub-Committee described in detail its efforts in 1961 to obtain the co-operation of the Government of Portugal.^{16/} It expressed its regret that the Government of Portugal had shown unwillingness to co-operate fully with the Sub-Committee, in spite of United Nations decisions and the appeals of a large number of States. The Sub-Committee also emphasized 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. The invitation extended to the Chairman to visit Lisbon for consultations and the subsequent transmittal of some information were regarded by the Sub-Committee as a limited, though hardly satisfactory, response to its attempts to secure Portugal's co-operation.

53. The members of the Sub-Committee, after exchanging views on the Sub-Committee's terms of reference following the adoption of resolution 1742 (XVI) by the General Assembly, considered that in spite of the previous attitude of the Government of Portugal it should renew its efforts to obtain that Government's co-operation.

54. The Sub-Committee considered that, by continuing the Sub-Committee under resolution 1742 (XVI), the General Assembly had afforded a new opportunity for finding a peaceful solution for the problem of Angola. With that in mind, the Sub-Committee sought the good offices of a number of delegations which were asked to use their influence to facilitate the work of the Sub-Committee. It also emphasized the positive spirit in which it intended to make a formal approach to the Government of Portugal.

55. On 5 March 1962, the Sub-Committee addressed the following letter to the Minister for Foreign Affairs of Portugal:

"The General Assembly having decided by resolution 1742 (XVI) to continue the Sub-Committee on the Situation in Angola, I have the honour, on its behalf, to express the hope that it will receive the co-operation of the Government of Portugal in the accomplishment of its tasks.

^{16/} Official Records of the General Assembly, Sixteenth Session, Supplement No. 16 (A/4978), paras. 58-71.

"Your Government will certainly be aware of the fact that willingness on its part to extend such co-operation is now of even greater importance than before.

"The Sub-Committee firmly believes that through its continuation the General Assembly has afforded a new opportunity for joint and constructive efforts towards the solution of this highly important matter and that the general circumstances now prevailing urgently necessitate immediate and effective action.

"The Sub-Committee therefore looks forward to examining together with representatives of the Government of Portugal the forms in which your Government's co-operation could best take place and the areas in which it could begin.

"The Sub-Committee hopes that the Government of Portugal will respond to this invitation in the positive spirit in which it has been made."

56. On 16 March 1962, the Minister for Foreign Affairs of Portugal addressed the following letter to "Ambassador Carlos Salamanca, United Nations":

"1. I have the honour to refer to your letter of 5 March 1962 which was transmitted on behalf of the Sub-Committee on the Situation in Angola, and in which the Portuguese Government's co-operation in the work of the Sub-Committee is requested.

"2. In view of the repeated expression of the wish to secure Portuguese co-operation, the Portuguese Government recalls that it extended broad co-operation to the Sub-Committee in July 1961. Information on Angola was supplied covering all subjects, accompanied by extensive documentation, and based on official and objective facts and material on which the Portuguese State itself is working, and on which no doubts could be entertained. From the report prepared since that time by the Sub-Committee it was found that these data had been deliberately falsified and either cut in a tendentious fashion or else completely ignored, for the Sub-Committee preferred to base its conclusions on anonymous testimony. The Portuguese Government consequently feels bound to observe that the Sub-Committee has departed from the objectivity and strictness of appraisal incumbent upon it; moreover it is convinced that the aims adopted by the Sub-Committee prevent it from working impartially and objectively. In the circumstances the Portuguese Government, being unable, as any responsible Government would be, to allow its word and the material supplied by it to be arbitrarily impugned or denied, considers that any co-operation on its part would be futile and purposeless.

"3. Without prejudice to the foregoing, should the Sub-Committee request additional information on a specific problem or fact, the Portuguese Government is prepared to examine any such request on its merits."

57. Taking into account the tone and the terms of paragraph 2, and the unacceptable stipulations in paragraph 3, of the Foreign Minister's letter, the Sub-Committee did not wish to consider it as being a reply to its request and conveyed this to the Portuguese Government through diplomatic channels at its disposal. At the same time, it did not wish to abandon efforts to secure the Portuguese Government's co-operation. Accordingly, the Sub-Committee took new steps to determine whether there was still any possibility of securing the co-operation necessary for the accomplishment of its tasks.

58. Through the same informal channels the Sub-Committee conveyed to the Government of Portugal the view that the matters dealt with in paragraph 2 of the Foreign Minister's letter of 16 March 1962 should be regarded as closed by the Chairman's statement at the 1101st plenary meeting of the General Assembly and by the adoption of resolution 1742 (XVI), which, in the opinion of the Sub-Committee, offered a new opportunity for joint and fruitful action towards a peaceful solution in Angola.

59. On 16 May 1962 the Sub-Committee addressed another letter to the Minister for Foreign Affairs of Portugal. This letter read as follows:

"I have the honour to refer to the letter of 5 March 1962 from the Sub-Committee on the Situation in Angola requesting your Government's co-operation in its work and pointing out that such co-operation was of even greater importance than before.

"The co-operation of Portugal has now become a matter of extreme urgency. Recent developments in Angola and elsewhere in Africa have further emphasized the significance which must be attached to resolution 1742 (XVI) and the need for progress towards a peaceful solution.

"Fully aware of its responsibilities and wishing to maintain the positive spirit in which it approached the Government of Portugal, the Sub-Committee would like, as soon as feasible, to discuss with representatives of the Government of Portugal, wherever convenient, arrangements for the receipt and gathering, by the Sub-Committee, of information relevant to the accomplishment of its tasks. In this connexion, the Sub-Committee recalling its request for a visit to Angola would appreciate knowing your Government's present position on such a visit.

"The Sub-Committee is highly desirous of finding ways and means which might speedily lead to positive results, and would carefully consider any suggestions which your Government may wish to make."

60. In reply, the Minister for Foreign Affairs of Portugal addressed the following letter dated 21 June 1962 to the Acting Chairman of the Sub-Committee:

"1. I have the honour to refer to your letter of 16 May 1962, which was transmitted on behalf of the Sub-Committee on Angola and which reiterates the request made in the letter of 5 March 1962 with a view to obtaining the co-operation of the Portuguese Government in the Sub-Committee's work.

"2. In its letter of 16 March 1962, addressed to the Chairman of the Sub-Committee, the Portuguese Government has already had occasion to express its point of view concerning the request made to it in the Sub-Committee's earlier letter, and since it is not aware of any grounds which could or should justify a different approach, it considers that the reasons set forth at that time retain their validity and regards them as reproduced here.

"3. However, your letter, to which this is the reply, contains a number of new observations on which the Portuguese Government deems it appropriate to make the following comments.

"4. You state that the co-operation of Portugal in the work of the Sub-Committee has now become a matter of the utmost urgency. The Portuguese Government is not aware of the reasons for this sudden urgency, nor does it see why such urgency should be attached to a new effort at co-operation on the part of Portugal, which would necessarily have to be of a more limited nature as compared with the ample co-operation which the Portuguese Government gave in 1961 and which the Sub-Committee ignored.

"5. You also point out that recent developments in Angola and elsewhere in Africa have emphasized the significance of resolution 1742 (XVI) and underlined the need for a peaceful solution. Since the situation in Angola is a situation of complete peace, of order and normalcy, the Portuguese Government fails to understand what recent developments the Sub-Committee has in mind, or what problems should be given a peaceful solution in a territory which is at peace. As to events elsewhere in Africa, it may be said that they are a matter of irrelevance to both the Sub-Committee and the Portuguese Government. If, however, the Sub-Committee intends to deal with them, the Portuguese Government regrets that it is not qualified to furnish any co-operation.

"6. You express the desire of the Sub-Committee to meet with Portuguese representatives in order to discuss with them means of obtaining information needed for the Sub-Committee's work. In this connexion, I would inform you that the Portuguese Mission to the United Nations will be at the disposal of the Sub-Committee for this purpose and has already received the appropriate instructions to this effect, and in the spirit of paragraph 3 of my letter of 16 March 1962 will give the Sub-Committee all the co-operation it may request.

"7. With regard to the request for authorization for a visit to Angola by the Sub-Committee as such, the Portuguese Government has already defined its attitude and sees no reason for changing it, especially in view of the spirit in which the Sub-Committee prepared its report.

"8. As your letter invites the Portuguese Government to make any suggestions it may deem useful, I take the liberty of suggesting, first, that the Sub-Committee take cognizance of the official report of the International Labour Organisation, drawn up by an international commission appointed by it and consisting of Senegal, Uruguay and Switzerland, which exhaustively investigated the social and labour conditions in Angola, and, secondly, that it examine the Portuguese legislation published in the course of the last two years, which is available in the library of the Organization."

61. As before, the Sub-Committee did not permit itself to be drawn into polemics or diverted from its tasks by the tone of the Portuguese Foreign Minister's letter. It decided to make a further effort to obtain the Portuguese Government's co-operation and, with that in view, it invited the Permanent Representative of Portugal to a meeting of the Sub-Committee for the purpose of discussing subjects of common interest. This approach, too, proved unsuccessful, when the Permanent Representative of Portugal declined the invitation indicating that, as he interpreted his instructions, his only task was to be at the disposal of the Sub-Committee for the purpose of transmitting to his Government requests for information within the purview of paragraph 3 of the Foreign Minister's letter of 16 March 1962.

62. Although mindful of the fact that earlier formal exchanges with the Government of Portugal had failed to obtain its co-operation and without accepting in any way the reservations in paragraph 3 of the Foreign Minister's letter of 16 March 1962, the Sub-Committee decided to request information on certain specific questions on which it had to report to the Security Council and the General Assembly. The Sub-Committee, while refraining, as in the past, from entering into any controversy concerning its work, also decided that it should reassert its position with regard to the need for the full co-operation of the Government of Portugal and to the matter of a visit by the Sub-Committee to Angola. Accordingly, on 13 July 1962, the Sub-Committee addressed the following letter and an "Outline of information required by the Sub-Committee" to the Permanent Representative of Portugal:

"I have the honour to refer to formal and informal exchanges on the question of co-operation of the Government of Portugal in the work of the Sub-Committee.

"The Sub-Committee does not wish to dwell on the views and the attitude of the Government of Portugal regarding its work. Given the limitations imposed on it by the Government of Portugal in refusing its facilities for

verifying and gathering information on the spot in Angola, the Sub-Committee is convinced that it has made every effort to carry out its difficult functions as impartially as possible.

"Believing that it must, as before, explore every possibility of securing your Government's assistance and co-operation in the implementation of its task, the Sub-Committee has decided to request your Government to supply it with information within the framework of the outline forwarded herewith. The Sub-Committee would trust that this information will be promptly supplied. At the same time the Sub-Committee wishes to stress again the need for a visit by the Sub-Committee to Angola to verify information and gather additional data.

"The Sub-Committee has been conscious of the contribution it could make to a peaceful solution in Angola with the co-operation of the Government of Portugal. It has patiently worked for such co-operation at every stage of its work. It continues to hope that the Government of Portugal would realize the value to all concerned of a report by an international body that is given full and timely facilities for carrying out its functions.

"In order to discharge its mandate and report to the General Assembly and the Security Council, the Sub-Committee indeed regards it as a matter of extreme urgency that your Government's co-operation should be extended to it in terms of the relevant resolutions, particularly operative paragraph 3 of resolution S/4835, calling upon the Portuguese authorities to extend every facility to the Sub-Committee.

"It will be noted that the Sub-Committee under its terms of reference is primarily interested in information relating to political and security matters as defined in the attached outline. The Sub-Committee would, therefore, appreciate it if information furnished by the Government of Portugal on other developments would be confined to their direct effects on such political or security aspects of the situation.

"OUTLINE OF INFORMATION REQUIRED BY THE SUB-COMMITTEE

"I. Information on developments subsequent to the report of the Sub-Committee of 13 November 1961 relating to armed action and other related measures covered under the relevant provisions of General Assembly and Security Council resolutions (1603 (XV), S/4835, 1742 (XVI)). In particular:

- (a) Circumstances of and means for such action or measures. Aerial operations; targets and scope of operations.
- (b) Present situation with regard to order and security in Angola. Armed action still being taken. General policy of the Government of Portugal and principal means being used in dealing with the situation.

"II. Information on movements of refugees since the outbreak of disturbances:

- (a) How many have left Angola;
- (b) What steps have been taken by the Portuguese authorities to arrange for their return;
- (c) How many refugees have returned to Angola; and when.

"III. Information on the action taken or contemplated by the Government of Portugal with reference to operative paragraph 4 of resolution 1742 (XVI). In particular:

- (a) Political prisoners released following the adoption of the resolution.
- (b) Political prisoners still being held inside or outside of Angola. If any, information on measures provided for keeping the families of prisoners informed of their whereabouts and circumstances.
- (c) Executions of political prisoners, if any.
- (d) Question of a political amnesty.

"IV. Information on the action taken or contemplated by the Government of Portugal with reference to operative paragraph 5 of resolution 1742 (XVI). In particular:

- (a) Actual administration and political implications of reforms introduced by the Government of Portugal which were mentioned in the Sub-Committee's report.
- (b) Question of further reforms undertaken and steps, if any, on the setting up of institutions with a view to transfer of power to the people of Angola.
- (c) Present position of the Government of Portugal with regard to operative paragraph 5 of resolution 1742 (XVI).

"V. Information on the action taken or contemplated by the Government of Portugal with reference to operative paragraph 4 of Security Council resolution S/4835 and other relevant United Nations resolutions. In particular:

- (a) Steps that have been taken or are contemplated to reach a solution by peaceful means.
- (b) Present position of the Government of Portugal on the question of discussing with representatives of Angolan groups ways and means of transferring power to the people of Angola."

63. On 7 August 1962, the Chairman of the Sub-Committee received a letter dated 4 August 1962 from the Permanent Representative of Portugal to the United Nations which read as follows:

"1. Acting on instructions received, I have the honour to transmit my Government's reply to the communication of 13 July 1962, which, although it omits any reference to them, appears to constitute a reply to the letters sent to you by the Portuguese Government on 16 March and 21 June 1962.

"2. In that communication, you request, on behalf of the Sub-Committee of which you are Chairman, some additional information. Within the spirit of paragraph 3 of its letter of 16 March and paragraph 6 of its letter of 21 June, the Portuguese Government has no hesitation in providing you with clarifications which may prove useful. Before doing so, however, I should like to comment on the aforesaid communication of 13 July.

"3. The Portuguese Government is not aware of its having imposed any restrictions or limitations on the Sub-Committee in the gathering of factual information concerning Angola. In this connexion, it is recalled once again that the most comprehensive and detailed information was provided on all aspects of the life and administration of that territory. The Sub-Committee has never considered it even possible to deny this fact. However, if the limitations you mention are alleged to relate to the verification of the information supplied, the Portuguese Government deems it its right and duty to observe that it finds it inadmissible for the Sub-Committee or any other organ to question, or presume to check the accuracy of, official data of the Portuguese State, which it uses in its work and on which it bases its political and administrative decisions. This surely not being the intention of the Sub-Committee, the Portuguese Government fails to see what is meant by the reference to limitations, which have never existed.

"4. You also state that the Sub-Committee desires to carry out its functions as impartially as possible. Without wishing to cast doubt on this intention, the Sub-Committee appears to have been prevented from pursuing it for reasons or factors unknown to the Portuguese Government. The Portuguese Government regrets that this should have happened and that, as the Sub-Committee's last report demonstrates, it was unable to produce an objective piece of work. There is no desire to repeat what was said in this connexion in the letter of 16 March. However, the Portuguese Government cannot but observe that, for the Sub-Committee, impartiality appears to mean gathering and accepting all the information transmitted to it and treating everything on an equal footing, whether it is provided by the Portuguese Government or whether it comes from anonymous or irresponsible foreign sources, whose tendentiousness is, moreover, well known, while it belittles or intentionally ignores the former in favour of the latter. The Portuguese Government cannot accept such a concept of impartiality.

"5. As further evidence of its good will, the Portuguese Government is providing the following additional information:

(a) The situation in the territory of Angola must be considered peaceful and normal. No military operations are being undertaken; all that is taking place are limited police actions in the small area that had been affected by terrorism. The other aspects of this problem mentioned by the Sub-Committee therefore do not apply.

(b) When the terrorist penetration occurred, many inhabitants were able to save themselves only by fleeing to the south and availing themselves of the protection of the small forces existing at the time, or to the north and seeking refuge in foreign territory (ex-Belgian Congo). International organizations, such as the Red Cross and the High Commissioner's Office for Refugees, estimated their number as approximately between 140,000 and 150,000. Of these, some 80,000 have returned to Angola. The Portuguese authorities have established reception centres along the frontier which have received and will continue to receive all those who may wish to return and will treat them and direct them to their localities. It is believed that all of them would have already come back to Angola had obstacles not been placed in the way of their return, obstacles which have no connexion with the Portuguese authorities or Portuguese policy.

(c) No persons are in custody for political crimes; the only persons in custody are those held for common crimes. No executions have been carried out or could be carried out, because the death penalty is not permissible under the Constitution of the Portuguese Republic.

(d) The information previously supplied, the position stated by the Portuguese Government on more than one occasion, the legislative measures promulgated and the administrative action taken in the last twelve months of themselves clarify the remaining doubts raised by the Sub-Committee. In this connexion, reference is made to the suggestions in paragraph 8 of the letter of 21 June 1962, in which, however, the Sub-Committee appears to have shown no interest.

I have the honour to be, etc."

64. The Sub-Committee, in raising in its letter of 5 March 1962 the question of co-operation in general terms, had hoped that by emphasizing to the Government of Portugal the positive spirit in which it had decided to renew its activities, it would elicit a corresponding response. However, the Minister for Foreign Affairs of Portugal devoted almost the whole of his letter of 16 March to a reiteration of criticism of the Sub-Committee's previous work, including charges of lack of objectivity and partiality on the part of the Sub-Committee.

65. The Portuguese Government's essentially negative position on the question of co-operation with the Sub-Committee was maintained throughout its subsequent communications. In his letter of 21 June 1962, the Minister for Foreign Affairs stated that his Government was not aware of any grounds which could or should justify a different approach. Although the Sub-Committee, in its letter of 13 July, raised again the question of co-operation of the Government of Portugal with the Sub-Committee and declared this matter to be of extreme urgency, the Permanent Representative of Portugal, in his letter of 4 August, failed to give any answer or make any reference thereto.

66. Furthermore, it must be noted that the Government of Portugal, during the period under review, has consistently refused to accept the Sub-Committee's representation that a visit to Angola was important for the implementation of its mandate. After having requested, in its letter of 5 March 1962, the co-operation of the Government of Portugal in general terms, the Sub-Committee, in spite of the Portuguese letter of 16 March, considered it necessary, in its letter of 16 May, to attempt to find out where that Government then stood on the question of a visit to Angola by the Sub-Committee. In its reply of 21 June, the Government of Portugal stated that it saw no reason for changing its attitude in that connexion. Nevertheless, the Sub-Committee, in drafting its communication of 13 July, regarded the matter of a visit to Angola as being of such importance as to warrant a new explicit reference to its need. This question, however, was one of several which were not answered by the Permanent Representative of Portugal in his letter of 4 August.

67. It is ironical to find that, in one of the very letters refusing the Sub-Committee permission to visit Angola, the Foreign Minister commends to the Sub-Committee's attention the report of a commission of the International Labour Organisation which had received from the Portuguese Government all the facilities it had required for its investigation.

68. While the position of the Government of Portugal on the question of a visit to Angola was as before highly prejudicial to the Sub-Committee's work, it only reaffirmed an attitude adopted during the previous year. That, however, was not the case with regard to the supply of information. The Portuguese Government's offer in that respect, made on the purely conditional basis outlined in paragraph 3 of the Foreign Minister's letter of 16 March 1962, constituted

a retreat from the limited co-operation previously extended to the Sub-Committee. That position was maintained in both the Foreign Minister's letter of 21 June and the Permanent Representative's letter of 4 August.

69. How unsatisfactory the Portuguese Government's co-operation has actually been may be seen from the information supplied by the letter of 4 August, which consisted almost entirely of general assertions conflicting with reliable evidence, of statements that the questions were not relevant, or of denials based on legal definitions, while leaving unanswered a number of questions, including those relating specifically to aerial operations, the dates on which refugees had returned to Angola, the actual administration and political implications of reforms, and the present position of the Government of Portugal on the question of discussing with representatives of Angolan groups ways and means of transferring power to the people of Angola.

70. Just as the position of the Government of Portugal regarding co-operation remained substantially as defined in the Foreign Minister's letter of 16 March 1962, the reasons there given for its position, namely the alleged bias and lack of objectivity of the Sub-Committee, were repeated in the subsequent correspondence. In his letter of 21 June, the Foreign Minister responded to the Sub-Committee's renewed appeal for co-operation as a matter of extreme urgency by stating that the reasons for the attitude of his Government set forth in his letter of 16 March should be regarded as "reproduced" in the new communication. Similarly, the Permanent Representative of Portugal, in his letter of 4 August, again repeated earlier contentions regarding the Sub-Committee's alleged lack of impartiality. Regrettable as such utterances were in themselves, they reflected a more serious fact, from the point of view of the Sub-Committee's mandate, namely that they were being used as a justification for the refusal, in principle, to extend the necessary co-operation to the Sub-Committee.

71. The Sub-Committee has no doubt that the real basis for Portugal's attitude continues to be its fundamental position that the United Nations is not competent to deal with the question of Angola and that, as the Permanent Representative of Portugal had stated in his letter of 20 June 1961:

"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". 17/

72. However, inasmuch as the Portuguese Government has formally contended, throughout the period under review, that it has adopted a negative attitude because the Sub-Committee was not objective in its previous report and is not impartial, it seems necessary to deal with that contention.

73. In effect, the Government of Portugal has taken the position that the Sub-Committee could have prepared an objective report without visiting Angola by accepting without question the official data of the Portuguese Government regarding that territory and rejecting any information from other sources which conflicted with those data. In other words, after denying the Sub-Committee any opportunity to observe the situation on the spot, the Government of Portugal considered itself entitled to expect the Sub-Committee to adopt as its own the description of the situation offered by the Government. This position was affirmed in the Foreign Minister's letter of 16 March 1962, stating that the Portuguese Government was "unable, as any responsible Government would be to allow its word and the material supplied by it to be arbitrarily impugned or denied", and again in the letter of 4 August 1962, in which the Portuguese Government "finds it inadmissible for the Sub-Committee or any other organ to question, or presume to check the accuracy of, official data of the Portuguese State".

74. In addition to thus defining its own concept of objectivity and impartiality, the Portuguese Government has indicated what it considers the Sub-Committee's concept to have been. In paragraph 4 of the letter of 4 August 1962, the Portuguese Government observes that "for the Sub-Committee, impartiality appears to mean gathering and accepting all the information transmitted to it". While the Sub-Committee did not, of course, "accept" all such information, the "gathering" of the fullest information possible was an important part of its work as an organ entrusted, under the relevant resolutions, with powers of inquiry.

75. The Sub-Committee's information on the various aspects of the situation in Angola had been obtained from many sources, including persons directly concerned with the situation. It had subjected that information to careful analysis, testing it for coherence and authenticity before reproducing it in its report. That process had inevitably resulted in the omission from the report of

many charges and accusations, most of them directed against the Government of Portugal, which the Sub-Committee found to be far-fetched or insufficiently established. The Sub-Committee dealt with the information supplied by the Government of Portugal with the same objectivity, accepting it when it was not opposed by contrary evidence or had been insufficiently challenged, questioning it where it was at variance with well-established facts, and reproducing it together with the conflicting evidence in doubtful cases. The Sub-Committee has never taken the view that all information provided by the Government of Portugal needs verification. But where the data provided by Portugal were inconsistent with known facts or where they were contradicted by reputable persons or reliable evidence, the Sub-Committee, under the circumstances created by Portugal's refusal to allow it to visit Angola, had to draw its own conclusions, or at least to present the conflicting information to the Members of the General Assembly and the Security Council for their evaluation.

76. Another of the Portuguese Government's complaints was that some of the Sub-Committee's sources were not identified. The Sub-Committee considered that it had to protect the identity of witnesses who said that they feared reprisals. However, in evaluating the evidence given, the Sub-Committee has always borne this element in mind and, indeed, has disregarded a good deal of information from witnesses who, it considered, might be exploiting their position of anonymity.

77. The Sub-Committee has spared no effort to secure the Portuguese Government's co-operation in the implementation of the relevant resolutions of the General Assembly and the Security Council. In renewing its efforts to obtain that co-operation, the Sub-Committee was too conscious of the contribution it could make towards peace in Angola with the co-operation of Portugal to permit even lack of courtesy to divert it from its task and it has patiently worked for that co-operation ever since its mandate was renewed.

78. The Sub-Committee failed, however, to convince the Government of Portugal of its obligation to extend full co-operation. It considers that this negative attitude, whether based on gratuitous charges regarding the Sub-Committee's integrity or on the Portuguese Government's interpretation of certain provisions of the Charter, is without foundation and constitutes an open challenge to the authority of the United Nations.

PART TWO

THE DEVELOPMENT OF THE SITUATION

I. Armed action and repressive measures

79. With respect to the events which led to the consideration by the Security Council and the General Assembly of the situation in Angola, the Sub-Committee in its previous report dealt, inter alia, with the question of compliance with operative paragraph 3 of the Security Council resolution of 9 June 1961 (S/4835), calling upon the Portuguese authorities to desist forthwith from repressive measures. The Sub-Committee noted with regret that at the time of the presentation of its report to the sixteenth session of the General Assembly, complaints of harsh repression were continuing.^{18/}

80. In operative paragraph 3 of resolution 1742 (XVI), the General Assembly deprecated "the repressive measures and armed action against the people of Angola" and called, in its turn, on the Portuguese authorities to desist forthwith from repressive measures against the people of Angola.

81. The Sub-Committee had pursued its inquiries with a view to determining whether repressive measures and armed action have continued in Angola. In this connexion, the Sub-Committee recalls that in its previous report it noted an assertion made by the Portuguese authorities in October 1961 that the military operations in Angola had fulfilled their objectives.^{19/} The Sub-Committee indicated, however, that, in spite of that assertion, reports of the degree of control exercised by the authorities outside population centres and strategic locations were conflicting, and that the Sub-Committee had received no information to indicate that the nature of the situation had basically changed or that rebel influence had waned.

82. The information subsequently gathered by the Sub-Committee indicates that armed action has continued and has varied in intensity during the period under consideration.

83. During the final months of 1961, Portuguese sources reported rebel activity inter alia in the areas of Noqui and Maquela do Zombo; Damba and Quimbele;

^{18/} Ibid., para. 135.

^{19/} Ibid., para. 110.

Mucanda, Bessa Monteiro and Sanza Pombó; Zala (Quimbumbe), Carmona and Ngage; Nambuanguongo and Quitexe.

84. Although there was an abatement of military activity in November 1961, and the rebels conceded that their forces had been weakened by a Portuguese counter-offensive, they claimed that the seasonal rains would restrict Portuguese movements and that rebel forces would regroup and return to the offensive. Early in December 1961 it was announced from Lisbon that fighting with "terrorist bands" had resumed in northern Angola.

85. There were many reports during January 1962 of rebel initiatives in attacking army patrols and of Portuguese offensive actions such as the destruction of rebel encampments in some of the areas already indicated. In February 1962, foreign press correspondents in Luanda again reported that the rebels were launching attacks. The Sub-Committee subsequently received information that the renewal of rebel activities in February had been made possible by the arrival of arms at strategic points.

86. Two witnesses who had visited northern Angola early in 1962, and who were considered by the Sub-Committee to be reliable, challenged Portuguese claims that the rebellion was under control. The revolt, they said, had by no means ended. After walking across the border from the Congo (Leopoldville), they had stayed in the area of northern Angola for one and a half weeks and had found that the principal organization conducting the revolt in that area had organized its forces into small, mobile units suited to guerrilla warfare. The rebels had established rudiments of government, including forms of political and civil administration, in a substantial area under their control with the exception of the larger population centres. The visitors had also witnessed a certain amount of bombing by the Portuguese Air Force.

87. There were many reports of new tactics being employed by the rebels during the rainy season. Instead of mass assaults, they were said to be carrying out brief sharp attacks, laying ambushes and then dispersing into the forest. Meanwhile, apart from pursuit operations, government forces were reported to have repulsed rebel attacks near Noqui and Carmona, and to have dislodged a group of rebels established in the Quitoque Hills.

88. A new, substantial exodus of refugees to the Congo (Leopoldville) during April 1962 seems to have resulted from the opening of a major Portuguese

offensive designed to pacify northern Angola by force of arms (see paragraph 123 below). Makeshift villages in the forest, where tens of thousands of people had been hiding for as long as one year after the outbreak of the rebellion in February-March 1961 were, and apparently are still being, continually strafed and bombed by the Portuguese Air Force. The Sub-Committee heard eyewitness accounts of the indiscriminate destruction of habitations and cultivated plots through incendiary bombs, variously described as "napalm" bombs and "gasoline" bombs, and of casualties inflicted by explosive and fragmentation bombs on the civilian population that had taken refuge in the forest. The Sub-Committee heard persons who said they had been victims of these attacks.

89. A foreign journalist, who witnessed an air bombardment in March 1962, pointed out that, while the rebels were almost defenceless against air attacks, damage or casualties were limited by the fact that targets were hard to locate owing to the denseness of the forest in which the habitations had been built, sometimes on the site of abandoned villages buried in new growth. However, those living in the forest had to come out into the open in order to cultivate their fields and it was then that they were most exposed to attack. The Sub-Committee heard of one case in which a group of eighteen women were killed in an air raid while working their plots.

90. Sources of information available to the Sub-Committee indicated that, although the Portuguese Air Force was engaged in indiscriminate bombing, the number of resulting casualties was no longer as high as might be expected, partly because the population had learnt by experience to take certain protective measures. Nevertheless, there is evidence that the air operations have caused many casualties and heavy property damage, and have played a significant part in terrorizing Angolans, inducing many of them to come out of hiding and surrender or to seek refuge abroad. On the minds of the refugees who had been exposed to the Portuguese air raids, particularly the children, such experiences seemed to have had lasting effects.

91. The Sub-Committee received information that the air attacks were often preceded by the dropping or posting of leaflets warning the inhabitants to come out of the forest.^{20/}
92. From February to the early part of June 1962 official communiqués and the Portuguese Press regularly reported in considerable detail and with geographical references the military operations of the Portuguese Army, which were often supported by the Air Force.
93. From the rebel side, there have been numerous reports of ambushes and successful attacks on Portuguese patrols, convoys and arms. According to communiqués of the Army of National Liberation of Angola (ELNA), made public at Leopoldville, Portuguese losses of ten to thirty men in single ambushes were not

^{20/} The Sub-Committee is in possession of a copy of such a leaflet. It reads as follows:

"Command of Battalion No. 159

"Inhabitants of the Colonato of the Vale do Loge.

"Take advantage of the last opportunity given you.

"Return to the colonato in peace. Your lives are guaranteed to you. Return to your homes. Come to work for your elevation and progress. The Commandant of the troop guarantees your protection. You will be going to take possession of what is yours.

"Leave the bandits who are deceiving you. Many groups have already surrendered; Pedro Tumissungo Cardoso will tell you how the troop is treating your brothers.

"Your church is respected. The troops are friends. Come in peace. God will help you. Appear up to the end of the 27th during daylight at the colonato by the Toto road.

"Come in groups of ten with a white flag.

"Surrender weapons as a sign of peace.

"The Commander of the Troop,
Abilio Gonçalves Dias,
Infantry Major."

uncommon. There have also been claims of successful attacks on farms and, again, more recently on post and telecommunications offices.

94. A marked decline in ground operations was indicated in June 1962. On 8 June 1962 a Portuguese communiqué stated that "terrorist" activity in Angola had practically ceased and that the army was now limiting itself to patrolling and to the liquidation of "small nuclei of resistance still existing in the area". It was, however, pointed out that the rebels continued to hold certain areas close to the border of the Republic of the Congo (Leopoldville).

95. Continued references to military operations, as well as a statement on 14 June 1962 by a Portuguese spokesman that "terrorism is beaten but still not eliminated", indicated, however, that, by the authorities' own appraisal, the security situation had only changed in degree and had not completely returned to normal. Indeed, the rebels were not even altogether desisting from offensive operations. On 21 July, a Portuguese newspaper again reported on "limited" activity of the rebels. Other Portuguese reports in July gave more detailed accounts of armed clashes. While it was emphasized that Portuguese armed forces were "dominating the situation", it was announced that operations were continuing close to the northern frontier since "neutralized terrorist bands" were still hiding in the bush.

96. Portuguese military sources often mentioned units of armed "volunteers" engaged in construction work who had participated in clashes with the "terrorists", either by joining in offensive operations or bearing the brunt of attacks while regular forces were being summoned. Although these units were apparently made up largely of Europeans, the Sub-Committee was informed that some Africans from southern and central Angola had been induced to come north in the hope of acquiring abandoned land. Once in the area of hostilities, it was said, the Africans were often thrown into the vanguard of operations against the rebels.

97. Nationalist sources concede that their military activities are now limited entirely to guerrilla operations. Though small centres of civilian population have been at various times under their control, they now limit themselves to brief attacks on small Portuguese garrisons or patrols caught by surprise, convoys on the main roads, and isolated farms and administrative buildings, after which they quickly disperse and disappear into the bush. The Portuguese forces normally reply by heavy aerial bombing of the bush in the vicinity of the scene of the attack and by dispatching commandos in pursuit. They often report having discovered and

levelled camps or other installations, seized or destroyed documents, arms and other military equipment, stocks of food and medicines, and ruined agricultural plots which might be of use to the rebels. An eyewitness told the Sub-Committee that, in addition to air attacks, some villages in rebel areas were completely destroyed by Portuguese ground forces, either by burning or by crushing in the huts. There is also evidence that the activities of the Portuguese forces include the ambush and pursuit of refugees as they move towards the border with the Congo (Leopoldville). The Sub-Committee heard survivors of a group of Angolans, men and women, which had been thus intercepted and had suffered fatal casualties.

98. Heavy air attacks against rebels hiding in the forest have repeatedly been confirmed by Portuguese authorities. In addition to the many official communiqués mentioning such attacks, the Portuguese press has carried numerous articles, particularly since May of the current year, praising the achievements of the Portuguese Air Force, which is counted on to contain the rebellion and to "neutralize" any attempt at large-scale operations by the "enemy". More recently, the Portuguese forces seem to be relying more than ever on air operations to overcome problems resulting from a shortage of manpower and from difficult terrain. The importance of air operations was particularly emphasized at the time of a tour of Angola by the Secretary of State for Aviation, Col. Kaulza de Arriaga, during the month of June 1962, and in spite of the virtual discontinuance of formal communiqués during that month, there were numerous reports of air exercises and combat missions.

99. In paragraph 5 of his letter of 21 June 1962, the Portuguese Minister for Foreign Affairs informed the Sub-Committee (see paragraph 60 above) that:

"Since the situation in Angola is a situation of complete peace, of order and normalcy, the Portuguese Government fails to understand what recent developments the Sub-Committee has in mind, or what problems should be given a peaceful solution in a territory which is at peace."

100. Later, in paragraph 5 of the letter of 4 August 1962 from the Permanent Representative of Portugal (see paragraph 63 above), the Portuguese Government said the following:

"The situation in the territory of Angola must be considered peaceful and normal. No military operations are being undertaken; all that is taking place are limited police actions in the small area that had been affected by terrorism."

101. From the information available to it, the Sub-Committee concludes that military operations, including intense aerial activities, have continued during the period under review. Some of these operations have taken place in the immediate vicinity of the border between Angola and the Congo (Leopoldville), and the Congolese authorities have complained of certain violations of the border. The Sub-Committee notes that, as late as 13 September 1962, the Portuguese military command at Luanda reported on an action of considerable scope - "Operation North Wind" - in the Nova Caipemba area. It was indicated that heavy losses had been inflicted in a surprise attack on "enemy" concentrations, that thereafter many had fled to reinforced positions where they had resisted attacks by Portuguese troops and police, supported by the Air Force, that much war material had been seized, as well as documents containing plans for future attacks.

102. The same communiqué emphasized the fact that "Operation North Wind" had not been the only one of its kind during the period when no communiqués were issued. The communiqué added that "the Army in Angola is permanently in action, although this action is nearly always not very remarkable or spectacular". Those who complained about the lack of military news were asked to bear in mind that "in the kind of struggle in which the Army is engaged, the operations have to be surrounded by the greatest discretion because surprise is often more important than force itself".^{21/}

103. On the basis of its investigation, including the study of reports from Portuguese sources, the Sub-Committee cannot accept the assertion of the Portuguese Minister for Foreign Affairs in June 1962 that "the situation in Angola is a situation of complete peace, of order and normalcy" or the assertion in August 1962

^{21/} Diario de Noticias, 14 September 1962.

that "the situation ... must be considered peaceful and normal". Nor can the Sub-Committee accept the definition of current operations as being in the nature of "limited police actions".

104. Irrespective of the extent of casualties suffered by the Portuguese forces,^{22/} the guerrillas and the non-fighting population, the Sub-Committee cannot regard the continuing military operations, particularly the operations of the Portuguese Air Force, as coming within the framework of police actions for the protection of law and order. Whether or not these operations are aimed only against the guerrillas, they are to a large extent inflicting casualties and great suffering on the unarmed civilian population still hiding in the forest.

105. On the other side, the nationalist groups engaged in the armed struggle with the Portuguese forces have vowed to continue their fight as long as the Government of Portugal refuses negotiations regarding the political future of Angola. The FNLA, which is directing the operations of thousands of guerrillas, has informed the Sub-Committee that only a shortage of weapons prevents it from equipping a numerous army, and the MPLA, which told the Sub-Committee that it too was fighting from a few pockets of resistance in the bush, has also declared its determination to expand its participation in the fighting.

106. The Sub-Committee finds that a large force of well-armed Portuguese troops, reinforced by the arrival of military transports from Portugal, is engaged in continual hostilities with nationalist rebels who are applying a guerrilla strategy. In spite of apparent successes by the Portuguese forces during the

^{22/} On 12 June 1962 the Ministry of Defence issued an official statement at Lisbon that between 2 February 1961 and 8 June 1962, 289 Portuguese officers and men had died in Angola. However, this figure appears to have been questioned in some Portuguese quarters. A communiqué issued at Luanda on 15 September 1962 denounced "the rumour that the losses of the armed forces are higher than those published in the newspapers" and expressed regret at the fact that "such rumours are being spread even among social strata of a more healthy mentality".

period under review and of losses by the rebels, who admit to a serious inferiority in numbers of trained men and in armaments, war by any definition of the term continues to be waged in Angola.

107. In view of the nature of the struggle it is impossible to estimate accurately the number of persons who have been killed in combat or in reprisals, or who have died of hunger, disease or exhaustion while hiding in the forests or stealing their way to the Congolese border. There is no doubt, however, that a tragic loss of human lives is continuing in Angola and that it will continue so long as the Government of Portugal persists in its efforts to put down the nationalist uprising by force.

108. In spite of the uncertainties of the military situation, the Sub-Committee has seen no indication of an end to hostilities and is more than ever convinced that the Government of Portugal will not be able to restore peace and order in Angola by military means and repressive measures. The war in Angola cannot be isolated from its political aspects and its international implications. Without a political settlement responsive to the aspirations of the Angolan people, the Sub-Committee sees no prospect for an early termination of an armed struggle that is bringing nothing but misery and death to Angolans and Portuguese alike.

II. The refugees

A. Origin of the refugee problem

109. In its previous report, the Sub-Committee considered that more indicative of the gravity of the situation in Angola than the uncertain estimates of casualties was 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).^{23/}

110. The Portuguese Government has recognized that a substantial number of Angolans sought refuge abroad in the period following the outbreak of violence on 15 March 1961. It has repeatedly contended, however, both in information submitted to the Sub-Committee and in statements addressed to the General Assembly, that the refugees fled because of acts perpetrated by armed "terrorists". In reasserting this position in his statement on 15 January 1962 at the last session of the General Assembly, the representative of Portugal said that the time of the exodus proved the Portuguese Government's contention, since "the great majority moved during the very first days or weeks, and, therefore, long before the arrival of any Portuguese troops or police forces."^{24/}

111. Again, in the document commenting on the Sub-Committee's previous report circulated to the Members of the General Assembly at its sixteenth session, the Portuguese delegation asserted, as proof of the Sub-Committee's bias and of the veracity of the Portuguese Government's explanation, that "as soon as the security forces reoccupied the areas where the UPA had carried out terrorism, the flights ceased and the populations began to return to their homes and occupations".^{25/} Subsequently, in a document circulated on 27 January 1962, the Portuguese delegation reiterated this explanation of the development of the refugee problem.^{26/}

^{23/} Official Records of the General Assembly, Sixteenth Session, Supplement No. 16 (A/4978), para. 114.

^{24/} A/PV.1088, p. 18.

^{25/} Official Records of the General Assembly, Sixteenth Session, Annexes, agenda item 27, document A/5082, para. 21.

^{26/} Ibid., document A/5087, para. 10.

112. In this connexion, the Sub-Committee would like to point out that the assertions of the Portuguese Government to the effect that the great majority of refugees had left northern Angola during the first days or weeks after the outbreak of violence in that region were at variance with authoritative data supplied by the League of Red Cross Societies and set out in the Sub-Committee's previous report. According to these data,^{27/} the bulk of the refugees appeared in the Congo (Leopoldville) not immediately after the outbreak of violence on 15 March 1961, but during the summer of 1961, when Portuguese reinforcements were entering northern Angola in large numbers and, according to the Portuguese Government, reoccupying the region.

113. After considering the data from the League of Red Cross Societies and examining the explanation furnished by the Government of Portugal, the Sub-Committee had felt bound, while presenting the Portuguese Government's explanation in paragraph 115 of its previous report, to give credence to the statements made to it by refugees that they had fled "because of Portuguese actions or out of fear of such actions", since their statements were consistent with established facts.

B. Movement of refugees up to January 1962

114. In its previous report, the Sub-Committee noted that by 1 September 1961 relief ration cards had been issued to 131,000 Angolan refugees in the Congo (Leopoldville), that the representative of the Republic of the Congo (Brazzaville) had informed the Security Council in June 1961 of the presence in his country of 7,000 refugees from Cabinda, and that many thousands of persons were reported still hiding in the bush in Angola.^{27/}

115. During the discussion of the Sub-Committee's report at the sixteenth session of the General Assembly, the Portuguese delegation, in a statement of 29 January 1962, claimed a considerable reflux of refugees to Angola, in the following terms:

^{27/} Ibid., Sixteenth Session, Supplement No. 16 (A/4978), para. 114.

"The Portuguese delegation to the sixteenth session of the General Assembly of the United Nations is in a position to state that some 75,000 persons, more than half the number of those who had fled to the Republic of the Congo (Leopoldville) following the events which took place last year in the north of Angola, have already returned home. The above figure does not include those persons who had sought refuge elsewhere in Angola and have likewise returned to their homes in their tens of thousands. These facts further confirm that normal conditions of life again prevail in the area which had been previously affected." 28/

116. Notwithstanding its inability to accept the Portuguese Government's contentions concerning the origin of the refugee problem, the Sub-Committee attached great importance to the Portuguese delegation's statement of 29 January 1962, since a massive return of refugees would have signified a very important change in the situation. Bearing in mind the responsibility which the Government of Portugal had assumed towards the General Assembly by addressing to it, through its President, a statement of fact which was of such significance, the Sub-Committee decided to make some special inquiries with respect to the statement, since it was susceptible of verification outside Angola.

117. On 15 February 1962, the Sub-Committee addressed a letter to the representative of the League of Red Cross Societies in Leopoldville requesting the latest information on the number of Angolan refugees in the Congo and on the number of refugees that might have returned to Angola. On 6 March, the Secretary-General of the League replied from Geneva that the League's emergency relief action for Angolan refugees had been closed out during the month of January, that as at 3 January the number of Angolan refugees in the Congo receiving assistance under the ration scheme had been 151,200, that since January there had been no significant change in the number, that the traffic across the border to Angola consisted mostly of refugees who gathered products from nearby fields and then returned to the Congo, and that a figure of 80,000 returning, which had been mentioned in the Press, might refer to Angolans who had taken refuge in the bush in Angola but that it "certainly does not refer to the Angolan refugees in the Congo".

28/ Ibid., Sixteenth Session, Annexes, agenda item 27, document A/5088.

118. In response to a Sub-Committee inquiry on 21 February 1962, the United Nations High Commissioner for Refugees replied in similar terms, which have been substantially reproduced in his annual report.^{29/}

119. Finally, on 21 August 1962, at a meeting with the representative of the League of Red Cross Societies in Leopoldville, the Sub-Committee raised the question of the accuracy of the League's figures, in particular the 3 January figure of 151,200 recipients of emergency relief, and discussed the possibility of fraud in the distribution of ration cards. It was explained to the Sub-Committee that the distribution of rations had been carefully controlled, in most cases on the basis of official identity documents, that the possibility of fraud had been practically excluded and that the total margin of error was estimated as not greater than 2 per cent.

120. The Sub-Committee notes that the figure of 151,200 is limited to the number of refugees who had received rations in the border area and does not take into account the refugees who had made their way into the interior and most of whom were being supported by relatives, friends, or local charity. Substantial numbers of such refugees had already been observed in the Leopoldville area by members of the Sub-Committee during their visit in August 1961.

121. On the basis of its investigation, the Sub-Committee finds that the Portuguese delegation's statement in January 1962 that 75,000 refugees had returned to Angola is not borne out by the evidence concerning refugee conditions in the Congo (Leopoldville). While a relatively small number of refugees might have returned to Angola, on balance the total number of Angolan refugees in the Congo continued to rise during the period in question.^{30/}

^{29/} Ibid., Seventeenth Session, Supplement No. 11 (A/5211), paras. 97 and 102.

^{30/} On 4 August 1962, the Permanent Representative of Portugal informed the Sub-Committee that approximately 80,000 refugees had returned to Angola from the Congo (Leopoldville) by that date. The Sub-Committee's examination of this figure is described in paragraphs 142 and 143 below.

C. Movement of refugees since January 1962

122. According to the report of the United Nations High Commissioner for Refugees, which describes the situation as at 1 April 1962, the flow of refugees from Angola into the Congo continued on a reduced scale during the first three months of 1962 and was believed not to have exceeded 5,000 persons.^{31/}

123. The Sub-Committee has found that in April 1962 there was a sudden upsurge in the exodus of refugees from Angola to the Congo (Leopoldville), an exodus which is still continuing on a smaller scale. Owing to the closing down of the rationing scheme in January 1962 and the mobility of refugees inside the Congo, it is not possible to determine precisely the number of new arrivals. However, the evidence supplied by responsible persons working in the frontier districts indicates that at least 15,000 additional refugees have left Angola since April of the current year.

124. The Sub-Committee obtained information concerning the new flight of refugees at United Nations Headquarters in April and May in hearings of persons familiar with the situation as well as in the Congo (Leopoldville) in August 1962 in hearings of Congolese civil servants, Red Cross officials, Catholic and Protestant missionaries and other welfare workers who had been in the border area and had seen and questioned many of the new refugees. It also conducted its own interrogation, at and near the frontier, of refugees who had arrived in the Congo during and since April, including a number who had left Angola within the fortnight prior to the Sub-Committee's arrival in the Congo.

125. The Sub-Committee found that the new wave of refugees consisted to a great extent of persons who had been hiding in the bush in Angola since April-May 1961. For many months they had survived by forays into planted fields, including fields they had themselves abandoned, and subsequently by the cultivation, beginning with the rainy season, of plots in the bush. The increased activities of the Portuguese forces, in particular the intensification of air raids, had made their position more precarious.

^{31/} Official Records of the General Assembly, Seventeenth Session, Supplement No. 11 (A/5211), para. 102.

Their food supply had begun to dwindle, and their clothing had been reduced to tatters after so many months in the bush. Consequently, many had decided to try to flee to the Congo, because they mistrusted the promises of good treatment made by the Portuguese authorities.

126. According to the accounts given by the new refugees, often, a few days before an attack, aircraft would drop leaflets wrapped around stones, warning the people to come out of the bush at a certain place and time and "present themselves" to the authorities. Sometimes, such notices were posted on trees along the road near the area where the refugees were hiding. In other cases, no notices were seen before the raids.

127. The refugees reported that at times some of the people in hiding, mostly the old people, the sick and the debilitated, "presented themselves" as directed. After a few days, one or more of them would return to their group and would report that some of the returning people had been singled out and taken away. Such reports had caused many in the bush to make for the Congo (Leopoldville), although the aged, the infirm, the weak and those who had suffered incapacitating wounds in air raids had often had to be left behind.

128. In general, the new refugees arrived in a deplorable state. Many of them were ill, undernourished or near exhaustion. A large proportion of them had walked for considerable distances and had remained in the bush only because they had not dared risk the long journey to the Congo before. Some had trekked, at night only, for more than a month. One great difficulty had been the crossing of main highways, especially as the elephant grass had been burned away in wide strips on both sides of the road. Here, Portuguese military patrols sometimes spotted them, even at night, laid an ambush and opened fire, killing or capturing some of them and scattering the others. In one case, a member of a group who had reached the Congo (Leopoldville) in the latter part of August reported that the main body of the group, two thirds of them women and children, had failed to arrive, having been caught in an ambush while crossing the Cuimba-Maquela road.

129. The Sub-Committee did not find it possible to tour the Cabinda border area during its visit to the Congo (Leopoldville) in August and it is therefore not in a position to give a first-hand account of the situation

there. Estimates of the present number of refugees from Cabinda in the Congo (Brazzaville) and the Congo (Leopoldville) vary widely, apparently owing to the magnitude of the migration traditional in the area. Information given to the Sub-Committee by persons familiar with conditions in the Cabinda enclave indicates that while a large percentage of the normal population had left the enclave and found refuge among their kinsmen in the two Republics, there is a good deal of going and coming across the border.

130. The Sub-Committee notes with appreciation the valuable efforts of all those - the Congolese Red Cross, Catholic and Protestant organizations, welfare services created by Angolan groups, and other agencies - who are contributing to the relief and welfare of the Angolan refugees. In this connexion, the Sub-Committee feels that there has not been enough international recognition of the problem of the new refugees. The fact that land has generously been made available to Angolan refugees by the Congolese authorities has made it possible for the great majority of them to subsist by their own efforts and for the League of Red Cross Societies to reduce its programme considerably. The arrival of the new refugees, however, is putting a strain on the available facilities and the Sub-Committee is of the opinion that a new, concerted international effort is needed to deal with the situation.

D. Voluntary repatriation and the "psychosocial campaign"

131. The General Assembly, by resolution 1671 (XVI) of 18 December 1961, requested the United Nations High Commissioner for Refugees to continue to lend his good offices in seeking appropriate solutions to the problem of the Angolan refugees, inter alia, by facilitating the voluntary repatriation of the refugees.

132. The Portuguese Government has made it clear that the refugees are welcome to return and it has maintained that position during the period under review in this report, beginning with the statement of the representative of Portugal before the 1088th plenary meeting of the General Assembly. Again, the Permanent Representative of Portugal, in paragraph 5 of his letter of 4 August 1962 to the Sub-Committee (see paragraph 63 above), stated:

"The Portuguese authorities have established reception centres along the frontier which have received and will continue to receive all those who may wish to return and will treat them and direct them to their localities. It is believed that all of them would have already come back to Angola had obstacles not been placed in the way of their return, obstacles which have no connexion with the Portuguese authorities or Portuguese policy."

133. Since the latter part of 1961, the Government of Portugal has been engaged in what it calls a "psychosocial campaign" aimed at both the population that had fled to the bush in northern Angola and the refugees who had sought safety abroad. The campaign appears to be conducted mainly by the Portuguese Army as a duty undertaken side by side with its military task of suppressing the revolt, and the avowed purpose is to win the loyalty of the African population in the area affected.

134. The Sub-Committee has examined a considerable amount of information from Portuguese sources regarding the work that is being done in this campaign for the "recuperation of the native populations". According to this information, new schools, vocational training, public health measures, social welfare, public works, entertainment, propaganda, fraternization with the troops and psychological means are some of the elements employed. It is claimed that as many as 200,000 persons have responded to the campaign and have been resettled, often in new settlements they have built themselves on sites where they could be better "protected". There are indications that these sites are carefully chosen so as to ensure easy access by the authorities and isolation from the bush.

135. While the Portuguese Press has presented the campaign as an effort to improve the lot of the African population, the role of the military forces in the campaign has been duly emphasized. For example, an article by Lieutenant-Colonel Aires Martins, entitled "Military forces co-operate in operations of a psychological nature",^{32/} laid down the principle that "the recuperation of populations constitutes the ultimate expression of the obligations connected with the military function". The article added that the military services no doubt "have the responsibility or mission, once the objectives of

^{32/} Published in O Comércio do Porto of 8 August 1962.

warfare are reached, to bring back the elements to the state of tranquility and productiveness which prove necessary after the fighting and which make for the natural restoration of the material values and the spiritual grandeur that have been deeply affected". Finally the article commented:

"In exploring the psychological effects that may be produced by shocks resulting from certain measures and attitudes, those responsible for the activities of the military services do not neglect any detail from the realm of psychology, and they test in practice anything that may bring apprehensive individuals to a state of confidence and tranquility."

136. The Sub-Committee considers that such descriptions of the psychosocial campaign as a form of psychological warfare would be in keeping with an operation aimed at a hostile or indifferent population rather than at fellow-countrymen. The scope of the campaign, the resources that are expended on it, and the terms in which it is conducted would seem irreconcilable with the official explanation of the Portuguese Government that the African inhabitants of northern Angola were overwhelmingly loyal to Portugal, and had fled for their lives from the attacks of foreign "terrorists" who had been joined by only 3,000 to 4,000 inhabitants of Angola. On the contrary, the characteristics of the campaign would appear to be fully consistent with the situation of an army holding key positions in a hostile area and trying to enlist popular support for the revival of the economy and the destruction of organized elements of an enemy who has adopted guerrilla warfare tactics. Moreover, there is no evidence of any intention to satisfy the political aspirations of the population, to say nothing of preparing it for self-government or independence.

137. Occasionally, doubts have been publicly expressed concerning the success achieved by efforts to regain the loyalty of the population. For example, at a press conference at Luanda, Dr. Costa Freitas, Under-Secretary of State for Overseas Administration, said inter alia:

"The times we are living through are hard and difficult and the moment has not yet come to put an end to the sacrifices imposed on us by the wickedness, ignorance and incomprehension of others. It will never be possible to pay for the lives of Portuguese and the injuries suffered. The losses to property will have to be covered chiefly by our labour, diligence and courage, since, unfortunately, we do not have many reasons to believe that those who did us evil

yesterday are bringing their repentance to the point of doing us good. We have, moreover, reason to doubt this repentance and to suspect what is hidden or may be hidden behind this mask. The most elementary prudence counsels us to count mainly on ourselves to solve what is directly felt by us to be essential to the life of the Nation." 33/

138. The Sub-Committee heard evidence that persons returning to Portuguese control remain under suspicion and find it expedient to demonstrate their loyalty by active co-operation with the authorities. The head of the NTO-BAKO Party, which favours close co-operation with Portugal, claimed before the Sub-Committee at Leopoldville that practically all Angolans who had returned from hiding in the bush or from the Congo were supporters of his movement. Among the duties prescribed for members, he said, were participation in meetings whenever convened by the authorities, co-operation with the authorities in the "declaration and redistribution of the people", help in ensuring "love for work and peace", as well as "the security of the settlements against the enemies of Portugal", and compliance with "all orders received for public works." 34/

139. Not having been admitted to Angola, the Sub-Committee is not in a position to evaluate the results of the psychosocial campaign among the population of northern Angola which did not take refuge abroad. It may be that a large number of those who fled to the bush have come out and surrendered. However, the Sub-Committee finds it difficult to accept the assertion that it is the psychosocial campaign which has caused them to come out, after so many months in hiding. It finds it equally difficult to believe that harassment by Portuguese aircraft and ground forces, the menace of starvation, and remoteness from the Congolese border have not played a part in their decision.

140. As to the effectiveness of the psychosocial campaign in promoting the voluntary repatriation of the Angolan refugees in the Congo (Leopoldville), the Sub-Committee is in a position to state that the campaign has had very little impact on the general refugee situation in the Congo (Leopoldville).

141. The United Nations High Commissioner for Refugees, reporting to the General Assembly on the situation as at 1 April 1962, when the psychosocial campaign

33/ Diario de Noticias, 3 July 1962.

34/ See also foot-note 53 below.

had already continued for more than six months, found that there had been no significant movement of voluntary repatriation, although facilities for such repatriation had been provided.^{35/} During its visit to the Congo (Leopoldville), the Sub-Committee was informed by those concerned with the refugee problem as a whole that as at August 1962 there had still been no significant movement of voluntary repatriation. During the summer there had been reports of the return to Angola of a few small groups of refugees, including some from a locality in northern Angola where the leader of the NTO-BAKO Party was said to have some influence. The Sub-Committee also heard that the leader of a religious sect from northern Angola, who had been imprisoned for some years in southern Angola, had been released and that a group of his followers among the refugees had heeded his summons to return to Angola.

142. The Sub-Committee has already commented on the Portuguese delegation's statement of 29 January 1962 that 75,000 Angolan refugees had returned from the Congo (Leopoldville) by that date (see paragraph 121 above). It notes that, in his letter of 4 August 1962, the Permanent Representative of Portugal stated that, of the approximately 150,000 refugees reported by the Red Cross and the High Commissioner for Refugees to have been in the Congo (Leopoldville), 80,000 had returned by that date.

143. The Sub-Committee is not sure whether the Portuguese Government intended its communication of 4 August 1962 to be considered in conjunction with the statement of 29 January 1962, thereby implying that between January and August 1962 only 5,000 refugees had returned to Angola, or whether the August letter simply superseded the January statement. In either case, the Sub-Committee finds that the claim of a return movement of as many as 80,000 refugees by August 1962 is not consistent with its information on the existing refugee situation in the Congo (Leopoldville). From all the data available to the Sub-Committee, there can be no doubt that the refugees who have returned are outnumbered by the new arrivals from Angola.

144. As to the reference in the Portuguese letter of 4 August 1962 to obstacles in the way of the return of the refugees, the Sub-Committee, during its visit to the Congo (Leopoldville), could find no evidence of any physical obstacles

^{35/} Official Records of the General Assembly, Seventeenth Session, Supplement No. 11 (A/5211), para. 102.

to voluntary repatriation. Border crossings on the main highways are easily accessible from the Congolese side. Indeed, propaganda meetings urging repatriation are known to have been held at the border, between the customs posts, for the benefit of the refugees in the immediate vicinity. The representative of the League of Red Cross Societies in Leopoldville told the Sub-Committee of the reception centres and other facilities that existed on the Angolan side for returning refugees. Moreover, membership cards, which serve as safe-conducts at the Angolan border, are obtainable from the branch of the NTO-BAKO Party operating in the Congo.

145. The Sub-Committee did, however, find considerable moral resistance to the idea of repatriation among the refugees, partly because of fear resulting from personal experience in Angola and partly because of political feelings. The Sub-Committee concludes that the great majority of the refugees do not wish to return to Angola until it becomes independent, or at least until there are guarantees of their personal safety and political freedom.

146. In spite of the disclaimer in the Portuguese reply of 4 August 1962 of any connexion between Portuguese policy and obstacles to repatriation, the Sub-Committee is of the opinion that it is the Portuguese Government's failure to recognize the deep desire of the refugees for a change of attitude on its part, and to accept a new relationship with the Angolan people based on the principle of self-determination and independence, which constitutes the main obstacle to voluntary repatriation.

III. Political prisoners

147. In carrying out its tasks under General Assembly resolution 1603 (XV) and the Security Council resolution of 9 June 1961 (S/4835), the Sub-Committee received considerable information concerning the repressive measures applied by the Portuguese authorities in Angola in the past, and especially after the uprisings of February-March 1961. The Sub-Committee heard of numerous cases in which Angolans had been subjected to ill treatment and detained in concentration camps, imprisoned or deported because they had expressed dissatisfaction with existing political, economic and social conditions. The Sub-Committee also learnt that many educated Angolans had been victimized purely on suspicion. The Policia Internacional e de Defesa do Estado (PIDE) (International and State Security Police) was said to be the agency mainly responsible for this type of repression in Angola.

148. The previous report of the Sub-Committee contains several passages referring to the detention of certain persons in connexion with the situation in Angola. Reference is made in that report, for example in paragraphs 128, 129, 147, 398 and 399, to the detention or mistreatment of persons for reasons which would not be classified as criminal offences under the commonly accepted meaning of the term. In certain instances, the "offences" committed by Angolans had consisted of signing petitions for the redress of grievances or appeals for recognition of the right of self-determination.

149. The General Assembly, in resolution 1742 (XVI), showed particular concern for the fate of Angolan political prisoners. In operative paragraph 4 of the resolution, an appeal is made to the Government of Portugal to release "all Angolan political prisoners wherever they may be held". This is a broad reference which extends to all persons of Angolan origin who have been arrested for political offences and who are detained not only in Angola, but also in Portugal or in other territories under the control of Portugal.

150. At hearings held since February 1962, the Sub-Committee continued to receive complaints regarding the arrest, detention, internment, or execution of Angolans by the PIDE or the militia without formal charges, on suspicion that they were implicated in the armed uprising against the Government of Portugal. Witnesses continued to express great concern regarding the fate of persons detained or

interned. There seemed to be a widespread belief that Angolans who had been arrested at the time of the 1961 troubles, and subsequently, and who had not been heard from since, had been executed following their interrogation or incarceration. Witnesses insisted that the great majority of persons who were in prison or were detained in camps had committed no criminal offence. Some had been known to advocate the principle of self-determination for Angolans, while others had merely been suspected of doing so. The Sub-Committee heard of Angolans being arrested by the FIDE when they were found in possession of newspapers printed in the Congo (Leopoldville).

151. While most of the testimony received referred to arrests of indigenous Angolans, the Sub-Committee noted that the prisoners were not exclusively Africans but included Europeans or persons of mixed parentage. During its investigation, the Sub-Committee was informed that members of the clergy of different religious denominations had been detained without any charges being proffered, and that educated Angolans or other potential leaders continued to be arrested.

152. In the exercise of its mandate, the Sub-Committee requested the Government of Portugal for information on the action taken or contemplated with reference to operative paragraph 4 of General Assembly resolution 1742 (XVI). As reported in paragraph 62 above, the information requested came under the following four headings:

- "(a) Political prisoners released following the adoption of the resolution.
- (b) Political prisoners still being held inside or outside of Angola. If any, information on measures provided for keeping the families of prisoners informed of their whereabouts or circumstances.
- (c) Executions of political prisoners, if any.
- (d) Question of a political amnesty."

153. In replying to the Sub-Committee, by its letter of 4 August 1962 (see paragraph 63 above), the Portuguese Government stated in paragraph 5:

"No persons are in custody for political crimes; the only persons in custody are those held for common crimes. No executions have been carried out or could be carried out, because the death penalty is not permissible under the Constitution of the Portuguese Republic."

154. The Portuguese reply, while giving the formal position of the Government of Portugal, fails to answer the basic issues that arise in connexion with the General

Assembly's appeal for the release of political prisoners. The Sub-Committee cannot ignore the evidence which indicates that a large number of Angolans have been arrested and are detained for offences which cannot be regarded as other than political. In spite of the Portuguese Government's assertion that the death penalty does not exist in Portuguese law, this does not exclude, per se, extra-judicial executions, both of persons who participated in the conflict and of persons who had not engaged in any armed action. Furthermore, the Portuguese Government did not answer the question relating to Angolans who are presently interned and whose families are without information regarding them.

155. That many Angolans have been arrested and interned for political reasons appears to be borne out by the fact that the MDIA, a political group which believes in the possibility of settling the future of Angola through direct negotiations with Portugal (see paragraph 187 below), made the release of political prisoners one of the points of the agenda it submitted for the consideration of the Portuguese Government.

156. The Sub-Committee notes that Portuguese law imposes restrictions on the freedom of the individual through special legislation by which certain functions normally considered to be of a judicial character have been transferred to the security police.^{36/} The Sub-Committee further notes that articles 396 of the Code of Military Justice, as revised by Decree-Law No. 36463 of 9 August 1947, prescribes that military courts are competent to try offences against the organization and security of the State referred to in articles 167 and 168 of the Penal Code, even when committed by civilians.

^{36/} Under Decree-Law No. 35,042 of 20 October 1945, the police may, without bringing a charge, arrest any person and detain him for a period of three months, extendable to six months. Under Decree-Law No. 37,447 of 13 June 1949 and No. 40,550 of 12 March 1956, detention as a security measure may be imposed upon the recommendation of the PIDE for a period ranging from six months to three years. The detention may be extended for successive period of three years if the person concerned is still considered dangerous. Under article 8 of Decree-Law No. 40,550, if the accused is also charged with a crime against the State, the Court which is competent to try the crime shall apply, in penal proceedings, the above security measure even if the charge is not sustained. Article 9 of the same statute provides that if the above security measure alone is applicable, the proceedings are to be drawn up in the same way as in cases relating to crimes against the security of the State and heard in the criminal divisions of the Courts of Lisbon and Oporto.

157. While provisions of Portuguese law are invoked in Angola to justify repression of any manifestation in favour of self-determination or independence, it would appear to the Sub-Committee that in the light of General Assembly resolutions regarding self-determination, activities of dependent peoples directed towards the attainment of independence must, in principle, be regarded as political. The General Assembly, by resolutions 545 (VI) and 742 (VIII), has formulated certain basic views on this question and, by resolutions 1514 (XV) and 1542 (XV), has provided certain guides for bringing to a speedy and unconditional end "colonialism in all its forms and manifestations". It would thus appear that, within the ambit of this general directive provided by the United Nations, there is a broad area of action that falls within the definition of political activities.

158. The Sub-Committee believes that the immediate release through a general amnesty by the Portuguese Government of all Angolan prisoners who cannot be considered as having committed common crimes in the generally accepted sense would greatly contribute to the establishment of the atmosphere needed for a peaceful solution.

IV. Political developments

159. By resolution 1742 (XVI), the General Assembly reaffirmed the inalienable right of the Angolan people to self-determination and independence. It also urged the Government of Portugal to undertake without further delay extensive reforms, and in particular to set up freely elected and representative political institutions with a view to transfer of power to the people of Angola.

160. In its previous report, the Sub-Committee pointed out that the Government of Portugal had introduced certain reforms in its overseas policy which, although limited in scope, seemed to reflect some awareness of the need to adjust to the realities of the situation and the opinion of the international community.

The Sub-Committee noted in particular the significance in law of the formal abolition of the previous distinction between persons of indígena status and others as regards political rights. At the same time, the Sub-Committee raised the question of the practical consequences which the ending of that legal distinction would have in the political and social fields.^{37/}

161. As to this and other reforms, dealing mainly with customary law in tribal societies, rights over land, penal laws, labour, settlement by Portuguese and conditions for establishing local autonomous bodies, the Sub-Committee pointed out that while it was difficult to know the full impact of the reforms until more information was available and experience in their implementation was gained, their immediate effect on ameliorating conditions in Angola appeared to be limited.

162. It was partly with a view to elucidating this aspect of the question, and in particular its political implications, that the Sub-Committee pressed the question of a visit to Angola with the Government of Portugal. The Sub-Committee also sought information from the Government of Portugal, in its letter of 13 July 1962 (see paragraph 62 above) on the "actual administration and political implications of reforms introduced by the Government of Portugal". The Permanent Representative of Portugal, in his reply of 4 August 1962 (see paragraph 63 above), transmitted no material relating to this question.

^{37/} Official Records of the General Assembly, Sixteenth Session, Supplement No. 16 (A/4978), paras. 453 and 454.

163. In this as in other matters under its terms of reference, the Sub-Committee sought to make up for the absence of Portugal's co-operation by proceeding with an inquiry based on available data, including official statements by Portuguese authorities on the meaning of the abolition of the indígena status. Among the persons heard by the Sub-Committee, both at United Nations Headquarters and in the Republic of the Congo (Leopoldville), were Angolans and non-Angolans who had been in Angola after the repeal of the Native Statute of 1954.

164. It will be recalled that the Portuguese Government, in a document circulated at the sixteenth session of the General Assembly, stated that the repeat of the 1954 Statute had the following consequences in the field of political rights:

"At present, all Africans enjoy the same rights as the Europeans; they can elect and be elected to the highest legislative body in the country - the National Assembly - and through this body elect the President of the Republic himself. In the province, they take part in the election of members of the Legislative Council and of the municipal bodies." 38/

165. The Sub-Committee observes that even if electoral requirements are the same for all, that does not necessarily mean genuine equality. Financial requirements or literacy tests in the Portuguese language are bound to affect differently the enrolment of Africans and Europeans as well as their eligibility as candidates. As long as electoral legislation relating to taxes, literacy and other matters remains as it is, it is unlikely, from a practical standpoint, that the abolition of the Statute of 1954 will bring about any significant change in the political status of the African population, since the great majority would still be unable to satisfy the conditions prescribed for electoral enrolment. In other words, the right to vote will remain the privilege of a small minority of the population. Furthermore, the number of elected representatives in the National Assembly and in Angolan "provincial" bodies depends not on the population or on the number of citizens, but on the number of persons on the electoral rolls. Africans will therefore not be fairly represented by the results of elections.

38/ Ibid., Sixteenth Session, Annexes, agenda item 27, document A/5082, para. 34.

In the case of Presidential elections, which are held through an electoral college, the same situation would apply so that effective participation by Africans would be very limited. It must therefore be concluded that the overwhelming majority of Africans will not be citizens in the fullest sense of the word.

166. The Sub-Committee has no information that any substantial progress has so far been made in revising the Constitution and amending relevant legislation so as to remove the contradictions between the announced reforms and numerous discriminatory provisions remaining on the statute books. The question whether the new provisions are actually being applied, or whether their application is being hampered by old, unrepealed legislation, continues to be highly relevant.

167. A person heard by the Sub-Committee who had been living in the south of Angola for several years until May 1962 described the three effects of the reforms he had been able to observe: (1) replacing the word "indígena" by "native" in the identity book; (2) raising of taxes, which he thought would result in more Angolans going into contract labour; and (3) changes, not extensive but for the better, in educational facilities. He stated that he had not seen much other evidence of the reforms being implemented in the area with which he was personally acquainted.

168. Persons familiar with other areas of Angola were also of the opinion that, partly owing to the discrepancy between principles and practices, the reforms had had little or no visible effect in Angola. In this connexion, the Sub-Committee recalls the view expressed in its previous report^{39/} that effective elimination of the indígena status would depend not only on legal provisions implementing the repeal of the 1954 Statute but also on the reform of administrative practices.

169. The leader of the NIO-BAKO Party, which favours close co-operation with Portugal, emphasized that certain results had already been achieved by the Portuguese authorities in their efforts at reform, particularly in the social field. He stated, however, that additional pressure would be needed to obtain

39/ Ibid., Sixteenth Session, Supplement No. 16 (A/4978), para. 454.

satisfaction in the political field through the establishment of a territorial assembly, and appealed for United Nations support in this connexion. This would seem to indicate that no major political reforms have as yet been applied by the Government of Portugal in Angola.

170. Owing to the Sub-Committee's inability to visit Angola, it was not in a position to ascertain the extent to which individual reforms had been implemented. Whatever the position may actually be, the Sub-Committee is bound to state that even if there were full and prompt implementation, the reforms so far announced, while possible contributing to the mitigation of some flagrant abuses, are not of a nature to satisfy the political grievances of the Angolan people or to lead to the establishment of freely elected and representative political institutions for the purpose of transferring power to the people of Angola, as provided by operative paragraph 5 of General Assembly resolution 1742 (XVI).

171. In its hearings of Angolans, the Sub-Committee found evidence of continued and indeed growing dissatisfaction with the lack of political progress in areas extending well beyond the part of Angola currently affected by the armed conflict. Persons belonging to the Bailundu group told the Sub-Committee that in districts inhabited by the Bailundu, a region which the Portuguese authorities have regarded as "friendly", there was increasing bitterness against the Portuguese. They indicated that this was due, among other reasons, to the arrival of new settlers, to preventive arrests and to the fact that local people were being sent north to fight with the Portuguese forces.

172. The Sub-Committee heard evidence indicating that some Portuguese propaganda, whatever its intended effect, was in fact strengthening Angolan nationalism. According to one witness, the repetition of the Portuguese slogan "Angola is ours", and the display of Portuguese banners and posters declaring "Portugal is here also", are particularly resented among Africans, even in southern Angola.

173. The Sub-Committee was told that, by fighting side by side, Angolans of different tribes were acquiring a national feeling, and that the recruitment by the Portuguese authorities of Angolans from the south to work in the north was also instrumental in speeding up the growth of Angolan national consciousness among members of different ethnic groups.

174. The Sub-Committee regrets to have to report that during the period under review the Government of Portugal has taken no steps that could be regarded as part of a programme to grant self-determination and independence to the people

of Angola or to transfer power to them. Portugal's leaders continue to deny that the people of Angola desire to be independent, insisting that the demands for independence come only from foreigners or from Angolans who have lived abroad most of their lives.

175. The Government of Portugal has not yet recognized self-determination and independence as legitimate aspirations for the Angolan people. Summarizing in a recent interview the old and recent history of Portugal's overseas territories and formulating the objectives of his Government's policy, Prime Minister Oliveira Salazar largely reiterated principles and opinions which he has long held and which were touched on in the previous report of the Sub-Committee.^{40/} Among other things, he said that, in Angola, the different ethnic groups have been living together, and mixing, and working side by side for many centuries, protected by a sovereignty which has created in them the sentiment of being "integrated as a nation".

176. During the interview the idea of independence was conceded, but as a remote hypothesis: its admission in principle was qualified by conditions which the Prime Minister said were not likely to occur in Portuguese African territories. He added that as Angola felt and lived "the unity of the Portuguese nation and not the fervour of independence", the mission to accomplish in Angola could never tend towards preparing its separation in a longer or shorter period of time, but towards ensuring its "harmonious development within the nation".^{41/}

177. It is this development of Angola and the other overseas territories "within the nation" that appears to be the objective of the reforms so far announced, as well as of the new reforms foreshadowed by Mr. Adriano Moreira, the Minister for Overseas, in a statement on 22 September 1962 to the Overseas Council,^{42/} calling on it to prepare a revision of the Organic Law of Overseas Portugal.

^{40/} Ibid., para. 386.

^{41/} Exclusive interview given by His Excellency the Portuguese Prime Minister, Doctor Oliveira Salazar, to the Chief Editor of Life, Dr. Gene Farmer, on 19 March 1962, extracts of which were published in article form in its issue of 4 May 1962. Full English text was circulated by the Permanent Mission of Portugal.

^{42/} The Overseas Council is a permanent body established to advise the Minister for Overseas Portugal in matters concerning overseas administration and policy.

Mr. Moreira indicated that the rationalization of the administration "will certainly not fail to affect the complex of competencies now exercised by the organs of Government" and expressed the view that new organs "should be created and that the government of the provinces should be defined in terms other than the present ones". Mr. Moreira announced that he was summoning elected spokesmen of the Legislative and Government Councils of the Provinces to Lisbon on 15 October 1962 in order to meet with the Overseas Council, whose recommendations, he hoped, would be ready in time for the opening of the Portuguese National Assembly's 1962 session.^{43/}

178. The results of the Overseas Council's deliberations were published by the Portuguese press in summary form shortly before the completion of this report.^{44/} According to the press, the Council reaffirmed the national unity of Portugal "in its pluriracial and pluricontinental structure", and recommended the development of local government, a certain amount of decentralization of the administration of the "provinces", their greater representation in the National Assembly and their adequate representation in the Corporative Chamber. These changes appear to be designed to reduce the rigidity resulting from Portugal's traditional policy of administrative integration, but there are no indications of any intention to prepare the overseas territories for self-determination.

179. Many Portuguese leaders have placed great emphasis in their public statements on the objectives of multiracialism and have denounced African nationalism as a threat to that objective. Such statements attempt to justify Portugal's opposition to any political separation of Angola from Portugal on the ground that self-determination and independence would mean the end of the multiracial society which Portugal claims it has "slowly but surely" been building in its overseas territories as part of its "civilizing mission". They also warn that independence for Angola would endanger the physical survival of the Portuguese who have settled there.

180. The Sub-Committee cannot agree that the professed desire to build a multiracial society can serve to justify the denial of the right of the Angolan people to self-determination and the repression of every manifestation of its

^{43/} Diario de Noticias, 23 September 1962.

^{44/} Ibid., 1 November 1962.

will to emancipate itself and accede to independence. The Sub-Committee considers that the fears propagated by the Government of Portugal are challenged by history and are not well founded. It is Portugal's resistance to the natural aspirations of the Angolans, its insistence on practising colonialism in the guise of political integration, and its prosecution of a cruel war which, the longer they continue, increase the dangers for racial tolerance and understanding in an independent Angola.

181. In its previous report, the Sub-Committee briefly reviewed the growth of political aspirations in Angola and described a number of Angolan groups having headquarters or offices in Leopoldville.^{45/} In that connexion and in view of the contention of Portuguese leaders that self-determination for Angola is desired not by the Angolan people but only by organizations of expatriates, the Sub-Committee must recall that, for many years, political activities and therefore nationalist activities have been rigorously suppressed in Angola. As a result, Angolan political movements which do not share the official policies have been forced to establish their headquarters abroad and to limit their activities within Angola to clandestine work. During the period under review in its present report, the Sub-Committee has continued to receive information from established Angolan political groups and, while in the Congo (Leopoldville), it heard representatives of these groups and of new groups or received statements or other material from such groups. A statement from one new Angolan organization was received by the Sub-Committee after its visit to the Congo (Leopoldville).

182. In March 1962, the Union of the Populations of Angola (UPA)^{46/} and the Democratic Party of Angola (PDA),^{47/} previously known as ALIAZO, merged into an Angolan National Liberation Front (FNLA), which was declared to be open to such other representative Angolan organizations as accepted the Front's general policy, described as leadership of the struggle for independence on the basis of democratic rules and fraternal collaboration among the different tribal groups, and the establishment of a democratic régime in Angola which would respect the Universal Declaration of Human Rights, carry out agrarian reform and industrialize the country by economic planning.

^{45/} Official Records of the General Assembly, Sixteenth Session, Supplement No. 16 (A/4978), paras. 393-409.

^{46/} Ibid., paras 393-395.

^{47/} Ibid., para. 404.

183. The establishment of the Front was followed early in April 1962 by the formation in Leopoldville of a "Government of the Angolan Republic in Exile" (GRAE), based on the Front and headed by Mr. Holden Roberto (UPA), Premier; Mr. Emmanuel Kounzika (PDA), Vice-Premier; and Msgr. Manuel Mendes das Neves, the former Catholic Vicar-General of Angola, reported to be under preventive detention in Lisbon, who was named Second Vice-Premier.

184. At a hearing before the Sub-Committee, representatives of the FNLA affirmed the determination of the Front to carry on the struggle in Angola until independence was achieved, and to use all means to induce the Portuguese Government to recognize that military and political repression cannot prevail against the determined will of the people of Angola to recover its liberty and to occupy its place among the nations.

185. In connexion with the formation of the "Government of the Angolan Republic in Exile" (GRAE), spokesmen of the People's Movement for the Liberation of Angola (MPLA)^{48/} stated that while co-ordination of nationalist efforts was necessary, the particular action taken on the UPA's initiative was precipitate and exclusive, and that, in the circumstances, it had constituted a "manoeuvre to divide Angolan nationalists". They added that their organization would continue to work for a "united front of the national liberation forces".^{49/}

At a hearing before the Sub-Committee representatives of the MPLA stressed that their group was a democratic movement rather than a party.

186. The Sub-Committee notes that in spite of strong demands for unity from various quarters, including exhortations by political leaders in a number of countries friendly to Angolan nationalism, the two major organizations which have resorted to direct action to secure Angola's independence are still at odds over the scope and political control of joint efforts. In statements and reports concerning the division between the two nationalist groups, there have been allegations that not only political differences and organizational disputes but tribal, racial, linguistic, religious or personal factors have stood in the way

^{48/} Ibid., paras. 396-397.

^{49/} Dr. Agostinho Neto, speaking on behalf of the MPLA, told the Sub-Committee that on 5 August 1962 he had made the following alternative proposals for a united front: (i) to combine all movements into one; (ii) to leave them in existence but to set up a joint central committee; (iii) at the very least, to establish a joint command of military forces. The Sub-Committee was also informed by the MPLA that negotiations between the MPLA and the FNLA were still in progress.

of unity. Whatever the reasons may be, they have led to recriminations and to the exchange of charges and have so far prevented the success of negotiations towards an understanding. The differences between the FNLA and the MPLA, however, appear to be less significant than the very wide measure of agreement that exists regarding the goals for Angola.

187. Representatives of the Movement for the Defence of the Interests of Angola (MDIA),^{50/} a group opposed to the use of violence, told the Sub-Committee that they had not abandoned hope of arriving at an understanding with the Government of Portugal through negotiations jointly with other nationalist groups opposed to violence, although contacts with the Portuguese Government had shown that it was willing to discuss social problems but was as yet unprepared to negotiate on political questions. They informed the Sub-Committee that they would shortly leave for Luanda in order to study conditions in Angola and to arrange for the transfer of the headquarters of their organization from Leopoldville to Luanda. They looked forward to action by the General Assembly and the Security Council that would induce Portugal to transfer political power in a peaceful and orderly manner.

188. In a statement submitted to the Sub-Committee at Leopoldville, representatives of the NGWIZAKO,^{51/} which has been opposed to the use of violence, reiterated that one of the objectives of the groups was the restoration of the Kingdom of the Congo in northwestern Angola. In material subsequently furnished by representatives of the group, both the FNLA and the Portuguese authorities were attacked because of their alleged indifference in the fighting to the interests of the Portuguese Congo. In a memorandum of protest recently addressed to Prime Minister Salazar, a copy of which was made available to the Sub-Committee, the NGWIZAKO indicated that a new ruler approved by the Portuguese authorities had been enthroned in September 1962. There appears to have been some difficulty within the group over the selection and strong opposition to a declaration of loyalty to the Portuguese Government that the new ruler was allegedly forced to make at the time of his enthronement.

50/ Official Records of the General Assembly, Sixteenth Session, Supplement No. 16 (A/4978), 407.

51/ Ibid., para. 405.

189. The Movement for the Liberation of the Enclave of Cabinda (MLEG)^{52/} protested to the Sub-Committee against the annexation of Cabinda on the grounds that Portugal had violated treaties, and appealed for United Nations action to compel Portugal to respect its obligations. The MLEC told the Sub-Committee of its policy of refraining from violence and of its many peaceful approaches to the Government of Portugal, including a "plan-cadre" which had been sent to Premier Salazar in September 1961 suggesting a solution in co-operation with Portugal, but which had elicited no response from the Portuguese Government in spite of reminders at regular intervals.

190. A new group, the Action Committee for the National Union of Cabinda (CAUNC), which broke with the policy of MLEC in December 1961, told the Sub-Committee that a referendum should be held among the people of the enclave under the supervision of the United Nations "to enable them to express freely their opinion" on the integration of Cabinda with the Republic of the Congo (Leopoldville).

191. The representatives of the Angolan National Movement (MNA), another new group which had also functioned under the name of the Angolan National Front (FNA), told the Sub-Committee that their group favoured the achievement of immediate independence by every means, including violence. The MNA advocated a meeting of all regional and other chiefs with a view to setting up a liberation front, with the co-operation of the political parties, or without them, if the latter did not wish to promote political unity. The MNA representatives said that the Angolan people wished the United Nations to apply sanctions against the Portuguese Government.

192. Another new organization, the Angolan Unity Front (FUA), asserts that it is a movement working for the unity of all elements favouring independence for Angola and that its membership consists of Angolans of European and African origin. In a statement to the Sub-Committee from Paris, dated 4 September 1962, the FUA indicated that leaders of the movement had been imprisoned in Angola and deported to Portugal, or had been committed to forced residence or imprisoned in camps in Angola, and claimed that the movement had originated in the national aspirations of the Angolan people. The FUA joined other Angolan nationalists in appealing for sanctions to compel the Portuguese Government to recognize the right of Angolans to "freedom and the management of their own destiny".

^{52/} Ibid., para. 406.

193. In his appearance before the Sub-Committee in Leopoldville, Mr. Angelino Alberto, the President of the NTO-BAKO Party, asserted that his organization operated closely with the Portuguese authorities and enjoyed their confidence. He favoured the granting of independence to Angola by stages in the relatively near future through the creation of a multiracial State, with the full co-operation of the Portuguese Government. In the meantime, he said, the NTO-BAKO would support the efforts of the Portuguese authorities to pacify Angola.^{53/}

194. Owing to the complete suppression of all political activities of nationalist groups in Angola and the limitations imposed even on the activities of groups which favour a non-violent solution in co-operation with Portugal, it would be difficult to estimate the support which these various political organizations actually enjoy within Angola. So far as the Angolans in the Congo (Leopoldville) are concerned, there can be no doubt that the UPA has a very large active following.

^{53/} Among the documents concerning NTO-BAKO submitted to the Sub-Committee by Mr. Angelino were the following "instructions" to members:

"Nto-Bakists must take part in meetings whenever they are convened by the authorities.

"They must co-operate with the civilian, military, administrative and other authorities in the declaration and redistribution of the people.

"They must ensure the security of the settlements against the enemies of Portugal.

"They must comply with all orders received for public works, for the well-being of our country.

"It is obvious that remuneration can only be expected by those who are prepared to work. Those who have rendered services to the military or civilian authorities will receive remuneration from the latter authorities ...

"Any Nto-Bakists who do not fulfil their duties or the orders of the President will have to leave the Party immediately ...

"All Nto-Bakists will only move after being authorized by their President, and provided that the authorities are informed and give their authority.

"All Nto-Bakists should remember and fulfil the above instructions and as long as they wish to live in peace. Whoever does the contrary should not complain if he suffers the consequences of such disobedience."

195. As to the political objectives of the Angolan groups, the Sub-Committee could find no support in any of these groups for the Portuguese assertion that the Angolans regard themselves as Portuguese and have no desire for independence. The leaders of all the political groups, including those which see the future in terms of close co-operation with Portugal, were categorical in stating that they desired complete political independence from Portugal.

196. The Sub-Committee finds it equally significant that all Angolan political groups, including those engaged in the armed struggle against the Government of Portugal, have expressed themselves as being in favour of peace and negotiation with Portugal once it recognizes the principle of self-determination and independence.

197. In this connexion, the Sub-Committee notes with great regret that the Government of Portugal failed, in its letter of 4 August 1962, to answer the parts of the Sub-Committee's inquiry relating to "steps that have been taken or are contemplated to reach a solution by peaceful means" and to the "recent position of the Government of Portugal on the question of discussing with representatives of Angolan groups ways and means of transferring power to the people of Angola". This failure seems to imply not only that no action is being taken or is envisaged in this respect by the Government of Portugal, but also that it is reluctant to state its position on these important questions.

198. The Government of Portugal, in pursuing its professed policy of political integration, has to rely increasingly on the immigration of Europeans rather than on the free will of Angolans. Even military personnel are being encouraged to remain in Angola, often in separate settlements. Inasmuch as this results in increased competition in such fields as urban employment, and land ownership and cultivation, it is likely to aggravate existing antagonisms in Angola and thereby defeat the proclaimed objective of developing a multiracial society.

199. Quite apart from the question of the merits of that proclaimed objective, the slow pace that has characterized the past gives very little promise of significant political improvements being brought about in the near future within such a framework. Even the satisfaction of urgent economic and social needs would no longer impress Angolans as an adequate substitute for the lack of political freedom and national independence. Moreover, in the view of the

Sub-Committee, Portuguese leaders will not succeed in solving the Angolan conflict simply by expressing such views as that what is happening in Angola has no connexion with Angola itself, but is merely the reflection of a struggle between "two world-wide imperialisms", each of which is trying to gain control of a "Portuguese province" through the agency of a favoured nationalist party. The Portuguese Government has not yet listened to what the Angolans themselves have to say and if it were willing to listen, the resulting dialogue might lead to a constructive, peaceful solution.

200. On the basis of its inquiry, the Sub-Committee feels that nothing short of implementation by Portugal of the relevant United Nations resolutions in respect of self-determination for Angola could meet the requirements of the situation. The Sub-Committee is convinced that the recognition by Portugal of this reality could transform the situation and bring an end to the Angolan tragedy.

V. International aspects of the situation

201. The General Assembly, in the third preambular paragraph of resolution 1603 (XV), expressed the view that failure to ameliorate the "disabilities of the African peoples of Angola" was "likely to endanger international peace and security", and this opinion was reaffirmed by the Security Council, which declared in its resolution of 9 June 1961 (S/4835) that the continuance 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".

202. In its previous report, the Sub-Committee noted the international concern caused by the events in Angola following the February-March 1961 uprisings and by other developments, including the declarations of African States expressing solidarity with the aspirations of the Angolan people to self-determination and the pledges of moral and material support to them in their struggle.^{54/} It noted that a number of African States had declared that they could not stand by indefinitely or remain indifferent to the appeals of Angolans if they were persecuted for demanding independence.^{55/} The Sub-Committee expressed its apprehension that the situation might be aggravated and lead to serious international incidents unless Portugal took urgent steps towards a peaceful solution.^{56/}

203. The debate on the question of Angola at the sixteenth session of the General Assembly reflected the growing concern of the international community over the development of the situation in Angola and its effects on international peace and security. In the sixth preambular paragraph of resolution 1742 (XVI), the Assembly expressed its conviction that "the continued refusal of Portugal to recognize the legitimate aspirations of the Angolan people to self-determination and independence constitutes a permanent source of international friction and threatens international peace and security".

^{54/} Official Records of the General Assembly, Sixteenth Session, Supplement No. 16 (A/4978), para. 413.

^{55/} Ibid., para. 424.

^{56/} Ibid., paras. 433 and 434.

204. As noted earlier, the Portuguese Government has continued to ignore the resolutions of the General Assembly and the Security Council, and to pursue its objective of suppressing the nationalist rebellion by force of arms. This continued disregard of United Nations resolutions and of widely held international opinion, and the refusal to recognize the right of the people of Angola to self-determination have increased friction between Portugal and other States, thereby aggravating the danger to international peace and security.

205. Several Governments, notably of African States, and numerous organizations have continued to express strong opposition to Portuguese actions in Angola. The Conference of Heads of African and Malagasy States and Governments, meeting in Lagos from 25 to 30 January 1962, proclaimed complete solidarity with the people of Angola and requested all the African and Malagasy States to assist them. The Political Committee of the States Parties to the Casablanca African Charter, meeting in Cairo from 15 to 17 June 1962, asked all countries to help the Angolan people, both within and outside the United Nations, to achieve independence.

206. As the Sub-Committee has already indicated, the major Angolan groups engaged in military action against the Portuguese forces have expressed their determination to continue the struggle for the independence of Angola. They seem to be more than ever convinced that their political objectives will only be achieved by continued recourse to arms unless the Government of Portugal opens the door to a peaceful solution on reasonable terms. In spite of some setbacks suffered by the nationalist rebels because of limited resources and to some extent continued division, and the massive Portuguese military concentration in northern Angola, they appear to be hopeful that through improved military training and the acquisition of modern arms, their superior numbers will soon give them the initiative.

207. The Sub-Committee notes that a significant development of the past year, as reported by news media and corroborated by testimony before the Sub-Committee, was the promises of material support from African Governments for military purposes and the receipt of such support. Some of these reports emanated from or were confirmed by the UPA leadership, and subsequently by the FNLA, and concerned the military training of Angolans with the Algerian National Liberation Army, and the expected arrival of shipments of arms.

208. The Sub-Committee notes that the question of the use of arms and equipment provided to Portugal under its military alliances was raised during the debates on the item in the General Assembly at its sixteenth session and that certain Powers, bound by treaty alliances with Portugal, declared that the Government of Portugal had been asked not to divert such arms or equipment to Angola for the purpose of quelling the uprising. The Sub-Committee also notes that the General Assembly in its resolution 1742 (XVI) requested all States Members of the United Nations and members of the specialized agencies to deny Portugal any support and assistance which might be used by it for the suppression of the people of Angola. However, the Sub-Committee has heard allegations from several sources that the Portuguese armed forces have continued to utilize equipment provided to them under Portugal's military alliances.

209. On 22 August 1962, the Congolese and international press reported an announcement of the FNLA that the Congolese Government had made available to the Angolan National Liberation Army (ELNA) a site in the Congo (Leopoldville) for use as a military base and training camp. On the same date, the Portuguese Ministry for Foreign Affairs indicated that it had instructed its embassy at Leopoldville to make inquiries of the Congolese Government regarding this matter.

210. A few days later, Foreign Minister Justin Bomboko made a statement "on the armed struggle of the Angolan people", in which he declared that the Republic of the Congo was determined to combat colonialism and would spare no effort to eradicate it "by every possible means". In spite of "internal difficulties", he said, the Congolese Government was determined to support the efforts of brother countries struggling to wrest their independence from colonialists. With regard to the training camp, the Foreign Minister stated that it was a matter for which his Government was not accountable to anyone, and like the Governments of Morocco and Tunisia, which had aided Algeria, the Republic of the Congo would provide "moral support and assistance" to the Angolan people, who had an inalienable right to freedom. The statement concluded with an appeal to Portugal to end its war in Angola and thereby to win the friendship "not only of the Angolan people but of the whole of black Africa".

211. In a semi-official statement on 2 September 1962, the Portuguese Ministry for Foreign Affairs replied that by making available a base for attacks against third parties the Congolese Government was violating the United Nations Charter, and that aggression gave rise to the right of self-defence recognized by Article 51 of the Charter and to the right of exercising it "in a manner that neutralizes the source of the aggression". The statement ended by announcing that the Portuguese Government would have to determine its future attitude to the Republic of the Congo (Leopoldville) and that a strong protest would be lodged by the Portuguese embassy in Leopoldville.

212. On 6 September 1962, Mr. Adoula, the Prime Minister of the Republic of the Congo (Leopoldville), criticized the "agressive nature" of the Portuguese statement and affirmed that the policy which the Congolese Government had always applied and would continue to follow in the case of Angola was based solely on the right of peoples to self-determination endorsed by the United Nations Charter. Mr. Adoula added that, in the light of the Portuguese Government's attitude, any further incursions into Congolese territory or violations of Congolese air space by the Portuguese armed forces would be regarded as an act of aggression and an infringement of sovereignty, and all means would be used "to put an end to such a situation". The Prime Minister called the attention of world opinion to the serious consequences that would ensue if the threats contained in the Portuguese statement of 2 September 1962 were carried out, and concluded by expressing the hope that the Portuguese authorities would realize that their attitude would be contrary to the efforts being made to normalize the situation in that region of Africa and would abandon a policy that had been condemned by the highest international bodies and by world opinion.

213. The above developments confirm the apprehensions which the Sub-Committee had expressed in its previous report that the continuance of the conflict in Angola might lead to serious international incidents. It is to be feared that an explosive situation might develop from the confrontation of the growing demand for the ending of colonialism in the African continent by further obduracy of the Portuguese Government in maintaining its opposition to a settlement through negotiation and to any other proposal regarding self-determination for Angola.

The presence of a very large number of Angolan refugees in the Republic of the Congo (Leopoldville), and the ethnic and other ties that link the people on both sides of the extended northern border of Angola are also factors which cannot be ignored. The Sub-Committee is convinced that the present attitude of the Portuguese Government cannot but create conditions that will endanger international peace and security in that part of the world.

PART THREE

CONCLUDING OBSERVATIONS

I. Summary of findings

214. In part one of this report, the Sub-Committee has described the way in which it approached its task and its unsuccessful efforts to obtain the co-operation of the Government of Portugal in implementing the resolutions of the General Assembly and the Security Council with respect to Angola. In part two, it has summarized the development of the situation during the past year so far as it could inquire into it in spite of the denial of co-operation by the Government of Portugal. The Sub-Committee has also dealt with the situation in the context of the United Nations concern with international peace and security in Africa and the world.

215. In spite of the resolutions of the General Assembly and the Security Council calling upon Portugal to desist from repressive measures and armed action against the people of Angola, the Government of Portugal has continued to resort to military and other repressive means. Although the Portuguese military forces, which are superior in numbers, training and armament on the ground and are unchallenged in the air, have scored successes against the poorly equipped Angolans and have re-occupied territory, nationalist resistance is continuing in the form of guerrilla activity, and war by any definition of the term continues to be waged in Angola.

216. In this connexion, the Portuguese Government's description of its military operations as being "limited police actions" cannot be accepted, nor can these operations, particularly the operations of the Portuguese Air Force, be regarded as coming within the framework of maintenance of law and order.

217. As to the problem of Angolan refugees in the Congo (Leopoldville), there has been no significant return of these refugees to Angola in spite of the efforts of the Portuguese authorities to encourage such return, and the relatively small number of refugees who have returned has been far exceeded by new arrivals in the Congo. There is considerable moral resistance to the idea of repatriation among the refugees, partly because of fear resulting from

personal experience in Angola and partly because of political feelings. The great majority of the refugees do not wish to return to Angola until it becomes independent, or at least until there are guarantees of their personal safety and political freedom.

218. In spite of the Portuguese Government's assertion that no persons are in custody for political crimes, and that no executions have been carried out since they are prohibited by the Portuguese Constitution, there is evidence that a large number of Angolans have been arrested and are still detained for offences which cannot be regarded as other than political. Complaints have also been received regarding the execution of Angolans without formal charges on the mere suspicion that they were implicated in the independence movement.

219. The Portuguese Government has continued to claim that the reforms announced last year constitute a significant contribution to the solution of the Angolan problem. The evidence indicates, however, that these reforms are not designed to promote the self-government or the self-determination of the Angolan people. On the contrary, they are designed essentially to strengthen the political integration of Angola with Portugal. The reforms include programmes to promote the colonization of the territory by Portuguese settlers, who are given government encouragement and special incentives. At the same time, firm military and political control is maintained and measures are taken towards greater economic integration with Portugal. The Government of Portugal has failed so far to undertake significant political reforms and, in particular, has not set up freely elected and representative political institutions with a view to transfer of power to the people of Angola.

220. The situation in Angola presents a serious challenge to the United Nations. The continuance of the conflict, despite repeated efforts by the Organization to promote a peaceful settlement, carries with it a serious danger of an extension of the conflict. An explosive situation might develop from the confrontation of the growing demand for the ending of colonialism in the African continent by further obduracy of the Portuguese Government in denying self-determination for Angola.

II. Conclusions

221. The Sub-Committee felt that the primary responsibility for implementing the resolutions of the United Nations with regard to Angola - and in particular General Assembly resolution 1742 (XVI) - lay with the Government of Portugal and that its own role was to facilitate and assist in the achievement of United Nations objectives. To this end the Sub-Committee continued to pursue its efforts during the year to induce Portugal to move towards a peaceful solution of the problem in compliance with the United Nations resolutions. The Sub-Committee regrets that its efforts have been fruitless.

222. The United Nations has recognized that the desire for independence is a rightful aspiration of peoples under colonial subjugation, that the process of self-determination is irresistible and irreversible, and that the denial of this right constitutes a threat to the well-being of humanity and to international peace. With specific reference to Angola, the General Assembly, in its resolution 1603 (XV), called 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. The Security Council in its resolution of 9 June 1961 (S/4835), inter alia, reaffirmed General Assembly resolution 1603 (XV) and called upon Portugal to act in accordance with the terms of that resolution. In its resolution 1742 (XVI), the General Assembly solemnly reaffirmed the inalienable right of the Angolan people to self-determination and independence.

223. The Government of Portugal has rejected the above and other resolutions concerning Non-Self-Governing Territories and the question of self-determination. In justification for its refusal to implement these resolutions, the Portuguese Government has, on the one hand, criticized the process of self-determination in Africa, and has, on the other, alleged that there is a special evolution in Portuguese territories. It claims that it is building a multiracial community in Africa and that self-determination and independence would result in the negation of multiracialism.

224. The Sub-Committee cannot agree that the professed intention of building a multiracial society can serve to justify the denial of the right of self-determination. It notes that the Angolan nationalist organizations have

expressed support for racial co-operation based on equality. So far as the proclaimed objectives of the Portuguese authorities are concerned, they must be considered as a rationalization for policies that result in the denial of equality and the continuance of colonial domination.

225. In persisting in these policies, the Portuguese Government has failed to take into account the determination of the Angolan nationalists to continue the struggle, the sympathy which that struggle has evoked in Africa and throughout the world, or the dangers of international complications if a peaceful solution is not found. Furthermore, it has so far failed to take into account that all Angolan political groups, without exception - even those which are opposed to armed action and desire close co-operation with Portugal - are in favour of the eventual establishment of an independent Angolan State.

226. If the Government of Portugal continues to apply its present policies, it will bear the main responsibility for a deterioration of the situation. The Sub-Committee hopes that the Government of Portugal will, in the interests of peace in the world and in its own interest, choose the path of a peaceful solution. Further delay in seeking such a solution will endanger international peace and security and gravely jeopardize Portugal's future relations with an independent Angola.

227. The Sub-Committee considers that the United Nations in any further action concerning Angola should call upon the Government of Portugal to take immediate steps to implement the United Nations resolutions relating to Angola, in particular by recognizing the right of self-determination for Angola, terminating its armed action and repressive measures against the Angolan people, releasing all political prisoners by a general amnesty, and entering into pourparlers with the Angolan groups concerned with the aim of reaching agreement on the implementation of measures required for the creation of freely elected and representative political institutions with a view to the transfer of power to the people of Angola. The above measures could, if speedily applied, constitute an effective means of securing a peaceful solution.

228. The distress shown by the international community over the adamant attitude of the Government of Portugal and the danger of further complications should convince that Government to re-examine the basis of its policy in Angola and to consider the assistance the United Nations can offer towards a peaceful solution. The Government of Portugal should recognize the just concern of the international community, discard its negative policy buttressed by irrelevant passion and resentment, heed the councils of wisdom and goodwill, and assume its obligations to assist in the emergence of Angola to its rightful place in the community of nations.

229. The Sub-Committee notes that resolution 1742 (XVI) requested Member States "to use their influence to secure the compliance of Portugal" with the resolution, and also requested Member States and members of specialized agencies "to deny Portugal any support and assistance which may be used by it for the suppression of the people of Angola". The Sub-Committee considers that the General Assembly has thus placed direct responsibility for action with respect to these matters on the States concerned.

230. The possibility of a peaceful solution would be greatly enhanced if Member States made intensive efforts to convince the Government of Portugal of the need to face political realities and to adjust its policies thereto in keeping with the United Nations Charter and the obligations which Portugal has assumed under its terms.

231. The Sub-Committee is of the view that, if the Portuguese Government fails once again to heed the resolutions of the United Nations, the situation in Angola will inevitably continue to deteriorate and become a more serious threat to international peace and security. In that event, the Security Council and the General Assembly will have to consider further measures in conformity with the Charter to secure the compliance of Portugal with United Nations decisions relating to Angola.

DONE at United Nations Headquarters, New York, this eighth day of November, one thousand nine hundred and sixty-two.

(Signed) Carlos SALAMANCA, Bolivia
Louis IGNACIO-PINTO, Dahomey
Yoke Lin ONG, Federation of Malaya
Ralph ENCKELL, Finland
Omar Abdel Hamid ADEEL, Sudan

Dantas de BRITO
Secretary

ANNEX I

LIST OF REPRESENTATIVES TO THE SUB-COMMITTEE

- Bolivia - Mr. Carlos Salamanca (Chairman)
Mr. Jaime Caballero Tamayo (alternate)
- Dahomey - Mr. Louis Ignacio-Pinto
Mr. Maxime-Léopold Zollner (alternate)
- Federation of
Malaya - Dato' Nik Ahmed Kamil (Rapporteur)^{a/}
Dato' Ong Yoke Lin (Rapporteur)^{b/}
Mr. Zakaria bin Haji Mohamed Ali (alternate)
- Finland - Mr. Ralph Enckell (Vice-Chairman)
Mr. Taneli Kekkonen (alternate)^{c/}
- Sudan - Mr. Omar Abdel Hamid Adeel
Mr. Sir-El Khatim El Sanousi (alternate)^{d/}
Mr. El Nur Ali Suleiman (alternate)^{e/}

^{a/} Until 16 March 1962.

^{b/} From 25 July 1962.

^{c/} From 9 July 1962.

^{d/} Until 21 February 1962.

^{e/} From 21 February 1962.

ANNEX II

RESOLUTIONS ON THE SITUATION IN ANGOLA

A. Resolution 1603 (XV) adopted by the General Assembly
on 20 April 1961

"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), 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."

B. Resolution adopted by the Security Council on
9 June 1961 (S/4835)

"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) of 20 April 1961 and calls upon Portugal to act in accordance with the terms of that resolution;

"2. Requests the Sub-Committee on the Situation in Angola, appointed under the 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."

C. Resolution 1742 (XVI) adopted by the General Assembly
on 30 January 1962

"The General Assembly,

"Having considered the situation in Angola,

"Recalling its resolution 1603 (XV) of 20 April 1961 and the Security Council resolution of 9 June 1961,

"Having examined the report of the Sub-Committee on the Situation in Angola appointed under resolution 1603 (XV),

"Deploring the lack of co-operation and assistance by Portugal in the full and effective discharge of the Sub-Committee's task as called for in the aforementioned resolutions,

"Noting with deep regret Portugal's refusal to recognize Angola as a Non-Self-Governing Territory and its failure to take measures to implement General Assembly resolution 1514 (XV) of 14 December 1960 entitled 'Declaration on the granting of independence to colonial countries and peoples',

"Convinced that the continued refusal of Portugal to recognize the legitimate aspirations of the Angolan people to self-determination and independence constitutes a permanent source of international friction and threatens international peace and security,

"1. Expresses its appreciation of the work of the Sub-Committee on the Situation in Angola and commends to the Portuguese Government, for urgent consideration and effective implementation, the observations, findings and conclusions set out in the Sub-Committee's report;

"2. Solemnly reaffirms the inalienable right of the Angolan people to self-determination and independence;

"3. Deeply deprecates the repressive measures and armed action against the people of Angola and the denial to them of human rights and fundamental freedoms, and calls upon the Portuguese authorities to desist forthwith from repressive measures against the people of Angola;

"4. Appeals to the Government of Portugal to release immediately all Angolan political prisoners wherever they may be held;

"5. Urges the Government of Portugal to undertake, without further delay, extensive political, economic and social reforms and measures, and in particular to set up freely elected and representative political institutions with a view to transfer of power to the people of Angola;

"6. Decides to continue the Sub-Committee on the Situation in Angola appointed under General Assembly resolution 1603 (XV):

"(a) To continue the performance of its tasks;

"(b) To study ways and means to secure the implementation of the present resolution and to report thereon to the Security Council and to the General Assembly;

"7. Requests Member States to use their influence to secure the compliance of Portugal with the present resolution;

"8. Requests all States Members of the United Nations and members of the specialized agencies to deny Portugal any support and assistance which may be used by it for the suppression of the people of Angola;

"9. Requests the Government of Portugal to submit a report to the General Assembly at its seventeenth session on the measures it has undertaken in the implementation of the present resolution;

"10. Recommends the Security Council, in the light of the Council's resolution of 9 June 1961 and of the present resolution, to keep the matter under constant review."
