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REPORT OF THE SPECIAL COMMITTEE ON TERRITORIES
UNDER PORTUGUESE ADMINISTRATION

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LETTER OF TRANSMITTAL

24 August 1962

Sir,

I have the honour to transmit to you in accordance with the provisions of paragraph 3 of resolution 1699 (XVI), adopted by the United Nations General Assembly on 19 December 1961, the report of the Special Committee on Territories under Portuguese Administration.

Accept, Sir, the assurances of my highest consideration.

(Signed) Zenon ROSSIDES
Chairman of the Special Committee
on Territories under Portuguese
Administration

His Excellency U Thant
Acting Secretary-General of the
United Nations
New York

ABBREVIATIONS

ECA	Economic Commission for Africa
ILO	International Labour Organisation
NATO	North Atlantic Treaty Organization
UNESCO	United Nations Educational, Scientific and Cultural Organization
WHO	World Health Organization

PART ONE

THE ESTABLISHMENT OF THE COMMITTEE AND ORGANIZATION OF ITS WORK

I. THE WORK OF THE COMMITTEE

1. By resolution 1699 (XVI) of 19 December 1961, the General Assembly decided to establish a Special Committee of seven members to examine, as a matter of urgency, within the context of Chapter XI of the Charter of the United Nations and relevant resolutions of the Assembly, such information as is available concerning Territories under Portuguese administration, and to formulate its observations, conclusions and recommendations for the consideration of the Assembly and any other body which the Assembly might appoint to assist it in the implementation of General Assembly resolution 1514 (XV) of 14 December 1960.
2. At its 1087th meeting the General Assembly approved the election of Bulgaria, Ceylon, Colombia, Cyprus, Guatemala, Guinea and Nigeria as members of the Committee. The list of members nominated by the Governments of the respective countries to the Committee is annexed to this report.^{1/}
3. The Committee held its first meeting on 1 March 1962 and elected Mr. Zenon Rossides (Cyprus) Chairman, Mr. Achkar Marof (Guinea) Vice-Chairman and Mr. H.O. Wijegoonawardena (Ceylon) Rapporteur.
4. At that meeting, the Committee had before it an introductory note prepared by the Secretary-General.^{2/} In this note the Secretary-General gave an account of the action he had taken to inform the Government of Portugal of the decisions of the General Assembly which had a bearing on the Territories enumerated in resolution 1542 (XV) of 15 December 1960 as Non-Self-Governing Territories under Portuguese administration, with particular reference to resolution 1699 (XVI) establishing the Committee.
5. Furthermore, in view of the fact that by the date of the convening of the Committee, the Secretary-General had not received any information transmitted by the Government of Portugal in fulfilment of its obligations under Chapter XI

^{1/} Annex I.

^{2/} A/AC.108/L.1

of the Charter, he had prepared for the Committee background information relating to political, economic, social and educational conditions in Territories under Portuguese administration, as called for in operative paragraph 4 of resolution 1699 (XVI). The background papers were distributed as provisional and restricted Committee papers. They are now available as Committee papers.^{3/}

6. The Committee notes that under its terms of reference, as set out in resolution 1699 (XVI), the scope of its work covers "Territories under Portuguese administration". In view of the fact that Sao João Batista d'Ajuda and Goa and dependencies were no longer under the administration of Portugal, having been nationally united with Dahomey and India, respectively, the Committee decided at its third meeting that, although these Territories were enumerated by the General Assembly in resolution 1542 (XV) of 15 December 1960, they no longer came within its purview. The present report therefore covers the following Territories enumerated in the aforementioned resolution:

- (a) The Cape Verde Archipelago;
- (b) Guinea, called "Portuguese Guinea";
- (c) São Tomé and Príncipe, and their dependencies;
- (d) Angola, including the enclave of Cabinda;
- (e) Mozambique;
- (f) Macau and dependencies;
- (g) Timor and dependencies.

7. At the third meeting the representative of Bulgaria reserved the position of his delegation as regards Macau and dependencies, stating that, in his Government's view, Macau was not a Portuguese colony but part of the territory of the People's Republic of China which Portugal had in the past occupied by force. He also recalled that when the Fourth Committee had voted on the draft resolution which subsequently became resolution 1542 (XV), a number of delegates had put on record their reservations regarding the list of Territories enumerated and had stated, inter alia, that they considered Macau and dependencies to be part of the territory of the People's Republic of China.

8. The first task undertaken by the Committee was to explore the sources of information available to it. Under the terms of resolution 1699 (XVI), in

addition to examining the information provided in the background papers prepared by the Secretary-General, the Committee was also authorized to receive petitions and to hear petitioners. In order to obtain as up-to-date and authentic information as possible, with a view to fulfilling the mandate given to it by the General Assembly, the Committee decided, as a first step, that it should invite the co-operation of the Government of Portugal and inquire of it as to the nature and scope of the co-operation it was prepared to offer the Committee.

9. The steps taken by the Committee and the results obtained are described in the sections below.

II. COMMUNICATIONS WITH THE GOVERNMENT OF PORTUGAL

10. With a view to seeking the co-operation of the Government of Portugal, the Committee authorized its Chairman first to communicate with the Permanent Representative of Portugal to the United Nations, and empowered him to address a letter to the Minister of Foreign Affairs of Portugal.^{4/} The text of the letter, dated 13 March 1962, was as follows:^{5/}

"On behalf of the Special Committee on Territories under Portuguese Administration, I have the honour to refer to General Assembly resolution 1699 (XVI) of 19 December 1961, a copy of which is enclosed, together with a note on the elections of the Special Committee's Bureau."

"This Committee has been established by the General Assembly to examine as a matter of urgency, within the context of Chapter XI of the Charter and relevant resolutions of the General Assembly, such information as is available concerning Territories under Portuguese administration."

"At the request of the General Assembly, the Secretary-General, pending the transmission by Portugal of information on conditions in the Territories under its administration, has prepared for the use of this Committee on the basis of available information, background papers containing information on conditions prevailing in Territories under Portuguese administration."

"The mandate of this Committee, as set forth in resolution 1699 (XVI), is to formulate, on the basis of all the information it can obtain, its observations, conclusions and recommendations for the consideration of the General Assembly and the Committee of Seventeen members established by resolution 1654 (XVI)."

"Consequently, the Special Committee on Territories under Portuguese Administration has requested me as its Chairman to invite the co-operation of your Government and inquire as to the nature and scope of the co-operation that it may be prepared to offer to the Special Committee."

"Should it appear to the Committee in the light of the progress of its work that it would be advisable to visit Territories under Portuguese administration in order to obtain as up-to-date and complete information as possible, the Committee would look forward to the co-operation of your Government in facilitating such a visit and would greatly appreciate it if you could inform me in such eventuality what facilities your Government would be able to provide to make the visit possible."

^{4/} However, owing to the absence from New York of the Permanent Representative of Portugal, the Chairman was not able to establish personal contact with him prior to the delivery of the letter to the Permanent Mission of Portugal for transmittal to the Minister for Foreign Affairs in Lisbon.

"It is the intention of the Committee to approach its task in a spirit of co-operation. In this sense, it expresses its hope that a corresponding spirit of goodwill will be forthcoming on the part of your Government.

"I trust that, owing to the urgency of the matter, you will favour me with a reply at your earliest convenience."

11. The reply from the Government of Portugal, contained in a letter dated 23 March 1962 from the Foreign Minister addressed to Ambassador Rossides, is reproduced below:^{6/}

"In reply to your letter of 13 March 1962 inviting the Portuguese Government to co-operate with the Special Committee of Seven on Portuguese Territories, I have the honour to inform you as follows.

"The Portuguese Government has repeatedly had occasion both in the Fourth Committee and in the General Assembly to express its views concerning the interpretation and application of Chapter XI and Article 73 of the Charter of the United Nations. The Portuguese Government has no reason to change the opinions which were expressed on those occasions and which are doubtless known to the Special Committee, nor has any valid argument in favour of changing them been put before it. The Portuguese Government therefore cannot but view in the light of the foregoing the request contained in the above-mentioned letter and accordingly wishes to express its reservations forthwith. Before taking a final decision, however, the Portuguese Government would like further information concerning certain points which have not been made sufficiently clear to it.

"Your letter refers to resolutions 1654 (XVI) and 1699 (XVI). No mention is made of resolution 1542 (XV), which is equally relevant to the problem. The Portuguese delegation voted against all three of the resolutions in question, but all of them were adopted by a large majority. The Portuguese Government would therefore like to know whether the Special Committee intends to base its work only on the resolutions referred to in your letter or intends also to take into account resolution 1542 (XV).

"The Portuguese Government also notes that the Special Committee at its meeting of 2 March 1962 decided to receive petitioners from Portuguese Territories, its decision in this matter presumably being based on the resolutions mentioned by you. The Portuguese Government is not aware, however, of any provision in the Charter, or in the rules of procedure or the practice of the Assembly, which authorizes the procedure which the Committee intends to adopt. The Portuguese Government would therefore appreciate a precise indication of the legal provisions or rules on which the decision taken by the Special Committee in this respect is based.

"It is also indicated in your letter that the Special Committee might intend to visit Portuguese Overseas Territories. As your letter and the resolutions on which it is based classify the Portuguese Territories as 'Non-Self-Governing', and as neither the Charter of the United Nations nor the rules of procedure authorize any visit by an organ or committee of the United Nations to Non-Self-Governing Territories, the Portuguese Government would also appreciate a clarification concerning the legal provisions or rules which in the view of the Special Committee would authorize the Committee to carry out such an intention.

"As regards this last point, however, and without prejudice to the question of principle and the reservations expressed, it is recalled that in resolution 1542 (XV), paragraph 1 (g), 'Goa and dependencies' are considered a 'Portuguese Non-Self-Governing' Territory. As it is a matter of public knowledge that events which should be of great interest to the Committee occurred in that Territory a few months ago, the Portuguese Government will defer a final reply to the request until it is informed of the Committee's visit to the Portuguese Territory of Goa and dependencies and of the conclusions reached by the Committee concerning the way in which resolution 1541 (XV) and its annex have been applied in the case of that Territory.

"The Portuguese Government will determine its further position in the light of the replies received concerning the foregoing points.

"I have the honour to be, etc."

12. The Committee was of the view that while Portugal continued to deny its obligations under Chapter XI of the Charter, any acceptance by Portugal of the prospect of a visit by the Committee to one of the Territories enumerated in General Assembly resolution 1514 (XV) should also logically extend to the other Territories enumerated therein. Accordingly, the Committee, through its Chairman once again, addressed a letter, dated 19 April 1962, to the Minister for Foreign Affairs of Portugal. The text of the letter was as follows:^{7/}

"I have the honour to acknowledge the receipt of your letter of 23 March 1962 which was addressed to me personally and which I have duly communicated to the Special Committee on Territories under Portuguese Administration, as its Chairman.

"In response to your inquiries the following clarifications and remarks are herewith made on behalf of the Committee.

"The Special Committee's authority to hear petitioners from Territories under Portuguese administration or visit the Territories in question derives from General Assembly resolution 1699 (XVI) setting up this Committee. It would be outside the scope of this Committee to enter into a discussion on the validity of that resolution beyond stating that neither the Charter nor the rules of procedure in any way restrict the authority of the General Assembly in these respects.

"As regards your preoccupation with resolution 1542 (XV), kindly note that while no particular reference has been made to it in my letter of 13 March, this resolution is obviously among those fundamentally relevant to the work of the Committee since it is explicitly quoted in resolution 1699 (XV). I am however heartened to see from your letter that your Government notwithstanding its vote against the said resolution 1542 (XV) attaches due importance to it at least as regards the enumeration of 'Non-Self-Governing Territories under Portuguese administration'. Indeed the suggestion in your letter for our visit to Goa is made on the strength of that resolution listing Goa and dependencies among such Territories under Portuguese administration which your Government thereby necessarily accepts. In view of the fact that at the time of the said resolution there was no constitutional difference under the laws of Portugal between Goa and the rest of such Territories, the logical inference should follow that what is taken as having applied to Goa in that resolution could equally correctly apply to the other Territories therein listed.

"If your Government, consistent with the above, were to facilitate our visit to the Non-Self-Governing Territories under its administration, the Committee would visit such Territories as are listed in the resolution and as, in its opinion, are necessary for the fulfilment of its mandate from the General Assembly.

"In concluding I wish to express, Sir, the hope that a constructive first step towards a co-operative effort for the peaceful and just solution of the problem under the United Nations Charter may eventually be forthcoming from Portugal in the real interest of all concerned.

"Accept, Sir, etc."

13. The Committee regrets to note that since then it has received no further written communication from the Government of Portugal, and that it has not been possible for the Committee to visit any of the Territories under Portuguese administration.

14. While the Committee was in the Congo (Leopoldville), a telephone message from the Portuguese Chargé d'Affaires in Leopoldville, Mr. de Siqueira Freire, was received at the office of the Officer-in-Charge of

the United Nations operation in the Congo, suggesting that a small delegation of the Special Committee on Territories under Portuguese Administration might wish to visit Angola. Mr. de Siqueira Freire stipulated, however, that the representatives of Guinea and Bulgaria would not be acceptable on that delegation, as his Government felt that they had already expressed themselves in a prejudiced manner on the issue.

15. The Committee was informed of this suggestion at its thirty-fifth meeting held in Leopoldville on 28 May 1962. All the members of the Committee considered that the Portuguese invitation, by discriminating against two of its members, was unacceptable. Moreover, it was insulting to the General Assembly which had appointed the Committee. Nevertheless after some discussion it authorized the secretary of the Committee to telephone the Chargé d'Affaires, informing him that the Committee would await a formal invitation in writing before deciding on the matter. The Portuguese Chargé d'Affaires promised to send a written invitation but said he would have to consult his Government first. Up to the time of this report, the Committee has not received any written invitation from the Government of Portugal to visit Angola.

16. The Committee notes with regret that the Government of Portugal has not found it possible to follow up with a written invitation to all the members of the Committee the suggestion of its Chargé d'Affaires in Leopoldville to visit Angola and furthermore it has not offered its co-operation to the United Nations in the implementation of the relevant resolutions of the General Assembly. The Committee considers that such co-operation, apart from being an obligation on the part of Portugal as a Member State, would also have been in Portugal's own interest and might have helped to create an atmosphere for better understanding with the inhabitants in the Territories under question.

III. HEARING OF PETITIONERS

17. The Committee is authorized under its terms of reference^{8/} to receive petitions and hear petitioners concerning conditions prevailing in Territories under Portuguese administration. As the Committee was unanimously of the view that this was a most important source of information, it decided, at its first meeting, to consider the petitions available and the requests for hearings. Accordingly, the Secretariat was authorized to reproduce for the use of the Committee any such communications received in order that the Committee might decide to accept or reject them on the basis of the individual merit of each communication.

18. The Committee also decided that it should begin to hear petitioners as soon as possible, as its mandate required that the examination of such information as was available should be undertaken as a matter of urgency. In order to make the work of the Committee known to such persons as might be interested in requesting hearings, the Committee, at its third meeting, on 13 March 1962, approved a statement on its activities and objectives for publication as a press release.^{9/} This press release was given wide distribution by the United Nations Office of Public Information through all available media.

19. In regard to the place where the petitioners could be heard, the Committee recalled that the original intention of the sponsors of the resolution was to enable the General Assembly to collect evidence for itself and that the Secretary-General's statement regarding the financial implications of the establishment of the Special Committee had foreseen that additional expenses arising from its activities might have to be incurred.^{10/} In the Committee's view, therefore a certain latitude existed in regard to the financial commitments flowing from its activities in collecting authentic and up-to-date information. Hence, if it was to the benefit of the Committee's work to hear petitioners in other places, in addition to those present in New York, financial considerations should not be a bar to its proceeding to such places to obtain the necessary information.

20. The Committee was also faced with the problem that some of the petitioners who wished to provide it with information could not afford the expense of

^{8/} General Assembly resolution 1699 (XVI), operative paragraph 5.

^{9/} A/AC.108/2.

^{10/} A/C.4/L.706, para. 3.

travelling to New York or had difficulties in obtaining the necessary travel documents. The petition from the União Democrática Nacional de Moçambique (UDENAMO), ^{11/} for instance, had asked for assistance in furnishing visas, transportation and accommodation so that three representatives could appear before the Committee in New York.

21. Some members suggested that the Secretary-General should be asked to facilitate the travel of petitioners to Headquarters, while others suggested that a better solution would be for the Committee to visit those countries in Africa where there were refugees and representatives of political parties from Territories under Portuguese administration. Before taking a decision, however, the Committee decided to write to the Governments of countries with common borders with the African Territories under Portuguese administration, and to those others which are likely to have refugees or representatives of political organizations in their countries who could provide the Committee with up-to-date and authentic information. Accordingly, the Committee sent communications to the Governments of Congo (Brazzaville), Congo (Leopoldville), Ghana, Guinea, Morocco, Nigeria, Senegal, Tanganyika, the United Arab Republic and the United Kingdom (in respect of Territories under its administration, and particularly the Federation of the Rhodesias and Nyasaland), seeking such information. ^{12/}

22. Pending the receipt of replies, the Committee began hearing in New York those petitioners it considered might provide it with authentic and up-to-date information relating to conditions in Territories under Portuguese administration.

23. Between 9 April and 17 April, the Committee heard the following petitioners:

Mr. Eduardo Mondlane
Mr. George Hauser
Mr. Soma Valente
An Angolan petitioner ^{13/}

During this period the Committee also granted Captain Henrique Galvão a hearing. However, Captain Galvão was not able to appear before the Committee prior to the final stage of its work.

^{11/} A/AC.108/PET.L.1.

^{12/} A/AC.108/5.

^{13/} Name withheld by request.

24. The substance of the statements^{14/} of these petitioners confirmed the Committee's opinion that it would be useful for its work to visit countries in Africa where it could hear petitioners and receive petitions from refugees and persons from Territories under Portuguese administration. As the Committee had not been able to obtain much information in New York relating to developments later than December 1960, it was evident that it would be necessary to seek more up-to-date information from persons who had recently been in the Territories or who had contacts there. The Committee was particularly interested to learn from such persons the effects of the reforms introduced by Portugal in September 1961, and to study what steps were being taken by Portugal towards fulfilling the aspirations of the people in the Territories under its administration. As many of the petitioners who offered to provide such information could not come to New York, the Committee concluded that it was necessary for it to visit Africa to hear them locally.

25. The Committee's decision to visit Africa to collect the necessary information was backed by the argument of some of its members that the Committee's presence in Africa would also provide an opportunity for demonstrating the interest the United Nations had in the peoples in Territories under Portuguese administration in Africa and the importance the world Organization attached to finding peaceful solutions to the problems of the accession to independence of these dependent peoples.

26. During the Committee's discussion of the proposed visit to Africa, it received, in accordance with Regulation 13.1 of the Financial Regulations and Rules of the United Nations, a statement from the Secretary-General on the financial implications of such a journey.^{15/}

27. The Secretary-General stated in this document that since it had been his understanding at the time the Special Committee was established that no travel had been contemplated, he had not submitted estimates for such a purpose in the statement of financial implications considered by the Fifth Committee during the

^{14/} The statements of the petitioners are contained in A/AC.108/SR.8-10, 12, 14, 15; A/AC.108/FV.14 and 15 and A/AC.108/11.

^{15/} A/AC.108/L.3 and Add.1.

sixteenth session of the General Assembly. Thus, no special funds having been approved for travel by the General Assembly, the only source available to obtain the necessary financial provision was the funds authorized by resolution 1731 (XVI) of 20 December 1961, for the use of which the Secretary-General had to approach the Advisory Committee on Administrative and Budgetary Questions. The Advisory Committee, on the basis of preliminary information supplied to it, then informed the Secretary-General that it was precluded "under the existing circumstances" from considering whether or not to concur in his request for the expenditures in question.

28. At its thirteenth meeting, on 16 April 1962, the Committee unanimously adopted a resolution by which it decided to visit those countries in Africa which had already extended, or might in the future extend, their co-operation and assistance to the Committee, and which had refugees or representatives of political organizations from Territories under Portuguese administration.^{16/} By this resolution the Committee also requested the Secretary-General to furnish it with the necessary assistance and facilities for the purpose of visiting the countries mentioned in Africa.

29. On the following day, i.e., on 17 April, after it had been informed of the resolution unanimously adopted by the Special Committee, the Advisory Committee on Administrative and Budgetary Questions, while maintaining its position of principle based on the Financial Regulations and Rules of Procedure of the General Assembly and the text of General Assembly resolution 1699 (XVI), gave its concurrence for the disbursement of the estimated expenses.^{17/}

^{16/} Annex II.

^{17/} A/AC.108/L.3/Add.2.

IV. VISIT TO AFRICA

30. In reply to the Committee's inquiries, the Governments of Congo (Leopoldville), Ghana, Guinea, Morocco, Senegal and Tanganyika informed the Committee that there were in their countries refugees or representatives of political organizations from Territories under Portuguese administration who would be willing to appear before the Committee to give information and assist the Committee in its work. The Governments of Nigeria and the United Arab Republic informed the Committee that there were no refugees or representatives of political organizations from Territories under Portuguese administration in their respective countries but extended invitations to the Committee to visit their countries.

31. The Committee decided to visit Tanganyika, the Congo (Leopoldville), Ghana, Guinea, Senegal and Morocco to hear petitioners, and to accept the invitations of the Governments of Nigeria and the United Arab Republic to visit their countries.

32. Owing to urgent responsibilities in New York, the Chairman, Mr. Rossides, was unable to undertake the journey. The members of the Committee who visited Africa were: Mr. Achkar Marof (Guinea), Acting Chairman; Mr. H.O. Wijegoonawardena (Ceylon), Rapporteur; Mr. B. Grinberg (Bulgaria); Mr. A. Venegas (Colombia); Mr. D. Moushoutas (Cyprus); Mr. González Galvo (Guatemala); and Mr. I. Olisemeka (Nigeria). The Mission was accompanied by the following members of the Secretariat: Mr. A.V. Kunst, Principal Secretary; Mrs. P. Tsien, Political Affairs Officer; Mr. R. Confino, Interpreter; Mr. J. Machado, Finance and Administrative Officer; Miss Françoise de Billy, Mrs. G. Miliband and Miss Yvonne Rountree, Secretaries.

33. The Committee left New York on 8 May and visited the countries in the order mentioned. It completed its work in Morocco on 15 June. The itinerary of the Committee's visit is annexed to this report.^{18/} The Committee wishes to take this opportunity to place on record its expression of gratitude and appreciation for the assistance and hospitality provided by the Governments concerned.

34. While the Committee was in Africa, by letter dated 17 May 1962,^{19/} the Permanent Representative of the United Kingdom Mission to the United Nations informed the Secretary of the Special Committee that "Her Majesty's Government have

^{18/} Annex III.

^{19/} A/AC.108/21.

decided with regret that, in view of their well-known views on the hearing of petitioners by the United Nations, they are unable to assist the Committee in the matter mentioned in the Chairman's communication to them of March 27". The Committee regrets, however, that it was not able to visit Territories under the administration of the United Kingdom where there are persons who could have provided the Committee with information on Territories under Portuguese administration.

35. During its visit to Africa the Committee held thirty meetings, of which twenty-seven were devoted to hearing petitioners. The list of petitioners heard and the organizations they represented are given below:

A. Dar es Salaam, Tanganyika

1. União Democrática Nacional de Moçambique (UDENAMO) (National Democratic Union of Mozambique)

Mr. Hlomulo Chitofu Gwambe, President of UDENAMO

Mr. Absolom Bahule, Secretary

The following persons also provided information in response to questions of members of the Committee:

Rev. U. Simango, Mr. P. Gumane, Mr. M. Murupa, Mr. F. Magaia,

Mr. T. Marapendo, Mr. J. Mungwambe, Mr. D. Mahlayeye, Mr. S. Nungu,

Mr. A. Chapo, Mr. F. Mungaka, Mr. E. Ndimeni, Mr. L. Tembe,

Mr. L. Matsoko, Mr. G. Ndeyo, Mr. P. Ngwenya.

2. Mozambique African National Union (MANU)

Mr. Mathew M. Mmole, President

Mr. Lawrence M. Millinga, Administrative Secretary-General

Mr. Placido Viegas

Mr. E. Lala

3. União Nacional Africana de Moçambique Independente in Nyasaland (UNAMI) (African National Union of Independent Mozambique, in Nyasaland)

Mr. J.B. Chagong'a

Mr. Rafael José Pedro

4. Mr. Tennyson Makiwane, in his personal capacity. Member of the African National Congress (of South Africa)

5. Mr. Nathanael Mbaeva, in his personal capacity. Member of the South West Africa National Union in Dar es Salaam (SWANU)

B. Leopoldville, (Congo)

1. Movimento Popular para a Libertação de Angola (MPLA) (People's Movement for the liberation of Angola)

Mr. Mario Andrade, President

The following persons also provided information in response to questions of members of the Committee:

Rev. Domingos da Silva, Mr. Azevedo Jr., Mr. Viriato da Cruz and Chief Manuel Miguel.

2. Front National pour la Libération de l'Angola (FNLA) (National Front for the Liberation of Angola)

Mr. Holden Roberto, President

The following persons also provided information in response to questions of members of the Committee:

Mr. Emmanuel Kounzika, Mr. David Livromentos, Mr. Dembele Ferdinand, Mr. Lubaki Sebastian, Mr. Domingo Vetokele, Mr. Sanda Martin, Mr. Rosario Neto, Mr. Fernando Dombeles, Mr. Fernando Gourgel, Mr. Alexandre Taty, Mr. Juliao Webba, Mr. Cruz Chisseva, Mr. Paulo Gomes.

3. Mouvement pour la Libération de l'Enclave de Cabinda (MLEC) (Movement for the Liberation of the Cabinda Enclave)

Mr. Luis Ranque Franque, President

Mr. João Francisco Quintao, Vice-President

4. Mouvement de Défense des Intérêts de l'Angola (MDIA) (Movement for the Defence of the Interests of Angola)

Mr. Jean-Pierre Bala, Secretary-General

5. Union Nationale des Travailleurs Angolais (UNTA) (National Union of Angolan Workers)

Mr. Pascal Luvualu, Secretary-General

6. Ngwizani à Kongo (NGWIZAKO)

Mr. Antoine Loureiro, Vice President General

7. Front National Angolais (FNA) (Angolan National Front)

Mr. Charles Salvador, President General

Mr. Antonio Maembe

8. Dr. de Padua, doctor formerly in Portuguese army in Angola.

9. Refugees from Thysville area:

Mr. Alexandre L. Domingos, assistant teacher, spokesman for group;
Mr. Ferreira Bambi, farmer; João Branquirne, regedor; Bunga Kiala, businessman and farmer; Ngonga Davidi, Chief of village; Toco Manuel, Chief; Manuel Nzingi; Miguel Kiala Zinga; João Camao, cook; João Nakisi, Chief of village; Manuel Senguela, Minister in Baptist mission in North Angola.

C. Accra, Ghana

1. União Democrática Nacional de Moçambique (UDENAMO) (National Democratic Union of Mozambique)
Mr. D.J.M. Mabunda
2. Mouvement de Libération de la Guinée dite Portugaise (MLGP) (Movement for the Liberation of "Portuguese" Guinea)
Miss Ernestina da Silva
3. União das Angola Mulheres (UMA) (Union of Angolan Women)
Miss Serafina de Assis
4. Comitê de Libertação de S. Tomé e Príncipe (CLSTP) (Committee for the Liberation of São Tomé and Príncipe)
Mr. Miguel Trovoada, President
5. Liga Geral dos Trabalhadores de Angola (LGTA) (General League of Angolan Workers)
Mr. Kassinda Andre, Secretary-General

D. Conakry, Guinea

1. Partido Africano da independencia da Guiné e Cabo Verde (PAIGC)
(African Independence Party of Guinea and Cape Verde)
Mr. Amilcar Cabral, Secretary-General^{20/}
2. Mouvement de Libération de la Guinée dite Portugaise (MLG-section UFG, Conakry) (Movement for the Liberation of "Portuguese" Guinea)
Mr. Louis da Silva
Mr. Rogatien Francois da Silva
3. Mr. Adriano L. Araujo - formerly of Mouvement de Libération de la Guinée dite Portugaise et des Illes Cap Vert (MLGCV-FLGCV) (Movement for the Liberation of "Portuguese" Guinea and the Cape Verde Islands) -
and Mr. Diakaite
4. Mr. Mamadou Camara

^{20/} In addition, written depositions were submitted by João Tomaz Cabral, linotypist, Estevao Tavares concerning education, Bebiano Almada, a government employee; Aristides Pereira concerning conditions of Government employees; Luis Texeira, a postal worker in Bissao; Cesario Domingos Carvalho de Alvarenga, a former chefe de posto, and by Estaves Taveres, Alfredo Menezes de Alva, José Luis Barbosa and Elmer Fernandes Brito, ex-political prisoners.

E. Dakar, Senegal

1. Movimento de Libertação da Guiné (MLG) (Movement for the Liberation of Guinea)
Mr. Mendy François, Secretary-General
2. Mouvement de Libération de la Guinée dite Portugaise (Bissau) (MLG-BISSAU) (Movement for the Liberation of "Portuguese" Guinea)
Mr. Balbino da Costa, Vice President
Mr. José Francisco
3. Mouvement de Libération des Iles du Cap Vert, Section Sénégal (MLICV) (Liberation Movement for the Cape Verde Islands, Senegal Section (MLICV))
Mr. José Andrade, Secretary-General
Mr. Honore Cabral
4. Rassemblement Démocratique Africain de la Guinée Portugaise (RDAG) (African Democratic Assembly of Portuguese Guinea (RDAG))
Mr. Mane Cheick, Secretary-General
5. Union Populaire de Libération de la Guinée Portugaise (UPLG) (People's Union for the Liberation of Portuguese Guinea)
Mr. Barry Mamadou, Secretary-General
6. União das Populações a Guiné (UPG-ex.MLGC) (Union of the Peoples of Guinea) 21/
Mr. Manuel Lopez da Silva, Secretary-General
Mr. Jonas Mario Fernandez, formerly acting chefe-de-posto
Mr. Armand Faria, ex-officer of Portuguese army
Mr. Jose Mendy, Vice-President of UPG
Mr. Henri Labery
7. Front National de Libération de la Guinée dite Portugaise (FNLG) (National Liberation Front of "Portuguese" Guinea)
Mr. Diallo Ibrahim

F. Rabat, Morocco

1. Partido Africano da Independencia da Guiné e Cabo Verde (PAIGC) (African Independence Party of Guinea and Cape Verde)
Miss Maria Dulce Almada
2. Union Générale des Etudiants d'Afrique Noire sous Domination Portugaise (UGEAN) (General Union of Students of Black Africa under Portuguese Domination)
Mr. Jose Fret, Secretary-General

21/ A written deposition was also submitted by UPG - ex MLGC from a former Portuguese soldier (Antonio Augusto Lanca), ex-corporal of the Artillery Division.

3. Conférence des Organisations Nationalistes des Colonies Portugaises (CONCP) (Conference of Nationalist Organizations of the Portuguese Colonies)

Mr. Marcelino dos Santos, Secretary-General

Mr. Aguino Braganca, Director of Information

36. The Committee also received written petitions from the following:

Mr. Guar Radebe, a member of the Pan Africanist Congress of South Africa, submitted in his personal capacity; the Comité d'Action Nationale des Cabindais; NTO-BAKO Angolais; Mr. Abdoulaye Diallo, the Secretary-General, of the All African Peoples' Conference; and the Jeunesse de l'Union Populaire de Libération de la Guinée "Portugaise".

37. The Committee wishes to record its thanks and appreciation to all the petitioners who appeared before it and who provided it with much useful information.

V. EXAMINATION OF INFORMATION

38. In accordance with paragraph 4 of resolution 1699 (XVI) the Secretary-General had prepared for the Special Committee background papers on the basis of available information. The Committee had before it background studies on each of the Territories now under Portuguese administration, with the exception of Angola, on which a full report had been prepared by the Sub-Committee on the Situation in Angola and submitted to the General Assembly at its sixteenth session.^{22/} Other studies prepared by the Secretary-General relating to general policies, the constitutional status of the Territories, the legal status of the inhabitants, and new measures introduced by Portugal in the administrative, judicial, economic and social fields were also available to the Committee.

39. The Committee was satisfied that the information contained in these studies was based on official and other authoritative sources, but found that with the exception of the background papers on the new measures introduced by Portugal, most of the others did not give sufficient information on the situation after 1960. Furthermore, little information was available on the political aspirations of the people and the progress of the Territories towards the achievement of the goals envisaged in Chapter XI of the Charter and the Declaration on the granting of independence to colonial countries and peoples. The information the Committee received in Africa has helped to complete this lacuna in its knowledge of the situation in the Territories under Portuguese administration. The Committee has not, however, considered it necessary to reproduce the texts of statements submitted by petitioners,^{23/} but has sought to incorporate the information received and to reflect the views of all who appeared before it in the following sections.

^{22/} A/AC.108/L.5-13 and Official Records of the General Assembly, Sixteenth Session, Supplement No. 16 (A/4978 and Corr.2).

^{23/} The full statements are available for consultation in the Secretariat; statements which have been distributed as committee documents are contained in A/AC.108/22-33.

40. In the examination of the available information, the Committee first considered the situation prevailing in the Territories under Portuguese administration until 31 December 1960 and then reviewed developments after that date. In doing so, the Committee took into account the fact that, in December 1960, the General Assembly had adopted resolutions 1542 (XV) and 1514 (XV), which placed on Portugal, as a Member of the United Nations, specific obligations relating to the Non-Self-Governing Territories under its administration and that it would therefore be useful for the Committee to assess what measures Portugal had taken to fulfil its obligations and to implement these resolutions. The Committee has therefore included in Part Two and Part Three respectively, a review of the situation in the Territories before and after that date. Part Two is based mainly on the background papers prepared for the Committee by the Secretary-General, while Part Three incorporates the information available to the Committee, received from various sources. In Part Four, the Committee submits its observations, conclusions and recommendations.

41. The Committee wishes to reaffirm at the outset that in the examination of the information available to it, it did so according to the principles laid down in Chapter XI of the Charter, the pertinent resolutions of the General Assembly relating to Non-Self-Governing Territories, the resolutions relating to the situation in Angola and, in particular, resolution 1514 (XV).

42. The Committee holds that it is Portugal's primary responsibility to fulfil its obligations under Chapter XI of the Charter, the foremost of which are:

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

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

43. Furthermore, the Committee holds that it is Portugal's responsibility to ensure the implementation of resolution 1514 (XV) by which the General Assembly declares that:

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

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

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

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

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

PART TWO

THE SITUATION PREVAILING IN TERRITORIES UNDER PORTUGUESE
ADMINISTRATION UNTIL 31 DECEMBER 1960 24/

INTRODUCTION

44. The Territories under Portuguese administration are the Cape Verde Archipelago; Guinea, called Portuguese Guinea; São Tomé and Príncipe and their dependencies; Angola, including the Enclave of Cabinda; Mozambique; Macau and dependencies; and Timor and dependencies. Together these Territories cover an area more than 2,074,000 square kms. and have over 12 million inhabitants who are ethnically and culturally different from the inhabitants in Portugal.
45. In December 1960, the General Assembly, by resolution 1542 (XV), decided that these Territories under Portuguese administration were Non-Self-Governing Territories within the meaning of Chapter XI of the Charter, and called upon Portugal to fulfil its obligations thereunder and to transmit information. Portugal, however, has not transmitted, to date, any information in accordance with its Charter obligations. The Special Committee has therefore decided to include in its present report, in summary, a review of the information it has examined in carrying out its mandate under resolution 1699 (XVI), relating to the conditions in Territories under Portuguese administration.
46. Until 1951, Angola, Mozambique, Portuguese Guinea, Cape Verde, São Tomé and Príncipe, Macau and Timor were listed as colonies in the Portuguese Constitution, and the Colonial Act of 1930 established the basic principles of government and administration of these Territories. In addition, the principles of the Colonial Act were further developed in the "Organic Charter of the Portuguese Colonial Empire" and in the Overseas Administrative Reform Act of 1933.
47. When the Constitution was revised in 1951, the Colonial Act was abolished and its main provisions were incorporated into the Constitution under its Chapter VII, entitled "Overseas Territories". With this amendment, the overseas

24/ See paragraph 39.

"Territories" were henceforth to be known as "Provinces". The de jure change in status of the Territories was effected without consultation of the indigenous inhabitants and was not accompanied by de facto changes in their government and administration. Even though the Organic Charter of 1933 was replaced by the Overseas Organic Law of 27 June 1953, the main provisions were unchanged, and, with some modifications, therefore, the Overseas Administrative Reform Act of 1933 remains in force to the present day. The relationship of Angola, Mozambique, Portuguese Guinea, Cape Verde, São Tomé and Príncipe, Macau and Timor to Portugal remains essentially a colonial one and the inhabitants of these Territories have very limited participation in the central and local organs of government.

I. GOVERNMENT

A. Central Government

48. The sovereignty of the State is "vested in the nation" as represented by the "Head of State, the National Assembly and the Courts of Justice". The organs of the central Government which are directly concerned with the Overseas Territories are the National Assembly, the Council of Ministers, the Minister for Overseas Territories and, on occasion, other individual Ministers. According to Base VII of the Overseas Organic Law, the central organs of the Overseas Administration have the co-operation of the Corporative Chamber, the Overseas Council, the Conference of Overseas Governors, the Economic Conferences of Overseas Portugal, and of other technical advisory bodies of the Overseas and other ministries.

49. According to article 150 of the Constitution, the National Assembly has the right to legislate for the Overseas Territories on matters in which legislation is required under article 93, such as defence, currency, the creation of banks and the judicial system. The Assembly may also legislate on the general system of government of the Overseas Territories. In addition, the Assembly is concerned with the year-by-year consideration of the accounts of these Territories.^{25/}

50. The central Government has legislative powers for the Overseas Territories when, under the terms of the Constitution, it has by decree to take action affecting the whole national territory; it may also legislate by executive measures on questions of common concern both to metropolitan Portugal and to one or more of the Overseas Territories.

^{25/} The constitutional provisions relating to the financial system which applies in the Overseas Territories are given in Chapter V, Section VII, of the Political Constitution of the Portuguese Republic. Under these provisions, each Territory has its own budget drawn up by the Governor, or the Governor-General, after consultation with the appropriate territorial organs, in uniformity with that of the metropolitan country, showing the sum total of public receipts and expenditure and likewise those of autonomous services.

51. The powers of the Minister for Overseas Territories are defined as extending over "all matters which affect the higher or general interests of the nation's overseas policy, or those common to more than one province". His competence is defined at some length in the Overseas Organic Law. Among other things, he is responsible for drawing up the "politico-administrative" statute of each individual Territory, though he must consult the Overseas Council and the legislative council, where one exists, or, if not, the government council of the province; the whole system of financial administration is ultimately subject to his authority; when there are disputes or disagreements between Governors and their legislative councils concerning the legality or desirability of any measures which these councils may approve, it is for him to decide between them. His authorization must be obtained for the raising of any loans which cannot be repaid during the current fiscal year.

B. Territorial Government

52. The Overseas Territories are "as a rule" governed by special legislation passed by the competent bodies in Portugal and the Territories themselves.

53. According to article 151 of the Constitution, all matters of exclusive concern to an Overseas Territory and outside the scope of the powers exercised by the National Assembly, the Government or the Minister for Overseas Territories shall be dealt with by the legislative bodies of the Overseas Territories.

54. Under the Overseas Organic Law, the "Overseas Provinces" are classified into two groups: (a) those with a Governor-General, i.e., Angola and Mozambique; and (b) those with a Governor, namely, Cape Verde, Portuguese Guinea, São Tomé and Príncipe, Macau and Timor.

55. In Territories belonging to the first group, the organs of government are the Governor-General, the Legislative Council and the Government Council. The Legislative Council in these Territories is composed of elected and nominated members, as set out in the Statute of the Territory, and, in addition to its legislative powers, it discusses and expresses an opinion on matters presented to it by the Governor-General or the Minister for Overseas Territories. It may be dissolved by the Minister for Overseas Territories in the national interest. In both Angola and Mozambique, the Legislative Council has an elected majority of

Portuguese citizens. Separate members are elected to represent various groups of tax payers, corporative bodies and other associations, administrative bodies, electoral colleges and indigenous populations. In Angola the Legislative Council consists of 8 nominated and 21 elected members.^{26/} In Mozambique, the Legislative Council consists of 8 nominated and 16 elected members; nine of the members are elected by direct suffrage of electors registered in the electoral register. In Mozambique two of the nominated members represent the indigenous population. In Angola and Mozambique, the Legislative Council meets in ordinary and extraordinary sessions. There is an ordinary session each year, divided into two periods of thirty days each, beginning on 1 April and 1 October respectively. Extraordinary sessions are convened by the Governor-General. Members of the Council have the right to propose legislation if such proposals do not involve an increase of expenditure or a decrease of revenue. When the Legislative Council is not in session, the Governor-General may enact legislation after consultation with the Government Council.

56. Members must be Portuguese citizens at birth, who have attained majority of age, who can read and write the Portuguese language, who have resided more than three years in the "province" and who are not officials in active service.

57. In a Territory with a Governor-General, the Government Council, which is a standing consultative body, comprises the Secretaries and the Secretary-General, the military commander, the Attorney-General, the Director of Economic Services and two members nominated by the Governor-General.

58. The organs of government in the second group of Territories are the Governor and the Government Council. When the Government Council is not in session, there is a permanent standing committee. In these Territories the Government Council is also a consultative body but has legislative powers and intervenes in the legislative functions of the Governor. There is one ordinary session of the Government Council which, like the Legislative Council in the larger Territories,

^{26/} Under the Angola Statute, enacted in 1955, the Legislative Council of Angola was to consist of 26 members of whom 18 were to be elected and 8 nominated, and 2 of the nominated members were to represent interests of the indigenous inhabitants.

is divided into two sessions. The Council is composed of unofficial members elected or nominated by the Governor, and ex-officio members or officials designated by the Governor. The composition and functions of the Government Council of each Territory are laid down in its Statute and take into account the special conditions of the Territory.

59. Under their respective Statutes, the Government Council in Portuguese Guinea and in Macau each comprises ten members and, in Timor, eleven members. In each of these Councils there are three ex-officio members and four elected members, with three elected by all the registered electors and one elected by tax payers of Portuguese nationality who pay more than 1,000 escudos^{27/} in direct taxes. The remaining members are nominated by the Governor. In Portuguese Guinea and Macau, one of the nominated members is chosen to represent the interests of the local inhabitants who are not citizens. In Macau the representative of the Chinese community does not have to be a Portuguese citizen and does not have to be able to read and write Portuguese. In Cape Verde and São Tomé and Príncipe the inhabitants are Portuguese citizens and are therefore represented in the territorial organs of government by elected members. In Timor, since all inhabitants have been citizens since 1948, no special provision is made for the representation of the local inhabitants as such.

60. In the Overseas Territories the Governor, or the Governor-General, is the supreme authority. He represents the Portuguese Government and possesses legislative and executive powers. He is appointed by the Council of Ministers, on the recommendation of the Minister for Overseas Territories, and has a four-year term of office.

61. In the exercise of his executive power the Governor, or the Governor-General, executes all laws and orders in force, as well as the instructions of the Minister for Overseas Territories, and keeps the Minister informed of all matters pertaining to the administration of the Territory. He ensures that all nationals and foreigners enjoy the rights and individual guarantees of citizens. He may appoint, promote and dismiss all government employees whose appointments are not made by the Minister or other independent bodies. He exercises general police powers and ensures the operation of public services. He is also the

^{27/} \$US1 = 28.5 escudos.

financial authority in the province. Supervision of public magistrates and attorneys and other judicial officials, however, are beyond his competence.

62. The executive powers of the Governor, and Governor-General, are defined in the Statute of each Territory. In Mozambique, for instance, the Statute provides, inter alia, that the Governor-General exercise general police powers, establish, alter or waive native taxes, supervise the public service, resolve conflicts of jurisdiction, promote the educational instruction, welfare and progress of the indigenous inhabitants, exercise supervisory control over the implementation of policy towards the indigenous population and, in particular, see the observance of laws for the protection of such persons.

63. The Governor, or the Governor-General, also has legislative authority. His legislative powers include all matters that are of exclusive interest to the Territory and which are not within the jurisdiction of the central organs of government, i.e., the National Assembly, the Central Government and the Minister for Overseas Territories. In Angola and Mozambique he must consult the Legislative Assembly; in the other Territories, the Governor must consult the Government Council. In both cases, if the Council disagrees, the matter has to be submitted to the Minister for Overseas Territories for a decision. When the respective Territorial Council is not in session, the Governor, or the Governor-General, may enact legislation after consultation with the appropriate standing consultative body.

II. ADMINISTRATIVE ORGANIZATION AND THE JUDICIARY

A. Administrative organization

64. The Constitution provides, in article 156, that the administrative division of the Overseas Territories and the conditions under which the local autonomous bodies may be established shall be decided by law, "having regard to the importance, the development and the population of each area". Under the Overseas Organic Law of 1953 (Base XLVI), the administrative division of each Overseas Territory shall be according to "the needs of its economic and social progress".

65. The Overseas Territories of Angola and Mozambique are divided into distritos (districts) under a district governor. Each district is divided into units according to whether the area contains persons eligible to vote or whether it contains a majority of persons who do not have this right. In areas containing a majority of persons eligible to vote, for instance, the whole of Cape Verde and certain areas in Angola, Mozambique and Portuguese Guinea, the basic administrative unit is the concelho (municipality) which may be further divided into freguesias (parishes). The remaining areas, where most of the indigenous population lives, are divided into circunscrições, which are further divided into postos. In these areas, the traditional political institutions of the indigenous population (regedorias) have been maintained and are geared to the Portuguese administration.

66. Angola, Mozambique, Portuguese Guinea and Timor are divided into both concelhos and circunscrições. Some concelhos are also divided into urban parishes and administrative postos. Timor, for instance, is divided into one concelho - Dili, the capital - and eight circunscrições.^{28/} Macau is a municipality; São Tomé and Príncipe Islands each constitutes a concelho, and each is subdivided into freguesias. In Cape Verde, the whole Territory is divided into concelhos which are subdivided into freguesias.

^{28/} Since September 1961, Timor has been reorganized into nine concelhos and one circunscrição (Decree No. 43,889 of 1 September 1961).

67. The Overseas Administrative Reform of 1933 lays down the powers and functions of the district governors, the administrators of circunscrições or concelhos, and the chefes de posto.

68. In the concelhos, the câmaras municipais (municipal councils) are the administrative bodies through which local self-government is exercised. The municipal councils are elected; they are presided over by the administrator or by a person appointed by the Governor-General. The President is responsible for the execution of the decisions of the council. In Macau the municipal council is called the Leal Senado and is represented in the Government Council by its President.

69. The authority and responsibilities of the administrators of the concelhos are similar to those of municipal magistrates in Portugal. The administrators direct the activities of the concelhos, prepare the budgets and annual reports and have charge of municipal services. They have to consult with the municipal councils which are administrative bodies similar in their functions to those of the town councils in Portugal. They are presided over by the administrator or by a chairman appointed by the Governor. In the freguesias the administration is the responsibility of the juntas localis (local boards) and the authority is vested in a regedor.

70. In the circunscrições, which are considered as areas which have not yet attained the economic and social development of the concelhos, the authority is vested in the administrator, who may be assisted by a comissão municipal (municipal committee), and in the posto, the chefe de posto. The administrator is appointed by and responsible to the Governor-General.

71. The administrators of the circunscrições are considered, after the Governor, or the Governor-General, the most important figures in the administration of the Overseas Territories. Appointed by the Governor, or Governor-General, they represent Portuguese sovereignty in the Territory. They are the civil and judicial authorities and carry out administrative, economic and civil duties. They are also responsible for the implementation of native policy and for the maintenance of public order. One of their duties is to furnish military authorities with all the necessary information for "the defence of the national

Territory". Under the Overseas Administrative Reform of 1933,^{29/} the administrator of a circunscrição is responsible for public order and security; the implementation of legal provisions concerning recruitment for the indigenous armed forces; the civil registry, the population census and the supervision of emigration.

72. In the implementation of policy towards the indigenous population, administrators have numerous responsibilities and wide powers. It is the administrator who has the responsibility of ensuring respect of the rights and guarantees of the indígenas and of promoting the evolution of habits, customs and usages of the population through persuasion. It is his responsibility also to capture, or order the capture of, an indigenous person who changes his residence from one circunscrição to another without the necessary permission; and to order the expulsion of any indigenous person for not more than two years whose presence he considers to be dangerous to public interest and order; furthermore, they are:

"To make continued efforts to convince the indígenas to abandon habits of idleness and to encourage them to work so that as many as possible will become proprietors and rural workers who produce what is necessary for their food, clothing and other requirements; and

"To bring about by persuasion an evolution in the customs and usages of the indígenas so that they will become progressively adopted to our civilization; he /the administrator/ shall only act with severity with respect to customs and usages which represent an attack against Portuguese sovereignty or the principles of humanity." ^{30/}

73. As agents of the administrators, the chefes de posto are responsible for the carrying out of orders, but they also have some police powers. They and the administrators of the circunscrições are the officers who have the most direct contact with the indigenous inhabitants.

74. Among the numerous functions assigned to the chefe de posto, it is also his duty "to give all aid to Europeans passing through his area", to control the

^{29/} Overseas Administrative Reform Act 1933, Decree Law No. 23,229 of 15 December 1933, Diario do Governo, First Series, No. 261 of 15 November 1933.

^{30/} Ibid., article 51, paras. 9-10.

use of arms by indigenous persons, to know the situation as to reserves of gunpowder and ammunition and "to maintain general surveillance so as to be aware of any events which might alter the normal life of the inhabitants".

75. In Angola, Mozambique and Portuguese Guinea, the indigenous political institutions recognized by the Portuguese are called regedorias. The organization and administration of the regedorias were laid down in the Estatuto dos Indígenas Portugueses das Provincias da Guiné, Angola e Mozambique^{31/} (Native Statute of 1954) which has now been repealed.

76. According to the provisions of the Native Statute, in the regedoria, authority was invested in a regedor, and in the sub-units, in a chief. Regedores were elected or succeeded to office in accordance with local customs, but had to be approved by the Portuguese authorities, viz: either the Governor or the district governors. In general, the responsibilities of these indigenous authorities were those established by custom but were subject to limitations under the law. They could not, however, be deposed by the indigenous inhabitants. Their main duties were to carry out the orders and instructions of Portuguese authorities and they could be dismissed by the authorities if they did not carry out their duties satisfactorily. They had little authority of their own and were subject to punishment if they used the name of the administrative authority or of officials without their prior knowledge. They were liable to imprisonment or to compulsory labour in public works for up to ten months if they converted taxes for their own advantages or left their administrative area without prior authorization of the competent authorities.

77. The chiefs of villages or groups of villages were responsible to the regedores who, in turn, were responsible to the administrator of the circunscrições. Instructions were transmitted to the indigenous authorities either directly by the administrator or through the chefes de posto.

78. In the case of "detrribalized" persons, local government was entirely in the hands of the Portuguese officials, the lowest rank being that of chefe de posto. In areas inhabited by detrribalized persons the administration authorities could appoint regedores administrativos.

^{31/} Decree No. 39,666, Diario do Governo, Series I, No. 110 of 20 May 1954, Extracts of this Law appear in the United Nations Yearbook on Human Rights for 1954 (Sales No.: 1957.XIV.1).

79. Under the Overseas Organic Law of 1953, provision is made for the establishment of elected local government bodies in areas where there are a sufficient number of persons entitled to vote.^{32/} Provision is also made for the participation of such inhabitants in the administration of districts through elected municipal councils; through elected municipal commissions in administrative areas or in districts where the number of electors is less than the minimum required; and through elected local committees in parishes. Under the Constitution only heads of families are entitled to vote in such local elections. The Statute of each Territory also contains provisions on these points.

80. In 1940, local elections were suspended in Mozambique and Cape Verde, São Tomé and Príncipe and Macau, and were only restored in the course of 1961. The system which now prevails is described in greater detail in Part Three of this report.

B. Judiciary

81. Prior to the reforms introduced in September 1961, the only written law officially recognized in the Overseas Territories was Portuguese common, civil and penal law. The Portuguese judicial system, however, applied fully to Portuguese citizens only.

82. In Angola, Mozambique and Portuguese Guinea, where the Native Statute applied, the legal situation of non-assimilated Africans was not clearly defined, as they were considered to be not sufficiently "enlightened" to permit "the integral application of the public and private rights of the Portuguese citizen".

83. According to the Native Statute also, except where the law disposed otherwise, the indígenas were governed by the uses and customs of their own societies. In practice, however, the relation between Portuguese law and African custom and usage was not clearly determined, and no satisfactory codification of customary law existed. Indigenous custom and usage were accepted and recognized, subject to their being in harmony with Portuguese public and private law; such customs and usage were not recognized if they were not in conformity with

^{32/} See paragraphs 254-257.

Portuguese standards of morality, the principles of humanity, or the "higher interests of the free exercise of Portuguese sovereignty".

84. Decree No. 39,817 of 15 September 1954, which has now been repealed, extended the system of municipal courts to the Overseas Territories. These courts were established in concelhos and circunscrições and the administrative authorities in these areas sat as municipal judges with competence over certain civil and criminal cases. In criminal cases they had competence to try petty offences (under article 65 of the Portuguese Criminal Code) involving indigenous and non-indigenous persons. They also had competence to try cases involving offences against property where the offenders were indigenous persons, and any other offences when offender and offended were both indigenous persons. In civil procedure they had competence to try all cases when the persons involved were indigenous or when the persons were not indigenous but the amount involved did not exceed 6,000 escudos.

85. Civil cases involving indígenas were generally mediated by a chefe de posto acting as a justice of the peace. In this function, he was required to apply the customs and usage of the persons concerned in accordance with their degree of development, and was assisted by two African advisers, either chiefs or others with such competence.

86. In civil cases involving an indígena and a não-indígena, Portuguese civil law applied. In the absence of any special laws, Portuguese penal law applied to criminal cases with modifications, and the judge was required to take into account the special circumstances of the delinquent. Among other modifications of the Portuguese Penal Code, as applied to the African Territories, were the provisions whereby prison sentences could be replaced by service in public works projects. In the case of minor crimes, this work was to be performed in the region, and in the case of major crimes, in another part of the Territory. Under the Native Statute (article 53), indigenous inhabitants had the right of appeal from decisions of municipal judges. Such appeals had to be lodged with the district judge. An appeal from the decision of the district judge had to be lodged to the Tribunal de Relação (Superior Court).

87. As Hailey has pointed out,^{33/} the degree to which justice prevailed was very often dependent on the individual administrator. Administrators, with the additional competence as municipal judges, held wide powers over the welfare of the indigenous inhabitants. In this connexion, commenting on the Report of the Sub-Committee on the Situation in Angola, the Portuguese Government stated that, while an administrator of a circunscriçãõ had judicial functions, he did not have executive power, in so far as "no sentence given by him could have any effect without a declaration of the accused, whether he could or would not appeal, and an appeal was obligatory if a sentence involved major imprisonment". Furthermore, since the administrator, acting as judge, was always accompanied by "four coloured Africans", two of whom had a deliberative vote, "the accused had all the guarantees of a just sentence, even because his appeal to an ordinary court (of first instance or appellate) was always free of charge and moved with a simple verbal declaration".^{34/}

88. Information provided to the Committee during its visit to Africa does not confirm the view of the Portuguese Government that Africans have all the guarantees to a just sentence. The Committee also notes that the need for specialists to handle "involved judicial problems" had already been recognized

^{33/} Hailey: An African Survey (Revised ed.), 1956, OUP, 1957, p. 622:

"It is admitted that some careful studies have been made of the customary law of Mozambique, both criminal and civil, but it is obvious that under the existing system there must remain a wide field of issues in which no provision is made for any form of adjudication, or where, if any adjudication exists, the result must necessarily depend on the extent of the interest shown by the Administrative Officer and his personal experience of African custom."

^{34/} A/5082, para. 35.

in the preamble to the Decree of 1954, which extended the system of municipal courts to the Overseas Territories.^{35/} However, since reforms have been introduced in 1961 to correct the situation, the Committee reserves its comments to the relevant section below.

^{35/} Portugal: Nova legislação ultramarina, II, Decree No. 39,817 of 15 September 1954, pp. 223-224. English text as quoted in James Duffy: Portuguese Africa, Harvard University Press, 1959, pp. 302-303:

"On the other hand, the judicial occupation of the whole territory cannot prescind the intervention of the administrators in the preparation and judgement of questions completely subject to common law. Since, however, the complexity and multiplicity of tasks assigned to the administrators do not permit them to handle involved judicial problems, which only specialists can solve, the system has been evolved of assigning to his competence only the most simple and urgent cases; otherwise, he acts as a delegate of the common court, receiving for each case the orientation necessary. It is believed that in this manner the judicial occupation of the territory and the respect for legality will be simultaneously assured."

III. CIVIL AND POLITICAL RIGHTS AND THE STATUS OF THE INHABITANTS

A. Civil rights and status of inhabitants

89. Portuguese policy aims at the assimilation of its overseas inhabitants and it has traditionally distinguished between nationality and citizenship. While "all who came under the Portuguese flag" are nationals, political status, namely citizenship, in the Overseas Territories has been dependent on the kind of private law under which each Portuguese lived; only those coming under Portuguese civil law were recognized as citizens. In the Overseas Territories which have not yet reached "a stage of economic and social development" for the application of Portuguese civil law, indigeneous custom and usage is recognized, but those governed by such considerations are not accorded citizenship status and have no political rights in non-indigeneous institutions. As the rights enjoyed by citizens are contained in the Portuguese Civil Code and this does not apply to non-citizens, the latter's enjoyment of such guarantees as are contained in the Constitution is not based on law, but is dependent on the protection of the State.

90. Some Overseas Territories, for instance Macau and Cape Verde, have been exceptions to this general approach; São Tomé and Príncipe, and Timor also became exceptions following enactment of the Overseas Organic Law of 1953.^{36/} In Angola, Mozambique and Portuguese Guinea, however, the relation between political status and private law was formalized from the end of the nineteenth century onwards by special laws, the latest of which was the Native Statute of 1954.

91. Article 7 of the Portuguese Constitution states that "Civil law defines how Portuguese citizenship is acquired and lost. A Portuguese citizen enjoys the rights and guarantees provided by the Constitution; naturalized citizens, however, are subject to the restrictions prescribed by law".^{37/}

92. Article 8 lists the rights, liberties and guarantees which Portuguese citizens shall enjoy. These include the right to life and personal safety; the right to work within the terms prescribed by law; liberty and inviolability of religious belief and practices, on grounds of which no one may be persecuted, deprived of a

^{36/} Preamble to Decree No. 43,897.

^{37/} Portugal: Political Constitution of the Portuguese Republic, SN 1, Lisbon, 1957.

right or exempted from any obligation or civic duty; free expression of thought; the inviolability of residence and the privacy of correspondence, as may be determined by law.

93. Special laws, however, govern the exercise of freedom of expression, education, meeting and association. One of the main objectives of the special laws is to "prevent, by precautionary or restrictive measures, the perversion of public opinion in its function as a social force".

94. Moreover, for crimes or attempted crimes against the safety of the State, the Portuguese Constitution provides for imprisonment without formal charge (paragraph 3 of article 8). As the Government maintains that its Overseas Territories are an integral part of Portugal, any expression or activity aimed at the change of status of the Territories and accession to independence can be interpreted as threats to national security.

95. Although under the Constitution the rights and guarantees apply de jure to all Portuguese citizens wherever they are found, the full enjoyment of these rights does not appear to be based on political status alone, but also on the attainment of a certain cultural level indicated by the term "civilizado".

96. Up to the end of 1960, official statistics relating to the Overseas Territories generally classified the population by the terms civilizado and não-civilizado, even though there is no legal basis in Portuguese law for such a distinction. Thus all Europeans, Asians and most mestiços were always classified as civilizado. An indigenous person from Angola, Mozambique and Portuguese Guinea was only classified as civilizado if he had fully satisfied certain educational requirements, could read and write Portuguese, had a European way of life and had become a Portuguese citizen.

97. In 1959 only 5.3 per cent of the total population in Angola, 2.7 per cent in Mozambique and 1.7 per cent in Portuguese Guinea was classified as civilizado. In Timor, however, although the inhabitants have been Portuguese citizens under the law since 1948, at the 1950 census, only 1,541 were classified as civilizado. In São Tomé, on the other hand, in spite of the fact that the inhabitants had citizenship status, about 30 per cent were classified as não-civilizado.

98. In this connexion, it should be noted that these percentages did not represent the proportion of indigenous inhabitants who had become civilizado, because Europeans and Asians, who were always considered civilizado, made up the majority. In Mozambique, for instance, in 1955, out of a total of 117,405 persons listed as civilizado, only 4,554 were Africans. In other words, out of an African population of almost 6 million in 1955, less than 1 per cent were considered by Portugal to have attained the social, economic and cultural level of a civilizado.

99. Under the Native Statute, the indígenas of the Territories of Mozambique, Angola and Portuguese Guinea possessed a special status. Considered as indígenas were those persons "de raça negra", or their descendants, who had been born or habitually resided in the Territory and did not yet possess the culture and the individual and social customs necessary for the complete enforcement of the public and private law applicable to Portuguese citizens.

100. Article 4 of the Statute sets forth the general principles of the responsibility of the State towards the inhabitants of indigenous status. This article reads as follows:^{38/}

"The State shall endeavour by every means to improve, both materially and morally, the living conditions of the indigenous inhabitants, to develop their natural aptitudes and abilities, and, in general, to educate them by providing them with instruction and by transforming their primitive usages and customs, directing their activities into useful channels and actively integrating them into the community by giving them access to citizenship."

101. The Statute established the principle that except where the law provided otherwise, the indígenas were governed by the usage and customs of their own societies. However, in the enforcement of indigenous usage and customs, the authorities had to try to harmonize them with the fundamental principles of Portuguese law and to attempt to encourage a progressive evolution of local institutions towards those principles.

102. In the sphere of civil law, a person of indigenous status could opt for the common law in matters concerning family relations, successions, trade and real property. The option had to be effected in the presence of the municipal judge,

^{38/} Legislative Decree No. 39,666 of 20 May 1954. English text taken from United Nations Yearbook on Human Rights for 1954, p. 236.

had to be supported by two qualified citizens, and was accepted by the judge only if the person who desired to be governed by the common law had adopted the conduct necessary for the application of this law.

103. The State recognized and encouraged the individual rights of indígenas to real estate both in town and country. If the indígena had opted for common law, he could exercise the full rights of property and acquire it by inheritance, legacy, donation or purchase. For indígenas who had not opted for common law, there were legal limitations to the exercise of rights of property.

104. Those indígenas who lived in tribal organizations were collectively guaranteed the use and enjoyment, in the manner provided by custom, of the lands necessary for the establishment of their villages, for their crops and for the pasturage of their cattle. Four times the area occupied by the indigencus communities was reserved for their use. This use and enjoyment did not confer any rights under common law to individual property.

105. At the request of chiefs (regedores), supported by a unanimous vote of their counsellors, the Governor of the district could authorize the individual appropriation of lands formerly used collectively where indigencus villages and cultures were established in a stable manner. In that case only indígenas of the regedoria in question were permitted to acquire real property.

106. The Committee finds it unnecessary to review in detail other provisions of the Native Statute, many of which are included in the Report of the Sub-Committee on the Situation in Angola. Moreover, the Native Statute has now been repealed and the effects are examined in greater detail in Part Three of the present report. However, the Committee wishes to note that, in the preamble to the decree enacted in September 1961 to repeal the Native Statute,^{39/} it is stated that Portuguese tradition has been "to recognize traditional cultures and political institutions, and to extend to all men effective guarantees" instead of guarantees which the diversity of political structures would render merely nominal.

107. Almost all the petitioners who appeared before the Committee during its visit to Africa described the lack of civil and political rights in the Territories under Portuguese administration. They told the Committee that in the Territories

^{39/} Decree No. 43,893 of 6 September 1961.

under Portuguese administration there was no freedom of speech, no freedom of assembly and no freedom of association. The organization of political parties, workers' associations and co-operative societies was prohibited. All news was censored, including personal mail. Africans could only read the government newspapers and persons reading foreign newspapers or listening to foreign radio broadcasts were liable to arrest.

108. On the basis of all the information available to it, the Committee considers that, whatever may have been the intention of the Portuguese Government, the effect of the Native Statute was to exclude the indigenous inhabitants from the rights and guarantees enjoyed by Portuguese citizens and thereby to render them liable to special laws, such as the Native Labour Code of 1928, which further restricted their fundamental rights and freedoms.

B. Political rights

109. In Territories where the Native Statute applied, indígenas were not granted political rights in non-indigenous institutions. To attain such rights they had first to relinquish their status as indígenas and acquire Portuguese citizenship. Citizenship could be acquired through the attainment of certain social, economic and cultural standards, including speaking the Portuguese language correctly; it could be granted to all functionaries in government services, to those who had completed the first part of secondary school, and by the Governor's decision.^{40/} However, citizenship so acquired could be revoked.

110. The electoral rights of Portuguese citizens are the subject of special electoral laws.^{41/} At the national level, the two major elections in which Portuguese citizens participate are that of the President and of the deputies to the National Assembly.

111. Presidential elections are held every seven years. At the last election, held in 1959, the President was elected by direct suffrage of the citizens. At

^{40/} The conditions that had to be met are enumerated in greater detail in the Report of the Sub-Committee on the Situation in Angola (Official Records of the General Assembly, Sixteenth Session, Supplement No. 16 (A/4978 and Corr.2)), paras. 190-191).

^{41/} It appears that as far as electoral rights are concerned, the electoral law still in effect is Law No. 2015 of 28 May 1946 (resulting from Decree Law No. 35,426 of 31 December 1945). Parts of this Law appear in English in the United Nations Yearbook on Human Rights for 1948 (Sales No.:1950.XIV.4), pp. 379-380.

that time, the conditions governing the right to vote in such elections were the same as those governing the right to vote in the election of deputies to the National Assembly, which is described below.

112. The Overseas Territories, as "provinces", are represented by elected deputies in the National Assembly and elections are held every four years. Portugal and its Overseas Territories are divided into thirty electoral districts, each returning a number of deputies. The apportionment of electoral districts does not appear to be based directly upon the number of voters at the previous election. At the 1957 elections, Angola, Mozambique, Portuguese Guinea, Cape Verde, São Tomé and Príncipe, Macau and Timor each comprised one district, but Angola and Mozambique each returned three deputies, and the other Territories each one deputy. The National Assembly at that time had 120 members.

113. Before 1959, persons entitled to vote in the Presidential and National Assembly elections were: (a) male Portuguese citizens who had attained their majority, or had been emancipated and could read and write Portuguese; (b) male Portuguese citizens who had attained their majority and had legal capacity, and who, although they could not read or write, had contributed to the State and administrative bodies a sum of not less than 100 escudos in payment of any of the following taxes: property tax, industrial tax, professional tax or tax on the use of capital; (c) female Portuguese citizens who had attained their majority or had been emancipated, provided that, as minimum qualifications, they had attended the following courses: (i) general secondary school course; (ii) elementary teaching course; (iii) courses at art schools; (iv) courses at the National Conservatory or Oporto Conservatory of Music; or (v) courses at industrial or commercial institutions; (d) female Portuguese citizens who had attained their majority or had been emancipated and who, being heads of families, were covered by the general provisions of the electoral laws.

114. Amongst those not entitled to vote were "persons who profess opinions which are contrary to social discipline and the existence of Portugal as an independent State".

115. As the majority of the indigencous inhabitants in the Overseas Territories were not Portuguese citizens under the law before September 1961, very few of them were able to qualify to vote.

116. In the elections to the National Assembly, held in 1956, the number of votes cast in Mozambique, Portuguese Guinea, Macau and Timor amounted to less than 1 per cent, and in Angola, slightly over 1 per cent of the total population. Only in Cape Verde and São Tomé did the vote amount to nearly 10 per cent of the population.

117. Few indigencous inhabitants in the Territories have been able to stand for elections in the central and territorial organs of the government, as one of the principal requirements is "Portuguese citizenship since birth". Income qualifications further restrict the possibility.

118. In the past, many of the deputies elected to represent the Overseas Territories have been continental-born Portuguese who were not familiar with local conditions and could not really be said to represent the interests of the Territories. In recent years, more of the deputies have been persons resident in the Territories or born there, but by virtue both of the very system which existed and of Portuguese policy, none of them could be said really to represent the sole interests of the indigencous inhabitants.

119. As has been described above, participation in local self-government was limited to Portuguese citizens. In local elections to juntas de freguesias (parish boards) only the head of the family had the right to vote.

IV. EDUCATION

A. Aims and objectives of education

120. General Assembly resolution 743 (VIII) of 27 November 1953 defines the objectives of education in Non-Self-Governing Territories as follows:

"(a) To develop moral and civic consciousness and responsibility among the peoples, and to enable them to take an increasing share of responsibility in the conduct of their own affairs;

"(b) To raise the standards of living of the peoples by helping them to improve their economic productivity and standards of health;

"(c) To promote the social progress of the Territories taking into account the basic cultural values and the aspirations of the peoples concerned;

"(d) To secure the extension of the intellectual development of the peoples so as to provide for them access to all levels of culture."

121. According to article 133 of the Portuguese Constitution, in the Overseas Territories, "It is intrinsic in the Portuguese Nation to fulfil its historic mission of colonization in the lands of the Discoveries under their sovereignty and to diffuse among the populations inhabiting them the benefits of their civilization, as also to exercise the moral influence enjoined upon it by the Patronage of the East".

122. The main objective of Portuguese policy in its Overseas Territories is "the active integration" of the inhabitants into the Portuguese community by giving them the possibility to apply for citizenship. Nevertheless, by 1959 the number of local inhabitants who had been able to acquire Portuguese citizenship did not exceed a very small percentage of the population in most of the Territories.

123. Under the Portuguese Constitution, "education and instruction are obligatory and are the concern of the family and of public or private institutions in co-operation with the same". In the Overseas Territories, however, instruction is not obligatory for non-Portuguese citizens and their education is mostly in the hands of "private institutions".

124. The Overseas Organic Law of 1953 (Division LXXXII) contains a section on education, instruction, scientific research and culture, and provides, inter alia,

that "in provinces in which the indigenato system is still in force, the staff of Portuguese Catholic missions and their assistants shall be exclusively responsible for the instruction especially devised for indígenas in all places where such missions have been established. The State shall remain responsible for such instruction in places where such mission cannot provide it."^{42/} Although this provision applies specifically to those Territories in which the indigenato system was in force, it appears also to have been applied to the indigenous inhabitants of Timor. All instruction, whether public or private, for indígenas, had as its objective, in addition to those mentioned above, "the inculcation of the habits of and aptitudes for work, allowance being made for sex and for the condition and interests of the regional economy". No vernacular languages could be taught, except as a means of teaching the indígenas the Portuguese language.

125. The concept that the indigenous inhabitants in the Territories, where the Native Statute applied, were not sufficiently advanced to be treated as Portuguese citizens, found its expression in the establishment of special schools for indígenas, which until 1956 were called ensinos rudimentares. The purpose of these schools was to provide an "adaptive" education for indigenous children who, after three years of such schooling, could, if they passed the examinations, proceed to ordinary primary schools and enter at the third grade. The ensino de adaptação has now replaced the ensino rudimentar and is stated to be provided for persons who do not have Portuguese as their mother tongue. In recent years Portuguese statistics have grouped students enrolled in these classes with those attending the regular primary schools.

126. Portugal maintains that the ensino rudimentar for indigenous children did not constitute a separate system, but was an integral part of the overseas school system. The Committee notes, however, that such schools, which served the purpose of assimilating African children to the Portuguese way of life in any recognizable degree, were necessitated by the rigid attitude taken by the Portuguese Government in refusing recognition to indigenous languages and culture, and that the change in definition and terminology did not change the basic reality.

^{42/} Text as contained in E/CN.4/Sub.2/L.92/Add.78, p. 13.

127. One of the petitioners (Mr. Eduardo Mondlane) told the Committee that in his experience there was a wide gap between Portugal's theory of education and its actual practice in its Overseas Territories. The following paragraph from his statement made before the Committee elaborates on this point.^{43/}

"Despite the oft-repeated official claim that there is no discrimination along racial lines in the Portuguese Territories, the fact is that most African education is both separate from and decidedly inferior to that available to non-Africans in Angola and Mozambique. The official rationalization for the maintenance of a completely separate system of schools for Africans is that the purpose of these schools is to introduce African children to Portuguese culture and language and that the approach required would be too elementary for children born into that culture. This argument would have more validity if the same measuring stick were applied to children of other non-European cultures as well; but the Asians in Mozambique, most of whom share the Africans' unfamiliarity with Portuguese language and culture and usually are not Christians, are eligible for entry into government and private schools catering to Europeans. On the other hand, it is quite true that fully assimilated Africans who have already become citizens of Portugal by official act have been accepted with a minimum of colour bias in Portuguese schools, although their role in Portuguese society has remained ambiguous."

B. School system

128. The general school system in Portuguese Overseas Territories follows the same pattern as that of Portugal. The system includes a primary school course of four years; a secondary course of seven years, divided into three cycles; and technical and vocational courses at elementary and secondary levels. For Portuguese citizens, three years of primary education is compulsory between 7-13 years of age.

129. There are government schools and mission and private schools. The Government subsidizes the Catholic missions for their educational, health and welfare work in the Territories. On the basis of the information available to it, the Committee has not been able to ascertain the number of Catholic schools which receive government subsidies nor has it any information as to whether or not other mission

^{43/} A/AC.108/11, para. 81.

schools, including those of Protestant missions, are subsidized. Primary education in government schools is free, but fees are charged in secondary schools and increase with the level. The fees charged are the same for all students. Regular subsidies are paid to Catholic missions for their work.

130. Primary, secondary and vocational schools teach the same curriculum as their counterparts in Portugal; all subjects are taught in Portuguese, and all children learn European Portuguese history. Vernacular languages may only be used as a means of teaching the Portuguese language. In mission schools the curricula have to be approved by the Government.

131. There are great differences among the various Territories as to the share in educational responsibilities of mission and private agencies. In Cape Verde, for instance, nearly all schools are government schools. On the other hand, in Mozambique, the missions have a large share of educational responsibilities and over 99 per cent of the rudimentary schools are run by the Catholic missions. In Macau, most of the students are registered either in private or in mission schools.

132. In order to gain a better perspective of educational conditions in the Territories under Portuguese administration, the Committee reviewed the progress made over the period 1950-1959/1960. According to the data published by UNESCO, in 1950, of the indigenous population 15 years of age and over, the percentage of illiterates was 97 per cent in Angola, 98 per cent in Mozambique, 99 per cent in Portuguese Guinea, 87 per cent in São Tomé and Príncipe, and 79 per cent in Cape Verde. The available data for Mozambique show that in the decade between 1940 and 1950 illiteracy decreased by only 1 per cent, while in Cape Verde, where all inhabitants were Portuguese citizens, in the same period illiteracy decreased by 3 per cent.

133. The following paragraphs summarize briefly educational developments in Mozambique, Portuguese Guinea, Cape Verde, São Tomé and Príncipe, Timor and Macau up to 1959/1960.^{44/}

^{44/} For information on Angola see Official Records of the General Assembly, Sixteenth Session, Supplement No. 16 (A/4978 and Corr.2), part three, section IV.

C. Review of educational conditions

Mozambique

134. Educational expenditure, which in 1950 was about 16 million escudos, rose to 70 million escudos in 1959 and 126 million escudos in 1962. In terms of percentage of total ordinary expenditure it has increased from 1.3 per cent in 1950 to 2.0 per cent in 1959 and 4.0 per cent in 1962. These figures do not include subsidies granted to the missions. Such subsidies amounted to 26 million escudos in 1950, and rose to 42 million escudos in 1959 and to 60 million escudos in 1962.

135. The 1950 census showed that 96.9 per cent of the total population (15 years old and over) was illiterate. Fewer than 100,000 inhabitants were listed as civilized; they included Europeans, Asians, Africans and mestizos, whose percentages of illiteracy ranged from 3.7 to 43.4 at the time the census was taken. The population not considered "civilized" was 98.5 per cent illiterate. Available statistics for succeeding years are not complete and consequently do not permit an evaluation of the effectiveness of schooling.

136. The number of children registered in all types of primary schools (public, missionary and private) providing either ensino de adaptacao or regular primary education in 1959 was 419,000. This represented some 33 per cent of the estimated number of children 5 to 14 years old. The total primary school enrolment in 1950 represented approximately 15 per cent of the children of the same age group. It is to be noted that only a small fraction of the children are enrolled in regular primary schools, while most of them are enrolled in adaptacao schools.

137. In 1959 there were 392,796 Africans enrolled in adaptacao schools. However, of these, only 6,928 successfully completed the three-year course that year and were able to enter regular primary schools.

138. There were 26,783 pupils enrolled in regular primary schools with a four-year primary course in 1959, compared with 11,783 in 1950. Some 8,000 of the children enrolled in 1959 were Europeans; some 9,000 were Africans; over 5,000 were mestizos; and 3,000 were Asians.

139. In 1959, there were three government secondary schools with a total enrolment of 2,266 students. In 1960 there were 2,550 students. In addition, there were three private secondary schools, but enrolment figures are not

available. Unofficial sources indicate that in 1960 there were around 800 students in these schools. Since 1959 other government schools have been established. The latest figures available on the ethnic composition of the secondary enrolment refer to 1959. In that year, of the students enrolled in government secondary schools, about 82 per cent were Europeans, 12 per cent were Asians, 4 per cent were mestiços and less than 2 per cent were Africans.

140. Education in technical and vocational schools appears to be given at two levels. In Portugal, commercial and industrial schools are in principle open to students who have completed the first cycle (two years) of secondary education. In Mozambique there are also commercial and industrial schools, and the level appears to be the same as in Portugal. On the other hand, there are ensinos técnicos (technical schools) which appear to offer courses at a post-primary level and which are attended mainly by Africans.

141. In 1959, out of a total of 10,136 students registered in technical and vocational schools, 4,115 were registered in commercial and industrial schools and the remaining 6,021 in technical schools. The total number of Africans registered was 5,113, of whom 463 attended commercial and industrial schools and 4,649 attended technical schools. Of the students receiving this technical education, almost one-fourth were taking agricultural courses and about another fourth domestic science courses.

142. Teacher-training consists of a four-year course and is limited to the preparation of teachers for rudimentary schools. In 1959 there were six teacher-training institutions with a total enrolment of 575 students. The low output of teacher-training institutions is reflected in the pupil-teacher ratio in adaptação schools where it was about 125 to 1 in 1959.

143. In Mozambique there is no establishment for higher education. Plans are being mooted to start university classes in the Territory in the near future.

Portuguese Guinea

144. From 1950 to 1958, between one-half and two-thirds of the total annual expenditure on education in Portuguese Guinea was in the form of subsidies to missions. Direct government expenditure exceeded the subsidies for the first

time in 1959. Direct government expenditure on education rose from 625,000 escudos in 1950 to 3 million escudos in 1959 and to 3.5 million escudos in 1960. In spite of these increases, expenditure has not kept pace with increased enrolment, and the average expenditure per pupil in 1959 was considerably lower than in 1950. Growing government concern for education is reflected in the second Development Plan which provides 15 million escudos for education in this Territory, mainly for the construction of primary schools.

145. At the 1950 census, 98.8 per cent of the total population (15 years and over) was illiterate. The rate of illiteracy of the small fraction of population (mestiços and Africans) listed as "assimilated" was 50 to 52 per cent. Europeans are not included since most of them are government officials and there are practically no settlers.

146. Available statistics are not complete and are often not comparable from one year to the next. It appears that around 1950, out of a primary enrolment of over 3,000, half of the pupils were attending adaptação schools and the other half were attending regular primary schools. In 1957, the total primary enrolment was 11,142, but it is not possible to determine how many of the children were attending regular primary schools. In 1957 about 10 per cent of the population 5 to 14 years old was enrolled in adaptação and regular primary schools, compared with 3 per cent in 1950.

147. There is one government academic secondary school (liceu) providing the seven-year course in three cycles. The enrolment, which was 46 in 1950, rose to 243 in 1958.

148. In 1950 there were four lower vocational schools with an enrolment of 67 students. In 1958, there were 24 such schools with a total enrolment of 861. Very little is known about the type of courses offered. There are no statistics on teacher-training facilities in the Territory. In 1958, the pupil-teacher ratio was 53 to 1.

Cape Verde

149. The Government assumes direct responsibility for nearly all the schooling in this Territory. In 1950 educational expenditure was 1,835,000 escudos, representing 5.8 per cent of the total ordinary expenditure. In 1960 the

expenditure had risen to 6,757,000 escudos, representing 13.1 per cent of the total ordinary expenditure. In the Second Development Plan, 2 million escudos were allocated to education.

150. Around 1950 the estimated illiteracy rate of the population (over 15 years of age) was 75 to 80 per cent.

151. The school system in Cape Verde is identical with that of Portugal, and primary education comprises a four-year course. The primary enrolment, which in 1950 was 5,392, rose to 8,416 in 1960, representing an absolute increase of 64 per cent. The number of children 5 to 14 years old was about 40,000 in 1960. Since the educational system provides a four-year primary course, the primary enrolment in 1960 represents 52 per cent of the school-age population in the Territory.

152. In 1960 there were two academic secondary schools with a total enrolment of 1,165 students. During the decade 1950-1960 the secondary enrolment increased by about 190 per cent.

153. In 1960 there were 5 technical and vocational schools providing education either at secondary or at elementary level; 4 were public schools and 1 was a mission school. The total number of teachers was 31, and the total number of students 351.

São Tomé and Príncipe

154. Public expenditure on education during the decade 1950-1960 rose from 456,000 to 2,897,000 escudos. Educational expenditure increased from 1.3 to 5.6 per cent of total ordinary expenditure. During the same period, subsidies granted to missions rose from 380,000 escudos to 576,000 escudos, or 1.1 per cent of the total ordinary expenditure.

155. Around 1950 the estimated number of adult (15 years and over) illiterates represented about 80 to 85 per cent of the adult population.

156. The school system in São Tomé is basically the same as that in Portugal. Primary education consists of a four-year course. Primary schooling is compulsory for children between the ages of 7 to 12 who possess the necessary qualifications. In 1960 there were 2,864 children registered in primary schools for an estimated population 5-14 years old of about 8,400. This represents a school attendance

of 84 per cent of the children in the age-group 7-12 for which primary schooling is compulsory.

157. In 1960 there were 171 students registered in the government academic secondary school, D. João II. The school provides the full seven-year course of secondary education. Vocational education is provided in one school which appears to teach arts and crafts. In 1960 there were seventy students registered.

Timor

158. In this Territory, education has been and remains almost exclusively in the hands of missions which appear to be responsible for all education in the rural areas. Originally, the education provided by missions followed the pattern of schooling in Portugal. In the conditions prevailing in the Territory this type of education proved to be impractical. The public service could not absorb the output of schools and trained people were ill-adapted to their environment. Vocational training was then introduced, but the methods adopted still failed to meet the needs of the Territory: the number of trained persons soon exceeded the employment available, and there was a social problem of the rural inhabitants moving away from their traditional environment to an oversubscribed labour market, with only their skills to sell.

159. In 1938, legislation was introduced replacing the existing education by a mainly agricultural training. As before, the missions were entrusted with the task of providing this education, mostly in rural boarding schools which were to support the students from their own farms. This counteracted the tendency of the people to feel that because they had learned to read they should no longer work in the fields, but had to seek work in urban areas. In order, however, to provide training for the inhabitants who had settled in the city, a secondary school was established at Dili to train those wishing to enter the public services. During the Second World War, schools were destroyed, the population scattered and the whole educational system was paralysed. In 1946 the educational system of 1938 was restored and strengthened, and has continued up to the present.

160. As in most Portuguese Overseas Territories, government expenditure on education is divided into direct expenditure and subsidies to missions. Over the last decade, total annual education expenditure has remained at approximately 4 million escudos. Almost 90 per cent of this expenditure was spent as subsidies to missions for their education and welfare work.

161. At the 1950 census it was estimated that 95 to 99 per cent of the population 15 years and over was illiterate.

162. In 1950 the primary school enrolment was 3,429. In 1960 it was 5,203 for an estimated population 5-14 years old of about 100,000. If this figure is adjusted in accordance with a primary school system providing four years of education, some 13 per cent of the children of school-age were attending primary schools.

163. In 1960 there were one government secondary school and two non-government secondary schools in Dili. The government school provides the first two cycles of academic secondary education and is authorized to provide commercial and agricultural education as well. In 1960 the total secondary enrolment was 237.

Macau

164. The Government maintains a number of primary schools and one liceu. However, the official educational policy is to assist and direct private initiative. In 1960, the distribution of the school enrolment was: government schools, 2.4 per cent; mission schools, 35.9 per cent; and private schools, 61.7 per cent. It shows the large share of educational responsibilities assumed by the Chinese community.

165. During the period 1950-1960, the total expenditure on education increased by about 90 per cent, mostly in the form of subsidies to missions. This subsidy was 3,119,000 escudos in 1960. In the same year direct government expenditure was 2,752,000 escudos.

166. Primary enrolment almost doubled between 1950 and 1956. It continued to increase until 1959 and decreased in 1960. Between 1956 and 1960, mission school enrolment almost doubled; that in Chinese schools increased by 25 per cent; and that in government schools decreased by about 40 per cent. In 1960, the total

enrolment in primary schools was over 39,000. The changing population situation in Macau in recent years does not permit any comparison between the school enrolment and the school-age population. Government schools are attended by both Portuguese and Chinese pupils. There are Portuguese pupils in mission schools but the majority are Chinese. In private schools the entire enrolment consists of Chinese pupils.

167. Secondary courses in government schools follow the pattern of the Portuguese academic secondary schools and cover seven years. In mission and Catholic schools, the courses do not always appear to be of seven years' duration. In 1960 the secondary enrolment was 5,916, representing an increase of 65 per cent during the decade 1950-1960.

168. In 1960, technical and vocational education was provided in four mission schools and thirteen private schools with a total enrolment of 1,393 students. During the decade 1950-1960 there have been fluctuations in the enrolment which reached a peak in 1956. In 1960 the enrolment was 10 per cent higher than in 1950.

169. No teacher training or higher education institution is listed in the information available, and although some schools provide courses beyond the secondary level, there are no statistics of the number of students enrolled in these courses.

170. The foregoing review shows that over the period 1950-1959, education in the Territories under Portuguese administration remained very much inadequate. In most Territories the Catholic missions, with small subsidies from the Government, were the main institutions providing education for the local inhabitants. It is only in comparatively recent years that the Governments in the Territories have increasingly assumed some responsibility for education, but so far the progress has been slow.

171. Not only have the school facilities been inadequate, but their output has also been extremely low at all levels. This situation is reflected in both the continuing high illiteracy figures and the small number of pupils who pass the examination. The so-called adaptação education has been particularly unsatisfactory. According to a Portuguese author, much difficulty has been experienced in getting

the Catholic Church to accept a programme of primary education of the indigenous inhabitants which was not the same as that for other children.^{45/}

172. The situation as regards primary education is slightly better in Cape Verde and São Tomé and Príncipe where all inhabitants attend the same schools. In these Territories primary enrolment in 1960 was about 20 per cent of the children between 5-14 years old for Cape Verde, and over 30 per cent for São Tomé and Príncipe.

173. The secondary school situation is even less satisfactory. In 1950, Portuguese Guinea had one secondary school with 46 pupils; Cape Verde, one secondary school with approximately 400 students; and Timor, one school with 47 students.

By 1958/1959, enrolment in secondary schools had generally increased. There were about 1,000 in Cape Verde; 243 in Portuguese Guinea; 120 in São Tomé; 4,700 in Angola, of whom not more than 10 per cent were Africans; and about 3,300 in Mozambique, of whom perhaps not more than 5 per cent were Africans; and 258 in Timor.

174. Information available to the Committee indicates that the very small number of indigenous students who were able to complete secondary education has been due to several factors inherent in the Portuguese system of education in the Overseas Territories. Government secondary schools charge fees, which, though lower than private schools, nevertheless often represent a hardship to the non-European inhabitants.

175. The second factor is that for the greater part of the period between 1950 and 1959/1960, the age limits in force in Portugal for entering secondary schools were also applied to the government schools in the Overseas Territories.^{46/} Since in Portugal and for Portuguese citizens overseas, primary education is free and compulsory between the ages 7-13, such children generally entered secondary school before the age of 14. For African children who generally started school late and then had to complete an adaptação course before entering the regular primary school (at the third grade), the age limit was one of the main barriers to entering a government secondary school. As many private schools generally charged higher fees, a student often had no alternative but to forego secondary education.

^{45/} Avila de Azevedo: Política de Ensino em Africa, Estudos de ciencias politicas e socias, No. 13, Ministerio do Ultramar, p. 165.

^{46/} Since 1960 there have been some changes introduced. These are discussed in part three of the present report.

176. A third factor has been the liability to native tax and recruitment for public labour. In Mozambique this liability began at 18 years of age. Until the Forced Labour Convention came into effect in 1956, indigenous children in Angola were liable for recruitment for such work in public projects at the age of 14, and in that Territory the combined effect of all three factors was to create a sudden dropping out of pupils over 14 years old. The statistics for Angola for 1959, for instance, showed that over 95 per cent of the indigenous pupils enrolled left school between the ages of 13 and 14.^{47/}

177. The information further shows that over the period 1950-1959 there were no teacher-training schools in the Territories. It appears that it was part of Portugal's educational policy to train in Europe those who were planning to be teachers in the regular school system overseas. Up to the end of 1960 the only teacher-training institutions in the Overseas Territories were government institutions in Angola and Mozambique, which provided a four-year training course for teachers in adaptação schools. In Angola, for instance, there was one such school in 1955 with an enrolment of 167 and there were two schools in 1959 with a total enrolment of about 300. In Mozambique there were six such schools in 1959 with about 600 enrolled. Since the teacher-training course covered four years and taking into consideration those who did not pass the qualifying examinations, the annual output of teachers qualified to teach in adaptação schools was probably not much more than 100 per annum in each Territory.

178. Having regard to the educational situation which prevailed in the Territories under Portuguese administration in 1950 and which continued to prevail with only slight improvement in 1959, the Committee finds it difficult to reconcile Portugal's declared policy of raising the cultural level of the overseas inhabitants with the actual achievements. However, in the view of the Committee, quite apart from the lack of opportunity for education, the most fundamental problem lies in the Portuguese system of education which denies to the inhabitants of these Territories their right to be educated in their own languages and so to develop themselves according to their own ethnic and cultural background.

^{47/} Official Records of the General Assembly, Sixteenth Session, Supplement No. 16 (A/4978 and Corr.2), para. 302.

V. PUBLIC HEALTH

A. African Territories

179. The public health conditions in the African Territories are in some respects similar to those in neighboring countries. Malaria generally is the major health problem, tuberculosis and the parasitic diseases are usually next in incidence, and undernutrition and malnutrition help to make the population more vulnerable to the prevalent diseases. In Mozambique and Portuguese Guinea sleeping sickness is an additional grave problem.

180. Vital statistics are unreliable at best, and the causes of mortality are generally only known for hospitalized patients; even then a high percentage of deaths are registered as due to unknown causes. In Cape Verde, for instance, in 1958, the causes of almost one third of the deaths were reported in official statistics under the heading "causes unknown". Morbidity figures are based on hospital and clinic statistics as far as they are available; however, since the aid posts and health centres are largely in charge of locally trained nurses, the diagnoses are not always completely reliable.

181. In 1959 the doctor-population ratio varied from one doctor per 9,600 population in São Tomé to one doctor per 35,200 population in Mozambique. In Cape Verde, the number of doctors was the same in 1950 as in 1959; in São Tomé the number decreased from 9 to 7; in Portuguese Guinea it rose from 11 to 20 and in Mozambique from 152 to 181^{48/} during the same period.

182. There are no training facilities for doctors, pharmacists, professional nurses and midwives or sanitary engineers in any of the Territories. The number of indigenous doctors, if any, is not known. Most of the training for auxiliary personnel is carried out at vocational schools except that for auxiliary nurses and midwives which is conducted at hospitals. In Mozambique, with a population of 6,371,000 in 1959, there are two training schools for auxiliary nurses, one giving a two-year elementary course, the other offering a three-year "normal" nursing course. In 1960, ninety-two nurse-candidates qualified from both schools and the

^{48/} WHO reported in 1962 that in 1960, there were 321 government and private doctors in Mozambique giving a doctor-population ratio of 1:20,500 (Second Report on the World Health Situation, Part II, Add.1, p. 16).

two-year course for auxiliary midwives graduated nineteen students that year. In Portuguese Guinea, with a population of 565,000, three nurses, three auxiliary nurses and thirteen auxiliary midwives completed their courses in 1960. That same year the eleven rural maternity centres and five general hospitals, having a staff of one midwife and thirty-eight auxiliary midwives, provided all maternity services available to the approximately 135,000 women of child-bearing age. Specialized child-health centres have recently been organized in three of the Territories. However, there have been no reports of specialized training being offered to the staff serving them. Child mortality appears to be high. In Cape Verde, deaths of children under 5 years of age accounted for more than half of the total deaths registered over the period of 1950-1958. In São Tomé, deaths of children constituted between one-third and one-half of all deaths in the period 1950-1953 and over 50 per cent of all deaths in the period 1957-1960.^{49/}

183. Budgets for the public health departments have increased considerably during the years under review; in Portuguese Guinea the expenditure for health services nearly quadrupled during this time. Yet, the percentage of expenditure on health to the total ordinary expenditure has not increased to any extent, except in Portuguese Guinea, where it rose from 7.7 to 13.4 per cent. In Cape Verde the proportion remained approximately the same at 10.8 and 10.7 per cent; in São Tomé and Mozambique it was reduced from 14.4 to 12.5 per cent and from 5.8 to 3.6 per cent respectively. Health facilities increased somewhat from 1950 to 1960 in all four Territories. Most of the increases were in aid posts, health centres and infirmaries, as well as in specialized services. The number of general hospitals fully equipped to give extensive medical and surgical care increased only slightly. There are now five such hospitals in Portuguese Guinea, an increase of two; in Mozambique one central hospital was added in 1960 to the existing two central hospitals; there are also twelve regional hospitals run by the Government and twenty-five general hospitals operated by private agencies.

184. A tuberculosis hospital was opened in 1955 in São Tomé, and a tuberculosis control centre recently started functioning in Portuguese Guinea. In all Territories the maternity services were expanded and three Territories initiated special child health services.

^{49/} Data for the years 1954-1956 are not available.

185. By 1960 the bed capacity in Portuguese Guinea was 675, or 1.2 beds per thousand population; in Mozambique it was 5,254, or 0.8 beds per thousand population; in São Tomé there were 2,556 beds provided by both government and private services, giving 37.0 beds per thousand population; and in Cape Verde the total bed capacity, excluding the leprosaria, was 305, giving 1.5 beds per thousand population.

186. Malaria has been eradicated from some of the islands of the Territory of Cape Verde. Eradication campaigns have only just begun in others. In all the other Territories malaria as the main health problem is frequently responsible for the vast majority of hospital admissions and a high percentage of reported deaths. In 1960, WHO participated in a pre-eradication programme in Mozambique. This was the first time that WHO's assistance had been sought on any programme within the Territories.

187. Sleeping sickness continues to be a major health problem both in Portuguese Guinea and Mozambique. In Cape Verde on a recent survey, leprosy was found to be more wide-spread than had been expected. Malnutrition, particularly of children, is found in all Territories. In São Tomé, avitaminoses and other metabolic diseases were responsible for 104 out of a total of 701 deaths reported in 1960.

Kwashiorkor has been reported in all Territories. Trachoma has been a problem, particularly in Portuguese Guinea, and tuberculosis continues to be one of the major health problems in all the Territories in spite of the anti-tuberculosis campaigns which have been initiated. Bilharziasis and diseases due to intestinal infections are wide-spread.

188. Medical missions conducted by the Institute for Tropical Medicine in Lisbon for the study and control of endemic diseases are now established on a permanent basis in all of the African Territories under Portuguese administration, except in São Tomé. However, a commission for the study and control of endemic diseases in São Tomé and Príncipe was appointed in 1960. These missions, which first surveyed the Territories, usually in regard to specific health problems such as trypanosomiasis in Portuguese Guinea and Mozambique, have since organized surveys of and campaigns against other prevalent endemic diseases. They operate independently of the locally run health departments, have their own budgets and, most important of all, have outstanding health specialists from the Institute of

Tropical Medicine at their service. Apart from conducting effective sleeping sickness campaigns they have been responsible for reducing the incidence of tuberculosis in Cape Verde and Mozambique. The effective anti-tuberculosis campaign in São Tomé has been in charge of the local health department, since this Territory does not have one of these missions, In Mozambique the Institute of Medical Research, established since 1955, has been responsible for many of the health surveys and campaigns.

B. Other Territories

Macau

189. The striking population increase in this Territory, from 187,722 in 1950 to an estimated 450,000 in 1961, has not only imposed a considerable strain on the available clinical services but has also created problems of environmental sanitation services. Owing to the resulting poor and crowded housing conditions, the social diseases, in particular, tuberculosis and, to a lesser degree, venereal diseases and drug addiction, have become major health problems. Gastro-intestinal diseases, as well as bronchitis, eye infections and various forms of food deficiencies are also common.

190. There are four hospitals, of which one general and one children's hospital are administered by Government. The largest hospital is run by a Chinese Benevolent Society and together with a mission hospital provides 1,057 beds. Since 1957 the total number of patients treated annually in the three general hospitals amounted to approximately 16,000, of which the Chinese hospital, Kiang Wu, treated between 10,000 and 10,400 annually and the government hospital between 3,000 and 4,400. There are in addition various specialty clinics run both by the government and private agencies and twenty government aid posts and treatment stations. In 1960 there were ninety-seven doctors, or 1 per 6,500 population, of whom nineteen were employed by Government. There is no medical school in Macau, but there is a training school for nurses. By 1960 there were 134 nurses in the Territory, compared with sixty-four in 1954. Here again the majority of nurses are employed by private agencies. The budget of the

Health Department was 7,637,000 escudos in 1960, an increase of 25.5 per cent since 1950. However, the percentage of the public health budget to the total ordinary expenditure decreased from 8 to 6.6 per cent.

191. Available vital statistics are incomplete; birth and mortality rates are not known. During 1959 and 1960, 20.5 and 20 per cent respectively of all deaths were reported to be due to tuberculosis, compared to 22 per cent in 1957. In 1954, 1,135 patients were treated for deficiency diseases. The number rose to 2,021 in 1959 and declined slightly to 1,941 in 1960. The highest number of deaths due to deficiency diseases was reported in 1956 and 1957 when they amounted to 109 and 121 respectively. In 1960, thirty drug addicts were treated in hospitals and 575 underwent treatment in the infirmary of the Public Prison.

192. Though the majority of infants are born in hospitals or maternity centres, ante-natal consultations are relatively infrequent. In 1960, for example, only approximately one eighth of the pregnant women had any ante-natal consultation.

Timor

193. Owing to its mountainous character, Timor, although situated close to the Equator, enjoys a sub-tropical climate in many of its areas. However, malaria, which is prevalent in the coastal regions, is still the most common disease; next in frequency are yaws and tuberculosis, followed by ankylostomiasis, amoebiasis and filariasis, leprosy and the venereal diseases. Anaemia and other dietary deficiencies, particularly protein deficiencies, are common and primarily affect children.

194. In 1960 the health facilities included three government and one private hospital with a total bed capacity of 230, or 0.45 beds per thousand population. The number of doctors has increased to nine, giving a ratio of one doctor per 60,000 population. There is no medical school in Timor. The number of nurses and midwives has remained approximately the same, at fifty-two and ten respectively, though nursing and midwifery training is provided locally. The budget for the health services increased slightly during 1950-1960 when it was 5,528 contos.^{50/} In 1955, at 5,001 contos, it stood at 9.8 per cent of the total

^{50/} One conto = 1,000 escudos.

ordinary expenditure, compared with 9 per cent in 1960. In that year the health expenditure per person was 12 escudos. Since 1955, public health expenditure has been one-half of the military expenditure and less than one-third of the revenue from personal taxes.

195. Vital statistics are incomplete. In 1957, the birth rate was recorded at 23.1 and the death rate at 22.3 per 1,000 population. In 1960 the birth and death rates were reported to be 21.6 and 13.9 respectively. Infant mortality rates are available only for 1957 and 1958, when they were reported at 53.1 and 93.1 per thousand live births respectively. Deaths due to malaria and tuberculosis constituted roughly one-fourth to one-third of all certified deaths during the second half of the period under review; the number of deaths from malaria was usually double that due to tuberculosis, except in 1959 when the number of deaths from malaria suddenly declined. The statistics for 1958 and 1959 are as follows: certified deaths 290 and 189 respectively; deaths due to malaria 60 and 32; deaths due to tuberculosis 25 and 21.

196. A medical mission for studying and fighting endemic diseases was permanently established in 1957, but started to operate only in mid-1958.

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197. The statistics reviewed above indicate the very limited nature of the amenities provided, and the very modest contribution these amenities make towards meeting the health needs of people of these Territories. First-hand information gathered from petitioners heard by the Committee on its visit to Africa confirm this. Evaluations based on the petitioners' statements are contained in the appropriate sections of Part Three of this report.

VI. LABOUR

198. Portugal claims that its social policy in the Territories under its administration is based on the concept that work is the foundation of social progress. From this concept is derived the well-known obligation of the indigenous inhabitants to work.

199. In 1946, the Portuguese Government made the following observations during the discussions on the Convention on Social Policy in Non-Metropolitan Territories:^{51/}

"Social progress is impossible if the social and moral obligation to work, which is its foundation, is not recognized. The material obligation, so to speak, of working is imposed by circumstances as well as by legislation for the punishment of vagrancy.

"Some backward peoples, however, do not experience needs which impel them to work, although it might be said, from the point of view of social policy, that these needs do in fact exist, since they are revealed by instances of malnutrition, insufficient clothing, bad housing conditions and the like.

"Leaving these communities to determine their own needs, without requiring from them greater effort than is involved in satisfying their inclinations as they like, would mean promoting their reversion to barbarism and leaving them at the mercy of all the evils which decimate them.

"Experience has shown that it is not sufficient to impose obligations on them which they can always evade and which in any case can hardly be more than tribal obligations or regulations in regard to clothing and housing."

200. Chapter VII of the Portuguese Constitution, which is entitled "Overseas Portugal", contains a separate section (articles 141-147) on "special guarantees" for indigenous inhabitants. Article 141 makes it the responsibility of the State to guarantee, "in the stage of transition, the protection and defence" of the indigenous populations, in accordance with "the principles of humanity and sovereignty", the provisions of the Constitution, and "international conventions". Articles 144 to 147 contain a number of general principles regarding labour relations in Overseas Territories. These principles are:

- (a) Payment for all labour performed for the State or administrative bodies.
- (b) Prohibition of compulsory labour for the benefit of private employers.

^{51/} International Labour Conference, 29th session, Geneva, 1946, Report IV (2), pp. 14-15, as quoted in the ILO: Report of the Commission, Complaint of the Government of Ghana concerning the Observation of the Government of Portugal of the Abolition of Forced Labour Convention, 1957 (No. 105), p.78. (Hereafter referred to as the Report of the Commission, Complaint of the Government of Ghana.)

(c) Limitation of compulsory labour to work on public works of general interest to the community, in occupations the results of which belong to the worker, in execution of judicial decisions of a penal nature, or in discharge of fiscal obligations.

(d) Individual liberty as the basis of contracts of employment.

201. The Overseas Organic Law of 1953 (Base LXXXVI) contains provisions which are identical to those of the Constitution, and further provides that:

"Indigenous persons shall be guaranteed free choice of the work which they prefer, whether on their own account or for another, whether on their own land or on land provided to them for this purpose. The State may, however, guide them in methods of work on their own account which will improve their individual and social conditions."

202. Similar provisions were also contained in the Native Statute of 1954 for Portuguese Guinea, Angola and Mozambique. The Statute further provided:

"The State shall try to make natives recognize that work constitutes an indispensable element of progress, but the authorities may impose labour only in cases specifically provided for by law."

203. The main legal source governing labour relations in the Overseas Territories is the Codigo do Trabalho dos Indigenas nas Colonias Portuguesas de Africa (Native Labour Code) of 1928. The provisions of this code constitutes special legislation which governs labour relations concerning persons of indigenous status. The Code is supplemented by labour regulations promulgated for individual Territories and by circulars issued by provincial governors.

204. Legal provisions in force prior to the Native Labour Code of 1928 established the principle that "all natives of the Portuguese overseas provinces shall be subject to the moral and legal obligation of attempting to obtain through work the means of subsistence which they lack and to improve their social condition". This legal obligation to work did not appear in the Native Labour Code of 1928. The Code establishes the principles that "forced labour for private purposes is absolutely prohibited" and that "forced labour for public purposes shall be allowed by way of exception in certain urgent and special cases but only under the conditions laid down in the Code" (Article 294). However, reference is made in the Code to "the moral obligation of the indigena to procure the means of subsistence by labour and thereby to promote the general interests of mankind".

205. Article 296 of the Native Labour Code determines the cases in which forced labour for public purposes is allowed. This article permits recourse to forced labour "when owing to urgency or for some other reason it is impossible to secure the requisite number of voluntary native workers for the carrying out of government or municipal public works". According to article 299, work may only be imposed by administrative authorities, who are directed "not to have recourse to coercive measures unless the persuasive methods adopted by them to levy the natives for the performance of the work in question prove insufficient". The same article also provides that workers should be selected preferably from "natives whose idleness is most excessive and who can be employed on public works without prejudice to their own economic activities or with comparatively little prejudice thereto".

206. As stated above, the provisions of the Native Labour Code are supplemented by labour regulations and other legislation issued for individual Territories. In Mozambique, the Native Labour Regulations of 1930 reproduce most of the provisions of the Native Code of 1928, including those which prohibit forced labour for private employers and authorize it for public purposes in specified cases. However, a circular of 7 October 1942, issued by the Governor-General, defined the obligation of indigenas to work. According to this circular all able-bodied male indigenous persons between 18 and 55 years of age were obliged to prove that they lived by their work. Those who were able to fit into any one of the categories listed in the circular were considered to have provided proof that they lived by their own work. Persons not living from their work were subject to the obligation to work in public services up to six months a year. According to the circular, such persons, who should be brought before the administrative authorities, remained free to conclude contracts with private undertakings; they could be approached by recruiters with the authority's permission.

207. The circular of 1942 was superseded by a circular of 5 May 1947 which states in the preamble that the circular of 1942 had not always been judiciously interpreted in practice, particularly as regards the recruitment of indigenous labour for private purposes; and it is recalled that action involving compulsion

to work for private undertakings is absolutely contrary to law. It considered it necessary to make it clear that persons who failed to prove that they are living from their work should be directed to public employment only. The circular provides, among other provisions, that:^{52/}

"(1) Every able-bodied male indigenous person between 18 and 55 years of age shall be required to prove that he lives by his own work.

"(2) The proof required by the preceding section shall be deemed to have been provided by anyone who:

(a) is normally engaged on his own account in a calling, trade or craft from which he derives his subsistence;

(b) has a permanent post in the service of the State, an administrative body or private persons;

(c) works for at least six months in each year, as a day-labourer in the service of the State, administrative bodies or private persons;

(d) has within the last six months returned from the Union of South Africa or Southern Rhodesia, if he went there lawfully under the agreements in force;

(e) is a cattle farmer possessing at least fifty head of cattle;

(f) is registered as an African farmer in accordance with the Native Farmers Statute, approved by Legislative Instrument No. 919, of 5 August 1944;

(g) has completed his military services and is going through his first year in the reserve.

.....

"(6) Natives who do not provide the proof required according to paragraph (2) above shall be deemed to be idle and, as such, shall be recruited for paid employment for six months in the service of the Government or municipalities, in strict conformity with the conditions specified in the Native Labour Regulations."

^{52/} English text as quoted in Ibid. pp. 125-126.

208. In Portuguese Guinea, provisions concerning the obligation to work are contained in the Native Labour Regulations of 16 November 1935. In this connexion it is to be recalled that most of the indigenous population in this Territory is engaged on the land. The Regulations provide that "registers shall be kept at the offices of the curator general and his agents" and that "registration shall be compulsory for all natives who are employed as a rule in domestic work or in agricultural, commercial or industrial work or as wage-earning employees, including persons employed in the public service". The Regulations further provide that every indigenous worker shall be bound to procure employment, the duration of which shall not be less than eight months in the year. For this purpose a register of all indigenous workers who desire employment and of employers who require workers shall be kept at the offices of the curator general and his agents.

209. Compulsory cultivation of land is provided for under the Native Labour Code (section 296 (e)). The only stipulation made in this connexion is that the produce of these lands must "accrue exclusively to the persons who cultivate them or, in accordance with Native custom, to a specified Native community".

210. The cultivation of certain products such as rice, castor oil plants and cotton, the expansion of which is actively encouraged by the Government, is subject to special regulations in Angola and Mozambique. Cultivation of these items is under the control of European undertakings holding concessions from the authorities, who aid and supervise them. For cotton, by far the most important crop, the legal provisions are those contained in Legislative Decree No. 40405 of 24 November 1955. Nothing in these provisions allows the cultivation of cotton to be placed on the same legal footing as compulsory cultivation, but it was stated in a book published recently by an official Portuguese agency that "in practice, it often happens that the zeal (or excess of zeal) of the authorities causes them to go beyond legal limits, and they act as though the system in force were that of compulsory cultivation".

211. Legislation also provides for forced labour as a form of tax in circumstances which appear to be slightly different from those laid down in the Forced Labour Convention of 1930.

212. According to the Native Labour Code of 1928, the Government does not interfere in labour contracts except to ensure that the indigenous persons are free to contract their services to anyone they think fit, and to control the fulfilment of the contracts by exercising the protection which the indigenas need.

213. Contracts may be entered into either with or without the co-operation of the authorities. The authorities competent to co-operate in the conclusion of contracts are the curator and his agents. Contracts of employment shall be concluded without the co-operation of the authority only when: (a) the worker's usual place of residence is in the area of the agency of the curator where the work is to be performed; or (b) when the worker, though usually residing in the area of another agency of the curator, appears spontaneously at the undertaking or workplace to apply for work without any previous recruiting operations.

214. Recruitment with the object of obtaining or supplying the labour of persons who do not spontaneously offer their services at the place of employment is under the control and supervision of the authorities. Recruitment can only be practised by persons holding licences, except in some cases specified in article 266 of the Native Labour Code. Public officials cannot recruit indigenous workers for the service of individuals (article 38, paragraph 1). However, the competent authorities "shall be bound to facilitate the operations of all persons wishing to recruit workers, provided that the persons engaged in this calling procure indigenas to enter into contracts of employment by lawful means and in an honest manner". (Article 36).

215. Public officials can suggest to recruiters the areas where recruitment would be easiest, as well as "advise tribal chiefs and Natives, either in the presence of recruiting agents or otherwise, to obtain employment, but explaining to them in all cases that they are not in any way under an obligation to enter into a contract of employment with the recruiting agents in question". Although public officials are not allowed to accompany recruiters on their journeys through the villages and districts in search of workers, this prohibition does not apply in cases in which "the authorities or their subordinates travel by chance in the company of recruiting agents, so long as they do so without any intention of coercing the indigenas by their presence to enter into contracts or for the purpose of watching or supervising their activities".

216. The Native Labour Code contains provisions dealing with contracts for employment outside a given territory. In this case, recruitment operations are subject to the provisions of the Code or to international agreements.

217. Recruiting in Mozambique for the Transvaal mines is regulated by the convention concluded on 11 September 1928 by the Governments of Portugal and South Africa; as modified in 1934, 1939 and 1940 under the Convention, up to 100,000 workers a year may be recruited in Mozambique. Recruitment is to be in accordance with the relevant regulations in Mozambique. In addition to the fees payable to the Government of Mozambique in respect of the issue and renewal of passports and the registration of contracts, the Transvaal mines are required to pay a fee of 2/9d. per month for each indigenous person employed, and the Government of Mozambique is guaranteed each year an income from these various fees of at least 44/6d.

multiplied by the average number of indigenous persons employed by the mines during the year. Contracts are for a maximum of twelve months and can be extended for another six months. After this period workers must return to Mozambique and cannot conclude a new contract for the mines until they have been six months in Mozambique.

218. The provisions concerning contracts of employment and recruitment are contained in Part I of the Convention. In Part II the Government of South Africa undertook to secure the passage through the Port of Lourenço Marques of at least 47.5 per cent of commercial sea-borne goods imported into a defined area in Transvaal.

219. From available statistics, it appears that in 1959 a total of 68,917 workers officially left Mozambique for South Africa.

220. There is an agreement between the Governments of Mozambique and Southern Rhodesia regarding recruitment of labour for employment in Southern Rhodesia. However, it appears that most of the workers go to Rhodesia without having been recruited. In 1959, some 34,000 migrated to Southern Rhodesia without being recruited, while only 751 had been recruited.

221. Legislation governing migration of indigenous workers to São Tomé and Príncipe from other Portuguese Territories goes back to 1903. Conditions of employment on the islands have been subject to much criticism in the past, especially in connexion with the non-repatriation of recruited labour. The latest legislation, dated 28 May 1948, provides for the replacement of individual recruitment for limited

periods by the transfer of families with a view to their settlement in the Territory, and that married couples should be recruited. An attempt is to be made to recruit groups of families, and all able-bodied members of the families, including children over 14 years of age, are bound to be employed, unless exempt by the curator. The territorial Government is to promote the rapid repatriation of workers who, on the expiration of their contracts, do not wish to settle in the Territory, and to replace them by other workers, accompanied, if possible, by their families. It appears that there has been no recruitment for São Tomé since 1953.

222. In the foregoing section the Committee has sought to set forth the basic principles as they are envisaged and the laws governing labour relations in the Territories under Portuguese Administration. The Committee wishes to point out that in spite of Portugal's claim that its overseas labour laws were fully in accord with international labour conventions, many changes have recently been introduced. In the Committee's view, these changes indicate the extent to which even the legal position was unsatisfactory. However, even where the law, in principle, provided guarantees and safeguards for the indigenous inhabitants, evidence received by the Committee leads it to the conclusion that there is a significant difference between such theory and practice. The changes introduced in the field of labour relations and the conclusions reached by the Committee are contained in the relevant sections of Part Three of this report.

VII. ECONOMIC CONDITIONS

223. In addition to political unity and cultural assimilation, Portuguese policy aims at the economic integration of the Overseas Territories with the metropolitan country.^{53/} Economic development therefore is to be encouraged in so far as it is "in accordance with the basic principles of unity and co-ordination". (Overseas Organic Law, Base LXXIII).

224. In the regulation and co-ordination of the economic and social life of the Territories the Overseas Organic Law provides that consideration shall be given, in addition to the relevant constitutional provisions, to the systematic utilization of resources, the settlement of the Territories with families of Portuguese nationals, the people's moral, intellectual and economic advancement, "the progressive nationalization of activities which by reason of their capital structure should be integrated in the national economy as a whole", and the exercise of social justice compatible with economic and social conditions.

225. Until fairly recently, considerations of trade with Portugal have had an overriding influence on the economic development of the Overseas Territories. The only exceptions have been Macau and Cape Verde which, because of their lack of natural resources, could not make any substantial contributions. Angola, Mozambique, Portuguese Guinea and São Tomé and Príncipe, on the other hand, have long been the principal suppliers to Portugal of much needed raw materials, such as sugar, cotton, ground-nuts, coffee and cocoa, and in return purchased processed articles, often from the very raw materials the Territories had produced, as in the case of manufactured textiles.

226. In order to meet the annual needs of the textile industry in Portugal, since 1926, strenuous efforts have been made to increase the production of cotton in both Angola and Mozambique. Under a system of concessions large areas of land were granted to companies, and Africans living in the areas of the concessions were required to grow at least half a hectare of cotton. This system was also applied to rice in Mozambique. Established quotas for each Territory ensured that

^{53/} Article 158 of the Portuguese Political Constitution reads:

"The economic organization of the Portuguese Overseas Provinces shall form part of the general economic organization of the Portuguese Nation and shall thereby take its place in the world economy."

until the needs of Portugal were met, none of the produce could be exported to foreign countries. In recent years nearly all the cotton produced in these two Territories has been exported to Portugal. In 1957-1959 the total value of Portugal's exports of textiles to Angola and Mozambique has almost equalled the value of the raw cotton imported from them.

227. Portugal imports most of its sugar from its African Overseas Territories. In 1955, sugar consumption in Portugal was estimated at 120,000 tons annually, and of this amount Angola, Portuguese Guinea and Mozambique were authorized to supply 74,500 tons. Since then, consumption in Portugal as well as exports of sugar from Overseas Territories have increased. In 1960 Portugal's sugar imports amounted to 160,500 metric tons; Angola and Mozambique together supplied approximately 90 per cent of this.

228. Other agricultural products for the supply of which Portugal depends mainly on its Overseas Territories include some cereals, beans, palm oil and palm kernels and copra.

229. The Government in Portugal not only controls exchange, imports and exports, it also controls local prices paid to the primary producers. The fixing of prices has in the past been done by special boards in which commerce and industry were represented. These Boards established the price to the primary producers, the price to the merchants handling the produce and finally, in many cases, also the price to the consumer. It is reported that, in general, a very low margin of profit was permitted to the trader when selling produce for internal consumption or for export to Portugal.

230. Settlement of the Overseas Territories with "families of Portuguese nationals" has been one of Portugal's long-term objectives, especially in relation to Angola and Mozambique. (At one time there were apparently hopes of colonizing Timor also but this is no longer considered to be an attainable goal.)

231. Through the settlement of Portuguese nationals, Portugal hoped to create multi-racial societies in the two larger African Territories and at the same time stimulate economic development. As to the role of the indigenous inhabitants, for many years past, it has been Portugal's declared policy that they had the obligation to contribute to the economic development of the Territories through their labour.

232. As already indicated above, in the period 1950-1960, there have been some changes introduced and economic development has been accelerated in some Territories. The pace of development has been uneven and in some Territories, for instance Cape Verde and Timor, and to a certain extent in Portuguese Guinea, economic life has been at a standstill during most of this period.

233. While there has been some economic progress in Mozambique, especially since the start of development planning in 1952, the Territory remains under-developed. Agriculture is by far the most important economic activity and export crops raised on European-owned plantations are responsible for most of the Territory's exports; the other major foreign exchange sources are proceeds from transit traffic from South Africa and the Federation of Rhodesia and Nyasaland, as well as the remittances of African workers employed in these countries.

234. The economy of Mozambique remains closely linked to Portugal, as seen by the fact that Portugal purchases about one half of Mozambique's exports while exporting to the Territory manufactured cotton textiles. Through this process, as well as through foreign exchange earned by the ports, Mozambique has helped to maintain Portugal's balance of payments.

235. Such progress as has been achieved appears to be in the European sector of the economy; European settlement has increased and, with it, plantation agriculture. The volume of cash crops supplied at officially fixed prices by the African farmers to European concession companies has also increased, as has the production of European-owned mines and industrial plants. Under the development plan the largest allocations are made for transportation and the preparation of land for settlement. The first Six-Year Plan did not contain any allocations for social services and only a small percentage is allocated to this item under the second plan.

236. There appears to be little evidence that development has significantly benefited the indigenous population, apart from some increase in the wages of African agricultural workers. Labour recruitment and other pressures have withdrawn a large number of the indigenous population from their villages and jeopardized subsistence productivity. The prolonged absence of the male workers from their villages has also served to weaken the traditional African society.

237. In contrast to Mozambique, there has been little economic growth in Portuguese Guinea during the past decade. Exports have been stagnant since 1952 and public revenue, as well as expenditure showed a decline in 1960. The economy

of the Territory is based exclusively on agriculture and few industries have been established. Expenditure under the development plans is allocated mainly for improvement of transport and provides some assistance to agriculture. After a slow start there has been some acceleration in the implementation of the development plan. Of all the Overseas Territories of Portugal, Portuguese Guinea has the most closely linked economy with the metropolitan country. Almost all of the Territory's exports go to Portugal from which it receives in turn more than one-half of its total imports. Most of the exports from Portuguese Guinea, of which the most important is ground-nuts, are shipped to Portugal without processing, while imports from Portugal are mainly manufactured goods, including a large proportion of textiles.

238. There are no large plantations in Portuguese Guinea. Apart from a few commercial firms and small industries there are hardly any wage-earning opportunities in the Territory. The implementation of the development plan has not as yet created new opportunities of employment, and the cash needed for tax payments is difficult to obtain.

239. São Tomé and Príncipe still has a mono-cultural economy based on cocoa. However, during the last decade there has been no significant increase in exports, and the Territory remains dependent on imports to meet its food requirements. On the other hand, exports to foreign countries of cocoa have provided Portugal with much needed foreign exchange. Nevertheless, in spite of the need to increase food production and improve agriculture, more than 90 per cent of the allocations under the development plans are for transport, power and public buildings. Since 1959 there has been some acceleration in the implementation of the development plan.

240. Little has been done to improve the economic conditions of the Cape Verde Islands which have poor soils and little rainfall. The main economic importance of the Territory is as a refueling station for ships and planes between Europe and South America as well as the southern part of Africa. While there is a limited production for export, such as coffee, purgheria and bananas, which has shown some progress during the last decade, food production is insufficient to meet consumption requirements. Salt is the only mineral export product.

241. The number of ships stopping at the ports of the Territory and their volume of tonnage have remained nearly constant since 1953, and there is little further evidence of progress likely to improve the standard of living of the inhabitants,

whose per caput income in 1957 was only 240 escudos, compared with 600 escudos in Portugal. Apart from fuel oil imported to supply mainly foreign ships, most of the foreign trade of the Territory is with Portugal and other Overseas Territories, the latter supplying mainly foodstuffs. Implementation of development plans, intended mainly to improve harbour facilities, but also to develop agriculture, was considerably accelerated in 1959 and even more so in 1960.

242. In the post-war period there has been no significant progress in the economic development of Timor even though both soil and climate are favourable for agricultural production. Out of the major export products, only rubber - exported mainly to Portugal to meet the needs of its industry - has increased substantially, while the volume of both coffee and copra exports has shown little change during the last decade. On the other hand, the Territory is self-sufficient in food.

243. In contrast to the other Territories under Portuguese administration, Macau excepted, Timor trades mainly with foreign countries, including those within the region. Most of its coffee is exported to other countries of Western Europe, while a substantial part of its industrial imports, particularly textiles, originates in Hong Kong and Japan.

244. Owing to its geographic position, Macau has nothing in common with any of the other Territories under Portuguese administration. Traditionally, most of its trade has been with China for which it served as an entrepôt; it also has close trade relations with Hong Kong. On the other hand, trade with Portugal is only a very minor part of its total foreign trade. The Territory is one of the few entirely free markets of gold remaining in the world, and trade in gold is an important activity, as well as source of public revenue. However, during the past decade the Territory's economic structure has been changing; while transit trade has been falling off, industrial production for export has expanded with encouragement by the Government, so that domestic exports have increased considerably.

245. Industrial expansion has been erratic, however, with considerable variations in output and employment in various industries, and in 1960 the increase in the total value of industrial production was accompanied by a significant decline in industrial employment.

246. The economic future of Macau remains ambiguous. While imports from China (mainland), mainly of foodstuffs, remain almost constant, exports to China (mainland) have dwindled. On the other hand, through the efforts of Portugal to

establish a common market, Macau's trade with other Portuguese Territories rose to nearly 50 per cent of its total domestic exports in 1960.

247. From the information available to it the Committee finds little evidence that there had been any concentrated effort by Portugal to raise the standards of living of the indigenous inhabitants. Although production of export crops has increased in such Territories as Angola and Mozambique, subsistence agriculture has shown little gain. Moreover, in the Territories which contributed less to Portugal's economy, for instance, Cape Verde and Timor, production has dropped from higher levels previously attained.

248. The development plans which concentrate on transport and communications and settlement do not appear to give enough attention to the indigenous sector; provisions for education and improvement of public health in most cases amount to not much more than 10 per cent of expenditure under the plans.

249. The Committee notes that in its comments on the Report of the Sub-Committee on the Situation in Angola, Portugal draws attention to the increase in fiduciary circulation as evidence that expansion in foreign trade, plantation, economy and mining had increased the monetary transactions in the African sector.^{54/} The Committee notes that the increase in monetary transactions does not necessarily indicate a rise in standards of living of the indigenous inhabitants and that what is important is the extent to which changes occur in such essential components of levels of living as health, food consumption, education, employment and conditions of work, housing, social security, clothing, recreation and entertainment and human freedoms.^{55/}

^{54/} A/5082, para. 66.

^{55/} E/CN.3/270 and Statistical Commission, Report of the Eleventh Session, E/3375, E/CN.3/282, p. 16.

PART THREE

THE SITUATION IN THE TERRITORIES UNDER PORTUGUESE
ADMINISTRATION SINCE JANUARY 1961

INTRODUCTION

250. In Part Two of this report, the Committee reviewed the political, social, educational and economic aspects of the colonial relationship between Portugal and its Overseas Territories. This is a relationship which the General Assembly of the United Nations has recognized, in resolution 1542 (XV), and which it has proclaimed, by resolution 1514 (XV), it is necessary to bring to a speedy and unconditional end.

251. Portugal, however, continues to maintain its position that Angola, Mozambique, Portuguese Guinea, Cape Verde, São Tomé and Príncipe, Macau and Timor are "provinces" and that matters concerning these Territories are within its domestic jurisdiction so that the above resolutions have no relevance to its Territories.

252. Nevertheless, following the events which occurred in Angola in 1961, and the adoption of General Assembly resolution 1603 (XV) of 20 April 1961 and Security Council resolution of 9 June 1961 (S/4835), Portugal announced in September 1961, the introduction of "far-reaching reforms" in its Territories.^{56/} The reforms were considered by the Sub-Committee on the Situation in Angola in so far as they related particularly to that Territory. On the basis of the limited information that was then available, and owing to the fact that not

^{56/} The "far-reaching" reforms which were introduced on 6 September 1961, were the following:

- (1) Repeal of the Native Statute applying to Angola, Mozambique and Portuguese Guinea (Decree Law 43,893).
- (2) Regulation of the occupation and granting of land concessions (Decree No. 43,894).
- (3) Establishment of provincial settlement boards (Decree No. 43,895).
- (4) Establishment of local administrative bodies to be known as regedorias (Decree No. 43,896).
- (5) Recognition of both written and unwritten local usages and customs regulating relations in private law in force in regedorias (Decree No. 43,897).
- (6) Regulation of the operation of municipal and local courts (Decree No. 43,898).
- (7) Regulation of the civil registry (Decree No. 43,899).

In addition, a decree, enacted on 12 June 1961, restoring elected local government bodies is stated to form part of the reforms.

enough time had yet elapsed for the reforms to come into effect, the Sub-Committee on the Situation in Angola reported only briefly on these changes. It even then felt that the immediate effect on ameliorating the conditions in the Territory as recommended by the United Nations organs appeared to be limited.^{57/}

253. As considerable time has elapsed since then, the Committee, in carrying out its mandate, has sought to obtain authentic and up-to-date information from all available sources in order to assess the extent to which the reforms may have been implemented and the effects they may have had in the Territories under Portuguese administration. As regards sources of information, the Committee has had the benefit of the Report of the Sub-Committee on the Situation in Angola and the studies prepared by the Secretariat; it has also received information from various petitioners who appeared before it both in New York and in Africa. The following sections review and summarize all the information that was made available to the Committee concerning the situation in the Territories under Portuguese administration since January 1961.

^{57/} Official Records of the General Assembly, Sixteenth Session,
Supplement No. 16 (A/4978 and Corr.2), paras. 450-467.

I. POLITICAL CONDITIONS: ASPIRATIONS OF THE PEOPLE AND
PORTUGAL'S REACTION AND MEASURES OF REPRESSION

254. Since January 1961, there has been no change in the constitutional status of the Territories under Portuguese administration which has been described in Part Two of this report. As already indicated, the Overseas Organic Law of 1953 contains provisions for the establishment of administrative bodies through which local self-government is exercised, but owing to special circumstances, elections to these bodies were suspended in 1940 in certain Territories. A decree dated 12 June 1961,^{58/} restored local autonomous bodies (municipal councils, municipal commissions and local committees) in Mozambique, Cape Verde, São Tomé and Príncipe and Macau.

255. In addition, the decree revised certain articles in the Overseas Administrative Reform Act of 1933 relating to the establishment and functioning of local administrative bodies. In particular, the establishment of such bodies is now to be based on a minimum number of registered electors, rather than on a specified number of European inhabitants or assimilados. Whereas previously municipal councils were to be established only in capitals of Territories under Governors-General or in concelhos where there were more than 2,000 European inhabitants or assimilados, the new law provides that such councils shall be established in concelhos which are capitals of a Territory and in concelhos that have more than 500 registered electors.

256. There are to be municipal commissions in administrative areas (circunscrições) where there are more than 300 registered electors and in concelhos where municipal councils have not been established either because no elections have been held or because there are fewer than 500 electors.

257. Municipal councils and municipal commissions consist of a chairman, who will be, as a rule, the administrator of the area, and four elected members, of which two shall be elected by direct vote of citizens. The other two members are to be elected by bodies representing moral and spiritual interests and by corporative bodies or trade associations, or in the absence of these, by Portuguese citizens who pay over 1,000 escudos in direct taxes. In the freguesias (parishes) and in the postos administrativos (administrative sub-areas) there will be local committees which are to consist of a chairman, appointed by the Governor, and two elected members.

^{58/} Decree No. 43,730 of 12 June 1961.

258. In September 1961 the Native Statute which had applied in Angola, Mozambique and Portuguese Guinea was repealed,^{59/} thus abolishing the special status which this law had imposed on the indigenous inhabitants in these Territories. The official explanation for this action is that the Native Statute, which had been adopted only as a transitional measure to protect the indigenous peoples, was often misunderstood, and, as stated in the preamble to the law repealing the Statute, the time had come when "the political and social condition" of the Territories on the African continent "permitted eliminating many of the laws which left the protection of local populations entirely in the hands of the State".^{60/}

259. In the view of the Portuguese Government, the most important change introduced by the repeal of the Native Statute is that the African inhabitants of Angola, Mozambique and Portuguese Guinea no longer need to meet certain requirements to achieve citizenship status, or to comply with the procedures for obtaining it. According to the Portuguese Government, all Africans now enjoy the same rights as Europeans; they can elect and be elected to the National Assembly and to the territorial and municipal councils.

260. It appears, from official declarations, that the main effect of the repeal of the Native Statute has been to make political status independent of private law. As part of the reforms, formal recognition has been given to indigenous custom and usage, whether codified or not, as a separate system of private law.^{61/} While there are to be two systems of private law and all persons may freely choose the system under which they wish to live, there is to be no difference in their political status; they will all be Portuguese citizens. Persons who qualify for the right to vote will be represented in the legislative or government councils and the local administrative bodies by elected representatives. Provision is made for persons living in rural areas divided into regedorias to be represented in the territorial bodies by persons chosen in accordance with the law.^{62/} It is not clear from the law whether such representation will be an additional representation, or whether it is based on the anticipation that persons living in regedorias will not be able to qualify to vote directly in the other elections.

^{59/} Decree No. 43,893 of 6 September 1961.

^{60/} A. Moreira, Portugal's Stand in Africa, 1962, p. 231.

^{61/} See paragraphs 324-326.

^{62/} See paragraphs 319-321.

261. There are many other areas in which it is not possible to determine on the basis of the available information what the rights of the inhabitants will be under the law, as the repeal of the Native Statute has not automatically revoked other special provisions which applied to persons of "indígena status". The Committee notes that the complexity of the situation is fully recognized by Portugal and that under one of the measures introduced on 6 September 1961 (the decree co-ordinating the application of customary and written law and which is considered below) a committee has been established by the Minister for Overseas Territories to review all existing legislation which has a bearing on the inhabitants to whom the Native Statute previously applied.

262. According to newspaper articles,^{63/} it appears that the right to vote is now based on the dual qualification of: (1) the ability to read and write Portuguese and (2) the payment of a minimum tax of 200 escudos. However, before Africans were declared to be "Portuguese citizens" with the repeal of the Native Statute, the electoral law provided that male Portuguese citizens were entitled to vote if they could read and write Portuguese or if they could not read and write but if they paid 100 escudos in certain taxes^{64/} (not including the indigenous personal tax paid by the majority of Africans, who in any case were not then Portuguese citizens).

263. The dual requirements of both a literacy qualification, especially in Portuguese and payment of a minimum tax of 200 escudos do not appear to the Committee to be designed to extend the right to vote to the majority of the indigenous inhabitants, particularly since few of them have had the opportunity to learn to read and write Portuguese. Furthermore, most Africans are not in a position to pay a minimum tax of 200 escudos because they are either

^{63/} The New York Times, 27 July 1961 and 29 August 1961.

^{64/} See paragraph 113. These electoral rights will apply to elections of the members of the National Assembly, as amendments to the Constitution, promulgated by Act No. 2100 of 29 August 1959, provide for the election of the Head of State "by the Nation, through an electoral college consisting of the serving members of the National Assembly and of the Corporative Chamber, the municipal representatives of each district or of each overseas province not divided into districts, and the representatives of the Legislative Councils and Councils of Government of the provinces administered by a Governor-General or by a Governor respectively ...".

dependent on subsistence agriculture for their livelihood or, if they are employed, they generally receive low wages.^{65/}

The Committee recalls that in May 1961 Premier Oliveira Salazar said:^{66/}

"A law recognizing citizenship takes minutes to draft and can be made right away; a citizen that is a man fully and consciously integrated into a civilized political society takes centuries to achieve."

The Committee finds that there has been no change in this basic position taken by Portugal.

264. In November 1961, elections to the National Assembly were held for the first time under the constitutional provisions as amended in 1959. In consequence of this amendment, the National Assembly now comprises 130 deputies. Angola and Mozambique are each represented by seven deputies in that body; Cape Verde by two, and Portuguese Guinea, São Tomé and Príncipe, Macau and Timor each by one deputy. Although the elections took place two months after the repeal of the Native Statute, the Committee found no indication that the voting had been based on electoral rolls that took into account the new status of the indigenous inhabitants in Angola, Mozambique and Portuguese Guinea.

The Committee has also received no information as to how the announced forthcoming municipal elections in Mozambique are to be held and whether they are to be based on new electoral rolls.^{67/}

265. Almost all of the petitioners from whom the Committee sought information on this question stated that they were no longer interested in Portuguese elections. Others replied that it was their understanding that voters must be able to read and write Portuguese, and that, in effect, the reforms only extended the right to vote to Africans who were able to read and write Portuguese but who had not

^{65/} In Mozambique, for instance, minimum wages established by law in the northern districts are 90 escudos per month for agricultural workers and 130 escudos per month for industrial workers and 205 and 245 escudos respectively in the southern districts. (See paragraph 112.) The imposto domiciliario, which is an annual minimum tax replacing the former native tax, is now 90 escudos in the north and 300 escudos in the south. (See paragraph 108).

^{66/} Interview with The New York Times, 31 May 1961.

^{67/} Under the 1946 electoral law, electoral rolls are compiled once a year on 2 January. An article in The Times of London on 14 May 1962 indicates that when new electoral rolls are drawn up, local elections may be extended to more communities where there are enough voters in accordance with Decree No. 43,730 of 12 June 1961. (See paragraphs 255-256).

become assimilados. Furthermore as Africans who were literate in Portuguese were a very small percentage of the total population,^{68/} there could be no full and effective political rights until there was universal adult suffrage.

266. The indigenous inhabitants in Cape Verde, São Tomé and Príncipe, and Timor have never been subject to the provisions of the Native Statute and its repeal does not affect them. The present situation in these Territories is described below.

267. In Cape Verde, all the inhabitants have the right to vote on the same basis as inhabitants of Portugal. Portuguese civil, penal and commercial laws apply to all inhabitants of the Territory. In São Tomé and Príncipe, the distinction between assimilated and non-assimilated persons disappeared in the census of 1960. Regarding political rights, no new information is available on the requirements to be met in order to qualify as a voter.

268. In Timor, as in other Territories, the census of 1960 does not make a distinction between civilized and non-civilized persons. The decree of 6 September 1961 regarding the law - either customary law or statutory civil law - which regulates private legal relations appears to apply to this Territory.

269. No information is available on the extension of the right to vote. All the petitioners who appeared before the Committee stated that the inhabitants of Territories under Portuguese administration were denied freedom of association and expression. No political or trade union organizations could be registered, and only those organizations sponsored by the authorities, for instance, some cultural associations and workers syndicates, were allowed. These government-sponsored organizations, however, did not represent the people, and their members were not free to express their views on political questions.

270. Nevertheless, the early 1950's saw a growth of political awareness in all Territories under Portuguese administration, as more and more, the indigenous people felt that it was necessary to bring about a change in their daily lives

^{68/} The information contained in Part Two of this report shows that around 1950, in Angola, Mozambique and Portuguese Guinea, over 97 per cent of the population of 15 years and over were illiterate. While there are no recent literacy data for all Territories, according to a report contained in the Boletim Geral do Ultramar of May 1961, a survey of agricultural and industrial enterprises in Mozambique showed that 47.7 per cent of the workers could speak Portuguese, of which 21.5 per cent (i.e., about 10 per cent of the total) could read and write.

and to free themselves from insecurity and oppression. As in Angola, various attempts were made to discuss economic and social problems but such meetings were generally regarded by the authorities as subversive and were suppressed by force.

271. In Mozambique, Portuguese measures of suppression of nationalistic expressions date back many years. One of the petitioners from Mozambique told the Committee that in 1949 he had been imprisoned, held incommunicado and questioned for having organized a students' association, in spite of the fact that the purpose of this association had been cultural and social, and that it had been attached to an officially sponsored African organization.^{69/}

272. Another petitioner described how, in the early 1950's, members of the Associação dos Naturais da Colonia de Moçambique, a government-sponsored cultural organization, had been arrested also on suspicion of political activities. He also told the Committee of instances of strikes and peaceful demonstrations which were suppressed by force. In 1955, for instance, Chief Zimtabira Chicusse of Angónia and five other chiefs from Porto Amélia were arrested. In 1957, when the nurses from the Lourenço Marques hospital went on strike for better wages, the authorities turned over the organizers to the police who beat them with the palmatoria. In June 1960 a demonstration led by a Kibiriti Diwani in Niassa province was fired upon by the authorities and many people were killed, including, the Committee was told, Chiefs Nkenda Nakondo, Kanjiwili, Daudi Manda and Sheya Sigabela. In April 1961, an anti-government petition signed by more than 600 persons demanding economic changes and the extension of equal rights to Portuguese and Africans alike, led to arrests, and troops were called out to disperse the crowds.^{70/}

273. Political parties are forbidden in Mozambique. However, the Association of Natives of Mozambique now has a membership of about 10,000 of whom 2,000 are Africans, and a meeting to elect officers in December 1961 was forbidden. According to newspaper reports, it has now been placed under an administrator to curb its political activities.^{71/} There are currently two organizations with

^{69/} A/AC.108/11, p.2.

^{70/} The New York Times, 22 June 1961.

^{71/} Ibid.

headquarters outside the Territory whose objective is the attainment of independence for the Mozambique. These are National Democratic Union of Mozambique (UDENAMO) and Mozambique African National Union (MANU). Such differences as existed at one time between these two organizations were mainly based on the history of their establishment and their party structure. They are in general agreement that the first point is to secure recognition by Portugal of the right of the people of Mozambique to self-determination, and subsequently to negotiate with Portugal on the process of transfer of power. In June 1962, when the Committee was in Accra, it received information that the two parties had agreed in principle to the formation of a common front. The establishment of the Frente da Libertação de Moçambique (FRELIMO) (the Mozambique Liberation Front), headed by Mr. Eduardo Mondlane, was announced on 25 June in Dar es Salaam. The Front is a merger of the former MANU and UDENAMO parties and will seek to gain independence for Mozambique by peaceful means but will use force if necessary.^{72/} It has also formed a scholarship committee to help refugee students from Mozambique.

274. The Committee also received information from petitioners from Portuguese Guinea, Cape Verde and Sao Tomé and Príncipe, of the growing political awareness in those Territories.

275. In June 1961, Premier Oliveira Salazar recognized that the flowering of "movements of liberation" had brought forth a movement for Portuguese Guinea and another for Portuguese Guinea and Cape Verde together. However, he went on to assert that persons from Cape Verde "who occupy high posts in the diplomatic service", in Government or in public administration throughout Portuguese Territories "have never thought of advancing towards a utopian independence but towards integration, by advocating admission of the Territory to the same system as is enjoyed by the 'neighbouring islands', the Azores and Madeira. Thus the movement of liberation is pure fantasy".^{73/}

^{72/} Press Release of FRELIMO, 26 June 1962, Dar es Salaam.

^{73/} "The Overseas Portuguese Territories and the United Nations Organization". Speech delivered by Dr. Oliveira Salazar during the extraordinary session of the National Assembly, held on 30 June 1961, SNI, Lisbon, 1961, pp. 9-10.

276. According to information presented to the Committee, the conditions in Portuguese Guinea had also become increasingly serious. The people of Portuguese Guinea had been at war with Portugal almost up to 1914, and since the end of the Second World War they had gradually begun to work for the liberation of their country. Although there was no settler problem, the economy of the country remained under the control of Portuguese and other foreign firms. The principal products of the country, mainly oil seeds, were all exported to Portugal. In order to keep the price low the oil seeds were exported unshelled. There was little employment available, but persons who had become wage earners were required to have employment certificates to show they were currently engaged in work.

277. In 1954 the first overt efforts made to organize the people led to mass arrests, including many persons suspected of political activities. The Partido Africano da Independencia da Guiné e Cabo Verde (PAIGC) had been created in 1956 as an underground movement, with its headquarters outside the Territory. From that time onward several strikes had been organized by workers to demand higher wages and police action had increased. In 1959 the authorities opened fire on dock workers on strike at Pijiguita (Bissau); fifty people were killed, scores were hurt and others were arrested. The people of the Territory were determined to gain their freedom in spite of the suppression.

278. There are now four parties working clandestinely inside Portuguese Guinea: the Partido Africano da Independencia da Guiné e Cabo Verde (PAIGC), Movimento de Libertação da Guiné (MLG), Mouvement de Libération de la Guinée dite Portugaise (Bissau) (MLG-Bissau), and the União das Populações da Guiné (UPG). These four parties all have organizations outside the Territory: the PAIGC in Guinea and in Senegal, and the MLG, MLG-Bissau and UPG in Senegal. Several other parties have been formed, including the Rassemblement Démocratique Africain de la Guinée Portugaise (RDAG), which are all dedicated to attaining independence immediately, by all means possible.

279. Petitioners told the Committee that in Cape Verde frequent famines added to the misery suffered by the people under the Portuguese. These famines had decimated large numbers of the population. The desperate situation in the islands was borne out by statistics in Portuguese official publications showing

that since records have been kept, starting from the latter part of the eighteenth century until the present, about 200,000 people have died as the result of famines, a number which exceeds the total population of today. Even as late as 1959, the Committee was told by petitioners, some 10,000 people had died of famine.

280. Petitioners stated that it was not true that the people of Cape Verde were content with Portuguese rule and wanted integration with Portugal. In the past there had been uprisings of peasants on Santiago, S. Antao and S. Nicolau, and strikes of dock workers at Mindelo on S. Vicente. As always, Portuguese authorities suppressed these manifestations of discontent by force. The people of Cape Verde did not find themselves closely identified with the Portuguese and this had been evident during the Second World War when, on many occasions, the strained relationships between Portuguese soldiers and the local inhabitants had almost led to open hostilities.

281. Several political parties are now actively working for the self-determination and independence of Cape Verde, including, in particular, the Partido Africano da Independencia da Guiné e Cabo Verde (PAIGC) and the Mouvement de Libération des Iles du Cap Vert (MLICV). The Committee heard representatives of both these parties.

282. The oppression suffered by the people of São Tomé and Príncipe was also closely connected with the economic policy of Portugal. Today it still has a mono-cultural economy, being dependent entirely on cocoa. For many years workers had been recruited from Angola and Mozambique to work in the plantations in São Tomé, but since the early 1950's this practice had gradually come to an end and the Portuguese had put pressure on the local inhabitants to induce them to replace the imported plantation labour. These measures had led to protests in 1953, when large numbers of people had been arrested. However, as Portugal controlled all communications with the islands, only the official version of the unrest had reached the outside world. The people of these islands were completely under the control of Portuguese authorities and had no chance of escape.

283. To help liberate the people, the Comité de Libertação de São Tomé e Príncipe (CLSTP) had been formed outside the Territory. The representative of this party, who was heard by the Committee, stated that the CLSTP sought only to attain its ends through negotiations, as, in his view, any recourse to force would only lead to the annihilation of the population.

284. Portugal's reaction to these signs of growing nationalist consciousness in all Territories has been to increase its armed forces and strengthen its security measures. Several petitioners told the Committee that they had heard that Portugal would never leave Africa and would fight to the last man. According to information received by the Committee, there has been a substantial increase in Portuguese armed forces in all the Territories in Africa under Portuguese administration. In Mozambique, the troop strength was estimated to be between 30,000 and 60,000, and new military bases were being built in strategic places, including Beira. In June 1961, in anticipation of any unrest, a Governor-General with both civil and military authority had been appointed in Mozambique.

285. The Times of London reported, on 14 May, that the troop strength in Portuguese Guinea had been increased so that there were now three soldiers where there had been one two years ago. There were jet planes on active duty and naval patrols along the coast. This information was also confirmed by petitioners heard by the Committee who estimated Portuguese troop strength in the Territory to be around 5,000, including several hundred African soldiers. They stated that new barracks were being built at such places as Catio, Bafata, Mansoa, etc., for more troops and among recent arrivals from Portugal were troops trained in guerilla warfare.

286. Portuguese troop re-inforcements have not been limited to those Territories having common borders with other African States. The Committee was told that there had been substantial increases in the troop strength in Cape Verde and São Tomé and Príncipe also. In Cape Verde more troops were brought from Portugal in 1961 after mass arrests in April 1961, as local troops could no longer be trusted. It was believed that there were now over 1,500 troops there. In São Tomé and Príncipe troop **reinforcements** were sent in May and August 1961 and more troops arrived in February 1962.

287. All these measures had served to heighten tension and increase the insecurity felt by the Africans, with the result that many had chosen to leave their countries to seek refuge across the borders. Others had left in search of better economic opportunities and living conditions. It was estimated that there were in Tanganyika, Kenya, Uganda, Zanzibar and the Federation of Rhodesia and Nyasaland some 200,000 to 300,000 persons from Mozambique, over 150,000 recent refugees from Angola in the Congo (Leopoldville), proportionately large numbers from Portuguese Guinea in Guinea, Senegal and Mali, and over 30,000 Cape Verdians in Senegal alone. In the free environment outside their own countries many had been able to establish political organizations.

288. Many of the petitioners drew the Committee's attention to the danger created by the increasingly large numbers of refugees from Territories under Portuguese administration seeking asylum in neighbouring African States. As the political parties of Territories under Portuguese administration on the African continent were determined to liberate their countries at all costs, and by force if necessary, Portugal might at any time trigger off a reaction which would involve the neighbouring African States which were dedicated to liberating all of Africa from colonial domination.

289. The Committee questioned all the representatives of political parties on the objectives of their organizations and the means by which they hoped to achieve their goals. Since most of the petitioners were refugees from their own countries, the Committee also asked them why they had left and under what conditions they would return.

290. The list of all the petitioners heard by the Committee and the political organizations they represent are given in Part One of this report. All the representatives told the Committee that their organizations were dedicated to the attainment of independence of their countries and that any solution must be based on the prior recognition by Portugal of the right of the peoples of the Territories to self-determination and independence. They told the Committee that Africans did not want to be Portuguese, and the question was no longer how to improve the effective participation of Africans in Portuguese organs of sovereignty through any reforms introduced unilaterally by Portugal; the question

was to work out a solution to transfer power to the Africans to govern themselves. If Portugal continued to refuse to negotiate with them they would be driven to use force to bring about a solution. The war in Angola was the tragic consequence of Portugal's stubborn refusal.

291. The representatives of nearly all parties stated that they were willing to negotiate with Portugal the process for the transfer of power to the peoples of the Territories, and where there were several parties in one Territory, there was general willingness to work out a solution jointly. They stated emphatically that their people had no quarrel with the people of Portugal.

292. They said that, as a minimum programme, it was essential for Portugal first to recognize the right of the peoples of the Territories to self-determination and to the fulfilment of their own aspirations to independence. Secondly, having recognized the right of the people to self-determination, it was necessary to discontinue forthwith the repressive measures and withdraw all military and other forces of repression, to proclaim general and unconditional political amnesty and to permit the free functioning of political parties in the Territories so that the people could choose their own representatives. Once political parties were allowed to function freely, there could then be negotiations for the transfer of power, and all parties should take part in such negotiations with Portugal. The final form of government and relations with other countries and adjacent African States would be decided on the basis of the will of the people freely expressed through democratic processes. After the attainment of independence, all people, Portuguese and others alike, would be welcome in their countries, provided they were prepared to accept the form of government chosen by the will of the people and were willing to loyally abide by the policies of that Government.

293. Representatives of some of these organizations told the Committee that in the past few years they had made attempts to approach the Portuguese Government and to make known the people's desire for a change and their wish to secure greater participation in the management of their own affairs. In some cases, Portugal had refused to reply, while in others the leaders or those who had signed the communications had been arrested.

294. Many petitioners also emphasized that it was their hope that the United Nations would be able to induce Portugal to change its attitude, and particularly to withdraw immediately from the Territories all armed forces which created an atmosphere of tension and was a danger to international peace and security. They appealed to the Committee to make it known that they hoped that the United Nations and all Member States would exert influence on Portugal by all means at their disposal, including economic sanctions and the severance of diplomatic relations.

295. In its comments on the Report of the Sub-Committee on the Situation in Angola, the Portuguese delegation emphasized that "there is no problem of self-determination in Angola and that there have never been demonstrations with this purpose in view which have had to be repressed by the authorities".^{74/} More recently, the Portuguese Minister for Overseas Territories stated that it was difficult to accept as valid a policy for black Africa which is based inter alia on "the admitted desire to liberate people when the latter have made no request to that effect".^{75/} In June 1961, Premier Salazar announced that there was no need for the expression of self-determination by the people of the Overseas Territories, for "this was done long ago and is expressed and confirmed in the Constitution".^{76/} Now it is said that the Territories are, as in the case of Angola, independent "within the nation".^{77/}

296. Taking this position, Portugal has systematically claimed that nationalists movements such as those described above are subversive. The only groups which have not been suppressed by force are those like the Mouvement de Défense des Intérêts de l'Angola (MDIA) which had been created with the approval of the Portuguese Government. During its visit to Leopoldville, the Committee heard the representative of the MDIA, and from his statement and replies to questions, is convinced that the MDIA is being used by the Portuguese Government solely for the purpose of being able to claim that it had the co-operation of some Angolan group.

^{74/} A/5082, para. 25.

^{75/} Portugal, an Informative Review, Fifth Year, Second Series, No. 3, (May 1962), p. 11.

^{76/} The Portuguese Overseas Territories and the United Nations, Speech by Premier Oliveira Salazar, 30 June 1961, Portugal SNI, June 1961, p. 8.

^{77/} "Interview with Portugal's Prime Minister", U.S. News and World Report, 9 July 1962, pp. 75-81.

297. In March 1962 Portugal enacted new legislation for the establishment in all Overseas Territories of civilian militia called corpo de voluntarios (organizations of volunteers).^{78/} These organizations have two functions: (a) to co-operate in the defence of the integrity of the national sovereignty when it is threatened by disturbance of public order and security; and (b) to render help in the case of public calamity or catastrophe. Any citizen who is over 18 years of age may voluntarily apply for enrolment, and may, according to aptitude, either form part of missions of self-defence or of psycho-social missions.

298. In each Territory the organization of volunteers will be under the authority of the Governor and commanded by a higher officer of the armed forces appointed by the Minister of Overseas and National Defence. The territorial organization of volunteers will coincide with the administrative divisions, and units of volunteers will be under the command of the respective administrative authorities. Commanders of zones, sectors, sub-sectors and of various units may carry weapons. Other members may carry weapons when on duty and when it has been ordered by the territorial command or military authorities. From the information the Committee received it appears that such organizations have already been formed in Mozambique, Angola and Portuguese Guinea.

299. The massing of troops by Portugal and the creation of civilian militia have induced even greater tension than before, and it is becoming increasingly difficult for the people to hope for a peaceful solution to their problems. Many representatives of political organizations stated that their movements would do their utmost to work for a peaceful solution as they hoped to avoid bloodshed, particularly as Portugal now had considerable military forces in each of the Territories and any breakdown of the present peace would lead to a great loss of African lives. The island Territories of Cape Verde and São Tomé and Príncipe were particularly vulnerable as the people had no possibility of escaping.

300. In contrast to the situation in Mozambique, Portuguese Guinea, Cape Verde, São Tomé and Príncipe, where an uneasy peace still reigns, the Committee heard from various sources that the war in Angola had not been brought to an end.

^{78/} Decree No. 44,217 of 2 March 1962.

301. While the Committee was in Leopoldville, in the second half of May, it heard representatives of various Angolan political organizations. Most of these organizations were in existence in 1961 and have been described in the report of the Sub-Committee on the Situation in Angola. A new group formed since the publication of that report is the National Front for the Liberation of Angola (FNLA), which comprises the former UPA and the Angolan Democratic Party, formerly known as the Alliance of Nationalists of Zombo (ALIAZO). FNLA claims that it is responsible for the continued armed struggle, as Portugal will never respect non-violence. In April 1962 the FNLA announced that it had set up a provisional Angolan Government in exile in the Congo (Leopoldville).^{79/}

302. The representative of the MPLA told the Committee of its part in the armed struggle against Portugal inside Angola and of its determination to continue until the Territory had been liberated. Thus the information provided to the Committee in Leopoldville by the two main parties confirmed what it had already been told in New York and what had been reported in some newspaper, namely that the war was still going on in Angola. After going through various phases, the fighting apparently has now reached a new stage: Africans engaged in the armed struggle are now determined, it would appear, to continue it at all costs until independence was achieved.

303. Although the Portuguese authorities announced the end of military operations in October 1961, as reported by the Sub-Committee on the Situation in Angola,^{80/} fighting has not ceased, and in spite of Security Council resolution of 9 June 1961, General Assembly resolutions 1514 (XV), 1603 (XV), 1699 (XVI) and 1742 (XVI), Portugal has continued to build up its armed forces in Angola. Since January 1962 new contingents of troops have been dispatched to Angola from Portugal. Such movements were announced by the Lusitania News Agency on 15 and 19 January 1962. On 12 May 1962 the Angolan paper Diario de Luanda published a report of the arrival of 1,000 troops in Luanda. The naval forces have also been reinforced by three "vedettes" (patrol boats).

^{79/} The New York Times, 6 April 1962.

^{80/} Official Records of the General Assembly, Sixteenth Session, Supplement No.16 (A/4978 and Corr.2), para. 438.

304. Following enactment of the law creating organizations of volunteers,^{81/} civilian militia were established on a permanent basis in Angola. The Committee was told in Leopoldville that even before then, a Luanda paper^{82/} estimated in February that thousands of settlers had already joined the civilian militia corps, and according to reports in a Portuguese paper^{83/} were actually taking part in the fight against "terrorists".

305. The Committee was told that with the arrival of new settlers from Portugal who further increase the militia corps, and the settlement of demobilized soldiers, the atmosphere in Angola was rapidly moving towards a dangerous stage where the fighting further threatened international peace and security.

306. The fact that the war is still going on in Angola was supported by an independent observer who had been able to visit Angola early this year. He reported that during the time that he was there, Portuguese planes had dropped several bombs on villages. He also reported active engagements between Portuguese and Angolan troops.^{84/}

307. In April 1962 a new wave of refugees was reported to be reaching the Congo (Leopoldville) at the rate of more than 200 a day.^{85/} In spite of Portugal's claim that normal life had been restored in North Angola, the Committee heard from refugees that only a small number of those who left Angola in 1961 had returned home. At the time of the Committee's visit to Leopoldville, the number of Angolan refugees in the Congo was estimated to be around 150,000^{86/} compared with 120,000 on 15 July 1961, as previously reported by the Sub-Committee on the Situation in Angola.^{87/}

81/ Ibid., para. 297.

82/ Diario de Luanda, 6 February 1962.

83/ Diario de Noticias, 23 March 1962.

84/ A/AC.108/PV.15.

85/ The New York Times, 17 April 1962.

86/ At the end of 9 January 1962 the International Red Cross reported that there were 151,200 Angolan refugees in the Congo. On 14 May 1962, The New York Times reported that there were about 150,000 refugees.

87/ Official Records of the General Assembly, Sixteenth Session, Supplement No.16 (A/4978 and Corr.2), para. 114.

308. Refugees from the Thysville area who appeared before the Committee as petitioners reported that most of the refugees did not want to go back to Angola until their country had attained independence. Some said that they would rather die in freedom than go back to forced labour and the sufferings from which they had fled. They had heard that the Portuguese authorities were trying to get refugees to go back to Angola and were promising a new era in which things would be different. They did not believe these promises. Refugees who had recently arrived from Angola confirmed their suspicions; people were still subject to oppression, they said. Africans had no guarantee of security in Angola and for that reason they preferred to stay in neighbouring countries like the Congo.

309. In spite of the increase of the refugees in the Congo (Leopoldville), the Committee learned that international assistance to the refugee groups either was in the process of being brought to an end or had already ended, as had other measures of relief. On the other hand, Angolan nationalist groups were trying to help the refugees in rehabilitating themselves in the new environment, and the MPLA, for instance, had set up a special organization Corps Volontaire Angolais d'assistance aux Refugiés (CVAAR) with assistance from other countries to provide medical care and education for the refugees. The refugees from the Thysville area in the Congo, as well as refugees from other Territories under Portuguese administration, all expressed the hope that the United Nations would be able to persuade Portugal to grant the Territories independence so that they could go home, and that it would find ways to assist them both materially and through scholarships and training programmes.

310. In the course of its work the Committee received a considerable amount of information relating to Angola, including in particular details regarding the conduct of the war and the treatment of prisoners of war by the Portuguese. However the Committee has not included such details in its report as the Sub-Committee on the Situation in Angola will report to the seventeenth session of the General Assembly on that Territory.

311. Many of the petitioners, both in Africa and New York, told the Committee that they were convinced that Portugal was receiving armaments, military equipment and other assistance from various western sources in its struggle in

Angola. Several petitioners who had previously been in the Portuguese army, including a Portuguese doctor whom the Committee heard in Leopoldville, said that all identifiable arms used by Portuguese troops in Africa were of western origin. The doctor said he had been able to identify only the FBP pistol as being of Portuguese origin. Some petitioners mentioned, however, that some of the arms and machine guns of western origin could have been bought on the open market. There were also, however, arms in the Territory, whose country of origin it was not possible to identify. Portugal also had jet planes and was using napalm bombs in Angola. Many of the petitioners expressed the view that countries which continued to supply Portugal with armaments, whether by sale or loan, or under any treaty provisions such as the NATO agreements were directly implicated in the Portuguese suppression of nationalist movement in Africa, since Portugal was not in a position to afford heavy military expenditures without outside assistance.

312. In this connexion, members of the Committee told petitioners that according to official sources, in 1961, Portugal had given its assurance that arms supplied to it under the NATO agreements would not be used in its Overseas Territories. All the petitioners considered that the Portuguese assurance had no validity and petitioners from Angola told the Committee that such arms were in use in 1962. All said that it could not be expected that Portugal, when in need of arms, would refrain from using what was on hand already. Moreover, to justify its actions in Africa, Portugal had always maintained that they were in the interest of the western world. Africans could not in any event be satisfied with the assurance given by Portugal until a thorough investigation was made to find out whether any part of the arms supplied under any NATO agreement had left Portugal.

313. All the petitioners heard by the Committee on this subject maintained that so long as Portugal was able to obtain arms from western sources these arms would be used against African nationalist movements as had been described above. They felt that the only way to put an end to this state of affairs would be through the complete withdrawal of all western manufactured armaments already supplied to Portugal and a complete embargo on further sales and supplies.

314. In Tanganyika and in the Republic of the Congo (Leopoldville) petitioners also told the Committee that they were convinced that there was a secret pact between Portugal and South Africa and the Federation of Rhodesia and Nyasaland in regard to Mozambique and Angola. They referred to public statements made by government officials in the two countries adjacent to Mozambique which clearly showed the friendship of these Governments to the Government of Portugal, and their willingness to assist Portugal in retaining its domination in Africa. As examples of the special arrangements which existed between Portugal and the two other countries, the Committee was told of two incidents, in which those authorities had helped the Portuguese secret police. In one case, a petitioner told the Committee that while he was in Southern Rhodesia he himself had been questioned by Portuguese secret agents. In another case the Committee was told that two men from Mozambique who had lived in South Africa for twenty years had been taken by force and turned over by the South African authorities to the Portuguese in Mozambique. Many petitioners expressed the hope that the Committee would not fail to report on the dangerous situation created by the assistance of other countries to Portugal, as African States had made it known that they would not be able to refuse help to the nationalists in their struggle for the liberation of their countries.

II. ADMINISTRATIVE AND JUDICIAL ORGANIZATION

315. One of the reforms introduced in September 1961 relates to the organization within the traditional society of units called regedorias.^{88/} A regedoria is now defined as comprising "all those individuals who, being domiciled in the area concerned, may be considered to be neighbours in accordance with customary law" (Article 2). As has been pointed out in Part Two above, the system as such is not new, but was an integral part of the indigenous administration previously in force under the Native Statute. The purpose of the new law, as stated in the preamble, is to enable the local inhabitants to "intervene in the conduct of affairs of common interest in accordance with the traditional procedures...".

316. In the preamble to the new law, reference is made to article 156 of the Portuguese Constitution^{89/} and the Overseas Organic Law and it is stated that "these administrative units have been reorganized as it was felt inadvisable to impose the municipal system without prior conditions necessary for its implementation". The new law, however, follows the general provisions of the Native Statute, and makes no major changes in the functions and authority of the regedores, who remain subordinate to the district administrator or the chefes de posto. The regedores are to be "invested" by the Governor of the district or of the Territory, "after consultation of the neighbours in the customary form" and "it shall devolve in the investing authorities to release the holders from their ... duties" (Article 3, para.1). Furthermore, in the capacity of chief of the traditional militia of the regedoria, these indigenous authorities are to "observe and inculcate respect for the provision of military discipline" (Article 3, para.2).

317. Under a new provision, regedorias are to have representatives chosen "in accordance with the law" in "the territorial, legislative or government councils" (Article 6). So far, however, no revision has been made in the territorial statutes which set forth the composition of such bodies and which provide for the representation of the indigenous population only by members nominated by the Governor or the Governor-General, as the case may be.

^{88/} Decree No. 43896 of 6 September 1961.

^{89/} See paragraph 64.

318. The Committee finds that the law continues to provide for different systems of local government and administration for the inhabitants, even though the indígena status has now been abolished. The application of the different systems will depend, in the first instance, on the location of the customary domicile of the inhabitants. It also appears to the Committee that the basic system of administration continues to be that laid down in the Overseas Administrative Reform Act of 1933, and that such minor amendments as have been introduced in the system of regedorias do not change the broad powers exercised by the administrator over the indigenous inhabitants.

319. During its visit to Africa, the Committee had occasion to interview several village chiefs who reported that chiefs held that position subject to the approval of the Portuguese authorities and could be removed at will. Their main obligations were to collect taxes and recruit workers or to supply labourers for public works projects. Some said they were not paid. On the other hand, they were punished and beaten if they failed to carry out their obligations. One chief, who was asked whether he was a regedor, replied "Yes, I am a recruiter". The Committee has no reason to believe that these village chiefs were exceptional in any way. It appears to the Committee that under the prevailing administrative system the chiefs have become instruments of the authorities and cannot represent the people. The new decree organizing regedorias has introduced virtually no changes and the Committee does not feel that at present the indigenous people enjoy any real measure of genuine self-government.

320. One of the new laws introduced in September 1961 co-ordinates the application of customary and written law with private judicial relations. Under this law, local usages and customs regulating private legal relations are recognized, whether codified or not codified, and in force in the regedorias. Any person may place himself wholly under "written private law" (Portuguese civil law) by a simple irrevocable declaration before the civil registrar. His descendants at the time of the declaration are also subject to the same law.^{90/}

^{90/} Decree No. 43,897 of 6 September 1961 and Decree No. 43,899 of 6 September 1961 established new regulations governing the civil registry in the Overseas Territories.

321. Persons domiciled in population centres not constituting traditional regedorias will be governed by Portuguese civil law. The new decree also provides that the (Portuguese) penal laws shall be equal for all in the Overseas Territories.^{91/} In all cases, however, the judge is instructed, in considering behaviour and imposing sentence, to take into account the influence on the offender and the facts of his social condition and private law status. However, as article 146 of the Constitution provides, inter alia, that compulsory labour may be exacted by the State from indigenous persons for "judicial sentences of a penal character", equality under the law of all inhabitants would appear to remain a matter of theory only.

322. Land rights within the regedorias remain substantially unchanged. The inhabitants in regedorias are guaranteed "use and enjoyment in the customary form". Individual property rights in respect of movable and immovable property continue to be governed by Portuguese civil law.

323. The judiciary in the Overseas Territories has been revised. The new law enacted in September 1961^{92/} entrusts, whenever possible, the functions of judge to a legal specialist and secures the intervention of a public prosecutor. Municipal courts are to be established in each concelho or circunscrição (other than the seat of the concelho). Freguesias or postos are each to have juizado de paz. The law provides for the appointment of independent municipal judges, but the duties of the justice of the peace are to be discharged by the chefe de posto. As a justice of the peace, the chefe de posto may "take into custody accused persons in cases in which the law permits detention pending trial", and he may take such actions within the competence or delegated authority of the municipal judge or assistant deputy as they may be delegated to him. While there does not appear to be much change in the powers and functions of the chefe de posto, one of the principal changes effected is the removal of the judicial functions of the administrator. A further change appears to be that in cases where the applicable law is uncodified usage and customs, counsel is not forbidden as it had been previously.

^{91/} Decree No. 43,897 of 6 September 1961, Article 10.

^{92/} Decree No. 43,898 of 6 September 1961.

III. ECONOMIC, SOCIAL AND EDUCATIONAL CONDITIONS

A. Economic policy and development

324. In the economic field, no less than in the political field, Portugal's overseas policy denies the paramountcy of the interests of the inhabitants of the Territories under its administration but subordinates the economic development of the Territories to that of Portugal. New legislation has been enacted in the course of the last two years which aims at the closer integration of the economies of the Overseas Territories with Portugal through the establishment of a common market, and at strengthening the colonial relationship by large-scale settlement of some of the Territories with metropolitan populations.

325. Through the common market, which is to come into full effect in ten years, beginning with gradual reduction of customs duties in 1962, there is to be free movement of goods of "national origin" within the "Portuguese area". Movements of private capital and services are also to be liberalized.^{93/}

326. While the declared objective of the common market is mainly the "establishment of favourable conditions for rapid and balanced growth of the economy and the improvement of standards of living", especially through the establishment of infrastructure, tax exemptions, development of capital formation, etc., it is evident that one of the main objectives will be to ensure the continuation of the existing colonial trade relations between Portugal and the Overseas Territories. In this connexion the Committee recalls that until fairly recently there have been few industries in the Territories for the processing of raw materials such as cotton, sugar and oil nuts, and that in spite of the fact that Portuguese policy has changed and certain processing industries are to be established locally, the Territories remain dependent on Portugal for a major part of all imported consumer goods.

327. Recent reports published in the Portuguese and English press indicate that the exploitation of natural resources of Angola in particular is being accelerated. In the last three years, high priority has been given especially to road construction.^{94/} One of the main schemes is to develop the mines with the

^{93/} Decree No. 44,016 of 8 November 1961.

^{94/} Diario de Noticias, 11 April 1962.

assistance of foreign capital, and as part of this project, railway and port facilities are being expanded. Private companies have been granted concessions to exploit all minerals in certain areas except diamonds and oil for which rights of exploitation in the major part of the Territory have already been granted. The new concessions grant rights over various minerals, such as iron, manganese, wolfram and other radio-active mining products.^{95/}

328. In the light of the position taken by the General Assembly that it is the right of peoples freely to use and exploit their natural wealth and resources, the Committee, on the basis of the information obtained, considers the action taken by Portugal to remove such wealth from Angola without the consent of the inhabitants of the Territory is contrary to their interests, and is not compatible with the wishes of the General Assembly as expressed in resolution 1514 (XV).

329. The Committee regrets that it has received little information on the efforts which, according to Portuguese official sources, are being made by the Government of Portugal and local authorities in the Territories to increase subsistence production, develop co-operatives, and expand natural markets in the Territories. As the great majority of the indigenous inhabitants are engaged in subsistence farming, efforts in this area are of primary importance in the immediate future as a means of increasing their standards of living.

B. Settlement and land concessions

330. The repeal of the Native Statute in September 1961 was accompanied by measures to increase settlement in the Overseas Territories. For this purpose, legislation to establish Provincial Settlement Boards was enacted and the Boards were immediately set up in Angola and Mozambique to help create conditions for the implementation of settlement programmes.^{96/}

^{95/} The Times of London, 13 April 1962. According to the article, the work on mining, railway and port construction and equipment is to be undertaken by a consortium composed of Krupps (Essen), Hoigaard and Schultz (Copenhagen) and the Sociedade de Empreitadas e Trabalhos Hidraulicos Limitada (Lisbon and Luanda). They are under contract to the Companhia Mineira do Lobito and the Companhia Mineira do Lombige of Luanda. The Companhia Mineira do Lobito and Companhia Mineira do Lombige have the Portuguese Government concessions to exploit all minerals in a certain area of Angola except diamonds and oil and their by-products.

^{96/} Decree No. 43,895 of September 1961.

331. Settlement of the Overseas Territories with persons from metropolitan Portugal has always been proclaimed by the Portuguese Government as a means of extending Portuguese sovereignty overseas and of carrying western techniques and civilization to the Overseas Territories. The first and second (but more so the second) six-year National Development Plans devote large allocations to settlement schemes in Angola and Mozambique. The Settlement Boards are to help in attaining those objectives. As a first step, ten villages are being constructed in the Uige region in Angola where families from Portugal and demobilized soldiers will be settled. All assistance will be given these families to cultivate land and raise cattle.^{97/} It is Portugal's position that while it clearly proclaims "the high priority given to the problem of settlement by people from continental Portugal", it wishes to "underline before the community of nations Portugal's decision to continue its policy of multiracial integration".^{98/}

332. The new decree provides, inter alia, that registers shall be kept of the requirements of the provinces for "skilled labour, craftsmen and instructors in the different crafts and trades, in order to meet the requirements of daily life directly, as well as to train craftsmen and skilled workmen in the provinces itself"; registers shall also be kept of the requirements of the province for "skilled personnel of medium or higher education in every branch of activity and for employment by the State, by autonomous administrative agencies or by private parties". Such registers shall indicate the needs that may be met by the Territory's own population resources and those to be met by means of emigration.

333. The Settlement Boards are to take measures necessary for dissemination of the results of their investigations and surveys and shall keep the agencies in metropolitan Portugal in charge of emigration regularly informed.

334. The Board shall promote and direct the formation and development of agrarian population centres. They must study the most desirable ethnic makeup, according to the nature and location of population centres, for the formation of harmoniously integrated and stable societies. In the discharge of the mission assigned to the Boards relating to the formation and development of population

^{97/} Diario de Noticias, 11 April 1962.

^{98/} A. Moreira, Portugal's Stand in Africa, p. 185.

centres, the functions of the Settlement Boards include the study and recommendation of legislation and other measures governing land ownership and use, recognition of customary rights and concession systems.

335. It is incumbent upon the Provincial Settlement Boards to evaluate from the psychological, ethnological and socio-political standpoints all types of provincial development or regional expansion plans and public works plans. The Boards are to analyse from the same standpoints any applications for land concessions or concessions to work agricultural, timber, pasture or fishing resources in the province.

336. A second decree, relating to the granting of land concessions in the Overseas Territories, aims at meeting the problem of "finding land for future settlers".^{99/} In the two larger African Territories under Portuguese administration, there is, according to the official view, no need for land reform, and one of the main problems concerns the rational utilization of this land. The new legislation^{100/} therefore simplifies formerly established procedures for the application and granting of concessions, inter alia, by "dispensing whenever possible with the intervention of the administrative authorities, by turning their functions over to boundary marking teams and inspectors".

337. The law retains provisions formerly contained in the Native Statute for safeguarding the traditional land rights of the indigenous inhabitants, so as not to displace them from their traditional regions and "to guarantee to each a nucleus zone of expansion sufficiently large to avoid the residents of any land disputes".^{101/} As stated by the Minister for Overseas Territories, "The use and fruition, in customary form, of the land necessary for the establishment of their villages, for crops and for pasture for their cattle, shall be guaranteed to the neighbours of a regedoria collectively. Occupation of land under the terms of this article shall not confer the right of individual ownership and shall be regulated between neighbours in accordance with the respective usages and customs. In cases not provided for, the provisions of written private law for common

^{99/} Ibid.

^{100/} Decree No. 43,894 of 6 September 1961.

^{101/} See paragraphs 103-105.

possessions shall be applicable".^{102/} The area guaranteed to the inhabitants of regedoria is five times the area occupied by the community concerned, as compared with four times under the previous laws. The new law also imposes penalties on persons who take any action to displace the inhabitants of a regedoria from the land to which they are entitled; and the registration of individual rights by indigenous inhabitants within their own regedoria. Such titles may only be granted after approval of the regedoria in consultation with his Council and may only be transmitted to other indigenous persons.

338. New provisions are included to ensure that the lands granted are used in such a way as to make a valuable contribution to the economic life of the Territory. To intensify development, the minimum area that has to be exploited is to be three times greater than that under previous legislation; in cases of concessions over 250 hectares in area, applicants have to submit plans of exploitation and proof of financial and technical resources available. However, the legislation also purports to encourage small settlers by providing that applicants for less than 100 hectares do not have to supply proof of financial capacity or operating plans.

339. Both the Sub-Committee on the Situation in Angola and the ILO Commission have received allegations concerning the appropriation of indigenous lands by settlers. In this connexion, Portuguese witnesses reporting to the ILO Commission concerning Angola asserted that "Abuses were not possible in respect of taking over of lands by Europeans from Africans because of full inquiries made by authorities, but it was possible that in individual cases occupants of land might not be aware that Europeans had laid claim to it".^{103/}

340. Petitioners who appeared before the Committee stated that in their view the settlement plans were to help Portugal perpetuate its occupation of Africa. Portugal was not really interested in developing the Territories except in so far as it benefited itself. In the rural parts of Mozambique for instance, there were few roads, no transportation, and no running water in villages. No measures had been taken to help Africans to develop their own lands. It was true that the African Territories needed technical assistance but there was no need for European settlers.

^{102/} A. Moreira, Portugal's Stand in Africa, 1962, pp. 192-193.

^{103/} ILO: Report of the Commission, Complaint by the Government of Ghana, para. 691.

341. Recently published articles explain how the settlement plan in Angola is to be carried out:

"The object of the plan, the Governor-General explained, is to establish a natural hierarchy of classes in accordance with their general culture and their professional training. Artisans with special skills would be integrated in the industrial centres and agricultural workers would remain as permanent cultivators on farms." 104/

As to the hierarchy of classes:

"First there is one we might call urban, of people who have already reached a fairly high level of development and who can thus be rapidly assimilated by the most highly developed sector of the population of the province. Then there are those we might call super-urban, a phenomenon that is common to all the regions and countries of the world, those who live in the surrounding of the most important towns. Now released from the Natives' Statute, such as these must be absorbed through integration as quickly as possible, or they must be taken back to the rural districts they left. Finally there is a rural population proper, undoubtedly the least developed of the three groups." 105/

342. According to the Governor-General:

"The first principle governing the plan is to divide the province into zones, within which a method of common action will be feasible. The basis will not be so much the administrative division as ethnic uniformity, which defines identical uses and customs in an agriculturally uniform area... The benefits of the plan of action will radiate from these pilot zones to east and west. Each new area will be divided again into the zones of influence of the developed element, based on the existing population and agricultural resources. Each of these sub-areas will turn on a civilized nucleus, subdivided into parishes, the village and seat of the parish functioning as a nucleus of influence in its turn. These parishes will be grouped into districts made up of the less developed masses." 106/

343. It appears to the Committee that, as explained above, the role of the majority of the "rural" Africans will be to supply agricultural labour and their full participation in the economic life remains dependent on their attainment of a "higher social level".

104/ "Social Progress of Natives in Angola", Diario de Noticias, 29 March 1962. (English translation by the Secretariat).

105/ "The Settlement Plan for Angola", Portugal, An Informative Review, No. 3 (May 1962), p. 10.

106/ Ibid.

344. Having regard to the officially stated objectives of settlement and granting of concessions and the information available, the Committee cannot but conclude that these measures are not in the interest of the indigenous inhabitants. In making this statement the Committee refutes accusations of anti-white racialism previously made by Portugal.^{107/} The Committee takes the position that under Chapter XI of the Charter, it is the obligation of Members who are responsible for the administration of Territories whose people have not yet attained a full measure of self-government to accept the principle that the interests of the inhabitants are paramount. Furthermore, the continued settlement of populations from Portugal in the Territories is a means of prolonging the colonial relationship and is contrary to the spirit of General Assembly resolution 1514 (XV).

C. Labour

345. Although Portugal has always claimed that its labour laws which applied to indigenous inhabitants in the Territories under its administration had been motivated by lofty principles, it is only in the last two years that Portugal has taken steps to bring its national legislation in line with the obligations it has assumed under various international labour conventions, as shown in the Report of the ILO Commission. On the other hand, there still remain several international labour conventions of particular importance to the welfare of indigenous inhabitants in Overseas Territories to which Portugal is not yet party.

346. In 1956 Portugal ratified the ILO Forced Labour Convention, 1930 (No. 29); and in 1959 it ratified the Abolition of Penal Sanctions Convention, 1955 (No. 104) and the Abolition of Forced Labour Convention, 1957 (No. 105). From the middle of 1960 onwards Portugal enacted a number of laws to adjust the labour situation in the Overseas Territories. In June 1960 a decree was enacted bringing to an end the application of penal sanctions for breaches of contracts of employment by indigenous workers.^{108/} In May 1961 the law regulating the development, cultivation and marketing of cotton was revised,^{109/} and in the same month, legislation was enacted for the establishment of labour inspection services in

^{107/} A/5082, para. 82.

^{108/} Decree No. 43,039 of 30 June 1960.

^{109/} Decree No. 43,639 of 2 May 1961.

the Overseas Territories.^{110/} In October 1961 previous legislation regulating the cultivation of the castor oil plant was repealed,^{111/} and in December, labour welfare and social action institutes were decreed to be established in all the Overseas Territories.^{112/}

347. In the course of the examination of the labour situation in the Territories under Portuguese administration the Committee had always in mind the Report of the ILO Commission which had already studied in detail all the legislation relating to the labour conditions in Angola, Mozambique and Portuguese Guinea. During its visit to Africa the Committee was able to gather a considerable amount of first-hand information on the labour situation as it is at present. Of particular value in this respect are the data provided by petitioners who had recently left the Territories and who, living now in conditions of freedom, were able to bring forth the truth about labour conditions in their Territories without fear of reprisals on the part of the Portuguese authorities.

348. The following paragraphs merely serve to review and summarize the labour situation at the present time. The Committee has sought to bring to the attention of the General Assembly some of the findings of the ILO Commission which have been confirmed in the course of the Committee's own work as well as the information furnished by petitioners.

349. The Committee wishes to draw attention to the fact that the Portuguese Constitution continues to provide, in article 146, that "the State may compel natives to work on public works of general interest to the community, in occupations the result of which belong to them, in execution of judicial decisions of a penal nature, or in discharge of fiscal obligations". In the Committee's view, such a provision is discriminatory and is incompatible with the position taken by the Portuguese Government that all Portuguese citizens enjoy equal rights.

350. Furthermore, some of the special labour legislation enacted under the constitutional provisions and which applied only to indigenous persons remains in force. The most important is the Native Labour Code of 1928 which continues

^{110/} Decree No. 43,637 of 2 May 1961.

^{111/} Decree No. 43,952 of 4 October 1961.

^{112/} Decree No. 44,111 of 21 December 1961.

to regulate labour conditions in Angola, Mozambique and Portuguese Guinea, even though some of its provisions and some of the regulations enacted thereunder have gradually been repealed since the coming into force of International Labour Convention No. 105.

351. Provisions regarding the fundamental obligation to work are contained in the Native Labour Code of 1928 which states that idleness may render indigenous persons liable to compulsory labour on public works projects whenever sufficient voluntary labour cannot be obtained. Previous regulations in force in Angola and Portuguese Guinea required able-bodied male indigenous persons between certain ages to prove that they lived by their own work. In Angola they had to prove that they had worked at least six months in a year. In Portuguese Guinea, on the other hand, the regulations provided that all indigenous adult males normally employed in domestic, agricultural and commercial or industrial work, or as wage-earning employees, were obligated to procure at least eight months of work in a year; those who did not fulfil this obligation could be convicted for vagrancy, punishable under the criminal law.

352. In Angola and Mozambique, some of these particular regulations have now been repealed. In Angola, special orders were issued in July and August 1961 to put an end to the recruitment of workers through the administrative authorities; and in Mozambique, in September 1961, the Governor-General formally repealed the circular of 5 May 1947 by which indigenous persons who could not show that they were gainfully employed in certain ways were liable to recruitment for public works projects.^{113/} However, since May 1961 a special Labour and Economic Recovery Corps has been established to help with the agricultural work in north Angola.^{114/}

353. Commenting on the changes introduced by Portugal in labour legislation, the ILO Commission, in its general conclusions, "noted a number of cases in which important changes for the purpose of bringing the law and practice into full conformity with the requirements of the Convention have been made since the complaint was lodged, (by Ghana) but in which the provisions of the Convention

^{113/} ILO: Report of the Commission, Complaint by the Government of Ghana, paragraph 727. See also paragraph 206 of the present report.

^{114/} Ministerial Legislative Instrument No. 24 of 9 May 1961. Boletim Oficial de Angola, First Series, No. 18, 9 May 1961, Second Supplement.

were not fully applied immediately after its coming into force for Portugal". It also noted certain respects in which further steps were necessary to give full effect to the provisions of the Convention.

354. Among the more important measures already taken are the repeal of previous legislation concerning the cultivation of cotton, castor oil plants and rice. Minimum wages have been introduced, replacing provisions in the Native Labour Code by which wage rates were tied to the tax rates, making it necessary for Africans, in some cases, to work at least four months to fulfil their tax obligations.

355. Cultivation of cotton in Territories under Portuguese administration was governed by the Decree of 1955, 115/ which replaced previous legislation. In addition, there was local legislation pertaining to Angola which also contained provisions applicable to the Territories in general. This special legislation was repealed by the Decree of 2 May 1961 which provides, inter alia:

"In the existing cotton zones, the growing of cotton shall be carried out freely, under the technical guidance of the Cotton Export Board. The administrative authorities may not intervene in any manner in the development, growing or marketing of cotton." 116/

A Legislative Decree of 24 August 1961 117/ abolished the Cotton Export Board and in its place has established a Cotton Institute in Angola and one in Mozambique. Subject to these changes, the regulation of cotton cultivation continues to be based on the Decree of 1955. On 14 September 1961 a Committee was set up to consider the system of cotton cultivation in Angola and Mozambique and to propose reforms.

356. In Mozambique, a Legislative Instrument of 2 September 1961 118/ has replaced previous legislation concerning cultivation of rice. According to it, the previous system of concessions is done away with; the growing of rice will be carried on freely; and minimum prices will be determined instead of having a fixed price as was done previously.

115/ Legislative Decree No. 40,405 of 24 November 1955.

116/ Decree No. 43,639 of 2 May 1961.

117/ Legislative Decree No. 43,874 of 24 August 1961 dissolved the former Export Boards, and Legislative Decree No. 43,875 of the same date promulgated the statutes of the Cotton Institutes of Angola and Mozambique.

118/ Legislative Instrument 2,119 of 2 September 1961.

357. The legislation of 1944 provided that concessions could be granted for the cultivation of castor-oil plants. This legislation was repealed by the Decree of 4 October 1961.^{119/}

358. Following the repeal of the Native Statute of 1954, the annual personal tax payable by indigenous persons in Angola was abolished on 13 December 1961. However, a legislative instrument enacted on 14 December 1961 introduced regulations for the payment of minimum amounts of tax by: (a) all men between 18 and 60 years of age; and (b) officials and public employees, of either sex.^{120/} The non-payment of this tax is to be dealt with as a case of disobedience, for which the Penal Code provides a penalty of up to three months' imprisonment. In Mozambique, after the abolition of the indigenous personal tax, the annual rates of an imposto domiciliario were fixed on 30 December 1961. The established rates are 90 escudos in the north of the Territory and 300 escudos in the south. An increase in the tax rates is provided for when the tax is not paid within the established time-limit. In this connexion the Report of the ILO Commission^{121/} draws the attention of the Government to the provisions of the Forced Labour (Indirect Compulsion) Recommendation, 1930, by which the International Labour Conference recommended that each member take into consideration, inter alia, the desirability of avoiding indirect means of artificially increasing the economic pressure upon populations to seek wage-earning employment, including the imposition of such taxation upon populations as would have the effect of compelling them to seek wage-earning employment with private undertakings.

359. As stated above, the Abolition of Penal Sanctions Convention of 1955 was ratified by Portugal in 1959. Regarding labour recruited in Mozambique for the mines of South Africa, attention should be drawn to a remark of the ILO Commission:^{122/} "The Commission is, however, concerned by the evidence submitted to it and not contested that labour recruited in Mozambique without any element of compulsion is subject while in South Africa to the penal sanctions for breach of contract provided for in South African legislation, as South Africa,

^{119/} Decree No. 43,952.

^{120/} Legislative instruments No. 3189 of 13 December 1961 and No. 3191 of 14 December 1961 respectively.

^{121/} Report of the ILO Commission, para. 751.

^{122/} Ibid., para. 746.

unlike Portugal, is not a party to the Abolition of Penal Sanctions (Indigenous Workers) Convention".

360. Under the Native Labour Code of 1928, labour inspection was the responsibility of the Curator-General in each Territory. The functions of the Curator-General in Mozambique, Angola and Portuguese Guinea were to be exercised by the respective director of native affairs. A special labour inspection service was established by Decree of 2 May 1961.^{123/} The functions of the inspectorate will be to ensure compliance with legislation applying to conditions of work and remuneration, to give advice to employers and workers and to take repressive measures in cases of violation of labour legislation.

361. A Decree of 21 December 1961 provides for the setting up of labour, welfare and social action institutes and their immediate establishment in Angola and Mozambique.^{124/} These institutes are intended to ensure the study, preparation and implementation of the rules concerning social conditions and particularly those relating to labour, social security and the organization of co-operation. The institutes will consist of several departments with a wide range of responsibilities in the field of labour and social welfare. Labour inspection has been incorporated in the institutes. The institutes will have agencies and sub-agencies in the concelhos and circunscrições. The former curadorias for indigenous Portuguese in South Africa and Southern Rhodesia have been abolished and replaced by agencies of the Institute of Labour, Welfare and Social Action of Mozambique.

362. The Portaria No. 17,771 of 17 June 1960 establishes criteria of general application for fixing minimum wages in all Overseas Territories by the same system in force in Portugal, and provides for the contractual liberty to concert higher wages than the minimum guaranteed by law. Portaria No. 17,782 of 28 June 1960 regulates collective labour agreements (convenções colectivas de trabalho).

^{123/} Decree No. 43,637 of 2 May 1961.

^{124/} Decree No. 44,111 of 21 December 1961.

363. The ILO Commission noted in its Report that:^{125/}

"The general effect of these changes appears to have been to provide new administrative machinery for the enforcement of labour legislation, to abolish the previous special status of natives, to modify or abolish arrangements concerning the cultivation of cotton, rice and castor-oil, which had been alleged to involve an element or danger of forced labour, and to terminate systems of recruitment of workers through the administrative authorities which had continued to exist in certain cases after 23 November 1960."

364. Noting that some provisions have not been expressly abolished, the ILO Commission has recommended the formal repeal of the provisions contained in the Native Labour Code relating to the moral obligation to work, and it was informed that a new labour code was under preparation. The new Labour Code was published on 27 April 1962^{126/} and will come into effect in October of this year. Simultaneously, Labour Courts enacted by a decree of the same date will be established.^{127/} The Code will govern rural labour in Angola, Mozambique, Portuguese Guinea, Timor, and São Tomé and Príncipe. The decree promulgating the new Code repeals, by article 3, the Native Labour Code of 1928 and the Native Labour Regulations, and rescinds their applicability in individual Territories. It also does away with the regulations, Portarias, Diplomas and Instructions issued to supplement provisions of the Code of 1928.

365. Paragraph 3 of the preamble of the Decree of 27 April 1962 characterizes the Rural Labour Code as follows:

"All distinctions between ethnical or cultural groups have disappeared and in future all workers, whatever the ethnical or cultural group to which they belong, shall be subject to the same law; compulsory labour in any form is not permitted; no penal sanctions are provided for the non-fulfilment of labour contracts; there is no paternalistic guardianship of workers; the recruitment of workers through the intervention or with facilities granted by authorities is forbidden; there is no intervention of the authorities in the elaboration of labour contracts."

366. Although the new Code is silent on the obligation to work, the Committee recalls that in December 1961 the Portuguese Government reaffirmed its position

^{125/} ILO: Report of the ILO Commission, Complaint by the Government of Ghana, para. 728.

^{126/} Decree No. 44,309 of 27 April 1962.

^{127/} Decree No. 44,310 of 27 April 1962.

that all citizens must earn their livelihood by their own efforts and that vagabondage and idleness are to be repressed.^{128/} Since vagabondage is punishable under the Portuguese Civil Code, the Committee considers that whether or not the new legislation brings an improvement in the daily lives of the indigenous inhabitants will depend to a great extent on how the laws are interpreted and applied.

367. During its visit to Africa, the Committee heard many complaints against the continued existence of various forms of forced labour and other labour practices in the Territories administered by Portugal, including control of the movement of workers, lack of freedom of association, participation of public authorities in the recruitment of labour, physical ill-treatment of workers, and other abuses. Some of the complaints related also to the labour situation in São Tomé and Príncipe. The information provided by the petitioners gives further substance to the findings of the ILO Commission concerning the existence of forced labour in the Territories even after the ratification by Portugal of the respective ILO conventions and the introduction of numerous changes in the legislation.^{129/}

368. The Committee heard many descriptions of the harsh way in which workers were recruited, the pressures put on the indigenous chiefs to supply workers and the inhuman punishment meted out to those who failed to do so. While the Committee recognizes that these practices were not always sanctioned by the provisions of the law as drawn up and enacted in Portugal, it nevertheless cannot help but strongly condemn a system of administration in which local authorities continue to display even today instances of cruelty and lack of concern for human dignity which they were wont to display so blatantly in the past. It appears to the Committee that although forced labour as an institution sanctioned by the Government has been abolished, practices associated with the institution of forced labour continue to exist.

369. From all the information it was able to obtain, the Committee finds that there has been little or no substantial change in the daily lives of the indigenous

^{128/} A/5082, para. 44.

^{129/} ILO: Report of the Commission, Complaint by the Government of Ghana, paras. 714, 738, 741 and 744.

inhabitants who remain restricted and controlled in many ways in regard to their freedom to seek work or to choose employers. Furthermore, the great majority of the indigenous inhabitants in the Overseas Territories, including those in Macau and Timor, have no wage bargaining machinery and do not enjoy the right to form labour unions and are, therefore, powerless to make their voice heard and to change existing conditions. In this connexion, the Committee notes that the ILO Committee on Freedom of Association has examined allegations against Portugal concerning trade union rights and has recommended to the Governing Body that it request the Portuguese Government to explain to what extent, following the repeal of the Native Statute, the indigenous populations of the Overseas Territories now enjoy the right to establish and join trade unions in law and whether they can now exercise this right in practice.^{130/}

370. The Committee shares the view of the ILO Commission that "grievance procedures which enable the worker to secure redress for violation of the law without victimization are the crux of the problem of Law enforcement" and that what is needed is an enlightened personnel policy and encouragement of the development of independent and responsible organizations of employers and workers.^{131/} The Committee not only endorses this view but would like to stress that it considers immediate steps to be necessary to give Africans a full share in the management of their labour affairs through fully organized labour unions so that they may, through peaceful means, fulfil their just aspirations in this aspect of their lives.

D. Health, welfare and education

371. In the past, it has been Portuguese policy to leave the task of providing the essential services of health, welfare and education mainly to the care of religious and other private organizations. In the African Territories, the Catholic Church has been mainly responsible for the provision of special education to the indigenous population, and it was obligatory for employers of labour to provide the necessary health services for their indigenous workers.

^{130/} ILO: Sixty-fifth Report of the Committee on Freedom of Association, 152nd Session, G.B.152/9/18, June 1962.

^{131/} ILO Report of the Commission, Complaint by the Government of Ghana, para. 767.

In other Territories, Cape Verde and São Tomé excepted, much of the health work and education for the não civilizado were also mainly in the hands of private institutions.

372. The survey in Part Two has shown that in the post-war period there has been little change in this policy, and only in the last few years has there been any indication of an increase in government activity in these fields. As yet, however, there does not appear to be any recognition of the important role of government to set targets, to accelerate the development of education, and to provide the basic needs of health and welfare services. In contrast to the large allocations set aside to be spent on material development under the national development plans in the Overseas Territories, health, education and research combined, in most cases, are allocated less than 10 per cent of the total expenditure.

373. Recently, Premier Oliveira Salazar listed as one of the "big problems of Africa" the spread of education, "not so much to form learned men but to create the conditions necessary for changing the social structure, where, for example, there will be no progress so long as the role of woman in the family and in society is not dignified".^{132/} Yet there have been no special programmes to provide educational opportunities for women and girls, either in schools or through voluntary organizations such as women's clubs and institutes. Furthermore, there has been no move to associate the people themselves in deciding what forms of education they require.

374. Public health and welfare services. Public health facilities are still seriously lacking. The doctor-population ratio in 1959, for instance, was one to 60,000 in Timor, one to 35,200 in Mozambique, and one to almost 10,000 in São Tomé and Príncipe. With regard to hospitals, in 1960 there were 37 beds per thousand population in São Tomé; 1.5 beds per thousand population in Cape Verde; 1.2 beds per thousand in Portuguese Guinea; 0.8 beds per thousand population in Mozambique and 0.45 beds per thousand population in Timor. Facilities are thus far from adequate. There have been some increases in the number of aid posts, health centres, infirmaries and specialized services, but there has been little

^{132/} "Interview with Portugal's Prime Minister", U.S. News and World Report, 9 July 1962, pp. 78-82.

increase in the number of general hospitals fully equipped to give extensive medical and surgical care. In Portuguese Guinea, in 1960, for instance, there were 11 rural maternity centres and 5 general hospitals offering maternity services. These had a staff of not more than 1 midwife and 38 auxiliary midwives available for maternity and child health services.

375. Petitioners from Mozambique told the Committee that even where there were facilities Africans were often not able to receive attention as priority was given to Portuguese. Hospital beds as well as general medical care for Africans was inferior to that provided for the Portuguese. Moreover both doctors and territorial administrative staff often showed a disdain for Africans who were consequently neglected. Because of the general shortage of facilities and the discrimination against them, many Africans in the northern part of the Territory had to go across the border to seek help in the hospitals in the southern part of Tanganyika.

376. The small allocations made under the development plans for public health are presumably to meet the cost of building new hospitals and other institutions. As for public health and medical personnel, it appears that the obligation imposed on employers to provide such facilities is maintained in the new Rural Labour Code which is to come into effect in October 1962. There is no indication as to how and whether health services for the rural population not engaged in wage-earning occupations will be increased.

377. In the last few years endemic diseases missions from the Institute for Tropical Medicine in Lisbon have been established on a permanent basis in all Territories under Portuguese administration in Africa, but from the surveys undertaken so far, there appears to be no evidence of the over-all approach which is necessary for the planning of health programmes on a territorial basis. There is recent information that Portugal has requested the assistance of WHO to survey the health situation in Angola, Mozambique and Portuguese Guinea. It is hoped that these surveys will lead to the much needed integrated and over-all planning.

378. There are as yet almost no training facilities for doctors, pharmacists, professional nurses and midwives or sanitary engineers in any of the Territories; such courses are, however, offered in Portugal. Most of the training of auxiliary personnel is carried out at vocational schools, with the exception of courses for

auxiliary nurses and midwives which are conducted at hospitals. For instance, in Mozambique, with a population of 6,371,000 in 1959, there were two training schools for auxiliary nurses. In 1960 only 92 nurse candidates qualified from these schools and 19 auxiliary midwives graduated that same year. In Portuguese Guinea, with a population of 565,000, 3 nurses, 3 auxiliary nurses and 13 auxiliary midwives completed their courses in 1960.

379. Vital statistics are unreliable at best and causes of mortality are generally only known for hospitalized patients; even then, a high percentage of deaths are registered as due to unknown causes. In Cape Verde, for instance, in 1958, the causes of almost one third of the deaths were reported to be unknown. Morbidity figures are based on hospital and clinic statistics as far as they are available; however, since the aid posts and health centres are largely in charge of locally trained nurses, the diagnoses are not always completely reliable. Birth and mortality rates are not available for Macau.

380. Education. One of the main problems in the Overseas Territories has been the severe shortage of school facilities in rural areas, a shortage often not immediately evident from general statistics. An analysis of the population by districts and distribution of schools in Angola shows that in 1960, for instance, the ratio of teachers to the population between 5-14 years of age was of the order of 1 to 550 in Cuanza Sul; 1 to 359 in Moxico District and 1 to 643 in Lunda, the area of the Angola Diamond Company. In contrast, in Luanda the ratio was 1 to 100. Reports of the shortage of schools in rural areas was also borne out by information the Committee received from petitioners in Africa, especially those from Mozambique and Portuguese Guinea. Official statistics for Portuguese Guinea shows that in 1958 there were 193 primary teachers and 30 vocational school teachers. Of this total, only 57 were in government schools and the rest in private schools. For a population between 5-14 years of age of about 110,000, this gives an average of one primary school teacher per 500, but as most of the schools are in Bolama and Bissao or other administrative centres, the shortage of teachers elsewhere is even greater. In Mozambique in 1959 while the ratio was 1 to 80 in Lourenço Marques it was 1 to 390 in Tete, 1 to 400 in Zambezia and 1 to 320 in Gaza.

381. In order to remedy the shortage of schools, the Rural Labour Code which is to come into effect in October 1962 imposes on private enterprises employing labour

and located at more than 5 km. from a public school the obligation of setting up primary schools. While this measure, if enforced, may go some way towards helping to provide more schools, it does not seem to solve the problem of areas where the indigenous population is not engaged in wage-earning employment, as is the case in most of Portuguese Guinea.

382. A decree enacted in March 1962 in Portugal provides for the establishment of teacher-training schools in the Overseas Territories.^{133/} These schools will be similar to those in Portugal and will train teachers for the regular school system. Although two such schools have been already set up in Mozambique, it will be several years before the first locally trained teachers will be available to replace the great number of unqualified teachers, many of whom appear to be wives of administrators and other government employees.

383. Recent information indicates that since the beginning of 1962 the Portuguese authorities have been increasing their efforts to improve educational conditions in the Territories. The Committee was told by petitioners from Portuguese Guinea that thirteen new schools had already been established in the Territory this year, an event which was unprecedented in their experience. Other measures reported being currently taken include the establishment of higher education in Angola and Mozambique.

384. In April 1962,^{134/} the Governor-General of Angola set up university level courses in the Territory attached to secondary schools in Luanda, Nova Lisboa, and Sa da Bandeira, providing instruction in engineering, medicine, agriculture, veterinary science, teacher training, economics and finance. In July 1962 the Governor-General's order was annulled by the Minister of Overseas Territories and a decree law by the Government established Estudos Gerais Universitarios integrated into the Portuguese University system, for both Angola and Mozambique. The studies followed in the Estudos Gerais Universitarios are to be recognized throughout the national territory as university standard. Owing however to the small number of Africans now attending secondary schools,^{135/} it appears that these university studies will be mainly for the benefit of European students.

^{133/} Decree No. 44,240 of 17 March 1962.

^{134/} Diploma Legislativo No. 3235 of 21 April 1962.

^{135/} See paragraph 173.

385. In Mozambique the Government has announced that vernacular languages may now be used in schools as a means of teaching pupils in Portuguese; and some form of assistance will also be made available to needy students to provide them with the essential clothes, shoes and books, the lack of which some petitioners had told the Committee, also prevented some children from going to school.

386. In the Committee's view, however, what appears to be particularly lacking is an over-all review of the educational needs of the people, with particular attention to integrating the adaptação courses in the regular school system, bearing in mind that "the process of education must be designed to familiarize the inhabitants with and train them in, the use of the tools of economic, social and political progress, with a view to the attainment of a full measure of self-government".^{136/}

^{136/} Special Study on Education Conditions in the Non-Self-Governing Territories, 1954-1956, (United Nations Publication, Sales No. 1956.VI.B.2), p.3.

IV. THE EFFECTS OF THE REFORMS

387. When the reforms were introduced in September 1961, the Government of Portugal referred to the legislation enacted as "far reaching in its scope and effects". Subsequent statements by Portuguese officials have repeated this description of the reforms and have raised the hopes of various interested parties. In its comments on the Report of the Sub-Committee on the Situation in Angola, the Portuguese delegation to the sixteenth session of the General Assembly suggested that "a careful study" by "honest observers" of the legislation would lead an impartial observer to "a right conclusion".^{137/} The Committee has, therefore, been particularly interested in assessing the effects of these reforms on the daily lives of the inhabitants in the Territories under Portuguese administration and the extent to which hopes raised by the implied promise of a new order have been fulfilled.

388. The Committee has already noted that the repeal of the Native Statute has not fully brought to an end the various separate laws which applied to indigenous inhabitants in Angola, Mozambique and Portuguese Guinea, and that many measures still need to be abolished. In this connexion, it wishes to draw attention to the fact that article 141 of the Constitution, from which special laws and regulations affecting the indigenous inhabitants derive their validity, has not been amended.

389. As regards political rights, although it is no longer necessary for the indigenous inhabitants of these Territories first to qualify for citizenship and to fulfil certain procedures, the Committee finds that so far the right to vote is not yet extended to all. Moreover, as far as information is available, the conditions of eligibility for electors, are, a priori, such that only persons who have already acquired ability to read and write in Portuguese would be able to vote if they pay a minimum tax of 200 escudos. With the present shortages of schools in the rural areas, it appears to be the Portugal's intention that political power will remain concentrated in the hands of urban centres, where most of the Europeans are located, school facilities are better, and wage rates are higher.^{138/}

^{137/} A/5082, para. 86.

^{138/} According to an article in Life magazine, 4 May 1962, Mr. Adriano Moreira said that he had sent 106 secondary school teachers to Angola in the first months of 1962 and that there was a high school in every town and city (in Angola) while more were being built.

390. In the territorial organs of government, i.e., the legislative or government councils, only voters have elected representation. As the ability to read and write Portuguese determines the right to vote, the majority of the inhabitants of the Territories who are not literate in the Portuguese language will not be represented in the territorial organs on the same basis. According to the provisions of the Overseas Organic Law and the Statutes of the Territories, as well as the new law reorganizing the regedorias, it appears that the majority of the indigenous inhabitants in the Territories on the African continent will continue to be represented in those organs by members chosen in accordance with the law and approved by the Governor, or the Governor-General.^{139/}

391. The Committee finds this situation to be of serious concern, specially in the light of a statement made by the Minister for Overseas Territories in August 1961 at Oporto. On that occasion, in explaining that there would henceforth be no connexion whatever between status in private law and political status, the Minister stated:

"The former may differ, in keeping with the centuries-old tradition of our policy, as is the case with the private-law systems of many of the European peoples themselves; the political status, on the other hand, recognizes no differences between Portuguese ... In keeping with the rule that power must always be exercised by those who are most fit to do so, the law will define, for all, the conditions in which they may intervene actively in political life."^{140/}

392. As described above, the private law status of a person is not entirely individual, but is also determined partly by the place of domicile. In rural areas, in general, indigenous custom and usage apply unless a declaration for application of Portuguese civil law is made. In population centres not constituting traditional regedorias, that is, mainly in urban areas, Portuguese

^{139/} See paragraph 260. See also paragraphs 52-59. In Angola the legislative council comprises 29 members: 21 elected and 8 nominated of whom two represent indigenous interests. The Mozambique Legislative Council comprises 24 members (according to the Statute): 16 elected and 8 nominated, of whom 2 represent indigenous interests. The Government Council in Portuguese Guinea and in Macau each comprises 10 members: 3 ex officio, 4 elected and 4 nominated, including one to represent the interests of the indigenous inhabitants.

^{140/} Moreira, op. cit.

civil law applies and is extended to all persons domiciled there. Thus, the choice for an African in Angola, Mozambique and Portuguese Guinea appears to be limited: if he wishes to live according to African traditions he has to stay in the regedorias, it being understood that individuals in those areas may nevertheless opt for Portuguese civil law. On the other hand, an African living outside the traditional regedorias would seem to have no alternative but to give up his own customs and habits which are not considered to be compatible with the Portuguese way of life, and to be ruled by Portuguese civil law.

393. The Committee further notes that not all persons will be subject to the same régime of local government and administration. In fact, wide differences continue to remain between the rights of the inhabitants, for instance in land ownership.^{141/} The social distinction formerly based on the indigenous status does not appear to have been completely eliminated, since the authorities continue to plan the economic and social development of the Territories on the basis of "the level of development" of the inhabitants. For instance, it has been officially explained, in connexion with the settlement plan for Angola, that the urban population is considered as having reached a fairly high level of development and "the rural population proper, undoubtedly the least developed".^{142/} In the Committee's view, such concepts of levels of development do not differ widely from that which gave currency to the terms civilizado and não-civilizado.

394. Among the petitioners heard by the Committee, many had left their own country some time in 1962. The Committee questioned every such petitioner as to whether he had heard of the repeal of the Native Statute and other reforms and whether the reforms had been implemented. In particular, the Committee asked for concrete evidence, such as whether the use of the caderneta had been abolished; whether Africans still had to have administrative approval to move from one place to another, or to seek work outside their own district; and whether Africans were now permitted to enter public places such as cinemas, swimming pools, dance halls, etc., where they had previously been barred unless they were assimilados and could show their identity cards, etc.

^{141/} See paragraph 322.

^{142/} "The Settlement Plan for Angola", op. cit.

395. All the petitioners reported that there had been no significant changes, and some said the situation had become worse. One petitioner said that all that had happened was that a colour bar had now become a cultural bar. It was still necessary in Mozambique to show an identity card (proof of assimilado status) to be admitted to certain public places. Africans who sought to assert their right to enter such places as Portuguese citizens were liable to be ill-treated.

396. Petitioners who had recently left Portuguese Guinea stated that in the last few months Portuguese authorities had been going around the country telling Africans that they were now Portuguese citizens and asking them to turn in their caderneta, ^{143/} which were either replaced by a new card or were returned with the word "indígena" crossed out and replaced by the word "provisional".

397. The Committee received a copy of a labour contract drawn up in October 1961 which was identical with one issued three years previously, in that both referred to the African holder of the contract as indígena, and both had been issued by the Curador dos Trabalhos Indígenas in Lourenço Marques. It also received a copy of a travel permit issued in Mozambique dated February 1962 showing that the movement of Africans was still under the control of the local authorities, in contrast to the free movement enjoyed by Europeans.

398. Many petitioners told the Committee that they had no confidence in Portugal's announced reforms. There had always been a wide divergence between principles of policy as announced or as embodied in the laws, and the actual practice. In their view, if the United Nations were to base its judgement of the reforms only on the legal texts and official statements, it would never be able to arrive at a real understanding of the true situation. As an example of such contradictions between practice and policy, it was pointed out that in São Tomé and Príncipe, the inhabitants had theoretically been citizens since before the end of the last century but nevertheless they had until a few years ago still been subject to an indígena tax.

399. The Committee also received information that the taxes in Mozambique and Portuguese Guinea payable by indigenous persons had been increased since the end of 1961. The Committee was not able to ascertain whether this had been due to the introduction of the system of a minimum tax as has been reported above, or whether there had been an increase in the individual tax paid by indigenous inhabitants.

143/ Formerly only carried by persons coming under the Native Statute.

400. The general consensus of the petitioners heard was that the repeal of the Native Statute had not yet changed the social status of the indigenous inhabitants to whom special administrative procedures continued to be applied, either because the relevant legislation had not yet been revoked or because habits had not yet changed. Many said that they were convinced that the purpose of the so-called reforms was simply to fool international opinion and that it was evident Portugal would never grant Africans equal rights. As one of the petitioners had stated, the reform had been of academic interest only and had left the situation unchanged. Conditions had not been improved by the granting of citizen status to the indigenous inhabitants. As citizens, the Mozambicans were equal to the Portuguese on paper only. Equality of that kind was meaningless until equality was also ensured in economic, social and educational matters. For the 99 per cent of the Mozambican population who could not read and write, it was less important to become a Portuguese citizen than to make up for lost time and, in the meantime, to express their political aspirations through valid representatives of their choice. 144/

401. The petitioner also told the Committee that even if the reforms were to be fully implemented to give Africans the same rights as those enjoyed by Europeans, they were no longer interested. They no longer wanted reforms which, in any case, had been introduced by Portugal without consulting the people of Territories under Portuguese administration. What the people wanted now was independence immediately.

PART FOUR

OBSERVATIONS, CONCLUSIONS AND RECOMMENDATIONS

402. In establishing the Special Committee, the General Assembly recalled that by resolution 1542 (XV) it had declared that an obligation exists on the part of the Government of Portugal to transmit information under Chapter XI of the Charter and that this obligation should be discharged without delay. Considering that it was necessary that, pending the fulfilment of these obligations by the Government of Portugal, the General Assembly must for its part continue to discharge its own obligations and responsibilities towards the inhabitants of the Non-Self-Governing Territories, the Special Committee was instructed to examine, as a matter of urgency, within the context of Chapter XI of the Charter and relevant resolutions of the Assembly, such information as is available concerning those Territories and to formulate its observations, conclusions and recommendations for the consideration of the General Assembly and any other body which the Assembly may appoint to implement resolution 1514 (XV). In accordance with the mandate given to it by the General Assembly, the Committee submits the following observations, conclusions and recommendations.

403. As already pointed out in Part One of this report, the Committee, in carrying out its work, has been guided by the principles of the Charter and the relevant resolutions of the General Assembly, and particularly resolution 1514 (XV), entitled "Declaration on the granting of independence to colonial countries and peoples".

404. The Committee notes with regret that in spite of General Assembly resolutions 1542 (XV), 1514 (XV) and 1699 (XVI), Portugal did not find it possible to offer its co-operation to the United Nations in the implementation of these resolutions and to assist the Committee in its work. Not only was the Committee not given such co-operation by the Government of Portugal to enable it to visit the Territories under its administration, but the Committee also did not receive any information transmitted under Article 73 e of the Charter.^{145/}

^{145/} See paragraphs 10-16.

405. The information available to the Committee shows that the situation in Territories under Portuguese administration in Africa warrants the serious concern of the international community in every respect. The Committee finds that an atmosphere of tension and insecurity pervades the daily lives of the indigenous inhabitants of these Territories. The two main factors contributing to this situation are a deep and genuine feeling of dissatisfaction with the political, economic, social and educational conditions on the part of the people, and the determination on the part of Portugal to suppress by force of arms all manifestations of political awareness displayed by the people for the attainment of independence.

406. The Committee notes that the basic dissatisfaction of the people in Territories under Portuguese administration arises from the essentially colonial relationship the Territories have with Portugal. The statement of Portugal's historic mission of colonization which is contained in the Constitution shows beyond any doubt that, fundamentally, Portugal aims at imposing on the non-European populations in Territories under its administration Portuguese culture and citizenship, thereby denying to the indigenous populations the opportunities for the development of their own personalities and the fulfilment of their own aspirations. The Committee considers that this denial of the peoples' rightful aspirations is the cause of the deteriorating relationship between Portugal and Territories under its administration. It therefore considers that a change of attitude on the part of Portugal, based on a realistic appreciation of the historical forces at work, is necessary. There can be no peaceful or permanent solution otherwise.

407. In the Committee's view, the reforms which Portugal claims to have introduced not only do not meet the basic aspirations of the peoples of the Territories but have not even brought about, as yet, any significant changes in political, economic, social and educational conditions.

408. An examination of the legal and juridical status of the Territories on the basis of the Constitution, the Organic Law, the Overseas Administrative Reform and the administrative Statutes of the individual Territories shows that, despite so-called far-reaching reforms, many of the fundamental laws remain unchanged as well as the discriminatory status of the indigenous inhabitants.

409. Since the repeal of the Native Statute there has been no genuine extension of the right to vote to Africans in Angola, Mozambique and Portuguese Guinea, as the information available indicates eligibility to vote is now to be based on the dual requirement of the ability to read and write Portuguese and the payment of a minimum tax of 200 escudos. With the poor schooling facilities in the Territories, and the low wages paid to Africans in the rural areas, both requirements discriminate against the rural populations which are almost entirely indigenous. Furthermore, a number of legal distinctions still remain between the rights enjoyed by the majority of the indigenous inhabitants living in regedorias and the population not living in them. One of these distinctions is the ownership of land. As was the case under the Native Statute in the traditional areas, land continues to be owned, as a general rule, by the community, and only in special cases can indigenous persons individually own land. On the other hand, a new law facilitates granting of large concessions of land the development of which are generally beyond the resources of the indigenous population.

410. On the basis of the information available to it, the Committee finds with serious concern that political and civil rights have not been fully extended to all inhabitants and discrimination against them has not been removed.

411. The Committee notes with deep concern the officially declared intention of Portugal to establish in Angola a "hierarchy of classes" based on the level of development attained by the people.^{146/} According to this declaration, indigenous inhabitants who have "reached a fairly high level of development" are to be

^{146/} See paragraph 381.

absorbed through integration in the urban centres, while the others "must be taken back to the rural districts they left".

412. The Committee finds that while such a plan has only been announced for Angola, much of the new legislation enacted after the repeal of the Native Statute tends to reinforce the distinction between status and rights of populations in urban and rural areas. It appears to the Committee that because the great majority of the indigenous inhabitants are located in the rural areas and live according to their traditional customs, the distinction between urban and rural populations does not in effect differ much from the previous designations of civilizado and não-civilizado. In the Committee's view, such concepts have all the implications of cultural discrimination which is not compatible with the purposes and principles of the United Nations and the Universal Declaration of Human Rights.

413. With the repeal of the Native Statute, Portugal announced reforms, the purpose of which was to enable the indigenous populations in Angola, Mozambique and Portuguese Guinea to "intervene in the conduct of affairs of common interest in accordance with the traditional procedures". On an examination of the legislation introduced, the Committee finds that, despite the announced purpose, the great majority of the African population will continue to be ruled, even under the new dispensation, by administrators approved by the Portuguese authorities; their actual participation in the conduct of their own affairs will be limited and their traditional representatives will remain subordinate to the Portuguese administrators. Moreover, apart from the transfer of judicial functions to qualified judges, the Committee fails to see any change in the wide powers held by administrators over the daily lives of Africans.

414. The information the Committee received from petitioners in New York and in Africa shows that there has been no change in the general situation described by the Sub-Committee on the Situation in Angola, namely, that there are few indigenous persons in the civil service and overseas administrative staff of Territories under Portuguese Administration. ^{147/} Cape Verde excepted, indigenous persons are

^{147/} A brief description of the recruitment and training of the overseas administrative staff was included in the Report of the Sub-Committee on the Situation in Angola, and the Committee has not found it necessary to repeat it here as there have been no significant changes since that Report was published (Official Records of the General Assembly, Sixteenth Session, Supplement No. 16 (A/4978 and Corr.2)), paras. 214-220.

generally only recruited into lower ranks, and even then Africans who have the same qualifications are still rejected in favour of European candidates. This is true not only in recruitment but also in promotions. In the civil service, as in the armed forces, few Africans are found above the middle grades.

415. The Committee considers it necessary to emphasize that while priority must be given to the training of civil and technical cadres, so long as the present political situation remains unchanged, the Civil Service will not attract suitably qualified Africans who otherwise would wish to make the Service a career.

416. In the Committee's view, one of the most important forms of training is that done on-the-job and therefore immediate steps should be taken to transfer responsibility to qualified indigenous persons and to introduce accelerated programmes to develop the necessary civil and technical cadres. It also recommends that every use be made of all sources of bilateral and multilateral technical assistance available to prepare the indigenous population for the management of their own affairs at all levels. Here again, it is the view of the Committee that the United Nations will be able to assist in a very appreciable measure in the training of civil and technical cadres in Territories under Portuguese Administration.

417. Among the reforms introduced by Portugal in 1961, one gives formal recognition to indigenous custom and usage, whether codified or not, and another aims at removing from administrators judicial functions they had previously exercised. The Committee has no indication that judges have been appointed to all the courts established and it appears that there is no change in the wide powers of the administrators and chefes de posto over the lives of the indigenous inhabitants. Thus, the Committee is not convinced that the indigenous inhabitants are now guaranteed just treatment and equality under the law.

418. The Committee wishes to record that although the deplorable labour conditions in Territories under Portuguese administration are generally known, it was shocked even more by all the information it received regarding conditions relating to the African population. In the opinion of the Committee, the evidence received by the ILO Commission fully bears out that forced labour has not only existed in Angola, Mozambique and Portuguese Guinea but that it has been supported by law. The

information available to the Committee shows that forced labour, or practices which are not distinguishable from forced labour, also existed in Territories where there was no legal basis. Apparently they continue to exist in actual practice, even now, in all Territories under Portuguese administration.

419. In the Committee's view, the lack of concern by Portugal for the educational development of the indigenous population is borne out by the fact that the illiteracy rates in these Territories are among the highest in the world. With the exception of some recent improvements, mainly in the field of primary education, the over-all educational situation, as was pointed out in the relevant paragraphs of Parts Two and Three of the report, remains wholly unsatisfactory. The Committee wishes to emphasize in particular that it is not only urgently necessary to establish systems of primary, secondary and higher education, but even more important, as endorsed by the General Assembly in resolution 743 (VIII), that the education provided must take into account the basic cultural values and the aspirations of the peoples concerned. As experience has shown that educational programmes can only be effectively developed and carried out when the people have full responsibility at all stages, it is therefore essential that, as recommended by the General Assembly in resolution 1050 (XI), machinery be established through which the people can have a full share in the formulation of policy and implementation of development programmes. In this connexion, the Committee considers that the assistance of UNESCO might be sought in the formulation of plans with targets and dates, for various aspects of educational development, including the establishment or extension of universal, free and compulsory primary education and general literacy.

420. The principle of free and compulsory education is embodied in the Universal Declaration of Human Rights, which states that everyone has the right to education; that education shall be free, at least in the elementary and fundamental stages; and that elementary education shall be compulsory.

421. The information analysed in the section on education in Part Two of this report shows that, although during the decade 1950-1959 primary enrolment has considerably increased in all Territories, there remains a formidable task of development in order to achieve the goal of universal, compulsory and free primary education.

422. The existence of the ensino de adaptação in some African Territories under Portuguese Administration makes necessary the adoption of urgent measures to unify the primary school system in those Territories. The information analysed in Part Two of this report shows that in Mozambique, for example, while a fairly large number of children are able to obtain some form of schooling, only a small fraction of them follow the four-year course provided by the prevalent Portuguese system. In this connexion, the Committee notes that in 1958 some studies were made by Portugal on the unification of the primary school system.^{148/} The Committee considers that the reform of the primary school system is indispensable if it is to provide the necessary basis for the development of secondary education.

423. In 1960, the Committee on Information from Non-Self-Governing Territories stated: "Secondary education has a dual function: first, to equip young persons to take an immediate productive or useful place in the community and, secondly, to produce the recruits for the leading professions, in the persons of students ready for higher education and advanced training. The success of a secondary school system may be judged by the extent to which it serves both purposes."^{149/}

424. In Territories under Portuguese Administration, measures are urgently necessary to expand facilities for secondary education. A number of secondary schools exist in the Territories but their output is far from adequate; and in some Territories secondary education was started only a few years ago. The Committee considers it essential that urgent steps be taken to expand primary education with a view to attaining as soon as possible a minimum of a 50 per cent primary enrolment of school-age population and to develop secondary education commensurate with this goal. The Conference of African States on the Development of Education in Africa, held in 1961 at Addis Ababa, drew up plans which are commended and brought to the attention of authorities who are or will be responsible for the planning of development of education in the Territories now under Portuguese administration.

^{148/} Avila de Azevedo: Politica de Ensino em Africa, Ministerio do Ultramar, Junta de Investigacoes do Ultramar, 1958.

^{149/} Official Records of the General Assembly, Fifteenth Session, Supplement No. 15 (A/4371), Part two, para. 267.

425. Concerning technical and vocational education, the Committee supports the view expressed in the Report of the Conference of African States^{150/} that:

"Education cannot make its fullest contribution to economic development unless it is particularly geared to needs of economic development, which themselves differ at different places and in different times. Education needs to be planned continuously in relation to economic development. The manpower needs arising out of the development plan should be surveyed and the supply of skills of various kinds integrated with expected needs."

426. In its 1960 report, the Committee on Information expressed, inter alia, the following views regarding training of teachers:^{151/}

"One of the most pressing problems of the period under review was to find adequate numbers of properly trained teachers for the primary schools and - hardly less difficult in spite of the smaller numbers involved - for secondary education. The expansion of the primary school systems was largely regulated by the rate at which the authorities could provide trained teachers ...

"The goal of policy in all Territories has been to reach a system under which primary teachers will have the equivalent of general secondary education followed by one or more years of professional training. In practice, however, transitional arrangements were commonly made to take students of varying levels of achievement, from completed primary education to lower secondary schooling, and give them courses of various lengths ...".

427. Up to 1962, teacher training in the Territories either did not exist or was limited to the preparation of teachers for schools providing ensino de adaptação. Although teacher-training schools on the same pattern as those existing in Portugal were created in the Overseas Territories in March 1962, if the Territories are to be able to put into effect plans of accelerated development of education, specially in Territories where the primary school system must be unified, transitional arrangements must be undertaken as a matter of urgency in order that the Territories may have the necessary number of teachers to implement these plans.

^{150/} UNESCO/ECA: Final Report, Conference of African States on the Development of Education in Africa, Addis Ababa, 15-25 May 1961 (UNESCO/EDAF/Rep.5).

^{151/} Official Records of the General Assembly, Fifteenth Session, Supplement No. 15 (A/4371), part two, paras. 278 and 279.

428. In order to provide the necessary opportunities for those who desire university education, facilities must be provided by creating appropriate institutions in suitable regions of the Territories so that they could serve a considerably wide area. It should be possible for indigenous inhabitants of these Territories to acquire university education in their own Territories. Until such time, however, as suitable institutions are erected and personnel recruited for imparting instruction, opportunities for the acquisition of higher education could be provided through the appropriate agencies of the United Nations to those who are qualified to benefit by them.

429. The Committee emphasizes the urgent necessity to take steps to raise the standard of health of the indigenous inhabitants of Territories under its administration. In this connexion, it refers to the recommendations of the Executive Board of the World Health Organization which were endorsed by the Fifteenth World Health Assembly and contained in resolution WHA 15.57. The Committee concludes that the Territories under Portuguese Administration are in need of plans for development of public health and the establishment of minimum basic health services, taking into account that, as suggested by WHO, the minimum requirements for basic health services are: one physician per 10,000 population, one nurse per 5,000 population, one sanitarian per 15,000 population and one sanitary engineer per 250,000 population.

430. The Committee does not consider that it is adequate to make it an obligation of employers to provide health services. Quite apart from the fact that such services are generally limited and only provide curative and emergency treatment, the more serious objection is that the employer tends to regard the workers' health as affecting his own economic interest, instead of recognizing the right of all people to enjoy a standard of living with adequate facilities for health and medical care.

431. The Committee considers that it is essential that greater resources should be devoted to the control of disease and the improvement of health services. In this regard the Committee hopes that the assistance of WHO in the over-all planning of health services will also include advice on the question of financing, as well as on the nature of facilities needed for training professional and auxiliary staff.

432. The Committee also views with anxiety the phenomenon of an ever-increasing exodus of refugees from Territories under Portuguese administration. Apart from considerations of human suffering - forceful as they are - this exodus of refugees is creating political and social problems in the neighbouring countries. It is necessary for the international community to take note of the existence of these problems which could have repercussions on it. The Committee feels that an obligation exists on the part of the international community to provide such material and other assistance as it can to alleviate the sufferings of these refugees and to help create the necessary political conditions for their rehabilitation.

433. The Committee found that in the economic field there has been little significant change in the levels of living of the indigenous population, whereas exports of some mineral and agricultural products have increased over the past decade. The Committee considers that the fundamental aim of economic policy must be to develop the Non-Self-Governing Territories in the interest of all sectors of the population and particularly the indigenous sector, to raise the standards of living by increasing individual purchasing power and to increase the total wealth of each Territory in order to make possible a higher standard of social services and administration. Increases in production by itself, whether of mineral, industrial or agricultural products, have no meaning unless they serve to achieve this goal.

434. In the pursuit of economic development, the Committee considers that it is the function of government to provide the basic services to stimulate local initiative of all the inhabitants. This is particularly true in the rural areas of African Territories under Portuguese administration, where hardly any efforts have been made to help improve indigenous agriculture and such assistance as may have been provided was directed mainly at increased production for export.

435. The Committee wishes to emphasize that in its view there can be no full participation of the indigenous inhabitants in the economic life of the Territories until they have full sovereignty over their natural resources through the attainment of independence. The Committee notes with interest that Premier Oliveira Salazar, in an interview with U.S. News and World Report,^{152/}

^{152/} U.S. News and World Report, 9 July 1962.

expressed the view that "progress in Africa will be possible only if the material resources are handled by local people who are guided at every moment by their love for their land, a virtue which mercenary capital and technicians cannot secure". The Committee recalls that the Committee on Information from Non-Self-Governing Territories has emphasized that sustained economic progress can best be achieved through the attainment by the peoples of the Territories of a full share in the formulation of economic policies and in the planning and implementation of programmes of economic development. The Committee therefore recommends that every opportunity should be provided as a matter of right for the immediate participation by the indigenous inhabitants in the economic life of the Territories, as it is to them that the lands belong. As a corollary, the Committee underlines the need to bring to a halt the large-scale settlement of Europeans of Portuguese and other origin forthwith.

436. In this connexion the Committee wishes to stress that land alienation cannot be considered solely from a purely economic angle; it is of fundamental importance in the field of social progress and the development of good race relations. It is the Committee's considered view that multi-racial societies cannot be achieved by force against the will of the indigenous population and that settlement plans which seek to further increase the control of Portugal over Territories under its administration are contrary and repugnant to the Declaration on the granting of independence to colonial countries and peoples, contained in resolution 1514 (XV) of the General Assembly.

437. After careful examination of all the information at its disposal, the Committee came to the conclusion that it is not through Portuguese reforms that the situation in the Territories can be improved and the problems in these Territories solved. It is the Committee's view that in the field of education equally as in the economic and social fields, what is needed now is a strenuous effort to radically improve the conditions of the indigenous population. Such an effort, as contemporary history has clearly demonstrated, can only be undertaken by the peoples themselves after they have taken their destinies into their own hands.

438. The Committee considers that time is of the essence in finding a peaceful solution to the problem of the Territories under Portuguese administration. There

is still goodwill among the peoples of the Territories for the people of Portugal. Also, the leaders of the political parties in most of the Territories are as yet in a position to hold out hope to the peoples of the Territories that their inalienable right to independence can be attained through peaceful means. It appears, however, that this situation cannot be maintained for long. The danger lies, on the one hand, in the insistence of Portugal that there can be no change in its relationship with the Territories, which it considers are integral parts of its national territory, and on the other, in the complete disregard for the legitimate aspirations of the indigencus populations. It is this attitude which has driven the peoples of Angola to take up arms and which is creating among the peoples of the other Territories desperation for a peaceful solution, to the point that they will not hesitate at any time to take all risks, ~~even at the cost of~~, nor their own lives, to achieve liberation. In this legitimate struggle, they have history on their side.

439. On the basis of the information contained in this report, the Committee comes to the conclusion that much of the military and other equipment supplied to Portugal by various sources, mainly members of NATO, have been extensively used and continue to be used by Portuguese military and other Portuguese forces of repression to suppress the people of Angola and of other Territories under Portuguese administration. The Committee finds also that as long as these arms are in the hands of Portugal they will be used against African nationalist movements regardless of any assurances to the contrary that Portugal might have given. It is obvious that any such assistance so rendered represents an implication in the suppression of the movements for freedom in the Territories under Portuguese administration.

440. The Committee recommends that the General Assembly should consider and adopt measures aimed at the immediate discontinuance of such assistance and a complete embargo on further sales and supplies of such weapons. The Committee further recommends that the General Assembly call on the respective countries to see to it that such armaments already supplied are no longer used in Angola and other Territories under Portuguese administration.

441. The Committee is encouraged by the wisdom shown by most of the political leaders of the various Territories and recognizes that a great opportunity lies open to the Portuguese nation to step into the stream of the future history of these Territories as friends and partners dedicated to their development under the aegis and direction of the sons of the soil.

442. The Committee believes that it is in the interest of Portugal as well as of world peace that the Government of Portugal reconsider its attitude in the light of historic evolution. The most urgent step forward now for Portugal is to recognize the right of the peoples of the Territories to independence.

442. The Committee considers that Portugal must recognize the historic and irreversible evolution of the African continent and of the world and grant immediate independence to all the Territories under its administration in accordance with the aspirations of the people.

444. Having recognized their right to independence, it will be necessary for Portugal to cease armed action against Angola, to refrain forthwith from carrying on repressive measures and to withdraw all military and other forces used at present for such purposes. An unconditional political amnesty, and the creation of conditions for allowing the free functioning of political parties will then prepare the way for negotiations with them for the transfer of power to freely elected and representative political institutions of the people in accordance with resolution 1514 (XV).

445. The Committee therefore recommends that talks should begin immediately between Portugal and accredited representatives of the political groups existing inside or outside the Territories.

446. It is clear that the indigencous populations of the Territories, supported by the independent African States, will not be satisfied now with anything less than complete and immediate independence. It would be unrealistic and unwise for Portugal to assume that these peoples would be satisfied with "reforms", whose ineffectiveness even the world outside has now begun to recognize.

447. It is the considered opinion of the Committee that the continued refusal of Portugal to comply with its obligations under Chapter XI of the Charter and to implement the provisions of the Declaration on the granting of independence to

colonial countries and peoples, as well as the military action and repressive measures carried out by it in Angola and in the other Territories under its administration, contrary to the recommendations of the Security Council and the General Assembly, have created a situation which undoubtedly represents a serious threat to international peace and security. Furthermore, it is the Committee's view that the attitude of Portugal contradicts the provisions of the Charter.

448. The Committee sees the necessity for the United Nations to keep a watch over developments in Territories under Portuguese administration since these developments have now become matters of international concern. The Committee therefore recommends that a unit of the General Assembly specifically devoted to the study of developments in Territories under Portuguese administration be set up and that it should be free to report as and when necessary to the General Assembly or any other body of the General Assembly set up to assist it in the implementation of resolution 1514 (XV).

449. The Committee recommends that the General Assembly adopt such appropriate measures as would ensure the compliance by Portugal of the provisions of the Charter and the General Assembly resolutions applicable to the Non-Self-Governing Territories and the Declaration on the granting of independence to colonial countries and peoples, as well as the recommendations contained in this report.

ANNEX I

LIST OF REPRESENTATIVES TO THE SPECIAL COMMITTEE

Bulgaria

Mr. Barouch Grinberg, representative
Mr. Decho Stamboliev, representative

Ceylon

Dr. G.P. Malalasekera, representative
Mr. H.O. Wijegoonawardena, alternate (Rapporteur)

Colombia

Dr. Jorge Morales Rivas, representative
Mr. Antonio Bayona, representative
Mr. Alfonso Venegas, representative

Cyprus

Mr. Zenon Rossides, representative (Chairman)
Mr. A.A. Akyamac, alternate
Mr. Dinos Moushoutas, alternate
Mr. A.J. Jacovides, adviser

Guatemala

Mr. Guillermo Flores Avendaño, representative
Dr. Carlos González Calvo, representative

Guinea

Mr. Achkar Marof, representative (Vice-Chairman)

Nigeria

Dr. C.O. Ifeagwu, representative
Mr. I. Olisemeka, representative
Mr. S.H.O. Ibe, alternate

ANNEX II

RESOLUTION UNANIMOUSLY ADOPTED BY THE SPECIAL COMMITTEE
AT ITS 13TH MEETING, ON 16 APRIL 1962

The Special Committee on Territories under Portuguese Administration,

Considering that by resolution 1699 (XVI) of 19 December 1961 the General Assembly requested it to examine, as a matter of urgency, within the context of Chapter XI of the Charter and relevant resolutions of the Assembly, such information as is available concerning Territories under Portuguese administration and to formulate its observations, conclusions and recommendations for the consideration of the Assembly and the Special Committee appointed under resolution 1654 (XVI),

Considering that it is authorized, in order that information available to it should be as up to date and authentic as possible, to receive petitions and hear petitioners concerning conditions prevailing in Territories under Portuguese administration,

Believing that one of the best sources of authentic and up-to-date information can be reached by visiting countries adjoining Territories under Portuguese administration and countries in which reside representatives of political organizations from such Territories and where there is a steady flow of refugees from them,

Considering that information available in New York does not and cannot fully meet the requirements of General Assembly resolution 1699 (XVI),

Noting with appreciation the co-operation and assistance offered by some African Governments regarding the visit by the Committee to their countries for the purpose of obtaining the information referred to above,

Noting that a number of petitioners who have indicated their desire to present oral statements to the Committee in New York, have informed it of their inability to do so for financial reasons and inquired as to whether they could obtain for this purpose financial assistance from the United Nations,

Recalling paragraph 3 of document A/C.4/L.706 containing the statement on the financial implications of draft resolution A/C.4/L.704 (present resolution 1699 (XVI)),

1. Decides to visit in the near future those African countries which have or will have extended their co-operation and assistance to the Committee, and which have representatives of political organizations or refugees from Territories under Portuguese administration;
2. Requests the Secretary-General to furnish the Committee with the necessary assistance and facilities for this purpose.

ANNEX III

ITINERARY AND WORK IN AFRICA OF THE SPECIAL COMMITTEE

<u>Date</u>	<u>Itinerary and work</u>
8 May	Left New York
9 May	Arrived <u>Cairo, United Arab Republic</u>
10-11 May	Met officials of the Ministry of Foreign Affairs of the United Arab Republic and from the Presidency of the United Arab Republic
12 May	Left Cairo, arrived <u>Dar es Salaam, Tanganyika</u>
13 May	Organization of work (21st meeting)
14-15 May	Hearing of UDENAMO (22-25th meetings)
16 May	Hearing of MANU (26-27th meetings)
17 May	Met the Prime Minister and other officials of the Government of Tanganyika Hearing of UNAMI in Nyasaland, Mr. Makiwane and Mr. Mbaeva (28-29th meetings)
18 May	Organization of work (30th meeting)
19 May	Left Dar es Salaam and arrived <u>Nairobi, Kenya</u>
22 May	Left Nairobi and arrived <u>Leopoldville, Congo</u>
23 May	Organization of work (31st meeting)
24 May	Met officials of the Ministry of Foreign Affairs Hearing of MPLA (32nd meeting) and FNLA (33rd meeting)
25 May	Hearing of FNLA, MPLA, MLEC (34th meeting) and Dr. Padua (35th meeting)
26 May	Hearing of refugees, Dr. Padua and MPLA (36-37th meetings)
28 May	Hearing of MDIA, UNPA, FNLA, NGWIZAKO and FNA (38th meeting)
29 May	Left Leopoldville and arrived <u>Lagos, Nigeria</u>
30 May	Met the Minister for Foreign Affairs and Commonwealth Relations and other officials of the Government of Nigeria
31 May	Left Lagos, arrived <u>Accra, Ghana</u>
1 June	Hearing of UDENAMO (Accra) (40th meeting) and MLG (41st meeting)
2 June	Hearing of UMA (42nd meeting), CLSTP and LGTA (43rd meeting)

<u>Date</u>	<u>Itinerary and work</u>
4 June	Met President Nkrumah and Government officials Left Accra, arrived <u>Conakry, Guinea</u>
5-6 June	Hearing of PAIGC (44-45th meetings)
7 June	Hearing of PAIGC and MLG (46th meeting)
8 June	Working session with President Sekou Touré of Guinea
9 June	Left Conakry, arrived <u>Dakar, Senegal</u>
10 June	Organization of work (47th meeting)
11 June	Hearing of MLG (Senegal) and MLG (Bissau) (48th meeting) Hearing of MLG (Bissau); MLICV, Senegal Section; and RDAG
12 June	Hearing of UPLG, UPG and FNLG (50th meeting)
13 June	Left Dakar, arrived <u>Casablanca, Morocco</u>
14 June	Left Casablanca, arrived <u>Rabat, Morocco</u> Hearing of PAIGC and UGEAN (51st meeting)
15 June	Met officials of the Ministry of Foreign Affairs of Morocco Hearing of UGEAN and CONCP (52nd meeting)
