SOME OBSERVATIONS ON THE COMMISSION REPORT
OF THE INTERNATIONAL LABOUR ORGANIZATION CONCERNING LABOR PRACTICES IN PORTUGUESE AFRICA

by

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I. The Portuguese Government in their press releases in the United States and elsewhere has suggested that the ILO Report is a vindication of labor practices in Portuguese Africa. An impartial reading of the full report could hardly come to such a conclusion. In reality, the report vindicates neither the fullness of Ghana's complaint, namely that "Portugal only ratified the Convention as a cover to continue her ruthless labor policies (par. 725, p.361); nor the fullness of Portugal's compliance with the obligations of the Abolition of Forced Labor Convention, 1957. The reported read: "The Commission is not satisfied that all of the obligations of the Abolition of Forced Labor Convention, 1957, were implemented in full as from the date of the coming into force of the Convention for Portugal, namely 23 November 1960..... It has also noted certain respects in which further steps are necessary to give full effect to the provisions of the Convention."

II. In analyzing the Commission Report it is important to remember that it deals with the situation only after November 23, 1960, since the Abolition of Forced Labor Convention, 1957, was not ratified by Portugal until that date. Thus, a great wealth of written and personal evidence of abusive labor practices through the forties and fifties is ruled out because the evidence was gathered before November 23, 1960. I quote a portion of the report: "The Commission noted that the document entitled 'The Galvao Report,' to which the complainant referred, dealt with facts prior to 1949, and it cannot take account of allegations concerning the situation long before 23 November 1960."

III. The Commission, of course, was perfectly justified in following this procedure. They were dealing with a specific charge of the non-observance of Portugal of the Abolition of Forced Labor Convention, 1957, which they did not sign until November 23, 1960.

The real issue, however, is this: HOW MUCH DID ABUSIVE LABOR PRACTICES CONTRIBUTE TO THE UNREST IN ANGOLA WHICH HAS CAUSED THE PRESENT REVOLUTIONARY WAR? In regard to this question, of course, the literature submitted by the Government of Ghana and listed in the ILO Report on page 53 becomes significant. In all fairness to the Commission, this was not the question submitted to it, nor did it address itself to it. It is

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significant that the revolution in Angola began two months after Portugal's signing of the Convention. Even if she had conformed completely to the various regulations of the Convention dating from her signing of it, namely November 23, 1960, something which even the Commission report shows clearly she did not do, there would hardly have been time to undo the effects of decades of abusive labor practices.

III. Looking historically, it is interesting to note how reluctant Portugal has been to institute labor reforms in her overseas territories. Two significant labor conventions have yet to be ratified. The following are quotes from the ILO Report:

(a) "She was critical of the adoption by the International Labor Convention of the Forced Labor Convention, 1930, and did not ratify that Convention until 26 June 1956." (par. 725, p.360)

(b) Portugal did not ratify the Abolition of Forced Labor Convention, 1957, until 23 November 1960.

(c) "Portugal ratified the Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955, but has not ratified either the Recruiting of Indigenous Workers Convention, 1936, or the Contracts of Employment (Indigenous Workers) Convention, 1939, both of which deal with problems closely related to, and frequently described in popular speech as 'forced labor.'"

IV. When confronted with the obvious discrepancies between Portuguese law which sanctions compulsory labor and the claim that forced labor was not still being practiced, most Portuguese witnesses in testimony before the ILO Commission stated that all of the legislation though not formally repealed had been superceded by the signing of the Abolition of Forced Labor Convention, 1957. I quote some of this testimony:

(a) "With regard to Section 76 which provides that natives employed on contracts of indefinite duration who are found idle are liable to be recruited for work for public purposes and that, if they do not obtain work rapidly, they may be given work for public purposes. The witness stated that the purpose of this provision was to combat idleness. Under this section, when the administration needed workers and when it was established that certain individuals were not working, they were recruited. The workers liable to recruitment were those who did not work for other persons but who stated their willingness to work. They had, therefore, to choose between working on their own account or working for other persons, and if they stated that they were willing to work for some other person, the authorities did not recruit them. If they were not working, they constituted a potential source of labor which could be used for public purposes. Until the ratification of the Abolition of Forced Labor Convention, these regulations had been..."
applied, but since then, by virtue of the ratification, they could no longer be applied. Therefore, at the present time, it would not be possible to compel natives to work under these provisions, and no sanctions could be applied to make them work. With respect to Sections 81 and 82 of this instrument which provide that workers who obtain a promise of employment or re-employment shall, during specified periods, be exempt from any obligation to work for public purposes or in the service of the state. The witness stated that these provisions also were intended to insure that no worker could be subject to abusive administrative action. All these provisions had lost their force as a result of the ratification of the Abolition of Forced Labor Convention, so that no action could any longer be taken even with regard to persons not covered by exemption under one of the above-mentioned sections." (Testimony by Baptista de Sousa, par. 338, p.235).

(b) "Certain explanations regarding the nature and effect of 'Modelo J' were provided by the Head of the Native Affairs Department (Baptista de Sousa) and the representative of the Portuguese Government. They indicated that 'Modelo J' was a certificate of individual title to land of natives who had abandoned the system of collective tenure. Recruiting agents were not entitled to recruit holders of 'Modelo J'. Attempts had been made to settle natives on the land to eliminate nomadism, and 'Modelo J' was designed, by protecting holders from recruitment, to guarantee that they could till their own land, work on their own account and thereby improve their social situation, as the authorities desired. This did not mean, however, that holders of 'Modelo J' could not enter into employment, nor did it follow that persons who did not hold 'Modelo J' could be forcibly recruited; the Head of the Native Affairs Department stated that all the rules on forcible recruitment had ceased to be in force since the ratification of the Abolition of Forced Labor Convention." (par. 341, pp.236-37)

(c) "With reference to the allegation that in Angola the obligation to work was interpreted as applying to all male natives above the apparent age of ten years, the Head of the Native Affairs Department (Baptista de Sousa) stated that, although there had been no legislative provisions prescribing an age limit in this connection, in practice children had not been employed. For public purposes, persons of working age were needed; workers who were too old or too young would not have been of use. In any event, all regulations which were not in conformity with the Abolition of Forced Labor Convention ceased to apply upon ratification." (par. 339, p.236)

This line of argument, of course, is not convincing. Local officials govern their actions not by international treaties or agreements but by national laws. It is not sufficient to merely state that national laws are automatically changed. Nothing is altered until the national laws themselves are changed.
That forced labor has been practiced and is still being practiced in Portuguese territory is testified by the witnesses that the Portuguese Government itself produced. It is also testified by the experience of the Commission in its visits to the Portuguese territories. If one adds to this the testimony of witnesses produced by the Government of Ghana which included men of a wide variety of experience in Portuguese Africa, one gains some idea of the extent to which forced labor has been practiced in those territories. It would be valuable to reproduce the testimony of the witnesses Ghana produced to explain abusive labor practices in Angola, but such a procedure would make this analysis too long. One is referred to the ILO Report itself for such testimony. Much more significant to us here is the testimony of Portuguese witnesses and the results of the Commission visit. I list some of this testimony.

(a) CONCERNING COMPULSORY CULTIVATION

(1) "The Head of the Native Affairs Department (Baptista de Sousa) stated that compulsory cultivation had been imposed to a limited extent for the cultivation of food crops, such as rice and millet, to meet natives' need for food." (par. 403, p.257).
He stated that "there had been special regulations concerning the cultivation of cotton. However, this cultivation did not constitute forced labor. Such work, which in any case was not compulsory, no longer existed, having been abolished by Decree No. 43,639 of 2 May 1961." (par. 404, p.257)

(2) "Asked by the Commission what were the aims of the cotton cultivation schemes, the Head of the Native Affairs Department (Baptista de Sousa) stated that he did not know." (par. 407, p.258)

(3) "The representative of the Bank of Angola (Sousa Araujo) stated that cotton cultivation had formerly been compulsory in Angola, but that nowadays, if a native did not want to grow cotton, he was not obliged to do so. Even when cultivation was compulsory, this did not constitute forced labor, because natives worked what hours they liked, whereas he considered that under a system of forced labor there would be set hours of work." (par. 408, p.258)

(4) "At Malange, the representatives of the concession holder, The Cotton Company of Angola (Cotonang), stated that cotton growing had been compulsory; it was no longer so. Prior to the Decree of 2 May 1961, the company had also been able to address itself to the authorities if technical rules concerning cultivation were not observed." (par. 431, p.266)

(5) "The company expected that cotton production might fall by about a quarter following the Decree of 2 May 1961, and that the numbers of growers might fall to 25,000, but it hoped by propaganda activities to raise production again to the former level.
Its propaganda services consisted of three European agronomists, 22 European propaganda agents, and 160 African monitors."
(par. 431, p. 266)

(6) "The representatives of the company stated the view that, while
cotton growing was no longer compulsory, natives were still
required to choose the kind of activity in which they were to
engage, and were not allowed to remain idle." (par. 432, p. 266)

(b) CONCERNING PUBLIC WORKS

(1) "The Head of the Native Affairs Department (Baptista de Sousa)
of Angola stated that Section 296 (1) of the Native Labor
Code (which authorized forced labor for public purposes when,
owing to an urgency or some other sufficient reason, sufficient
voluntary labor cannot be found) had been used in the past,
but that now it was no longer applied. He stated that instruc-
tions had been given in July, 1961, that labor required by
public services must be obtained without any intervention by the
administrative authorities. He also stated that, by virtue
of the ratification of the Abolition of Forced Labor Convention,
1957, the provision in question must be considered to have been
repealed." (par. 368, p. 246)

(2) "The representative of the Bank of Angola (Sousa Araujo) stated
that workers were compelled to work only when this was in the
interest of the native community, and that it was in their own
interest that their community called upon them. However, the
Head of the Native Affairs Department (Baptista de Sousa)
sta ted that powers to exact certain local services, granted by
Section 296 (3) (a) to (d) of the Native Labor Code and by 102
of Overseas Administrative Reform of 1933, were no longer
exercised." (par. 369, p. 246-47)

(3) "The Head of the Native Affairs Department indicated that the
provisions of Section 296 (3) (a) to (d), authorizing forced
labor for certain local works, were not applicable in the condi-
tions obtaining in Mozambique. However, under Section 102
of the Overseas Administrative Reform of 1933, the native
authorities might call upon the natives in their area for road
work, irrigation work and other works of interest to the local
community; such work was to be divided fairly among the able-
bodied men of the area. Labor might also be exacted for certain
local works, without remuneration, under the Native Labor Dues
Regulation (Order No. 4,963 of 1942), but some 95% of the per-
sons liable to render such labor redeemed it by cash payments,
and the Government of Mozambique was examining the possibility
of abolishing these dues and replacing them by a tax."
(par. 376, p. 249)
"At the ports of Lobito and Luanda and at Luanda Station considerable numbers of recruited workers appeared to be employed. The Commission was informed by the management that at the port of Lobito there were approximately 100 workers who had offered their services spontaneously and 850 recruited workers, and that at Luanda almost all port workers were recruited. All the recruited workers interviewed at these two ports and at Luanda Station stated that they had been ordered to come to work there by the local 'chefe de posto' or administrator and their chief. They did not want to come, preferring to stay in their village. They had not been told what work they would have to do or how much they would earn. They did not leave their work because they had been ordered to stay for a certain time, which appeared to be from nine to twelve months. No very precise information could be obtained from the men about their wages: some mentioned a figure of 100 escudos a month, others mentioned that 50 escudos was paid to them at the work place, without indicating the amount of deferred pay. They were also housed and fed. Many of these workers appeared to have been brought from considerable distances up to 650 km. away as the crow flies, considerably more in actual travel. For example, at Lobito there were workers from Silva Porto, at Luanda workers from Andulo, Malange, Camacupa, Silva Porto and Chitembo."

"The representatives of the undertakings in question stated that until July, 1961, workers had been recruited for them by the administrative authorities, through the native chiefs. Since July, 1961, a new system had been introduced. The ports of Lobito and Luanda now employed recruiting agents who recruited workers in their villages in accordance with the normal procedures applicable to recruitment for private undertakings. These agents would have to deal with the native chiefs, to whose authority the natives were subject; this would, however, not involve forced labor, any more than the previous system. The representative of the Luanda Railway stated that his company had no recruiters and would henceforth employ only workers who offered their services spontaneously. Asked the reasons for the change of system, the Lobito Port Manager stated that he was not certain, but it had no doubt been desired to avoid misunderstanding in the future; the Luanda Port Inspector attributed the change to the change in the status of natives."

"When the Commission was returning by road from Ressano Garcia to Lourenco Marques, it stopped to talk to a group of about a dozen workers engaged on widening and rebuilding a stretch of this road at Umbeluzi. Four men were questioned; two stated that they were 18 years old, no one in the group appeared above 50 years. All four men questioned stated that they came from Inhambane District, that they had been sent to work on the..."
orders of their respective "chefes de posto" and had not wanted to come, and that they were now about half way through a twelve-month contract with the construction firm in question (Constructora do Tamega), and that they would return home at the end of the contract. Two of them stated that they slept at the company's compound in Lourenco Marques. Questions as to whether the men would like to go home before completion of their contract did not elicit clear replies; none of them said he was anxious to leave at once. The Commission was subsequently informed that proceedings had been started against the company concerned." (par. 389, p.252)

(c) CONCERNING FISCAL OBLIGATIONS

(1) "In reply to questions by the Commission, the Head of the Native Affairs Department (Baptista de Sousa) agreed that in the past, under Section 197 of the Native Labor Code, the minimum wages of native workers had been fixed as a percentage of the native tax, and that under these provisions, a worker employed at the minimum wage had to work from 65 to 100 days, or from two-and-a-half to four months to pay this tax. He stated, however, that Section 197 of the Code had been repealed by Order No. 17,771 of the 17th of June, 1960, because it had made the fixing of an adequate minimum wage impossible." (par. 447, p.271)

(2) "With reference to the allegation that tax defaulters were supplied to employers by the 'chefes de posto', the Head of the Native Affairs Department stated that this seemed impossible. In reply to questions by the Commission, he agreed, under Section 50 of Legislative Instrument No. 237 of 26 May 1931, tax defaulters were liable to forced labor to work off the amount due, but stated that this provision was no longer applied, because the tax was not high and everybody paid." (par. 449, p.271)

(d) CONCERNING PENAL LABOR

(1) "The Commission also asked the Head of the Native Affairs Department to explain why in 1959 (according to official statistics) 30% of all convictions of natives (161 out of 545) were in respect of vagrancy and why convictions for vagrancy were more numerous than, for example, those for theft (161 against 100). The witness replied that he was unable to provide any explanation; the administrative authorities did not intervene in judicial proceedings, and he could not know whether such convictions were numerous or not. However, they were not for the purpose of recruiting." (par. 458, p.275)
(2) "The Head of the Native Affairs Department stated that corrective labor had recently been abolished by decree of the Central Government. Previously, a sentence imposed on natives might take the form of corrective labor, such prisoners being employed by public services." (par. 459, p.275)

(3) "The Head of the Native Affairs Department of Angola stated that no penal sanctions were provided or directed against absenteeism or change of employment; no sanctions existed to compel a person to work if he did not wish to do so. The witness denied that a worker could be compelled to undertake forced labor if his work card was not up-to-date and signed by the employer, that those who protested against forced labor were sent to prison camps, and that chiefs or native authorities were punished when they did not supply the required quota of workers. In respect of the use of the palmatorio, the witness stated that corporal punishment was prohibited, and denied all knowledge of the facts alleged and of the cases in which workers were alleged to have been killed when making complaints. When the witness was asked a question regarding the beating by sepois of persons engaged in the cultivation of cotton, he did not reply directly to the question. The witness stated that Article 300 of the Labor Code (under which measures taken to compel natives to take up or resume their employment are not considered to be forced labor), had not been operative for some time. All penal sanctions for breaches of contracts of employment by native workers had been abolished by a decree of the 30th of June, 1960." (par. 652, p.339)

(e) CONCERNING RECRUITING

(1) "In reply to a question from the Commission concerning Section 34 of the Native Labor Code, which enables the authorities to prohibit recruitment in certain areas, the witness stated that a decision of this kind had been taken in respect to the District of Huila. Workers might, however, leave this area individually to work elsewhere. In reply to a question from the Commission, the witness stated that he did not know the reasons why recruitment had been prohibited in this district." (par. 477, p.282)

(2) "In reply to a question from the Commission concerning statements by certain authors that there existed an acute labor shortage in Angola (da Silva Cunha, o Trabalho Indigena, second edition, 1955; Antonio Labiza in 'Estudos Ultramarinos,' Lisbon 1955, No. 4, page 75). The witness stated that these authors were misinformed as to the true situation. In reply to a question from the Commission whether irregularities in recruitment were committed by smaller undertakings rather than large companies, the witness stated that neither kind of undertaking found it more difficult than the other to recruit workers, since there was no general labor shortage." (par. 478, p.282-83)
(3) "In reply to a question from the Commission concerning Section 38 (5) of the Code of 1928, under which the authorities are not allowed to prevent recruiting agents from offering gifts to natives or their chiefs, the witness (Pinto de Fonseca) stated that in practice recruiters often gave presents to natives or their wives to facilitate recruitment, but he did not know why it had been considered necessary to mention this in the Code." (par. 485, p.285)

(4) "On the sugar plantations of the Cassequel Agricultural Company (near Lobito) the workers questioned by the Commission stated that they had come there because they had wanted to do so but none of them indicated clearly how he had been engaged. Almost all the workers to whom the Commission spoke entered the company's employment only a few days earlier. Asked how they had been informed that work was available on the plantations, some of them stated that they had learned this from the 'chefes do posto.' Some stated they had come to the work place and concluded verbal contracts. All workers questioned as to the distance of their homes gave figures not exceeding 80 kilometers. The unskilled workers at the Cassequel Company, which is only about 10 kilometers from Lobito and takes pride in receiving visitors, were more backward than any the Commission saw elsewhere and gave the impression of being intimidated. They certainly did not speak freely to the Commission, and, after the Commission and the representatives of the company had moved on, some of them speaking only an African language, attempted to make contact with the Commission through its staff." (par. 490, p. 288)

(5) "At a transit camp, the Commission questioned a number of recruited workers who were awaiting repatriation at the end of their 18-month contracts. One of them, who had just completed his second period of service with the company, said that he did not like the work, preferring to stay in his village, where one could work as and when one liked. Another stated that, when workers finished their contract, the Government sent a man to ask who wanted to replace them. Another said that, when workers were to be recruited, the administrator spoke to the native chief who asked which men wanted to go. The chief told people to go. If anyone did not want to go, the chief would tell someone else to go. Of no one wanted to go no one went, but the chief argued with the people to make them go. After his previous contract this worker had stayed at home for twelve months before being recruited again, but he said that sometimes workers stayed only two months, if there were not enough men." (par. 528, pp.301-02)

VI. At several significant points the Portuguese witnesses contradicted each other.

(a) "The representatives of the Bank of Angola stated that workers were compelled to work only when this was in the interest of
the native community, and that it was in their own interest that their community called upon them. However, the Head of the Native Affairs Department stated that powers to exact certain local services, granted by Section 296 (3) (a) to (d) of the Native Labor Code and by 102 of Overseas Administrative Reform of 1933, were no longer exercised.” (par. 369, pp. 246-247)

(b) "The representative of the Bank of Angola (Sousa Araujo) stated that cotton cultivation had formerly been compulsory in Angola, that nowadays, if a native did not want to grow cotton he was not obliged to do so. Even when cultivation was compulsory, this did not constitute forced labor because the natives worked what hours they liked, whereas he considered that under a system of forced labor there would be set hours of work. In reply to counsel for the Portuguese Government, this witness stated that he did not know of any statutory provision which would oblige natives to grow cotton. Counsel then put to the witness that what had really been the situation was that the authorities explained to the population that, on certain parts of their land cotton was easier and more advantageous to grow than other crops and that cotton could only be grown if, at the same time, they produced maize and rice on other parts of their land; thus the compulsory element was the need to grow rice and maize on part of a farmer’s land, to insure his subsistence, if he also wished to grow cotton. The witness confirmed that this was indeed the case.” (par. 408, pp.258-59)

(c) There was a contradiction between paragraphs 404 and 431. "The Head of the Native Affairs Department (Baptista de Sousa) stated that there had been special regulations concerning the cultivation of cotton. However, this cultivation did not constitute forced labor. Such work, which in any case was not compulsory, no longer existed, having been abolished by Decree No. 43,639 of 2 May 1961.” (par. 404, p.257)

Paragraph 431 reads as follows: "At Malange, the representatives of the concession holder, The Cotton Company of Angola (Cotonang), stated that cotton growing had been compulsory; it was no longer so. Prior to the Decree of 2 May 1961, the company had also been able to address itself to the authorities if technical rules concerning cultivation were not observed. Now the authorities did not intervene in cotton growing any more but only supervised cotton sales to protect producers.” (par. 431, p.266)

(d) "In Angola representatives of The Cotton Company of Angola (Cotonang) at Malange, when referring to the abolition of compulsory cotton growing, stated the view that even since this reform natives were still required to choose some form of gainful activity, such as growing food crops, cotton or ground nuts or going to work as contract labor outside the cotton zone. The one thing which they were not permitted to do was to remain ..../.
idle. It was the authorities who asked natives to choose the kind of activity in which they wished to engage. None of the workers questioned alluded to these obligations, and their existence was denied by an official of the district administration." (par. 353, p.242)

VII. It is of significance to note the number of changes made in the labor laws since February 25, 1961, when the Government of Ghana first submitted its complaint about labor practices in Angola. It might be said, then, that the complaint issued by Ghana actually served the useful purpose of stimulating Portugal to make changes in her labor laws. The extent of the revision shows clearly the degree to which forced labor has been practiced in Portuguese Africa. The Government of Ghana was thus vindicated in its complaint at least to this point, that forced labor was still commonly practiced in Angola following its signing of the Abolition of Forced Labor Convention, 1957, on November 23, 1960.

Of course, these changes are merely of a legal nature. It is a well-known fact in Portuguese Africa that the laws are well in advance of common practice. The problem is not one of bringing the law up to the practice but rather the contrary. It remains to be seen how long it will take to bring the practice into conformity with the new laws. It should be noted that this new legislation appeared following the Angolan revolt and perhaps partially as a result of that revolt. Thus the thesis that forced labor contributed to unrest and revolt in Angola would seem to be substantiated.

An outline of some of the more important legislative changes since May 2, 1961, may prove useful:

(a) "On 2 May 1961, provision was made by Decree No. 43,637 for the creation of labor inspection services in the overseas provinces; a more general framework for labor administration was subsequently provided by the creation of labor, welfare and social action institutes in Angola and Mozambique by Decree No. 44,111 of 21 December 1961."

(b) "On 2 May 1961 legislation adopted in Angola between 1928 and 1949 relating to the cultivation of cotton was repealed by Decree No 43,639, which provided that cotton should be grown freely in the overseas provinces and prohibited any intervention by the administrative authorities in cotton growing; further institutional changes were made by legislative Decrees Nos. 43,874 and 43,875 of 24 August 1961, which dissolved the Cotton Export Board and created in its place Cotton Institutes in Angola and Mozambique."
(c) "On 26 July 1961 directions were given by the Governor General of Angola that recruitment of workers for the Diamond Company of Angola through the administrative authorities should cease; effect was given to these instructions by decision of the Governor of the District of Luanda on 28 October 1961."

(d) "On 31 August 1961 the Native Affairs Department of Angola addressed a circular to specified public services and undertakings instructing them to put an end to the existing system whereby their workers were recruited through the administrative authorities."

(e) "On 2 September 1961 profound changes were made in the system of rice cultivation in Mozambique by Legislative Instrument No. 2,119, which abolished the previous system of concessions giving the exclusive right to buy rice produced in the concession zones, provided that rice growing should be carried on freely, left producers free to sell to whom they liked, and provided for the fixing of minimum prices instead of the previous fixed prices."

(f) "On 6 September 1961, Decree No. 43,893 abolished with immediate effect the special status of natives which had subsisted in the territories mentioned in the complaint until that date. A series of consequential decrees (Nos. 43,894 to 43,899) dealt with the occupation and concession of land in the overseas provinces, the establishment of provisional settlement boards in Angola and Mozambique, the organization of local authorities (regedorias) in the overseas provinces, the recognition of local usages and customs governing private law relationships in the overseas provinces, municipal courts and justices of the peace in the overseas provinces, and registration services in the overseas provinces."

(g) "On 13 September 1961, Decision No. 11 of the Governor General of Mozambique formally repealed Circular 5660-7 of 5 May 1947, under which natives not providing proof in one of various specified ways that they were gainfully employed had been liable for compulsory recruitment for public services; this Decision referred specifically to the need to insure compliance with the Abolition of Forced Labor Convention, 1957."

(h) "On 2 October 1961, Decree No. 43,952 abolished the special system applicable to the growing of castor oil plants in the overseas provinces provided for in Decree No. 33,925 of 5 September 1944, which had been similar to the concession system for cotton."

All of this is quoted in paragraph 727, pages 362-363.
VIII. The Commission noted that there are still a number of Portuguese laws which are not consistent with the full requirements of the Abolition of Forced Labor Convention, 1957. I quote a paragraph from the Commission Report: "It (the Commission) finds that there nevertheless continue to be certain legislative anomalies which would, if they continued to be reflected in current practice, be inconsistent with the obligations of the Convention." (par. 729, p.363) It might be profitable to list some of them.

(a) "The provisions concerning the moral obligation to work contained in the Native Labor Code of 1928 had not been formally repealed as of the date of the present report." (par. 730, p.363)

(b) "The legislative provisions which authorized compulsory recruitment for public works through administrative authorities have, however, not yet been formally repealed." (par. 732, p.364)

(c) "As regards recruitment for private employment, the Commission was informed by the responsible authorities that provisions concerning facilities to be provided to recruiters by the authorities were obsolete or had been superceded by ratification of the Abolition of Forced Labor Convention. It recommends that such provisions be formally repealed, namely sections 36, 37 and 329 (sole subsection) of the Native Labor Code, 1928, as well as all regulations, orders, instructions or decisions which may have been issued in this respect in the territories concerned." (par. 733, p.364)

(d) "The Commission also recommends: 1) the formal repeal of the authority to impose compulsory cultivation still contained in Section 296 (3) (e) of the Native Labor Code, 1928, and any corresponding territorial regulations; 2) the express repeal of the provisions already stated to have been implicitly repealed under which measures to compel workers to perform contracts into which they had entered voluntarily were not considered to constitute forced labor, namely, Sections 300 and 329 (sole subsection) of the Native Labor Code, 1928, and all corresponding territorial provisions; 3) that, if any provisions concerning the exaction of labor for certain works of local interest (such as those now to be found in Section 296 (3) (a) to (d) of the Native Labor Code, 1928) are to be maintained, they should be made subject to safeguards to insure the strict limitation of such labor to minor communal services, to the exclusion of public works of more general scope." (par. 733, p.365)

IX. The Report of the Commission also indicated the existence of some unpublished government circulars relative to labor conditions which were contradictory to official legislation: The Commission has noted that on a
number of occasions regulations concerning or affecting labor matters, such as the obligation to work, recruitment procedures (including recruitment for the public services and the Diamond Company of Angola), and the cultivation of certain crops have taken the form of confidential, unpublished circulars, some of which it appears difficult to reconcile with the applicable constitutional provisions and legislation. The Commission recommends that all regulations relating to the recruitment of labor or bearing on the application of the Abolition of Forced Labor Convention should be published and made available to all interested parties." (par. 736, pp.365-66)

It is this type of practice, certainly all of which was not uncovered by the ILO Commission, which causes those acquainted intimately with labor practices in Portuguese Africa to be less optimistic about the value of recent changes in labor legislation than the ILO seems to show in its report. Only a careful impartial study of actual conditions over a considerable period of time will be able to prove that the new legislation is being implemented.

Concerning the use of forced labor to pick the 1961 coffee crop in the north of Angola, the Commission suggested that it was an emergency measure: "As regards the creation of a Labor and Economic Recovery Corps in Angola by Ministerial Legislative Instrument No. 24 of 9 May 1961, the Commission noted that this had been taken as an emergency measure."

It may well be true that the Portuguese authorities were confronted with an emergency, but it might be questioned as to the advisability of using a practice which was one of the precipitating causes of unrest and revolt in Angola, namely forced labor, in its attempt to resolve the problem of unrest and revolt. Of course, this observation lies beyond the scope of the Commission since it was not concerned with the question of the relationship of the practice of forced labor to the Angolan revolt.

CONCLUSION

That forced labor has been common in Portuguese territory in Africa is a well-known fact. In historical perspective the question was discussed in the Cadbury Case and in the Ross Report submitted to the old League of Nations. It is important to call attention again to Henrique Galvao's suppressed report on forced labor in Angola. Galvao was High Commissioner for Colonies with residence in Angola when in 1947 he wrote an extensive report calling for wide reforms in that colony, especially the end of forced labor program. He lost his position and was later imprisoned until he made a dramatic escape in 1959. Excerpts of that report are printed in his book *Santa Maria: My Crusade For Portugal*. The report itself is a biting indictment of forced labor practices in Angola.

Most of the recent books on Africa from Gunther's *Inside Africa* to the present day assume the existence of forced labor. James Duffy gives a detailed explanation of its workings in his excellent book, *Portuguese...*
Africa. Marvin Harris, Professor of Anthropology at Columbia University, gives a biting indictment of Portuguese labor practices in Mozambique in a pamphlet entitled "Portugal's African Wards." This was written following one year's residence in Mozambique from June, 1956, to May, 1957, which gave the author abundant opportunity to see the "practice" of forced labor in the rough. The U.N. Subcommittee's report has some interesting observations on forced labor in Angola. Some of this information was gathered from refugees who fled Angola into the Congo. Some of the most valuable insights, interestingly enough, from the obvious ambiguities of the Portuguese law itself, something which we have seen in the ILO Report also, which without doubt is far superior to the practice.

Of recent publications TIME magazine was banned in January, 1961, because it published an article on forced labor in Angola. The March 25th issue of LOOK magazine refers to exploitive labor practices in the colony. The May, 1961, issue of HARPER'S MAGAZINE carried a very strong article on Angolan labor conditions written anonymously by a businessman with fifteen years' experience in Angola. There are many more. These are just examples.

The ILO Report itself provides ample evidence of the practice of forced labor in Portuguese Africa. A careful examination of the Report must conclude that the claims being made by the Government of Portugal in regard to the Report are less than accurate. Nevertheless, having said all that, it is still true to say that the Report is milder than the reality of the situation warrants. How can this be interpreted?

It is a fact that the ILO Commission attached great significance to their personal conversations with Africans in the Portuguese territories visited. Anyone who has had acquaintance with Portugal's famous "state tours" for visitors could not but be hesitant about the results of this projected one-month tour of the Commission. It is certain that the way was well-prepared for the Commission even when they thought it wasn't. How could the Commission members persuade Africans that they would not suffer reprisals for what was said? The amazing thing is not that more Africans did not speak out openly but that any did at all.

The truth of such an observation can be well-documented from the ILO Report itself. The following paragraph will perhaps illustrate what is meant: "In Angola, representatives of The Cotton Company of Angola (Cotonang) at Malange, when referring to the abolition of compulsory cotton growing, stated the view that even since this reform natives were still required to choose some form of gainful activity, such as growing food crops, cotton or ground nuts or going to work as contract labor outside the cotton zone. The one thing which they were not permitted to do was remain idle. It was the authorities who asked the natives to choose the kind of activity in which they wished to engage. None of the workers questioned alluded to these obligations, and their existence was denied by an official of the district administration." (par. 353, p.242)
In this paragraph the representative of Cotonang alludes to obligations which the laborers themselves do not mention. It need not be stated that this is an extraordinary occurrence. It is perfectly understandable, however, if the ILO Commission had not gained enough confidence with the people in question so that they would talk freely. Of course, the official of the district administration would deny that this was really true. It would be interesting to know what happened to the representative of Cotonang who divulged such valuable testimony.

A similar occurrence took place at the Cassequel Sugar Plantation: "On the sugar plantations of the Cassequel Agricultural Company (near Lobito) the workers questioned by the Commission stated that they had come there because they had wanted to do so, but none of them indicated clearly how he had been engaged. Almost all of the workers to whom the Commission spoke had entered the company’s employment only a few days earlier. Asked how they had been informed that work was available on the plantations, some of them stated that they had learned this from the ‘chefe do posto.’ Some stated that they had come to the work place and concluded verbal contracts. All workers questioned as to the distance of their homes gave figures not exceeding 80 kms. The unskilled workers at the Cassequel Company, which is only about ten kilometers from Lobito and takes pride in receiving visitors, were more backward than any whom the Commission saw elsewhere and gave the impression of being intimidated. They certainly did not speak freely to the Commission and, after the Commission and the representatives of the company had moved on some of them speaking only an African language, attempted to make contact with the Commission through its staff." (par. 490, p.288) When first approached the men stated that they had come there because they had wanted to do so. Interestingly enough, after they found out what was really going on, what the ILO really was, some of them attempted to make contact with the Commission through its staff -- a highly courageous act.

We in the United States cannot understand the rigors of a real police state. The Angolan people have become a very submissive people and in some sense even more so in light of recent events. One must almost live with them to get to know their real thoughts, problems and sorrows.