Armed struggle, the ILO and the Labour Institute: suppressing forced labour in Angola*

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1. Introduction

The end of the Second World War ushered in a period of profound change in colonial Africa. While the liberal democracies of Western Europe experimented with various forms of self-government, in Portugal the Salazar dictatorship instead adopted a “unitary structure” in which its African colonies were referred to as “overseas provinces.”1 Portuguese colonialism further distinguished itself in the post-war era by permitting the rampant use of forced labour in Angola and its other colonies on the African mainland, at a time when other colonial powers had reached a consensus that forced labour in Africa should be suppressed.

Our story begins in 1961, after Angola’s liberation movements launched their armed struggle for independence, to which the colonizer responded with both a military strategy and a reform strategy which included the suppression of forced labour. Prior to 1961, Salazar’s Estado Novo regime had already signaled its intention to abolish forced labour in any event, by ratifying the relevant International Labour Organization (ILO) conventions in 1957 and 1959. After 1961 the issue became urgent when the ILO appointed a Commission of Inquiry to investigate a

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1 Lei No. 2048 de 11 de Junho de 1951.
complaint filed by Ghana to enforce the conventions. With its labour policies under international investigation, the colonizer launched a campaign to suppress forced labour and to create a “free labour” market, using Angola’s Labour Institute as its instrument, under the leadership of Afonso Mendes.

This paper begins with an overview of the ILO conventions on forced labour and of the system of contract labour in Angola which gave rise to Ghana’s complaint. I then consider the proceedings and findings of the ILO Commission of Inquiry, followed by an analysis of the practical measures taken by the Labour Institute in response to the ILO recommendations. I argue that these measures had only limited success because the colonial state failed to commit sufficient resources and Mendes himself was reluctant to interfere with the recruitment of cheap migrant labour.

2. Portugal and the ILO conventions

The League of Nations enacted a Slavery Convention in 1926 which prohibited forms of forced labour that were deemed to be “analogous to slavery”. This was followed by a debate at the ILO which led eventually to the enactment of two conventions. The first ILO convention against forced labour, Convention No. 29 of 1930, provided a definition of forced labour which was later incorporated into the second convention, Convention No. 105 of 1957. The definition reads as follows:

Article 2 (1) …all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

[emphasis added]
The inclusion of the concept of “voluntarily” as an essential element in the definition later proved to be an impediment to the work of the Commission of Inquiry and continues to be problematic in current campaigns against forced labour and other contemporary forms of slavery. In addition to this definition problem, the 1930 convention proved to be particularly difficult to enforce because it allowed for a transition period of an undetermined length. While the 1930 convention called for the suppression of forced labour for private purposes, forced labour for various public purposes was exempted from the definition, including forced labour “which forms part of the normal civic obligations of the citizens of a fully self-governing country [emphasis added].” Portugal relied on its “unitary structure” to fall within this exemption.

Although the definition problem was carried over into the 1957 convention, other impediments to enforcement were eliminated. The 1957 convention gave rise to, among other things, a positive obligation “to suppress and not to make use of any form of forced or compulsory labour… [for] purposes of economic development”. The nature of this obligation was made relatively clear:

Article 2. Each Member of the International Labour Organization which ratifies this Convention undertakes to take effective measures to secure the immediate and complete abolition of forced or compulsory labour…[emphasis added]

Although Portugal participated in the ILO’s early discussions on forced labour, the Salazar regime took the position that the limited approach of the Slavery Convention was sufficient and that the regulation of specific forms of forced labour should remain within the
exclusive competence of the colonial power. Portugal delayed ratification of the 1930 convention until 1957, after the demand for self-determination had already moved to the center of the European agenda in Africa. Portugal then ratified the 1957 convention in 1959, on the eve of the first session of the ILO’s African Advisory Committee, which met in Luanda.

Prior to 1961, Portugal’s colonial labour policies were set out in the **Native Labour Code** (*Codigo do Trabalho Indigena*), which regulated a system of contract labour. As the name of the statute suggests, this code applied only to “natives” (*indígenas*), as defined by a legal regime known as the “*indigenato*”.


3 Decreto No. 16,199 de 6 Decembro de 1928

4 Decreto no. 12.533 de 23 de Outubro de 1926, modified by Decreto no. 16.473 de 6 de Fevereiro de 1929.
dividing the population into “civilized” and “native”. The colour bar was informal because only an “assimilated” African was deemed to be “civilized,” while virtually the entire African population of Angola remained “native” and therefore subject to the Native Labour Code.

3. Angola’s contract labour system

The rampant use of forced labour in Angola prior to 1961 has been well documented. In a review article published in 2006, Douglas L Wheeler described forced labour in Angola is “an old topic freighted with lots of baggage.” 5 His review pointed to a deficiency in the existing literature in that it often failed to address issues of historical change and of the distinctive character of forced labour in different locations, crops and industries. Two recent studies are exceptions: in 2003 Jeremy Ball completed a dissertation on the labour policy of the Cassequel sugar undertaking, 6 and in 2008 Todd Cleveland completed a parallel study of forced labour at


Diamang (The Diamond Company of Angola). Currently a working group at the Center of African Studies at the University of Porto (CEAUP) is engaged in addressing the same deficiency. Within the CEAUP group, Alexander Keese demonstrated that an initiative to eradicate forced labour among the local population in the Northern Congo region of Angola had begun prior to 1961, and his work suggests that forced labour was not a major factor in the outbreak of armed struggle in the Congo region. His argument that there was a reformist attitude among certain Portuguese officials prior to 1961 is confirmed by the shift in Portugal’s position on forced labour at the ILO which included the ratification of the forced labour conventions.

While the “recruitment” of migrant labour into the Congo region was beyond the scope of Keese’s study, the issue is fundamental to the characterization of Angola’s contract labour system as a form of forced labour. Recruitment and forced labour are distinct concepts; however,


as Gillian White put it: “… although these might be distinct concepts in law, in popular usage and in practice it was not easy to separate them”. In Angola’s contract labour system, recruitment agents went into the African villages and induced -- by one means or another -- African males to enter into a labour contract. In the discourse of the colonizer, African males were presented as idlers who would not voluntarily enter into a labour contract because they were lazy; forcing them to work was part of Portugal’s “civilizing mission” and, as “a normal civil obligation,” exempted from the 1930 ILO convention. However, the perspective of the colonized was rather different. African males may have appeared idle in the limited gaze of the colonizer, but in African society they played a vital economic role both in traditional agriculture and as petty producers of cash crops. They were, in general, attached to traditional lands, which provided them with an economic alternative to working in a European undertaking. The wages offered by the recruiters were too low to convince them to give up village life, and those who went away on contract faced a high risk of being treated like slaves by a European employer. Further inducements were necessary to cause them to enter into a labour contract, inducements that ranged from the threat or use of physical force to the obligation to pay the hut tax, depending on the specific historical time and space. This recruitment system caused both the loss of individual freedom and the destruction of village economic life as productive males either went away on contract or fled across the border to escape Portuguese misrule.

The colonial administration was actively engaged in the recruitment process. The Portuguese system was one of “direct indirect rule,” that is, one in which the colonial state

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appointed its own native rulers. The district administrator (*administrador*) was the backbone of the system and was all-powerful within his own municipality, at least with respect to the “natives”. A more junior bureaucrat served under the administrator as the “chief of post,” (*chefe do posto*), who in turn commanded the native chiefs, designated by the colonial state as *regedores*. The *regedor* was often a traditional chief, but a disloyal traditional chief was quickly replaced by someone more compliant with colonial rule. As a state agent, the *regedor* was under the command, and enjoyed the support, of the chief of post, who in turn commanded a force of African sepoys (*cipaios*) to keep order and assist in the recruitment process.

Prior to 1961, it was taken for granted that these state agents -- administrators, chiefs of posts, *regedores* -- all profited from the recruitment of contract labourers. According to Basil Davidson’s observations on labour recruitment in Angola, professional recruitment agents operated either with or without “facilities”. That is, recruitment “with facilities” relied on the assistance of state agents, while recruitment agents who operated “without facilities” were left to their own devices. After 1961, the degree to which these state agents, including the *regedores*, continued their engagement in the recruitment process was of major concern to the ILO.

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10 This concept of “direct indirect rule” is taken from José Capela, *O Imposto de Palhota e a Introdução do Modo de Produção Capitalista nas Colonias* (Porto, Afrontamento, 1977), at page 212.

4. The Ghana-Portugal complaint to the ILO

We have seen that the 1957 ILO convention on forced labour obliged Portugal to undertake “effective measures” to suppress forced labour. In order to enforce this obligation, the ILO constitution allowed a member state, in this case Ghana, to complain to the ILO’s Governing Body “if it is not satisfied that another member is securing the effective observance of any convention which both have ratified”.12 This enforcement mechanism was invoked for the first time in ILO history by Ghana on February 25, 1961 (“the Ghana-Portugal complaint”). The same mechanism was invoked by Portugal against Liberia on August 31, 1961, in reprisal for Liberia’s attempt (in March 1961) to raise the issue of Angola’s colonization before the UN Security Council. Both complaints pitted an independent African country against a European colonial power, leading the ILO Governing Body, in its wisdom, to appoint two Commissions of Inquiry, one for each complaint, and to leave the commissioners to devise their own procedures. The timing of these events suggests that they were closely related to the launching of the armed struggle for independence by the MPLA in Luanda on February 4, 1961, followed by a UPA (later changed to FNLA) attack in the northern Congo region five weeks later.13 Ghana made obvious the relation


13 MPLA is an acronym for Movimento Popular de Libertação de Angola, UPA for “União dos Povos de Angola”, FNLA for “Frente Nacional de Libertação de Angola”. Gerald Bender provides an overview of the liberation war in Angola under the Portuguese: The Myth and the Reality (Berkley, University of California Press, 1978)
between its complaint and the independence war by naming Amilcar Cabral and several MPLA representatives as witnesses before the Inquiry.\textsuperscript{14}

Portuguese officials perceived the UN to be increasingly antagonistic towards their colonial project, while they regarded the ILO as a relatively friendly forum. The ILO approach was more judicial and less political than that of the UN, although, with respect to the Ghana-Portugal complaint, the ILO Director-General opened up an informal and confidential channel of communication with the Portuguese delegation which by-passed the judicial Inquiry. The Director-general used an emissary, who at the same time acted as the Commission’s chief legal advisor and who later accompanied the commissioners when they visited Angola.\textsuperscript{15}

The Commission of Inquiry into the Ghana-Portugal complaint proceeded in the context of the Portuguese response to the armed struggle in Angola, a response which involved both a military strategy and a strategy of reform. In the short term, the military strategy involved a massacre of the

\textsuperscript{14} ILO: Ghana-Portugal, pages 15-16.

\textsuperscript{15} My source for this informal line of communication is among documents located in the Arquivo Historico Ultramarino (AHU) in Lisbon, in the collection of the Gabinete de Negocios Politicos of the Overseas Ministry. I thank Alexander Keese for directing me to this source. The documents may be cited as AHU SR 170, Pasta 8: “Queixa de Ghana”. The ILO Director-General in question was David Morse, formerly a high ranking bureaucrat in the US Department of Labor. His emissary was Wilfred Jenks, the Assistant Director-General who succeeded Morse in 1970. His Portuguese counterpart in these discussions was A. Ribeiro da Cunha, a Senior Inspector for Political Affairs in the Ministry of Overseas Affairs, who was the author of the archival documents, which are in the form of reports to his superiors.
local population in the Congo region in reprisal for the UPA attack; in the long term it involved a sophisticated counter-insurgency campaign which included the resettlement of the Angola’s African population into “protected villages,” for security purposes. Resettlement was also part of the reform strategy, in this instance intended also to facilitate the delivery of government services.16

The architect of the reform strategy was Adriano Moreira, an academic who, prior to his appointment as Salazar’s Overseas Minister in March 1961, served as Director of the Centre for Political and Social Studies of the Overseas Investigations Board.17 Moreira’s reform strategy included the suppression of forced labour. He accomplished the formal abolition of forced labour forthwith by abolishing the *indigenato* regime, a legislative act which transformed Angola’s “natives” into citizens of Portugal, within the “unitary structure”. The Portuguese were then able to argue that since there were no more *indígenas* (natives) there could be no more forced labour. A new labour code was enacted in 1962 which brought Portugal into formal compliance with the normative structure of the forced labour conventions.18 However, since the 1957 convention gave

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16 For an overview of resettlement, see Bender, Angola under the Portuguese. For the colonizer’s perspective, see Diogo da Silva, "O Huambo: Mão-de-obra Rural no Mercado de Trabalho de Angola" (1969) 25 Trabalho 152. The military strategy is described in IDOC-International, Angola Secret Government Documents (IDOC, Rome, 1974).

17 The name in Portuguese is Centro de Estudos Políticos e Sociais da Junta de Investigação do Ultramar.

18 The abolition of the *indigenato* regime was enacted by Decreto-Lei No. 43,893 de 6 de Setembro de 1961. The new rural labour code is cited as Decreto-Lei No. 44.309 de 27 de Abril de 1962.
rise to a positive obligation “to take effective measures to secure the immediate and complete abolition of forced or compulsory labour”, the commissioners were more interested in actual-existing relations of production that they were in mere formal compliance.

5. The ILO Commission of Inquiry: procedures

The Commission of Inquiry into the Ghana-Portugal complaint heard oral evidence from 31 witnesses over the course of 17 days of hearing in Geneva, evidence which was highly conflictual and of limited probative value. In general, the Portuguese witnesses denied that forced labour had ever been abused in Angola, while the Ghana witnesses (including witnesses from the Anti-Slavery Society, which intervened in the proceedings in support of the complaint) made hyperbolic statements which were too ahistorical to fit within the Commission’s narrow mandate. For example, a US missionary submitted a written statement to the effect that “in Angola itself no one would ever think of denying that forced labour still existed, because it was so common …[P]ractically no economic activity took place anywhere without the use of forced labour”.19

Portugal had an advantage at the hearing because its officials controlled access to the evidence. The Portuguese witnesses could legitimately claim to have systemic knowledge about specific current conditions in Angola, unlike the protestant missionaries and refugees who testified in support of Ghana’s complaint. Witnesses from within Angola were unavailable to Ghana because they had a well-founded fear of reprisal. For example, in response to the evidence of an Angolan refugee who had worked in a protestant mission until August 1961, a high ranking official from the Portuguese delegation reported: “We should take an attentive look at the programmes of these

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19 Written statement of Malcolm McVeigh, as paraphrased in ILO: Ghana-Portugal at page 148
protestant missions.”20 This same official reported that the hand of the Anti-Slavery Society was guiding the witnesses who supported the complaint:

Behind all of these statements was the Secretary of the “Anti-Slavery Society” THOMAS FOX PITT [sic] who coordinated and prepared the statements. He is a repellent individual who seems to hate us.21

Although Ghana’s oral evidence was weak, the commissioners accepted into evidence many of the same reports and studies cited by that Wheeler in his review article that is referred to above. Most of this documentary evidence, however, was also outside of the Commission’s narrow mandate. According to the commissioners, their mandate was limited to events which occurred after November 23, 1960, the date on which Portugal became bound by the 1957 convention, that is, a year after ratification. Since the Inquiry began in September 1961, Portugal had been afforded very little opportunity to take the “effective measures” that the convention required, but the

20 The original in Portuguese reads:

“Ha que examinar com atenção estes programas das missões protestantes.”

Report filed by Ribeiro da Cunha, AHU SR 170, Pasta 8: “Queixa de Ghana”

21 Ibid. The original in Portuguese reads:

“Por detrás de todos os depoimentos estava o Secretário da “Sociedade Anti-esclavagista” THOMAS FOX PITT [sic] que os coordenava e preparava. É um indivíduo repelente que deve odiar-nos.”
commissioners were nevertheless impressed by the great strides the Moreira reforms had already made towards the suppression of forced labour.

The commissioners accepted some evidence of practices prior to November 1960, for the limited purpose of providing context to the current practices. At the same time the commissioners attempted to maintain the judicial nature of their inquiry by ruling that “all questioning of witnesses will be subject to the control of the Commission” and that “political questions” outside the Commission’s terms of reference would not be entertained. 22 Of course, the ILO could not entirely escape the political context of the complaint. At the end of the oral hearings in Geneva, the Director-General used his confidential emissary to convey to the Portuguese delegation that it would be in their interest to ratify the ILO conventions dealing with recruitment and labour inspection, which, as we will see later, were two essential items on the ILO’s prescriptive agenda for colonial labour policy in Africa and which were of major concern to the commissioners. 23 The Director-General further advised that the Portuguese closing statement had a “magnificent effect” on the commissioners, and that “he could assure them in confidence that they had won this phase of the process.” 24

22 ILO: Ghana-Portugal, page 18

23 The recruitment convention in question is Convention No. 50, which Portugal considered but declined to ratify. The labour inspection convention is Convention No. 85 (1947) which Portugal ratified forthwith, in 1961.

24 The original in Portuguese reads: “magnifico efeito” and “…podia, confidencialmente, assegurar que tinha vencido esta fase do processo”. AHU SR 170, Pasta 8: “Queixa de Ghana”
Portugal may have “won” the oral hearing phase of the Inquiry, but the Commission’s on-site inspection in Angola proved to be Portugal’s undoing. The commissioners conducted an on-site inspection in Angola from December 9 to 16, 1961, from which Ghana was excluded in a rather un-judicial manner. In 1961, the carrying out of an on-site inspection was rare in the field of international law and to carry out such an inspection in the absence of one of the parties was unprecedented. Ghana faced the difficult choice of allowing the inspection to take place either in its absence or not at all, since Portugal controlled access to Angola and the Commission depended on the cooperation of Portugal, as the colonial power, in order to carry out its visit to the territory. In view of the weaknesses in the oral and documentary evidence, the on-site inspection was essential for the Commission to fulfill its mandate, and as a result it appears that the Ghana delegation decided not to raise an objection.25 This decision proved to be fortuitous since the factual findings in the Commission report were based on evidence gathered during the course of the on-site visit. Unlike the Portuguese witnesses who testified in Geneva, the managers of various undertakings in Angola readily admitted having used forced labour in the past, arguing instead that the situation changed in 1961 with the abolition of the indigenato (native) regime.

6. The ILO Commission of Inquiry: findings

A brief review of the Commission’s findings confirms that, at least prior to 1961, forced labour (including the forced cultivation of cotton) was rampant in both public and private undertakings. Beginning with the publicly owned port facilities in Luanda and Lobito, and the publicly owned railway in Luanda:

All the recruited workers interviewed at these two ports and at the Luanda [railway] station stated that they had been ordered to come to work there by the local chefe de posto [chief of post] or administrador [administrator] and their [native] chief. They did not want to come, preferring to stay in their village.26

Turning next to private undertakings:

The Commission finds that the Diamond Company of Angola [Diamang] continued, after 23 November 1960, to recruit labour through the intermediary of administrative officials and indigenous chiefs in a manner liable to involve compulsion and therefore to constitute forced labour.27

And at the Cassequel sugar company (Sociedade Agrícola do Cassequel) the commissioners found that its workers

…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,

26 ILO: Ghana-Portugal, page 160

27 ILO: Ghana-Portugal, page 237.
speaking only an African language, attempted to make contact with the Commission through its staff.\textsuperscript{28}

After visiting these major public and private enterprises, the Commission proposed to visit the northern coffee plantations in the Municipality of Dembos (in Cuanza Norte). Since the MPLA was active in Dembos, colonial officials advised that the commissioners would require a military escort, causing the Commission to cancel the visit because “the work of a body of its kind cannot be performed under military escort.”\textsuperscript{29} Had they visited the northern coffee plantations they would likely have found that forced labour had already been virtually eliminated for the local Kikongo population, as Keese’s study showed, and that a major resettlement effort had already begun. However, the coffee plantations depended more on migrant labour than they did on the local population. Migrant labourers continued to be recruited from the more densely populated central highlands, among the Umbundu population. We will see later that this recruitment problem continued to vex the Portuguese administration up to the time of independence (1975).

While the evidence was convincing that the abuse of forced labour had been rampant prior to 1961, Portuguese officials were nonetheless able to satisfy the commissioners that “effective measures” were in progress and that the colonial administration was “completely committed” to the suppression of forced labour. For example, at Diamang, the system of recruitment “with facilities”, which had been in place since 1921, was being dismantled. In October 1961 the District Governor in Lunda issued instructions that the “recruiting, enlisting, or contracting of labour” by Diamang

\textsuperscript{28} \textit{ILO: Ghana-Portugal}, page186

\textsuperscript{29} \textit{ILO: Ghana-Portugal}, p.23
“shall be effected through its own initiative and activities”; all previous instructions were repealed because “various measures [previously] taken by the representatives of the authorities may be regarded as compelling natives to work.”

However, the District Governor requested the Director of Native Affairs in Luanda to issue instructions directly to the administrators (administradores), since they were among the state agents who had profited from the recruitment system, he wrote, which had been “in force for forty years.” Similar measures to eliminate recruitment “with facilities” were being taken throughout Angola, the commissioners were assured, with respect to both public and private undertakings.

Turning now to the remedy phase of the Commission report, the Commission’s recommendations flowed more from the ILO’s prescriptive agenda for labour policy in colonial Africa than directly from their findings in Angola. The Commission prescribed a series of practical measures designed to lead to the creation of a “free labour” market, in the context of continued colonial rule. The creation of a labour inspectorate was the single most important recommendation. In addition, the commissioners recommended that professional recruitment ought to be replaced by a government employment service, that wages ought to be increased, and that freedom of movement ought to be ensured so that “voluntary” labour could move to wherever work was available.

The ILO prescriptive agenda also included freedom of association for African workers, but the commissioners chose to avoid any recommendation with respect to this controversial topic. Freedom of association was already a thorn in the relation between the ILO and Portugal because, under Salazar, Portugal’s corporatist unions were state controlled and were under investigation by the Governing Body’s Freedom of Association Committee. However, the commissioners were bold

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30 ILO: Ghana-Portugal, page 106
enough to emphasize the relation between freedom of association, freedom of expression, and the enforcement of labour law:

…grievance procedures which enable the worker to secure redress for violation of the law without victimization are the crux of the problem of enforcement.

This statement bears emphasis. In the minds of the commissioners, there was a direct relation the absence of freedom of association and freedom of expression in Angola and the ability of the colonial state to enforce its own labour laws. The commissioners acknowledged that Angola’s existing corporatist unions had no interest in representing African workers:

...while there is no element of racial discrimination in the law relating to trade unions or in their formal structure, the existing trade unions do not in fact effectively represent the African worker.31

Although the Commission’s report can be read as a harsh indictment of Portugal’s colonial labour policies, its overall tone was sympathetic to Portugal’s colonial project and the commissioners seemed convinced that Portugal was “completely committed” to the abolition of forced labour. However, the colonizer faced a contradiction that was inherent in the ILO definition of forced labour (cited above) which relies on the absence of “menace of any penalty” and the presence of employment agreements entered into “voluntarily”. While the “menace of

31 This discussion is found at ILO: Ghana-Portugal, page 244.
any penalty” had been formally abolished, what would it mean for an Angolan worker to “offer himself voluntarily” in the colonial context? In the language of the Commission’s report, “freedom is not a purely negative concept”. The commissioners wondered how their prescriptive remedy could be “made fully effective in a context of social and cultural backwardness in which for many people freedom and compulsion are equally impalpable.”32 Although their use of the phrase “cultural backwardness” exposed the Euro-centric starting point of their inquiry, the commissioners were justifiably concerned that Angolan workers were not “in a position to exercise any real personal freedom in view of the constant pressure upon them of habit and custom and an ingrained habit of obedience to both governmental and indigenous authorities”.33

In this analysis, the definitional problem created by the ILO conventions was insurmountable because the European colonizer was incapable of gauging the degree to which a worker acted “voluntarily”.

7. The Labour Institute and the problem of recruitment

Portuguese officials were not as “completely committed” to the suppression of forced labour in Angola as they had led the commissioners to believe. Some of the practical measures recommended by the commissioners were unpalatable because they were costly and because their immediate implementation would have a negative impact on coffee production in the northern Congo region. The situation was further complicated by the escalation of the armed struggle and the counter-insurgency strategy of restricting freedom of movement and relocating the rural population into “protected villages.”

32 ILO: Ghana-Portugal, page 245

33 ILO: Ghana-Portugal, page 231
The Moreira reforms included the normative changes required to bring Portuguese colonial legislation into compliance with the ILO forced labour conventions. Following the abolition of the *indigenato* regime, a new Rural Labour Code (*Codigo do Trabalho Rural*) was enacted in April 1962, given that its predecessor, the Native Labour Code, was rendered inoperative and was in any event in conflict with ILO normative standards. Without the “native” category as an organizing device, the new rural labour code substituted the category of “rural worker,” which was broadly defined as a manual labourer, whether or not he or she was employed in agriculture or in a rural setting. Since only Africans performed purely manual labour (with few exceptions), the rural code effectively applied to the same category of workers as the native code. Moreover, despite the abolition of the *indigenato* regime, rural workers continued to be subject to the authority of the *regedores*.

The new rural labour code provided a high degree of continuity in the contract labour system. Migrant workers continued to be recruited under labour contracts, although rural workers engaged to work within their own locality were now exempted from the contract system, leaving their work virtually unregulated. The colonial state continued to license professional recruitment agencies, although recruitment agents were now required to work “without facilities”. Instead they were left to deal directly with the *regedor* at the village level, while the chief of post was required to authorize labour contracts, under the scrutiny of the administrator. The degree to which these state agents now acted as the protectors of rural workers or continued to facilitate recruitment is a matter for further study, although practices likely varied from one location to another. There is no doubt, however, that recruitment agents continued to engage in widespread abuse. For example, the payment of a signing bonus (“*matabicho*”) became rampant after 1961,
with payment often being made either to the regedor or to the family of the so-called “voluntary” worker.34

To implement the “practical measures” recommended by the Commission of Inquiry, Moreira turned to Afonso Mendes, who at the time was serving as Director of the Office of Political Affairs in the Overseas Ministry.35 Mendes brought both experience and expertise to the task, having served as the administrator of the Municipality of Huila in the south of Angola and having earned a doctorate in labour policy at the Instituto Superior de Ciencias Sociais e Politica Ultramarina, where Moreira acted as his dissertation supervisor. When his dissertation was published in 1965, Mendes dedicated his work to Moreira, as a token of his regard. 36

The implementing institution was the Labour Institute (Instituto do Trabalho)37 which Moreira created in March 1962, with Mendes as its first president. From his office in Luanda,


35 This was the Gabinete dos Negócios Políticos do Ministério do Ultramar.

36 Afonso Mendes, O Trabalho Assalariado em Angola (Lisbon, Instituto Superior de Ciências Sociais e Política Ultramarina, 1965?)

37 Decreto no. 44 111 of March 1962 .The complete name of the institute was Instituto do Trabalho, Previdencia e Accao Social (Institute of Labour, Social Security, and Social Action).
Mendes set about to build the infrastructure of the Institute and to create a market in free labour. He established three departments, one of which incorporated Angola’s existing labour inspectorate, created in May 1961. The inspectorate was originally established for industrial and commercial enterprises, but when the rural code was enacted a separate inspection stream was established, at least nominally, for the agricultural sector. Rather than train and assign professional inspectors, the inspector title and function was assigned to the administrators. Thus the same officials responsible for the authorization of recruitment contracts were also responsible for inspecting the recruitment process. This ran contrary to the ILO convention and to the Commission recommendation “that inspectors shall be ‘recruited with sole regard to their qualifications for the performance of their duties’ and ‘adequately trained for the performance of their duties’”. In any event, Mendes favoured a relaxed approach to inspection so that employers were cautioned and warned before an inspection report was generated or a fine was imposed. Despite this relaxed approach, the Institute met with employer resistance until 1967 when the military embraced the enforcement of labour law as part of its counter-insurgency strategy.38

Mendes faced the challenge of eliminating forced labour without undue interference with production in the northern coffee plantations. To the Commission’s recommendation that the wages offered to rural workers ought to be increased, Mendes responded by manipulating the existing wage structure to ensure the continued supply of cheap labour. His strategy in this regard had two components. The first component was to narrow the wage gap between black and white labour in the industrial sector, the width of which was unseemly in the context of Portugal’s “unitary structure” wherein all citizens were formally equal. European and African workers often

38 IDOC-International Angola Secret Government Documents on Counter-Subversion, pages 44-45
worked side by side doing the same industrial jobs. Rather than force employers to raise African wages to European levels, Mendes creating the artificial category of “semi-skilled” workers, which in practice applied only to Africans:

Certainly many African workers have been trained in their contact with European work, but their qualifications, for lack of adequate professional training, do not permit them to achieve an acceptable level of specialization. As a rule, they do not know certain secrets of the profession and they lack both a sense of perfection and the social ambience required to development this sense. They are, therefore, semi-skilled labourers.\(^{39}\)

The second component of the wage strategy was specifically directed towards the recruitment of rural workers. Mendes was well aware that there was a direct relation between the wage levels of rural workers and a continuing reliance on recruitment. Initially he argued that market forces were the best determinant of wage rates for rural workers\(^{40}\), thereby underestimating both the attachment that rural workers had to their traditional land and the level of wages required to induce them to seek work “voluntarily” in European undertakings, despite the widespread use of the signing bonus (\textit{matabicho}). By 1965 Mendes had come to realize that the wages of rural workers were too low to convince Umbundu labourers to move to where the work was available, including in the northern coffee plantations.

\(^{39}\)Mendes, \textit{Trabalho Assalariado}, page 264

\(^{40}\)Mendes, \textit{Trabalho Assalariado}, page 207
Mendes finally addressed the problem in 1969 by introducing a minimum wage for rural workers which varied according to the region in which they were contracted (that is, not the region in which they worked).\textsuperscript{41} Keese’s study (cited above) demonstrated that a free labour market was already established in the Congo region prior to 1961. Local wages for voluntary rural workers in the Congo region were relatively high because the African population had the alternative of producing coffee on their own land as a cash crop. After 1961 the situation was complicated by forced resettlement and the flight of refugees across the border. At the same time, Europeans were encouraged to settle in the region and the traditional lands of the uprooted populations were converted into coffee plantations. These factors led Mendes to establish a relatively high minimum wage for the Congo region, but one which was nonetheless below the prevailing wage rate for the region’s voluntary rural workers. In the central highlands region, where the Umbundu lived, he used a complementary strategy. There he set the regional minimum above the prevailing rate paid by recruitment agents but below the rate established for workers contracted “voluntarily” within the Congo region. This had the combined effect of improving the wages of recruited migrant workers, while at the same time providing an inducement for labourers to travel voluntarily to the Congo region where they could be contracted at a rate above that which the recruiters were paying in their home region. The overall purpose was to undermine recruitment through improved wage rates, while maintaining the Umbundu population as a source of relatively cheap labour.

Mendes enjoyed some success in manipulating the wage structure, but the problem of recruitment continued to vex the Institute until independence. Although the Commission had recommended that professional recruitment be abolished, Mendes and his colleagues disagreed, in

\textsuperscript{41} Diploma Legislativa No. 3907 of 7 May 1969
order to protect the flow of cheap labour to the coffee plantations. However, Mendes proved willing to eliminate recruitment “with facilities,” with clear instructions to the administrators, chiefs of post and regedores that they were now prohibited from engaging in recruitment practices. The new rural labour code had already formalized this policy, and the official discourse of colonial officials was revised accordingly to reflect the colonizer’s agreement that recruitment “with facilities” was not voluntary and was therefore unlawful.

While recruitment “with facilities” was now deemed to be unlawful, Mendes argued that the Institute could regulate and control continued recruitment “without facilities” through the imposition of fines and through its licensing power. He identified “the demands which are imposed on the recruiters” as a potential source of abuse, referring to the practice of paying recruiters by the head for each worker recruited, which equally had the potential of corrupting the state agents. The Institute opened up a space in which individuals who were concerned about abuse in the recruitment process could file an official complaint, and this space was soon filled with a barrage of complaints from the central highland region. Given the low level of literacy among the African population in this region, and the presence of protestant missionaries who were opposed to forced labour, it seems likely that these complaints were instigated or filed by the missionaries, many of whom supported the liberation movements.

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43 Gaspar, “Problematica”, page 196

44 Mendes Trabalho Assalariado, page 100
To his credit Mendes responded positively to these complaints, despite their apparent source, by revoking the licenses of over twenty recruitment agencies. However, the complaints continued to flow in. In 1965 the Governor-General announced that no new recruitment licenses would be granted, and in 1967 Mendes announced that the Institute’s policy now favoured the eventual elimination of professional recruitment.45 At the same time Mendes warned that although existing licenses would be continued they would not be renewed unless the rules of recruitment were strictly adhered to. However, the licenses of all recruitment agencies operating in and out of Luanda and other urban areas were soon cancelled on the basis that these urban areas no longer faced a labour shortage. While this may in part be the result of the Institute’s effort to create a free labour market, this increase in the urban African population was due more to the intensification of the armed struggle, as peasants fled the rural areas where the fighting took place. In addition, industrial jobs in the urban centres were being filled by increased European immigration as Portugal attempted to transform Angola into a settler colony. In any event, by 1969 Portuguese officials apparently believed that the recruitment problem was under control and they welcomed a return visit from the ILO.

8. The Labour Institute and the problem of freedom

Before turning to the ILO’s return visit, we should first consider the performance of the Labour Institute with respect to the other Commission recommendations. The commissioners made the point, perhaps self-evident, that the creation of a free labour market required some degree of freedom of movement. Under the former Native Labour Code, natives were required to carry a “pass book” (cadernata) when they were outside of their own village, to prove that they were absent

45 ILO: Juvigny report, paragraph 23.
from their village for a legitimate purpose, and they were not permitted to remain in urban areas at 
night without authorization. Under the new rural labour code, a work book (*livrete de trabalho*) was 
used instead, but only for the purpose of recording the bearer’s work history. As citizens of 
Portugal, Africans were now eligible for an identity card which, like any citizen, they could be 
called upon to produce at any time. However, in 1964 the armed forces began to control movement 
within Angola for security purposes and Africans who were relocated to the “protected villages” 
could leave only with military authorization. In 1967, when the military embraced the concept of a 
free labour market, Mendes turned the resettlement effort to his advantage and convinced the 
military to allow workers to travel freely from one part of the country to another, for the purpose of 
seeking employment. Among other advantages, this facilitated the movement of migrant labourers 
to the coffee plantations.

The commissioners also recommended that recruitment agencies be replaced by a 
government employment service. Although Portuguese officials agreed with this recommendation, 
its implementation was delayed due to the Institute’s lack of resources. In 1962, the Institute 
established placement offices for European settlers in Luanda, Lobito and Benguela, and in 1967 it 
opened placement offices in Nova Lisboa and Luso to serve rural workers. The Institute also 
established a network of transit centres where it provided various employment services for migrant 
rural workers and later for “semi-skilled” workers. In 1971 this rudimentary system was converted 
into a formal government employment service in compliance with the Commission’s 
recommendation, although the expansion of the service into rural districts, according to Mendes, 
was further delayed by a lack of resources, until independence intervened.

The Institute made little progress with respect to the issues of “freedom of association” and 
“freedom of expression” which were of concern to the commissioners. Prior to his appointment as
president of the Institute, Mendes had expressed the view that the unionization of African workers was a concession to communism and a threat to Portuguese sovereignty. In his experience, whenever African workers were allowed to unionize it led to political and social agitation because these unions demanded not only excessive material gains but also freedom and equality. For Mendes these demands were “as seductive as they are utopian,” while Angola remained union-free “thanks to the vision and vigilance of our rulers.” Unabashedly he declared: “…we should openly oppose unionization in Angola.”

As president of the Institute, Mendes maintained his stand against the unionization of African workers in general, although “semi-skilled” workers were formally eligible to participate in the corporatist union structure. The Commission had noted that these corporatist unions were not interested in representing African workers, and upon the ILO’s return visit in 1971 it was found that “in practice the action of the trade unions does not extend to rural workers.” Among the white settler population, however, the corporatist unions were relatively well organized, perhaps to protect the European workers from their African counterparts more than from their employers. The “semi-skilled” African workers were formerly required to pay union dues, but according to Mendes they avoided the European-dominated corporatist unions.

We saw earlier that Mendes feared that African unionization was a threat to Portuguese sovereignty, and perhaps this fear was well-founded. Elsewhere in Africa, unionized workers had

46 The passages quoted are taken from Mendes, A Huila, pages 198-202

47 ILO: Juvigny report, page 54

48 Mendes, Trabalho Assalariado, page 365
joined the struggle for independence. In Angola the MPLA developed a strong base among African workers in Luanda which it used to organize a clandestine union movement, more for the purpose of promoting independence than of resolving grievances within the colonial system.

9. The return of the ILO

The belief held by Portuguese officials that the recruitment problem was under control led indirectly to a further ILO on-site visit to Angola in 1970. During the process of monitoring Portugal’s compliance with the Commission’s recommendations, a conflict had arisen between Portugal and the ILO monitoring bodies. While these monitoring bodies were satisfied that Portugal had complied with the normative requirements of the ILO forced labour conventions, they sought more information about progress on the “practical measures” the Commission recommended to suppress forced labour, including labour inspection, employment services, wage policy and the exclusion of the regedores (village chiefs) from the recruitment process. Portuguese officials argued that these practical measures were beyond the scope of the forced labour conventions and they appealed to the Director-General for a ruling to that effect. In doing so Portugal invoked a new procedure, introduced in 1968, which allowed “direct contacts” between the office of the Director-General and officials of a member country. In response to this request for “direct contacts”, the Director-General appointed a French diplomat, Pierre Juvigny, to investigate and report. Contrary to Portugal’s wishes, Juvigny’s mandate included the practical measures that Portugal was resisting.


51 The ILO monitoring bodies were the Committee of Experts and the Conference Committee on the Application of Conventions and Recommendations.
After visiting Angola in 1970, Juvigny filed a report that again reflected the ILO’s prescriptive agenda for colonial labour policies, including the elimination of professional recruitment. He found, to his apparent dismay, that the number of recruited workers had actually increased since 1961, rather than diminishing as ILO officials had anticipated. According to Juvigny:

Recruiting is evidently an unseemly practice. The continued existence of professional recruiters shocks our conscience, for...”labour is not a commodity”.

Although the number of recruited workers had actually increased since 1961, Juvigny also observed that professional recruitment was indeed on the path towards elimination. On the eve of Juvigny’s visit, the port facility in Lobito and the railway in Luanda, which were public enterprises, had both brought an abrupt end to their use of professional recruiters. The port facility in Luanda had already established its own employment office where it received a surfeit of job applications, reflecting the over supply of voluntary labour in Luanda that Mendes had cited when he cancelled recruitment licenses in urban areas. Moreover, in the private sector, both Cassequeul and Diamang also brought an abrupt end to their use of professional recruiters on the eve of Juvigny’s visit. While there is no conclusive evidence that these measures were directly related to Juvigny’s imminent arrival in Angola, it seems likely that on-site scrutiny by the ILO again had a positive effect, as had also been the case with the Commission’s visit a decade earlier.

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52ILO: Juvigny report, page 54.
The ILO seemed eager to exonerate Portugal on the issue of forced labour, perhaps to legitimate its own non-political approach to the Ghana-Portugal complaint. Reflecting this eagerness, Juvigny’s approach to assessing the migrant labour issue was disappointing. At the time of Juvigny’s visit (1970), coffee plantation owners continued to rely on professional recruiters to transport Umbundu labourers to the north because, unlike major private enterprises such as Cassequeul and Diamang, these individual growers were too small to recruit on their own behalf. In the central highland district of Huambo alone, Juvigny counted seventeen professional recruitment agencies with a total of 470 agents. Rather than travel to the Congo region to assess actual-existing labour practices for himself, Juvigny accepted the assurances of Portuguese officials that recruitment continued to be a necessity because labour remained in short supply. Based on these rather dubious assurances, Juvigny concluded that the cause of the labour shortage in the Congo region was that the local population preferred to work their own land, ignoring the impact of the protected villages, the refugee situation and the usurping of African land for European settlement. 53

Juvigny’s report also ignored the manipulation of the wage structure and he ignored the fact that recruited migrant workers were being used as cheap labour, helping the colonial state to accumulate the foreign exchange it required to continue its domination of Angola.

The member states and their ILO delegates proved to be less sanguine that the Director-General’s office about the political context in which the issue of forced labour was playing out. In June 1972, the International Labour Conference (the ILO’s policy-making body) approved a resolution which declared “that the basic principles of the ILO are being utterly disregarded in the African countries under Portuguese domination” and expressed political opposition to Portuguese

53 ILO: Juvigny report, page 12
colonialism in Angola, Mozambique and Guiné-Bissau. Although the resolution concerned itself mainly with freedom of association, it went on to equate Portuguese rule with apartheid in South Africa and it instructed the Governing Body to “pursue energetically the efforts of the ILO with a view to total decolonisation,” in accordance with UN declarations to this effect.54

10. Conclusion

Upon the overthrow of the Portuguese dictatorship on April 25, 1974, forced labour in Angola ceased to attract significant international attention and may well have been replaced by less egregious forms of labour exploitation.55 At present the ILO continues to be concerned about the use of forced labour in many parts of the world, and in its contemporary campaigns the ILO maintains the definition of forced labour which it established in its 1930 convention. Other campaigns against contemporary forms of slavery, such as the current Brazilian campaign, use a broader approach which focuses on the degree of exploitation rather than whether or not the employment relation was entered into “voluntarily.”56 In the post-1961 Angolan situation, this broader approach would have been preferable because the “voluntarily” issue was difficult, if not impossible, to gauge in the colonial context. In any event, the ILO sought to side step this

54 “ILO: The exercise of Civil Liberties and Trade Union Rights in Angola, Mozambique and Guinea (Bissau)” (available online at ILO Library, Labordoc, Geneva, 1973)

55 For an analysis of labour policies after independence, see Luce, “A History of Labour Law in Angola” (supra)

difficulty by prescribing a systemic remedy, shifting the debate from the definition of forced
labour to one of compliance with the Commission’s recommendations.

The experience of the Ghana-Portugal complaint demonstrates that, while it was possible
to monitor normative compliance from ILO headquarters in Geneva, actual-existing relations of
production are best monitored by an on-site inspection. By invoking the mechanism of an on-site
inspection, the Commission, and later the Director-General, indirectly induced the colonial state
to move more rapidly towards compliance with its obligations, at the risk of exposure to
international condemnation, at a time when its sovereignty in Angola depended on the continued
support of the liberal democracies of Europe and North America.

The question remains of how much further Portugal could have moved towards
compliance without compromising its need for capital accumulation in Angola to finance its
colonial project. We saw that Portugal’s commitment to suppress forced labour was not a
“complete commitment,” as the commissioners had been led to believe, because it was hampered
by competing interests, specifically the relative scarcity of state resources and the profitability of
private undertakings. The same competing interests present a challenge to contemporary
campaigns, even when contemporary governments provide assurances of their “complete
commitment” to the eradication of contemporary forms of slavery. In the contemporary context,
an expression of “complete commitment” seems even less reliable because of the logic of neo-
liberalism which has taken hold within many governments and within many international
institutions. This logic encourages governments to deregulate the labour market while the
eradication of contemporary forms of slavery may require stricter state regulation, as the Angola
experience demonstrates. Similarly, while the logic of neo-liberalism encourages reduced state
The eradication of contemporary forms of slavery may require the commitment of significant state resources.

The problem of enforcement is endemic in international law, and in the case of the ILO conventions, it was only the voluntary membership of Portugal in the ILO and its voluntary ratification of the ILO conventions that provided Ghana with access to an enforcement mechanism. The enforcement mechanism itself cannot be described as effective, even if Ghana’s complaint and the appointment of the Commission of Inquiry was followed by considerable progress towards compliance with Portugal’s formal obligation to suppress forced labour in Angola. Colonial officials had their own motivations for suppressing forced labour, the most significant of which was to maintain sovereignty. Given that full compliance was not achieved prior to the effective end of colonial rule, had the ILO taken a more overtly political approach when Ghana’s complaint was originally filed, it may be that forced labour in Angola would have ended earlier.

In any event, it remains clear that the international legal norms set out in the ILO conventions and the enforcement mechanism provided by the ILO constitution played a positive role in the suppression of forced labour in Angola. The effectiveness of these norms and this enforcement mechanism depended on the political context, the most significant aspect of which was the launching of the armed struggle for independence and its escalation into an impendence war. In contemporary campaigns the political context is different from that of the colonial era. In the contemporary world system, self-determination is more likely to find expression through freedom of association rather than through liberation movements. Freedom of association and freedom of expression, including through independent trade unions, was cited by the Commission for their potential as a means of enforcing domestic labour law, while the formation
of independent unions formed part of the ILO’s prescriptive agenda for African labour policies. The theory of independent unionism is that workers themselves would be able to exercise agency in their own liberation through their association with other workers rather than merely relying on the assistance of state agents or missionaries such as those who spearheaded the complaints about recruitment in the central highlands.

The topic of unionization was of concern to the Commission in the enforcement of labour law and unionization remains a concern in contemporary campaigns. Mendes argued that unionization would lead to politicization, and it was this aversion to the potential political agenda of organized labour that led Mendes to oppose unionization. In the context of decolonization, this politicization can hardly be perceived as a negative factor, at least from a contemporary perspective, although the fear of politicization may still carry weight among state officials who may otherwise express a complete commitment to eradicating contemporary forms of slavery.

By supporting the formation of independent unions of rural workers, governments could alleviate the problem of relatively scarce state resources in contemporary campaigns by creating a vehicle for rural worker agency which would allow rural workers themselves to play a role in enforcement. While unionization may well lead to the politicization of rural workers, whether this would be a negative factor, as Mendes suggested, is another matter.

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