

The « Least Irresponsible Organization »: the Portuguese Colonial Question and the International Labour Organization (1945-1962)

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Résumé

« L'organisation la moins irresponsable » : la question coloniale portugaise et l'Organisation internationale du Travail, 1944-1963

Cet article se focalise sur les relations entre l'empire portugais et l'Organisation internationale du Travail (OIT) concernant la problématique du travail en situation coloniale. En se rapportant à des processus similaires dans d'autres contextes impériaux, il examine deux questions fondamentales. Premièrement, l'impact des débats internationaux sur la question plus large de la légitimité des empires. L'enjeu est ici de savoir comment les dynamiques internationales ont façonné les stratégies de résistance et de contestation anticoloniale. Deuxièmement, l'article analyse la manière dont l'établissement de normes et la réalisation d'enquêtes par l'OIT a conditionné tant les organismes politiques impériaux que les réalités coloniales, y compris lorsque cela n'a pas entraîné, sur le terrain, des transformations concrètes ou visibles en matière de règles ou de pratiques.

Mots clés : Organisation internationale du Travail ; travail colonial ; empire portugais ; internationalisme.

Abstract

« The Least Irresponsible Organization » : the Portuguese Colonial Question and the International Labour Organization, 1944-1963

This article focuses on the historical relationship between the Portuguese empire and the International Labour Organization (ILO) regarding the question of colonial labour. Through a permanent dialogue with similar processes in other empires, it stresses two of its main tenets: 1) the impact of international debates on colonial labour on the broader question of imperial legitimacy, showing how international dynamics impacted upon strategies of imperial resistance and anti-colonial contestation; 2) the ways standard-setting and enquiry initiatives by the ILO



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conditioned imperial political bodies and colonial realities, even when they did not entail a direct or visible transformation of norms and practices.

Keywords: International Labour Organization ; Colonial Labour ; Portuguese Empire ; Internationalism.

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The historiography on late colonialism and decolonization¹ has benefited, in the last decade or so, from a major input from historians and social scientists alike.² While international factors have always been a major concern of the several histories of imperial demise, they were equated for a long time with the major geopolitical transformations brought upon after 1945 and mostly focused on security and diplomatic rationales.³ More recently, a number of studies have transferred the analytical gaze to lesser-known topics, processes and actors that shaped the final years of European rule in Africa and Asia. Anti-colonial and racial transnational solidarities or cultural exchanges, for instance, were scrutinized under a new light in relation to the process of global decolonization.⁴ Quite naturally, international institutions were one of the several new actors that were deservedly included in the new histories of decolonization.

In fact, whereas for decades the United Nations was the single institutional space that counted for the history of decolonization, in recent years other institutions such as the World Health Organization, the United Nations Education, Science and Culture Organization or the International Labour Organization were included in narratives that aim to look at late colonialism and decolonization as a multi-faceted and multi-dimensional phenomenon.⁵

Studies about the role played by this sort of organizations in the Portuguese historical trajectory of imperial demise are only now beginning to appear. Traditional narratives about the international dimensions of Portuguese late colonialism focus overwhelmingly on the bilateral engagements with western allies or on the debates at the UN, especially after the beginning of the colonial wars in 1961. Yet, the Portuguese case, I argue, can be particularly revealing given its chronological and political particularities. In this article I will address the period between 1945 and 1962, which is usually less studied. It is my aim to show that significant exchanges between the Portuguese empire and international organizations shaped decolonization, as a *longue durée* process, just before 1961 and afterwards. Certainly, the dynamics of the internationalization of the “native” labour question

¹ Research for this article was supported by the Portuguese Foundation for Science and Technology through the individual research project CEECIND/01714/2017/CP1402/CT0004.

² Among others, Martin Thomas, Gareth Curless (eds.), *Decolonization and Conflict: Colonial Comparisons and Legacies*, London, Bloomsbury Academic, 2017; Miguel Bandeira Jerónimo, António Costa Pinto (eds.), *The Ends of European Colonial Empires: Cases and Comparisons*, Basingstoke, Palgrave Macmillan, 2015; Martin Thomas, Bob Moore, L. J. Butler, *Crises of Empire: Decolonization and Europe's Imperial States*, London, Bloomsbury, 2008; Martin Shipway, *Decolonization and its Impact: A comparative Approach to the End of Colonial Empires*, Malden, Blackwell, 2008.

³ Among others, Martin Thomas, Kent Fedorowich (eds.), *International Diplomacy and Colonial Retreat*, London, Frank Cass, 2001; William Roger Louis, *Imperialism at Bay: The United States and the Decolonization of the British Empire*, Oxford, Oxford University Press, 1977; David Ryan, Victor Pungong (eds.), *The United States and Decolonization: Power and Freedom*, Basingstoke, Palgrave Macmillan, 2000.

⁴ Gary Wilder, *Freedom Time: Negritude, Decolonization, and the Future of the World*, Durham, Duke University Press, 2016; Steven Jensen, *The Making of International Human Rights: the 1960s, Decolonization and the Reconstruction of Global Values*, New York, Cambridge University Press, 2016.

⁵ Jessica Pearson, *The Colonial Politics of Global Health: France and the United Nations in Postwar Africa*, Harvard, Harvard University Press, 2018; Todd Shepard, “Algeria, France, Mexico, UNESCO: a transnational history of anti-racism and decolonization, 1932-1962”, *Journal of Global History*, vol. 6, n°2, 2011, p. 273-297; Daniel Maul, *Human Rights, Development and Decolonization*, New York, Palgrave Macmillan, 2012. See also the piece by Damiano Matasci in this issue.

predated 1945. But my focus here is to address the main changes that occurred following the end of World War II, impeding upon the political, economic, social and cultural reconfiguration of European colonialism. The article ends in 1962, the year all legal modalities of forced labour in the empire were abolished. The historical endpoint is set also to stress that the conditioning of Portuguese colonialism politics and policies by international institutions was in place well before 1961, although manifesting itself in distinct ways.

By focusing on the question of the internationalization of the “native labour” question I will put forward three main arguments.⁶ Firstly, that international organizations did shape the historical trajectory of Portuguese late colonialism immediately after 1945 and cannot be analytically detached from major juridical, political and socio-economic changes that occurred within the empire. Secondly, that the debates on the social dimensions of colonial rule were closely linked to broader political, diplomatic and ideological debates on the legitimacy of empire. Thirdly, that the impact and outcome of the interaction between the state-empire and international institutions varied greatly across different historical conjunctures and institutional settings, generating diverse responses.

Within these general assumptions, I also highlight a historical process that can help rethink the broader historical interactions between internationalism and colonialism in the aftermath of World War II.⁷ Being an empire-state characterized by its metropolitan authoritarian nature, international institutions worked as privileged spaces of denunciation and dissent in the Portuguese case, given the absence of local and legitimate structures for expressing grievances. These opportunities were grabbed by groups and networks that channelled new information and data about local realities. Portuguese authorities rejected all accusations expressed abroad. Yet, depending on the political suitability of the historical moment, the authorities cautiously engaged with international institutions, sometimes rejecting any kind of collaboration, sometimes accepting an unprecedented degree of international meddling in imperial affairs.

Of course, this should not elide other kinds of inter-imperial and inter-colonial instances of cooperation, especially those within the framework of the inter-imperial Commission for Technical Cooperation in Africa South of the Sahara and ad-hoc ones that are not covered in this article.⁸ But, as a main consequence of this broader process, international institutions gained a substantial leverage in their interaction with the Portuguese empire. What is more, I will argue, they became pivotal in the dynamics of political and legal continuity and change. Sometimes this happened in the wake of highly publicized events, but in other cases it was the result of a more

⁶ See José Pedro Monteiro, *Portugal e a Questão do Trabalho Forçado: um império sob escrutínio (1944-1962)*, Lisboa, Edições 70, 2018.

⁷ See Miguel Bandeira Jerónimo, José Pedro Monteiro (eds.), *Internationalism, Imperialism and the Formation of the Contemporary World*, Basingstoke, Palgrave Macmillan, 2017.

⁸ Alexander Keese, *Living with Ambiguity: Integrating an African Elite in French and Portuguese Africa: 1930-1961*, Stuttgart, Franz Steiner, 2007; John Kent, *The Internationalization of Colonialism: Britain, France and Black Africa, 1939-1956*, New York, Oxford University Press, 1997; Jessica Pearson, “Promoting Health, Protecting Empire: Inter-Colonial Medical Cooperation in Postwar Africa”, *Monde(s)*, vol. 1, n° 7, 2015, p. 213-230; Miguel Bandeira Jerónimo, “Repressive Developmentalisms: Idioms, Repertoires, and Trajectories in Late Colonialism”, dans Andrew Thompson and Martin Thomas (eds.), *The Oxford Handbook of the Ends of Empire*, Oxford, Oxford University Press, 2018, p. 537-554.

subterranean process that triggered new instances of imperial self-scrutiny and the internalization of international standards and norms.

External impulses for legal reform, of course, were not always successful. And when they were, they frequently were the result of a predominant political and diplomatic calculus, especially as global decolonization was gathering momentum. Even its actual consequences should be duly analysed. The legal changes, both domestic or international, were far more progressive than the general prevailing administration political imaginations and, quite naturally, resistance by the ‘man on the spot’ was expressed. As we shall see, major juridical transformations were often understood as a cosmetic move to assure that everything remained as it stood. Nonetheless, these international “inputs” not only became increasingly present in the daily lives of imperial and colonial officials, but they also frame the political and legal changes that took place in the empire.

“Colonial Prejudice” and the Reconfiguration of the International Order

World War II entailed significant changes in colonial labour and social politics and policies. These were put forward by metropolitan governments and colonial authorities, for instance in French and British colonies in West Africa.⁹ They were also codified by the International Labour Organization through a series of recommendations and conventions, promulgated between 1944 and 1947. Despite their shortcomings, they represented a major transformation of the languages and programmes mobilized to address social and labour relations in the colonies. These included the growing participation and legitimization of African trade unions, their participation in collective bargaining and the resolution of industrial disputes, and more broadly in the subordination of new developmentalist drives to the welfare of native populations.¹⁰

By then, Portuguese authorities still had fresh memories of past events of the international denunciation of “native” labour realities in the colonies. The Cocoa Scandal, in São Tomé, related to the forced migration of Angolan and Mozambican workers to the archipelago plantations or, later on, the famous report by the American sociologist Edward Ross that eventually reached the newly created Temporary Slavery Commission of the League of Nations were some of them, and probably the most vivid ones.¹¹

Yet, unlike other imperial formations, socio-political transformations were mostly absent. The 1926 *Indigenato* regime, the dual juridical regime that governed imperial and colonial relations and which crystallized the fundamental discrimination of *indígenas* (natives), remained unchanged. The related 1928 *Código do Trabalho Indígena* (Native Labour Code) suffered no alterations as well. With the moral duty to work as its cornerstone, the Code allowed for multiple modalities of coerced labour

⁹ Frederick Cooper, *Decolonization and African Society: The Labor Question in British and French Africa*, New York, Cambridge University Press, 1996, p. 57-170.

¹⁰ Daniel Maul, *Human Rights*, *op. cit.*, p. 86-120.

¹¹ Miguel Bandeira Jerónimo, *The ‘Civilising Mission’ of Portuguese Colonialism (1870-1930)*, Basingstoke, Palgrave Macmillan, 2015; Catherine Higgs, *The Chocolate Islands: Cocoa, Slavery and Colonial Africa*, Athens, Ohio University Press, 2012.

for public enterprises and invested administrative authorities with loose powers to facilitate the recruitment of African workers and repress absenteeism.¹²

Whereas in other colonial possessions forced labour was being gradually abolished, in the Portuguese African colonies, especially as commodity prices rose because of the global conflict and thousands of settlers began arriving in Angola and Mozambique, its occurrence multiplied. After the war, numerous internal reports signalled the widespread prevalence of forced labour in Angola and Mozambique and the “anomalies” related to the repatriation of migrant workers (*serviçais*) in S. Tomé e Príncipe. The archipelago was still receiving thousands of Angolans and Mozambicans. Several inspectors stressed the persistence of abuses and social malaise. Prostitution by the female *serviçais* was one of them.¹³ Suicide within the migrant workforce, generated by working and living conditions and by the obstacles to repatriation, was another.¹⁴ In S. Tomé, for instance, a local official report of 1945, which signalled the existence of shackled Africans, was dubbed as “impressive” and containing “extremely damaging accusations.”¹⁵ In the district of Manica and Sofala, in Mozambique, another official stated that, since the “native [was] by nature indolent and naturally rebel to work,” the “condemnable system of rounding up blacks in the *sanzala*” was still necessary. The law was “dead letter”.¹⁶

Acknowledgement of local conditions added to Portuguese administrative concern regarding the transformation of the international normative order. By then, ILO *sui generis* nature made it a tripartite organization since “national” delegations included government representatives but also one workers’ and one employers’ delegate. This formulation was the result of historical constraints that made ILO’s constitution deeply committed to the idea of social justice through dialogue. However, in the late 1940s these procedures were not extended to the African continent. Until the late 1950s, Africa’s representation at the ILO was dissimilar to other regional spaces. There was no African regional branch until that date, which would eventually extend the tripartite procedures to the debates on social and labour policies in the continent. Instead, there was the Experts’ Committee on Social Policy in Non-Metropolitan Territories (1947-1957), which replaced the previous Committee of Experts on Native Labour. It was the ILO administration who, in theory, chose the experts on technical grounds. In fact, colonial powers had the ability to condition the decisions. But it was still an “exception” to ILO’s regular functioning that would be overcome with the creation of the ILO Africa regional branch as decolonization gathered pace.¹⁷

¹² For a theoretical approach to the forced labour question in the Portuguese empire see, among others, Michel Cahen, “Seis teses sobre o trabalho forçado no império português continental em África”, *África*, n° 35, 2015, p. 129-155. See also CEAUP, *Trabalho Forçado Africano: Experiências Coloniais Comparadas*, Porto, Campo das Letras, 2006. On the imperial economy see Victor Pereira, “A economia do império e os planos de fomento”, in Miguel Bandeira Jerónimo (org.), *O Império Colonial em Questão: Poderes, saberes, instituições*, Lisboa, Edições 70, 2012, p. 251-286.

¹³ Historical Archive of the Portuguese Institute for Development (thereon HAPID), Compilation of reports of the High-Inspectorate for Overseas Administration (thereon HIOA). Report by the High Inspectorate on Native Affairs (thereon HINA), 30 August 1947.

¹⁴ HAPID, Compilation of Reports HIOA. Report HINA, 25 August 1947.

¹⁵ Historical Diplomatic Archive (thereon HDA), 2º Piso, Armário 49, Maço 21. Information, Direcção Geral dos Negócios Políticos e da Administração Interna, 17 March 1950.

¹⁶ HAPID, Compilation of Reports HIOA Report, HINA, 3 January 1951.

¹⁷ On the history and functioning of the ILO see, among others, Daniel Maul, *Human Rights, op. cit.*; Daniel Maul, *L’Organisation internationale du Travail: 100 ans de politique sociale à l’échelle*

Despite its limitations, that specific ILO approach to the African continent did not prevent Portuguese officials from appraising the new, post-1945 ILO conventions for non-metropolitan territories as the most damaging to state-empire interests. As one old-colonial expert put it, they did not consider colonial and native “special” conditions. Concepts such as “slavery” or “trusteeship” were being replaced by others, such as minimum wage and trade unions.¹⁸ As another official stated, a “colonial prejudice” prevailed in those meetings.¹⁹ In a report prepared for the 1946 International Labour Conference in Montreal, an imperial official was crystal clear about the new international spirit. The idea of racial non-discrimination applied to African workers was simply “anti-economic and anti-social”. For instance, it would be “unreasonable and counterproductive” to afford local populations the right to unionize.²⁰

The problem was not, at the time, limited to the new ILO conventions for non-metropolitan territories. Even the interwar conventions on forced labour, recruitment, contracts and penal sanctions in the case of breach of contract were seen as inadequate. They did not take into account the “deep differences” between territories.²¹ Accordingly, by the late 1940s the Portuguese were the only European empire that had not ratified one single ILO convention on “native labour”.

During the late 1940s, foreign criticisms of Portuguese labour realities across empire were mostly absent. But that did not prevent several administrative and diplomatic cadres from pointing out the international salience of the problem of forced labour. In particular, the drain of native workers from Angola and Mozambique to neighbouring colonies was seen as incontrovertible proof of Portuguese imperial inability to govern subject peoples. Forced labour was an increasingly “effervescent affair in international bodies”, as one official stated.²² Consular officials in places such as Belgium raised the alert about news being published about “native labour in our colonies of Angola and Mozambique”, while the same was happening at the Embassy in Washington D.C. regarding an article published in the *New Orleans Times*.²³

This constellation of processes did impact imperial ruminations. Although the Portuguese government did not adhere to international labour standards, the existing legislation was increasingly scrutinized according to ILO conventions. Experts and authorities alike recommended that new bodies should be created with the single task of compiling and monitoring the debates and standard-setting procedures of the

mondiale, Geneva, BIT, 2019; Sandrine Kott, “La justice sociale dans un monde global. L’Organisation internationale du Travail (1919-2019)”, *Le Mouvement social*, vol. 263, n° 2, 2018, p. 3-14; Cédric Leterme, “L’Organisation internationale du Travail (OIT)”, *Courrier hebdomadaire du CRISP*, vol. 2297, n° 12, 2016, p. 5-42; Gerry Rodgers, Eddy Lee, Lee Swepston, Jasmien Van Daele, *The International Labour Organization and the Quest for Social Justice (1919-2009)*, Geneva and Ithaca, ILO- Cornell University Press, 2009.

¹⁸ HDA, 3º Piso, Armário 19, Maço 100. Report, Foreign Affairs Ministry (thereon FAM), “A propósito da reunião do BIT em Paris – Outubro de 1945”.

¹⁹ HDA, 3º piso, armário 19, maço 100. Report, J. Nunes de Oliveira, 30 October 1946.

²⁰ HAD, AHD-MU-GM-GNP-RRI-0907-12133. Colonies Ministry, 9 July 1946.

²¹ *Idem*.

²² HDA, 2º Piso, Armário 49, Maço 21. Information, Direcção Geral dos Negócios Políticos e da Administração Interna, 17 March 1950.

²³ HDA, 2º Piso, Armário 49, Maço 21. Letter Portuguese Legacy Brussels, 8 July 1950, HDA, 2º Piso, Armário 49, Maço 21. *Apontamento*, Franco Nogueira.

organization.²⁴ Legal changes were urged in strict connection with international developments. As one official stated, a “comprehensive international movement for the uplift of workers conditions” and “civilization’s progress” demanded new political action.²⁵ A few officials suggested one of two possibilities: to ratify some of the ILO conventions for the colonies or to adapt existing juridical and social precepts to the new international and colonial realities.²⁶ However, the limited reach of the changes proposed was manifest. A dual labour regime was never seriously questioned, the same going for the multiple loopholes that induced malpractices.

That would soon change. The early 1950s witnessed a surge in international condemnations of Portuguese colonial labour policies. As no institutionalized channels for native workers to express their grievances were in place, and as abuses multiplied, international *fora* provided a privileged space for denunciations. In particular, the developments taking place at the UN Economic and Social Council and at the ILO, namely the creation of two international experts’ committees on slavery and forced labour, added unprecedented pressure on imperial authorities. These events were closely related with the then fully-fledged bipolar conflict, but they clearly had implications for colonial powers.²⁷

The workings of both committees considerably raised Portuguese imperial administrative anxieties, justified by demands of accurate statistical and legal information about labour policies and conditions in the colonies. Given the fact that the Portuguese government was not a member of the UN, there was a strong resistance to providing the requested information. Also, the idea that this process could lead to an *in situ* inspection added to imperial fears.²⁸ Voices within the bureaucratic chain advocated for a non-cooperative stance *vis-à-vis* international institutions. However, it was just untenable to refuse to cooperate *tout court*, as several authorities understood. International political circumstances, the long historical record on the topic, and present local realities made that option politically unsustainable.

Increasingly, the problem of “native labour” in Portuguese colonies, especially its coercive modalities, became closely intertwined with international and transnational developments. As one inspector stated, this was a “delicate” problem given that the social question, including the “human rights of the less developed peoples of dependent territories,” was becoming a central priority of international debates.²⁹ It was mandatory to “sustain the Portuguese position in such a sensitive and important issue,” according to a Foreign Affairs official.³⁰

Most importantly, the ad-committee on forced labour was not a mere institutional repository of legal information and statistics. As in the past, critics of the empire were able to provide their own insights and bring specific colonial policies under the

²⁴ HDA, 2º Piso, Armário 49, Maço 21. Report, José D’Almada, 26 January 1950.

²⁵ HAPID, Compilation of reports of HIOA. Report HINA, Jonas da Silveira, 18 March 1949.

²⁶ HAPID, Compilation of reports of HIOA. Report ISNI, Jonas da Silveira, 21 February 1949.

²⁷ Suzanne Miers, *Slavery in the Twentieth-Century: The Evolution of a Global Problem*, Walnut Creek, Altamira Press, 2003, p. 317-338.

²⁸ HDA, 2º Piso, Armário 49, Maço 21. Report, Vasco Cunha, 12 January 1950.

²⁹ HDA, 2º Piso, Armário 49, Maço 21. Information, 19 March 1954, Compilation of Reports HIOA.HAPID; Information, HINA, 13 December 1949; HAPID, Compilation of Reports, HIOA. Report HINA, 23 August 1951.

³⁰ HDA, 2º Piso, Armário 52, Maço 74. Information, J. M. Frago, 4 November 1953.

spotlight. That was the case, for instance, of the representative of Byelorussia, or the World Federation of Trade Unions and the Anti-Slavery Society. Together they brought fresh accusations against the Portuguese empire labour records. The coerced mobilization of migrant labour to S. Tomé, the widespread prevalence of contract labour in Angola and the compulsory cultivation programmes in the northern part of the country or the conditions of recruitment of Mozambican workers to South Africa mines were some of the most compelling examples: the persistence of state-sponsored coercive modalities of labour exaction was not an unusual reality. The committee also signalled the existence of legal dispositions conducive to forced labour and the Portuguese resistance to ratify any ILO convention related to freedom at work.³¹

This set of accusations triggered new efforts by Portuguese authorities to cope with the diplomatic challenges. Again, the options of reforming or integrating empire clashed with each other and took different shapes. The possibility of ratifying the 1930 convention on forced labour re-emerged. The Portuguese understood they were in an “uncomfortable” position: side by side with South Africa, they were the only colonial power which had not ratified the convention.³² But they were also aware that the ratification of the Convention would add extra demands of information about labour practices and policies and, therefore, open up new opportunities for critics of the empire to formulate their denunciations within an institutionalized framework.

For the time being, Portuguese authorities refused to ratify the Convention. Fear of international meddling and the acknowledgement of prevailing colonial realities were the most compelling arguments to block the ratification, and they conditioned even the most “reformist” voices within the imperial bureaucracy. As one imperial inspector remarked, those facts (which included, for instance, the demographic “drain” in areas of heavy recruitment by the Angolan diamond company) contributed to making “impossible the defence of our position regarding accusations which often are made against us in the international circles”.³³ Notwithstanding, the political implications of Portuguese omission in relation to international labour conventions regarding colonial territories were increasingly acknowledged at the different levels of imperial and colonial administration. As one inspector remarked, “if the state of affairs” was known abroad, one could expect its “magnified echo on the press or any international gathering, with, at least, inconvenient repercussions”.³⁴

International Dynamics and Politico-Juridical Transformation

In the late 1950s, political and diplomatic circumstances changed. The Portuguese state’s late entrance at the UN brought its colonial politics under a new spotlight. The strict refusal to debate any aspect of the political self-determination question –when decolonization in other colonial territories, was gaining momentum– made cooperation with other specialized agencies a particularly useful political expedient.

³¹ United Nations and International Labour Office, *Report of the Ad Hoc Committee on Forced Labour*, Lausanne, Imprimeries Réunies, 1953, p. 317-330.

³² HDA, 2º Piso, Armário 52, Maço 74. Information, António Almendra.

³³ HAPID, Compilation of Reports HIOA. Report HINA, 30 June 1954.

³⁴ HDA, 2º Piso, Armário 49, Maço 21. Report, Luís Esteves Fernandes, 1948.

As Portuguese officials stubbornly resisted any kind of colonial labour reform or international integration, critics of the colonial labour record grew more vocal. One of these cases was that of the British journalist and historian Basil Davidson. Having visited Angola and being closely in touch with the Anti-Slavery Society and with the ILO official responsible for non-metropolitan territories, Robert Gavin, Davidson managed to interview dozens of witnesses and published, in 1955, his book, *African Awakening*, in which he denounced labour policies and practices in Portuguese colonies. The Anti-Slavery Society persisted in its denunciations of forced labour in the Portuguese colonies, both at the UN and at the ILO.³⁵ New information was made available. More localized initiatives also took place. That was the case of a denunciation by the International League of Human Rights of labour conditions in the coffee plantations of northern Angola, based on the testimonies of several African workers.³⁶

The Portuguese government and colonial authorities repudiated all the accusations publicly. Internally, however, international events and processes became increasingly thought of in relation to efforts for social reform and international normative integration. Forced labour in Portuguese African colonies was, at this time, a regular topic of diplomatic correspondence. The solution was to ratify the 1930 Convention in 1956, during the International Labour Conference devoted to discussing the creation of a new convention on forced labour. The latter would eventually be promulgated in 1957 and ratified by the Portuguese in 1959. Actors such as Alexandre Ribeiro da Cunha, the Portuguese representative at the ILO, António Gomes de Almendra, a Portuguese ILO official with close relations with the Portuguese government, or Álvaro Neves da Fontoura, an expert on the ILO committee on social policy in non-metropolitan territories, played a non-negligible part in this process.

The solution, therefore, was to ratify international instruments that could legitimize the Portuguese empire as a polity perfectly in tune with international standards, while avoiding changing legislation and social practices in the colonies. The ILO, the "least dangerous" or, in fact, the "least irresponsible", UN specialized agency, as Ribeiro da Cunha dubbed it, seemed the most suitable institution to advance Portuguese claims of imperial legitimacy.³⁷ These were based on two fundamental arguments. The first was that the Portuguese empire was a unitary polity with no difference whatsoever regarding its territorial components and its racially distinct populations. The second, and closely related to the first, was that there was no trace of racial discrimination in the political-juridical structure of the empire. Therefore, there was a torrent of ratifications of ILO conventions during these years regarding the abolition of penal sanctions or non-discrimination in employment. Crucially, the ILO Convention on Indigenous and Tribal Populations was ratified by the Portuguese during these years. For imperial and colonial authorities, the ratification of the Convention would be the best diplomatic argument against those who charged the *indigenato* regime of crystalizing a fundamental distinction between natives and citizens.³⁸

³⁵ International Labour Organization Archives (ILO Archives), NL-1-25-4-jacket 1 Letter from R. Gavin to W. Jenks, 21 November 1954.

³⁶ ILO Archives, FLA- 1-51-0, Jacket 1. Roger Baldwin to Dar Hammarskjöld, 29 April 1957.

³⁷ HDA, 2º Piso-Armário 7- Maço 562. *Apontamento*, Ribeiro da Cunha, 1957.

³⁸ HDA, AHD-MU-GM-GNP-RR1-0721-12127. *Ofício enviado para GNP*, 24 November 1960.

Internal exchanges uncovered more clearly the *décalage* between administrative socio-political imaginations and international standards. For instance, when debating the ratification of the Convention on Indigenous and Tribal Populations, one official suggested that the “black race” reference in the *indigenato* should be abolished, but the decree kept it. At the same time, he recognized that “a certain degree of discrimination” was inescapable. Another solution was to substitute the legal concept of “native” with “non-evolved” or “non-assimilated”.³⁹ When debating the possibility of abolishing penal sanctions in case of breach of contract, in order to conform with ILO Convention no. 104, one official supported the idea, arguing that this *stimulus* to work could still be used through an administrative expedient.⁴⁰

A critical problem resulted from the need not to “break the principle of territorial unity”⁴¹, since ILO conventions allowed, through article 35 of the constitution, not to apply the conventions to parts of the state territory. But although several of the dispositions adopted could, and would, not be implemented in the colonies, the Portuguese government nonetheless refrained from invoking article 35. When in 1960 the Portuguese government extended the metropolitan laws of collective bargaining to colonial territories before the first ILO African Regional conference, they did so because it was fundamental to prove that in the “overseas provinces there was similar legislation to that of the metropole”.⁴² The fact that the “natives” could not join the negotiations because they had no representative trade unions was not detrimental to the diplomatic manoeuvring.

That was the fundamental rationale of Portuguese action towards the ILO during those years. But despite its mostly instrumental nature, these decisions had consequences as they increasingly confronted imperial and colonial officials with international standards. And, surely more important, it opened new possibilities for ILO interference in colonial affairs.

That would occur very soon. Amidst the eruption of organized anti-colonial violence in Angola and the initiative of Liberia to discuss these events at the UN Security Council, Ghana’s government filed a complaint at the ILO arguing that the Portuguese failed to fulfil their obligations regarding the 1957 Convention on forced labour.⁴³ According to the accusation statements, forced labour in Portuguese colonies was the direct outcome of colonialism. The constitution of an inquiry commission allowed for the formation of a rather heterogeneous coalition that provided new information and testimonies about Portuguese colonial labour realities. The Anti-Slavery Society and the International League of Human Rights provided privileged information, the former gathering the testimonies of two Angolan refugees.⁴⁴ Organizations not formally invited, such as the Baptist Missionary Society

³⁹ HDA, AHD-MU-GM-GNP-171-1. Report 4^a reunião inter-ministerial, 11 June 1958.

⁴⁰ Overseas Historical Archive (thereon OHA), AHU-MU-GNP-Série 170-Pasta 4. Report, Neves da Fontoura, 1951.

⁴¹ HDA, AHD-MU-GM-GNP-RRI-0770-12539-002. Report, 13^a Sessão do Comité inter-ministerial do trabalho, 16-9-160.

⁴² HDA, AHD-GNP-RRI-0712-12447. S.n., March 1960.

⁴³ José Pedro Monteiro, “ ‘One of those too-rare examples’: the International Labour Organization, the Colonial Question and Forced Labour”, dans See Miguel Bandeira Jerónimo, José Pedro Monteiro (eds.), *Internationalism, Imperialism, op. cit.*, p. 221-249.

⁴⁴ International Labour Organization, “Report of the Commission Appointed under Article 26 of the Constitution of the International Labour Organization to Examine the Complaint Filed by the Government of Ghana concerning the Observance by the Government of Portugal of the Abolition of

or the American Committee on Africa, managed to channel their own sources and testimonies through the authorized organizations. Individuals such as Basil Davidson were called to provide first-hand information. Anti-colonial activists from Guinea, Angola and Mozambique also got involved with Ghana's authorities.⁴⁵

The inquiry commission was given the task of evaluating the merits of the complaint. In order to do so, the three experts, the Swiss Paul Ruegger, the Uruguayan Enrique Armand-Ugon and the Senegalese Isaac Forster, had to scrutinize huge amounts of information related to Portuguese colonial and imperial legislation as well as the records of its past interaction with the ILO. They interviewed several witnesses, a list made of Portuguese officials, private agents, and foreign missionaries. In sharp contrast with what was going on at the UN (the Portuguese government refused any visits to its territories), the three experts were allowed to travel to Angola and Mozambique in December 1961. There were strict limitations. Only facts that had occurred after the implementation of the Convention, in November 1960, could be used as proof. The visits lasted one week and, from the records, it is pretty clear that Portuguese authorities conditioned and prepared all the interviewees. Notwithstanding, the experts were able to find more than one example of workers who admitted they were compelled to work.

While the inquiry commission, in its final report, recognized that some evidence of forced labour had existed in the past, it categorically rejected Ghana's accusation that the ratification was a mere diplomatic gesture to elide the crude reality of forced labour. That was linked, of course, with the strict, mostly juridical, terms of the mandate. But the fundamental reason was that the commission and ILO officials were satisfied (even if not completely) with the reforms meanwhile adopted by the Portuguese government. In May 1961, the compulsory cultivation of cotton and the intervention of the administration on recruitment were formally abolished and a legal framework for autonomous labour inspectorates was put in place. In September 1961, the *indigenato* was repealed. And, critically, when the commission published its final report in 1962, the Portuguese government had committed itself to repealing the Native Labour Code. A new code was promulgated a couple of months later. In theory, it made no racial or ethnic distinction, allowed for no modality of coerced labour and, perhaps decisively, was the result of a strict scrutiny by the ILO committee of experts on the application of conventions and recommendations.

Surely, this was the result of broader international and imperial dynamics, especially those related to the eruption of the colonial war. But the fact was that the changes introduced corresponded to long-held requests by the ILO. And, clearly, they did not match what were the prevailing realities and concerns on the spot.

In fact, in the late 1950s and early 1960s, several reports by local officials and inspectors signalled that forced labour or similar modalities of labour extraction were widespread in the Portuguese colonies. Esteves Felgas, governor of the Congo district, stated that the Native Labour Code had been "abandoned" because that was a code for "voluntary workers" and "those do not exist."⁴⁶ Ferreira Martins, an imperial

Forced Labour Convention, 1957 (n° 105)", *Official Bulletin*, vol. 45, n° 2, Supplement II, Geneva, ILO, 1962.

⁴⁵ ILO archives, ACD-14-1-3-2. Letter to inquiry commission, 22 August 1961; ILO archives, ACD-14-1-3-1. Letter to inquiry commission, 8 August 1961.

⁴⁶ HDA, AHU-MU-GM-GNP-135 caixa 35. Esteves Felgas, *Report Congo*, 1956.

inspector, in 1961, just after the beginning of the riots in the north of Angola, stated that native policy was “one of the most urgent, serious and delicate” problems in Angola.⁴⁷ “Compelled labour” was prominent among them. For Joaquim Henriques, “Compelled labour has been the more important cause for emigration and the main reason for native population’s discontent”.⁴⁸ Less critical officials stated that “compelled labour, in the proper meaning, does not exist.” What existed was the “repression of vagrancy”.⁴⁹ In Mozambique, inspector Mário Costa stated that women were forced to cultivate cotton against their will.⁵⁰

These were just some reports; others exist. They signal the extreme resilience of forced labour in the Portuguese empire. Most of them were critical in their assessment and urged reforms. But on the eve of the major transformations of 1961/1962, it is remarkable how far they were from precepts that would soon be established. For Ferreira Martins, the *indigenato* regime should be “updated,” not abolished.⁵¹ Mário Costa advocated that one should “avoid the ‘escape’ to the moral duty to work” of the native.⁵² For Joaquim Henriques it was mandatory to “abolish compelled labour (...) without failing to take the native to fulfil its moral and social duty of useful work.”⁵³ Esteves Felgas simply claimed that “free labour was [...] a dangerous illusion.”⁵⁴ In sum, these officials’ prospects of political and social transformation lagged far behind the contents of the sudden legal changes that occurred between 1961 and 1962. Particular historical circumstances evaluated primarily under a diplomatic prism, but also an increasing awareness of international debates and norms regarding colonial labour, were pivotal in the timing and contents of political and legal reforms.

As this article shows, one must be cautious in evaluating the impact of political and legal transformations on local conditions. Within an authoritarian state such as the Portuguese, opportunities for denouncing malpractices were rather limited. They became even more so in a context shaped by three scenarios of colonial counterinsurgency. Also, disjunctions between, on the one hand, imperial proclamations and legal texts, and on the other, actual labour conditions were recurrent in the history of Portuguese colonialism.⁵⁵ In 1968, for instance, one inspector still referred to the existence of several hundreds of “contract” workers in Icolo and Bengo, in Angola.⁵⁶ In addition, the rhythm of international denunciations related to colonial labour did not slow down after 1962.

⁴⁷ OHA, AHU-MU-ISAU-A2.001.02/008.00038. Ferreira Martins, *Report Huambo*, 1961.

⁴⁸ OHA, AHU-MU-ISAU-A2.49.005/56.00428. Joaquim Henriques, *Report Zaire*, 1961.

⁴⁹ OHA, AHU-MU-ISAU, A2.050.02/015.00092. Lápido Loureiro, *Report Aboim*, 1960.

⁵⁰ OHA, AHU-MU-ISAU, A2.050.03/021.00133. Mário Costa, *report Moçambique*.

⁵¹ OHA, AHU-MU-ISAU-A2.001.02/008.00038. Ferreira Martins, *Report Huambo*, 1961.

⁵² OHA, AHU-MU-ISAU, A2.050.03/021.00133. Mário Costa, *report Moçambique* Costa.

⁵³ OHA, AHU-MU-ISAU-A2.49.005/56.00428. Joaquim Henriques, *Report Zaire*, 1961.

⁵⁴ HDA, AHU-MU-GM-GNP-135 caixa 35. Esteves Felgas, *Report Congo*, 1956.

⁵⁵ Miguel Bandeira Jerónimo and José Pedro Monteiro, « Colonial labour internationalized: Portugal and the Decolonization Momentum (1945-1975) », *International History Review* (ahead of print).

⁵⁶ OHA, AHU-MU-ISAU- A2.050.02/014.00084. João Peralta, *Report Icolo e Bengo*.

Yet, one should not simply dismiss the impact of juridical transformations. In fact, with the beginning of colonial wars, the need to make proof of Portuguese colonialism's socio-economic achievements became more pressing. That was the only way to try to curb increasing demands, expressed domestically and internationally, for political self-determination of Portuguese African territories. In this process of legal transformation, international dynamics played a crucial, even if not straightforward, role.

For instance, in 1963, the Lunda's district governor, Artur Carmona, praised its achievements since 1961, namely its ability to stop administrative intervention in recruitment. But he still believed that the "native" was not "completely apt to discern its needs and follow the westernized methods of the labour market." According to Carmona, they were in need of special, repressive measures to avoid being abandoned to idleness. More important than claiming that "our law is the most advanced in this or that continent" was to adapt it to what it thought was the native "nature".⁵⁷ That is, the political and diplomatic rationales that guided the legal and political transformations on the labour field, guided by international standards, were still disputed by local officials. This can be seen as evidence that the Portuguese *official mind* was still attached to the old methods. But it also indicates that external inputs generated new conflicts and disputes within the imperial administrative chain. They certainly cannot be ignored within the broader history of Portuguese late colonialism.

⁵⁷ OHA, AHU-MU-ISAU- A2.01.001/02.00009. Artur Carmona, *Report Lunda*.