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SOVEREIGNTY

Berlin, 12 April 2021

To H.E. Mr. Collen Vixen Kelapile
Chair of the Special Political and Decolonization (4th Committee)
Permanent Mission of Botswana to the United Nations
154 East 46th Street, New York, N.Y. 10017
United States of America

Subject: Call for the inclusion of Cabinda in the list of the remaining Non-Self-Governing Territories.

Your Excellency,

Due to the 1883 French invasion and occupation of a huge part of the territory of Cabinda, which now belongs to the Republic of the Congo, and French continued threats¹ to occupy the remaining territory, i.e. the existing one, on 1st February 1885 the people of Cabinda signed with Portugal an international protectorate treaty, aka Treaty of Simulambuco, to protect themselves and their motherland. Said treaty received attention and ratification at the 1884-1885 Berlin Conference, of which the ensuing nations were the protagonists: "United States of America, Great Britain, France, Russia, Germany, Portugal, Netherlands, Belgium, Denmark, Italy, Austrian-Hungary, Sweden, Spain and Turkey."

In the aftermath of WWII, the brutality of the Portuguese government, in response to the request by the people of Cabinda to regain their political sovereignty, forced hundreds of thousands of Cabindans into exile in the two neighboring countries, DRC [then Belgium Congo] and the Republic of the Congo [then French Congo]. In the mid-1950s, the exiles instituted the "Movement for the Liberation of the Enclave of Cabinda (MLEC)" under the leadership of Mr. Luís Ranque Franque.

Shortly after the Belgium and French Congo attained independence in 1960, the heads of State of these sovereign countries, i.e. Joseph Kasavubu and Fulbert Youlou respectively, seeing that the disagreement between Portugal and Cabinda was/is of the nature referred to in Article 34 of the UN Charter, undertook to bring said dispute to the attention of the UN General Assembly, in pursuance of the provisions of Article 35 of the UN Charter. As a result, on 20 November 1962, Mr. Luís Ranque Franque was heard as a petitioner by the Fourth Committee², in line with the point 5 of the GA Resolution [1699 \(XVI\)](#) of 19 December 1961.

¹ See the British newspaper "The Economist" of 18 October 1884 (Cabinda, aka Portuguese Congo).

² [Doc. of the 17th Session of the UN General Assembly—4th Committee A/C. 4/SR 1391 of 20 November 1962, & Annexes, Agenda item 54, documents A/5160 and add. 1 and 2.](#)

In response to Mr. Franque's petition, the General Assembly adopted the following Resolutions: [1807 \(XVII\)](#), [1808 \(XVII\)](#) and [1809 \(XVII\)](#) of 14 December 1962, as well as [1810 \(XVII\)](#) of 17 December 1962. For its part, the Security Council, by means of its Resolution [180 \(1963\)](#) of 31st July 1963 [S/5380], called upon Portugal to implement the immediate recognition of the right of the peoples of the Territories under its administration to self-determination and independence, and the granting of independence immediately thereafter to all the Territories under its administration in accordance with the aspirations of the peoples. Later on, the General Assembly adopted, on 26 October 1966, the Resolution [2144 \(XXI\)](#).

Consistent with the abovementioned General Assembly and Security Council Resolutions, Cabinda, one of once defined as "Portuguese overseas provinces," is a UN-recognized colonial Country and People, in the light of the UNGA Resolutions [1514 \(XV\)](#) of 14 December 1960, and [1541 \(XV\)](#) of 15 December 1960. In other words, Cabinda is a Non-Self-Governing Territory within the meaning of Chapter XI of the Charter of the United Nations.

French resolve to wipe Cabinda from the map of Africa

While France has ostensibly assumed the role of fostering movements for Cabindan independence, its actions have historically frustrated the aims of those movements and have promoted their internal fragmentation. To prevent systematically the people of Cabinda from obtaining the recognition of their right to self-determination and independence, France habitually undermines the activities of Cabindan independence movements that straightforwardly seek their declared aims and persecutes the key leaders of these movements.

Apart from the 1885 Protectorate Treaty between Cabinda and Portugal, which reduced French threats to occupy Cabinda militarily, France's enmity against Cabinda's right to self-determination and independence derives from its long-standing imperialistic rivalry with Germany. The latter's quest for a noteworthy sphere of influence in Africa, with Cabinda in mind, dates back to the 19th century³. Ever since then, this particular interest, considered to be a "terrifying dream," has prompted France to make every endeavor to have it obstructed.

The UNGA Resolution [1542 \(XV\)](#) of 15 December 1960, in its paragraph 1 (e), entails a plotted legal-political attack on Cabinda's territorial integrity and national sovereignty, as it includes the territory of Cabinda in that of Angola. This inclusion was all the more calculated as the preamble of the Resolution at issue recalls that, in the early 1950s, differences of views have arisen among UN Member States concerning the status of certain territories under the administration of Portugal described by the Portuguese authorities as "overseas provinces" of the metropolitan State.

Aware of its international responsibility to maintain the integrity of the territory of Cabinda, under the terms of the Treaty of Simulambuco, and seeing that the Resolution [1542 \(XV\)](#) was jeopardizing the legal status of Cabinda, Portugal decided to comply with the Chapter XI of the UN Charter, by putting its Constitution, then in force (1933-1976), at the disposal of the United Nations. This was done in 1965 through Mr. Amos J. Peaslee's "Constitutions of Nations," the first ever compilation of the Constitutions of the States of the world put at the United Nations' disposal. The compliance of Portugal with Chapter XI was not only meant to draw the attention of the United Nations to Cabinda's distinct legal status in the Portuguese National Constitution, but also to enable the UN Secretary General to deter any further offensive against Cabinda's territorial integrity and national sovereignty within the UN system. Following the compliance of Portugal with Chapter XI, the UN General Assembly adopted its Resolution [2144 \(XXI\)](#) of 26 October 1966, in which the legal-political status of Cabinda cannot be confused with that of Angola.

³ See Pierre Renouvin, *Histoire des Relations Internationales*, Tome VI: Le XIXe Siècle, 2ème Partie: De 1871 à 1914, l'Apogée de l'Europe, Chapter V — Le Choc des Impérialismes Coloniaux, Paris Hachette, 1953, pp. 79, 90-91, 284, 288-290.

Disruption of the decolonization process of Cabinda

In the aftermath of the Portuguese "Revolução dos Cravos" (Carnation Revolution), which started on 25 April 1974, in Lisbon, and overthrew the Salazar regime called "Estado Novo" (New State), the new Portuguese head of State, General António de Spínola, undertook to ensure that the "overseas provinces" were granted self-determination and independence. Of all representatives of national liberation movements from the Portuguese "overseas provinces," Mr. Luís Ranque Franque, then president of FLEC (Front for the Liberation of the Enclave of Cabinda), was the first invited by President Spínola, on 15 September 1974, for an agreement on de jure recognition by Portugal of the inalienable right of the people of Cabinda to self-determination and independence.

The meeting between the President of Portugal and Mr. Ranque Franque did not take place, as the latter, exile in Zaïre (now DRC), was prevented by Zaïre's dictator Mobutu Sese Seko from going to Sal Island, in Cape Verde, to meet with President Spínola of Portugal. Mobutu, a suspected CIA agent, went to Cape Verde to meet with his Portuguese counterpart in the place of the leader of Cabinda. At the encounter, Mobutu discouraged the Portuguese from seeking further negotiations with Cabindans, stating he had a document signed by Henriques Tiago Nzita (then vice-president of FLEC and a French secret agent since the early 1960s), which defined Cabinda as an integral part of Zaïre⁴. This is how the decolonization process of Cabinda was sabotaged by corrupt African leaders who acted on the orders of their respective Western imperialist masters.

President Spínola's tenacity in trying to assume his international legal and moral obligations regarding the right of the people of Cabinda to achieve and sustain self-determination, self-defense, and self-respect forced both imperialists and neocolonialists to label him as a danger to "Western interests." As a result, his respect for democratic and moral values cost him his presidential seat on 28 September 1974, the day he was removed from office. He had to be thrown out, in order to pave the way for Dr. Mário Soares's and Admiral Rosa Coutinho's access to Portugal's high political realm so they could implement the evil policies that had to lead to the disastrous situation we are in today.

Under the new Portuguese head of State, General Costa Gomes, Dr. Mário Soares became minister for the overseas negotiations, charged with the responsibility of supervising the decolonization process of Portugal's "overseas territories." On 28 October 1974, Álvaro Cunhal, then leader of the Portuguese Communist Party, who insinuated that Mobutu was acting under the instruction of the CIA (United States), went on a business trip to Moscow, looking for a Soviet helping hand. On 15 January 1975, the Angolan liberation movements (FNLA, MPLA, UNITA) were invited to Alvor (Portugal) for a deal on de jure recognition by Portugal of the right of the Angolan people to self-determination and independence.

Subsequently, Mário Soares, minister of overseas negotiations charged with organizing the independence of Portugal's overseas colonies, also became prime minister of Portugal (1976-1978/1983-1985), and then President of Portugal (1986-1996). We cannot help mentioning, as a matter of interest, that Mário Soares was a refugee in France from 1970 through 1974. Article 3 of the Alvor agreement declared Cabinda as "an integral and inalienable part of the Angolan territory," although the people of Cabinda had no input on said arrangement. A few months later, under strong pressure from the Organization of African Unity (OAU), the Portuguese government unilaterally revoked the Alvor agreement by Decree-Law ("Decreto-Lei") 458-A/75 of 22 August 1975.

At the US National Security Council [Meeting](#) on Angola, on 27 June 1975, President Ford [Gerald] asked the Director of CIA William Colby whether "Cabinda was a part of the Portuguese territories" and he got a "yes" as a response. It transpires from the meeting that the Secretary of State Henry Kissinger had a preference for Neto [Agostinho / then president of the MPLA], saying: "If Neto can get Luanda, and drive the others out, he will have a power base, and gradually gain support of other Africans." For his part, the

⁴ See *Courrier d'Arique*, 24-25 June 1962; 29 August 1962; 22 October 1962; and 1-2 November 1962; see also *L'Homme Nouveau*, No. 143, of 7 October 1962.

Secretary of Defense James Schlesinger suggested that “Cabinda in the clutches of Mobutu would mean far greater security of the petroleum resources.”

In an interview with the Portuguese newspaper “O Diabo” on 13 December 2005, Oswald Le Winter, a former CIA agent in Europe, not only assured his interviewer that there are weapons of mass destruction in the Azores (Portugal), but also claimed that Dr. Mário Soares, who later on became prime minister (1976-1978/1983-1985), and finally President of Portugal (1986-1996), had been paid by the CIA for several years while in exile in Paris (France) throughout the 1970s.

Thus was the decolonization process of Cabinda deliberately disrupted by Western imperialist powers who believe in white supremacy. Aside from disrupting the decolonization process of Cabinda, the latter mas-termined and enabled the belligerent occupation of Cabinda by Angola in 1975, hereafter succeeding Portugal in the role of colonial power to maintain colonialism in Cabinda. Behind Angola, the mercenary entity being used as a screen, Western apologists for colonialism and slavery are ever since 1975 looting Cabinda's natural wealth and resources without the slightest regard for Environment and Human Rights.

Ever since then, the legitimate right of the people of Cabinda to have the decolonization process of their native country brought to a successful completion, consistent with the UNGA Resolutions [1514 \(XV\)](#), [2144 \(XXI\)](#) and all other relevant resolutions of the General Assembly and Security Council; their right to freely dispose of their own natural wealth and resources, in pursuance of the UNGA Resolution [1803 \(XVII\)](#) of 14 December 1962, concerning the permanent sovereignty of peoples over their own natural resources; and their entitlement to all the rights and freedoms set forth in the Universal Declaration of Human Rights are trampled to such an extent that genocide is there for all to see.

Completion of the decolonization process of Cabinda

The 1975 Alvor Accord, between Portugal and the Angolan liberation movements, is the only legal tool in which Angola would have grounded the legality and legitimacy of its power over Cabinda. The fact remains, however, that the Alvor arrangement cannot help Angola for the simple reason that the people of Cabinda had no input on it, and that Portugal had unilaterally repealed it by Decree-law 458-A/75 of 22 August 1975. In consequence, Angola's power over the territory of Cabinda has neither legitimacy nor legality, as it is divested of acceptance by the natives of Cabinda and of legal title respectively.

Since the role of Angola in Cabinda consists in sustaining the Portuguese colonialism in another form and manifestation, and given that the 46 years of Angolan colonialism in Cabinda verify the General Assembly conviction, according to which “the continued existence of colonialism prevents the development of international economic co-operation, impedes the social, cultural and economic development of dependent peoples and militates against the UN ideal of universal peace,” the United Nations system and the international community at large have two options: either bring the decolonization process of Cabinda to a successful completion, or remain indifferent, which means intentional endorsement of the crusade against the UN ideal of universal peace in progress.

The most suitable way of concluding the decolonization process of Cabinda conceived by CNM, which the latter has properly acquainted the Angolan government with, is a negotiated transitional period of five to ten years at most. This period of time is anticipated for a gradual, orderly, and peaceful transfer of power from the Angolan colonial administration to the sovereign people and nation of Cabinda—that is, to the political institutions freely elected and representative of the people of Cabinda, consistent with the UNGA Resolution [1514 \(XV\)](#) and UNSC Resolution [180 \(1963\)](#) of 31 July 1963 [S/5380]; and for a disciplined and responsible withdrawal of foreign troops.

It is a reasonable intermediate period within which the most vital administrative institutions and economic infrastructures are meant to be established all over the territory of Cabinda; within which the people of

Cabinda at home and abroad are trained, i.e. given the fundamental skills for self-government, ahead of the approved date for the formal proclamation of the independence of Cabinda; and within which the objectives and principles enshrined in the UNGA Resolutions [1514 \(XV\)](#) and [1803 \(XVII\)](#) are guaranteed to have a satisfying realization. The provisional period is believed to generate a favorable environment for a better mutual understanding, an honest reconciliation of both parties, a regional connectivity, and a subsequent win-win cooperation that all interested parties can benefit a lot from.

Peace and Security as a global issue at the United Nations

Angola's unlawful occupation of Cabinda and the ensuing maintenance by force of colonial domination are the major contributing factors to the political insecurity and instability in Central and Southern Africa, and, by extension, in Western Europe. In order to keep its talons on the land called Cabinda, Angola must necessarily frustrate the free functioning of democratic institutions in the nearby countries, and promote fragmentation and corruption of the Cabindan liberation movement.

It should be known that the people of Cabinda and the neighboring folks of the Democratic Republic of the Congo and of the Republic of the Congo are ethnically related, as they all claim to come from one common ancestor, i.e. Kongolo Mwamba. The predisposition of the Congolese people to help unshackle the fellow people of Cabinda from foreign subjugation, cannot help being a life-threatening situation for all of those involved in the theft of Cabinda's natural wealth and resources. As an illustration, in 1997 Angola invaded the Republic of the Congo to support the military coup that overthrew a democratically elected President, in this instance Prof. Pascal Lissouba, who openly personified said inclination. Before him, president Marien Ngouabi was assassinated on 18 March 1977 for the very same reason.

In Western Europe, and elsewhere, Angola's war chest also frustrates the free functioning of democratic institutions, as it is first used to bribe prominent officials, and, later on, to blackmail them into undermining the legitimate struggle of the people of Cabinda for independence, by persecuting its leaders. Major financial scandals that have been uncovered up to now, make known where Cabinda's oil wealth being stolen by Angola ends up. As [Angolagate](#), the [Panama Papers](#), [Paradise Papers](#), and [Luanda Leaks](#) verify, it ends up in the pockets of Western imperialist nations. Angola's endemic problems of corruption, and its criminal use of the State end economy are slowly but surely undermining the respect for human rights and eroding democratic principles in Western Europe.

As soon as we are acquainted with the history of Africa, mainly of the Great Lakes region, at least since the 1884-1885 Berlin Conference, we end up concluding that there is no alternate solution to the Cabinda situation other than independence. In Cabinda, the criminal role assigned to Angola by white supremacy is, as said earlier, the direct consequence of the age-old imperialistic competition between France and Germany. In this connection, it should be recalled that the Portuguese decolonization in 1975 was a process remote-controlled by France through corrupt Portuguese political figures. It is also necessary to know that the destructive role assigned to Angola is not limited to Cabinda; it goes far, far beyond Cabinda's borders, and it is known to the imperialist elite as "International Commissioner of the Congo."

This terrifying role, conceived by Lord Granville at the 1884-1885 Berlin Conference, was first intended for Portugal. According to the British newspaper "The Economist" of 18 October 1884, Lord Granville Leveson-Gower, 2nd Earl of Granville, then British Secretary of State for Foreign Affairs, proposed to make the Portuguese Government, felt as a powerless Power, into a mighty mercenary entity in charge of guaranteeing to the "Free World" safe and free access to the natural wealth and resources of the Congo Basin, and of the Gulf of Guinea at large. His proposition was first "defeated by the jealousy of the French," and, in the aftermath of WWII, by the Salazar regime in Portugal. Accordingly, as far as Angola is permitted to play this outrageous role, peace and security in Africa will last as mere dreams that will never come true.

Africa Intelligence, a leading professional Web site specializing in political and economic developments in Africa, has written many articles that provide clues on how Angola is fulfilling its detrimental assignment

throughout the African continent. Let us just consider four of said articles; the first one says: "The unit which handles the close protection of President Alassane Ouattara and his advisers will shortly benefit from the presence of [Angolan trainers](#) in addition to its usual French and Israeli mentors;" the second asserts: "The Angolan president has very visibly demonstrated his support for Felix Tshisekedi with a deployment of military aircraft. He has already suggested [military alliances](#) with Alassane Ouattara and Ali Bongo;" the third one declares: "Lourenço administration methodically pursues his [strategy to weaken his Congolese](#) neighbour and hold onto its oil, including Chevron and ExxonMobil blocks;" the last but not the least, affirms: "Presidential advisors in [Angola now suspect](#) Congo of colluding with the separatist Frente de Libertação do Estado de Cabinda (FLEC)."

The UN Secretary General, H.E. Mr. António Guterres, has declared that "Africa's development remains an absolute priority for the UN system." But since peace and security are the sine qua non for sustainable development, it is in the best interest of the UN system, particularly of the Security Council, which bears the primary responsibility for the maintenance of international peace and security, to make sure that the implementation of the Declaration on the Granting of Independence to the Colonial Country and People of Cabinda is completed before long.

17 Non-Self-Governing Territories + Cabinda

Bearing in mind the fact that Portugal, in its capacity as administering Power of the Non-Self-Governing Territory of Cabinda, complied with the Chapter XI of the UN Charter in 1965, having thus transmitted information on its so-called "Portuguese Overseas Province of Cabinda;" and considering the GA Resolutions adopted in reply to the President of MLEC, Mr. Luís Ranque Franque, who appeared as a petitioner before the Fourth Committee of the General Assembly at its seventeenth session (1391st and 1392nd meetings), with particular reference to Resolution [2144 \(XXI\)](#), in which the legal-political status of Cabinda is by no means mistaken with that of Angola, the question arises as to why is Cabinda still not included in the UN list of the remaining Non-Self-Governing Territories.

The General Assembly, by its Resolution [66 \(I\)](#) of 14 December 1946, recorded a list of 72 Territories whose people have not yet attained a full measure of self-government, i.e. to which Chapter XI of the Charter applied. On 27 November 1953, the General Assembly adopted the Resolution [742 \(VIII\)](#) on the factors which should be taken into account in deciding whether a Territory is or is not a Territory whose people have not yet attained a full measure of self-government. In the Annex of the General Assembly Resolution [1541 \(XV\)](#) of 15 December 1960, we are given the Principles which should guide Member States in determining whether or not an obligation exists to transmit the information called for under Article 73e of the Charter of the United Nations.

Correspondingly, Principles IV and V of the Annex declare: 1) "Prima facie there is an obligation to transmit information in respect of a territory which is geographically separated and is distinct ethnically and/or culturally from the country administering it;" 2) "Once it has been established that such a prima facie case of geographical and ethnical or cultural distinctness of a territory exists, other elements may then be brought into consideration. These additional elements may be, inter alia, of an administrative, political, juridical, economic or historical nature. If they affect the relationship between the metropolitan State and the territory concerned in a manner which arbitrarily places the other in a position or status of subordination, they support the presumption that there is an obligation to transmit information under Article 73e of the Charter."

In 1963, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, aka "Special Committee on Decolonization" or "C-24"), approved a preliminary list of Territories to which the Declaration applied ([A/5446/Rev.1](#), annex I). In this preliminary list, irrespective of the GA Resolutions adopted in 1962 in reply to the leader of the Cabindan national liberation movement (MLEC) who had earlier petitioned the Fourth Committee, the Non-Self-Governing Territory of Cabinda remains as it is in Resolution [1542 \(XV\)](#), i.e. included in the ter-

ritory of Angola. If this impertinent inclusion is based on the assumption that information on Cabinda had not been transmitted by the Administering Power (Portugal) until that date, the question then arises as to where did the UN system get the information from, which allowed other Portuguese "overseas provinces" to be correctly listed.

In a 1975 "[Publication](#) of the United Nations Department of Political Affairs, Trusteeship and Decolonization" titled "Fifteen Years of the United Nations Declaration on the Granting of Independence to Colonial Countries and Peoples," the Non-Self-Governing Territory of Cabinda remains included in the territory of Angola. Now the inclusion is all the more disrespectful and provocative, as neither the fact that Portugal had complied with the provisions of Chapter XI of the UN Charter in 1965 nor the GA Resolution [2144 \(XXI\)](#) of 26 October 1966 were/are taken into account.

For the sake of justice, and peace and security in Africa, as well as for that of the United Nations international standing, it is high time that the Special Political and Decolonization (4th Committee), in cooperation with the Special Committee on Decolonization (or the C-24) and the UN system as a whole, managed to include Cabinda in the list of the remaining Non-Self-Governing Territories. It is not too late and, for sure, there is room left for such a reparatory justice, which in reality is a simple act of racial justice. There is room left, inasmuch as the list of territories to which the Declaration on the granting of independence to colonial countries and peoples [General Assembly resolution [1514 \(XV\)](#)] applies, and which has been in use since 1963, was said to be a "preliminary list," not a "closing list." The required inclusion is an act of racial justice since imperialism and colonialism, in all their forms and manifestations, are racial wars and terrorist actions to secure White Supremacy.

In this regard, it makes sense to echo the words of the UN Secretary-General, H.E. Mr. António Guterres, citation: "Much of today's racism is entrenched in centuries of colonialism and slavery. It is time to acknowledge and repair longstanding wrongs and reverse their consequences. Reparatory justice is essential for reconciliation and the creation of societies based on fairness, equality and respect." In addition, he said: "The transatlantic slave trade ended more than 200 years ago, but the idea of white supremacy that underpinned it remains alive. We must end the legacy of this racist lie and address the pernicious and persistent consequences of slavery."

Urgency, importance, and added-value of the inclusion

The inclusion of Cabinda in the list of the remaining Non-Self-Governing Territories to which the Declaration on the granting of independence to colonial countries and peoples applies, is a matter of urgency, of supreme importance, and generates added value for the noble people of Cabinda now disgraced by an ever-intensifying political repression and economic exploitation, and an ever-outspreading social degradation which characterize the Angolan colonialism in Cabinda.

The inclusion is vital, inasmuch as a host of UN Member States, of governmental and non-governmental organizations, and of international financial institutions, ask for it so they can immediately, properly, and freely respond to the call preserved in the General Assembly Resolution [2105 \(XX\)](#) of 20 December 1965, precisely in its point 10, by means of which the UN system "Recognizes the legitimacy of the struggle by the peoples under colonial rule to exercise their right to self-determination and independence and invites all States to provide material and moral assistance to the national liberation movements in colonial Territories." The inclusion will instantly allow Member States to extend to the inhabitants of the Non-Self-Governing Territory of Cabinda, pursuant to Resolution [845 \(IX\)](#) of 8 November 1955, offers of facilities not only for study and training at the university standard but also for study at the post primary level, as well as technical and vocational training of immediate practical value.

The insertion of Cabinda into the list of the surviving Non-Self-Governing Territories will necessarily open up the doors of the specialized agencies and international institutions associated with the United Nations to the subjugated people of Cabinda for support. In the eyes of the people of Cabinda, adding Cabinda

to the list in question will be the most concrete evidence that the legitimacy of their aspirations to exercise their right to self-determination is fully recognized by the General Assembly, the Security Council and other United Nations organs, and that the recognition involves, as a corollary, the extension of all appropriate assistance to them. It will also be evidence that they are being taken care of by the United Nations system when, for instance, the United Nations Economic and Social Council recommends that all States intensify their efforts within the specialized agencies and other organizations of the United Nations system of which they are members, to ensure the full and effective implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly Resolution [1514 \(XV\)](#), and other relevant resolutions of the United Nations.

One of the procedures approved by the General Assembly is the sending out of Visiting Missions of the Special Committee on Decolonization to Non-Self-Governing Territories, because, pursuant to Resolution [1808 \(XVII\)](#), the GA recognizes further that the United Nations has a responsibility towards the inhabitants of said Territories. Accordingly, the inclusion of Cabinda among the remaining Non-Self-Governing Territories will enable the Cabindan National Movement (CNM) to apply for a visiting mission to Cabinda, with the task of examining the conditions in the territory, and ascertaining the views of the native population concerning their territory's future. Besides, the inclusion will formally bring Cabinda within the scope of the work of the C-24. As a result, the latter's assistance to the beleaguered people of Cabinda in achieving their independence has little chance, if any, of amounting to interference in the internal affairs of the administering Power, i.e. Angola.

Denying a Visiting Mission access to a territory coming within the scope of its work, is denying it one of the most effective means of carrying out the task assigned to it by the General Assembly, namely the examination of the implementation of the Declaration on the granting of independence to colonial countries and peoples. Such a denial, on the contrary, cannot help amounting to deliberate crusade against international peace and security, since it is agreed that the continued existence of colonialism impedes the social, cultural and economic development of dependent peoples and militates against the UN ideal of universal peace, consistent with Resolution [1514 \(XV\)](#).

The Visiting Mission would discover the extent to which economic and other activities are harshly affecting the interests of the people of the Non-Self-Governing Territory of Cabinda. In this area, CNM has long since been calling Chevron Corporation to come down on the right side of human rights and international law. The Visiting Mission would also come across with a subtle, yet noticeable racial discrimination in the Non-Self-Governing Territory of Cabinda [e.g. Miss Cabinda contests are specially won by girls with lighter skin]. The Visiting Group would ultimately note that the basic dissatisfaction of the people of Cabinda arise from the essentially colonial relationship the territory has with Angola [substitute of Portugal]; that by imposing Portuguese culture and Angolan citizenship on the natives Angola is denying them opportunities for the fulfilment of their own aspirations; and that without a change of attitude on the part of Angola there can be no peaceful or permanent solution.

With the inclusion of Cabinda in the list of the remaining Non-Self-Governing Territories, it will be obvious to everyone that the stance of the United Nations on the subject of Non-Self-Governing Territories concern Angola as well. Such is the case of the General Assembly call [[1810 \(XVII\)](#)] upon the administering Powers to cease forthwith all armed action and repressive measures directed against peoples who have not yet attained independence, particularly against the political activities of their rightful leaders; such is the case of the draft resolution recommended to the General Assembly in November 2020 by the Special Political and Decolonization Committee (Fourth Committee), which reaffirms the solemn obligation of the administering Powers under the Charter of the United Nations to promote the political, economic, social and educational advancement of the inhabitants of the Territories under their administration and to protect the human and natural resources of those Territories against abuses; and which reiterates further that the natural resources are the heritage of the peoples of the Non-Self-Governing Territories, and that any economic or other activity, including the use of the Non-Self-Governing Territories for military activity, that has a negative impact on the interests of the peoples of the Non-Self-Governing Territories and on the exercise of their right to self-determination in conformity with the Charter, General Assembly resolution [1514 \(XV\)](#)

and the other relevant resolutions of the United Nations on decolonization is contrary to the purposes and principles of the Charter.

Declared aim of the Cabindan National Movement

The declared objective of the Cabindan National Movement (CNM) is the achievement and sustainment of Cabinda's self-determination, self-defense, and self-respect by way of a negotiated transitional period, under the aegis of the United Nations, and the establishment of a national [federal] government in line with the world movement for multilateralism, political liberation, and economic independence. Having drawn lessons of good governance from Cabinda's pre-colonial era, CNM declares to be able to address the whole host of economic, social, and environmental challenges, in partnership with nations all over the world not inclined to keep advantages in development all to themselves, but contribute to the fulfilment of the equality of rights of men and women and of nations large and small.

The Secretary-General of the United Nations is the symbol of the UN ideals and the spokesperson for the interests of the world's peoples, in particular the poor and vulnerable among them. And the responsibility of the United Nations with regard to Non-Self-Governing Territories derive from the provisions of the Charter concerning these territories, and from the Declaration on the granting of independence to colonial countries and peoples adopted by the General Assembly. Thus, bearing in mind the fact that the item entitled "Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories" has been allocated to the Special Political and Decolonization Committee (Fourth Committee) on 18 September 2020, the UN system is hereby requested to make sure that foreign economic investments in the Non-Self-Governing Territory of Cabinda are undertaken in collaboration with the native people in accordance with their wishes, as it is likely to make a valid contribution to the socio-economic development of the Territory, and to the exercise of their right to self-determination in agreement with the relevant resolutions of the United Nations.

In the name of the oppressed people of Cabinda, we thank in advance the sitting Secretary-General of the United Nations, the Special Political and Decolonization Committee (Fourth Committee), and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (the C-24), for making sure that any activities aimed at exploiting the natural and human resources of the Non-Self-Governing Territory of Cabinda to the detriment of the interests of the inhabitants of this Territory are proscribed; that Cabinda is ultimately included in the list of the remaining Non-Self-Governing Territories; that the conclusion of the decolonization process of Cabinda occurs within the Fourth International Decade for the Eradication of Colonialism (2021–2030); and that [Africa's development](#) remains an absolute priority for the UN system.

Yours faithfully,



Bartolomeu Capita (Author)
Joint-Presidency, Cabindan National Movement

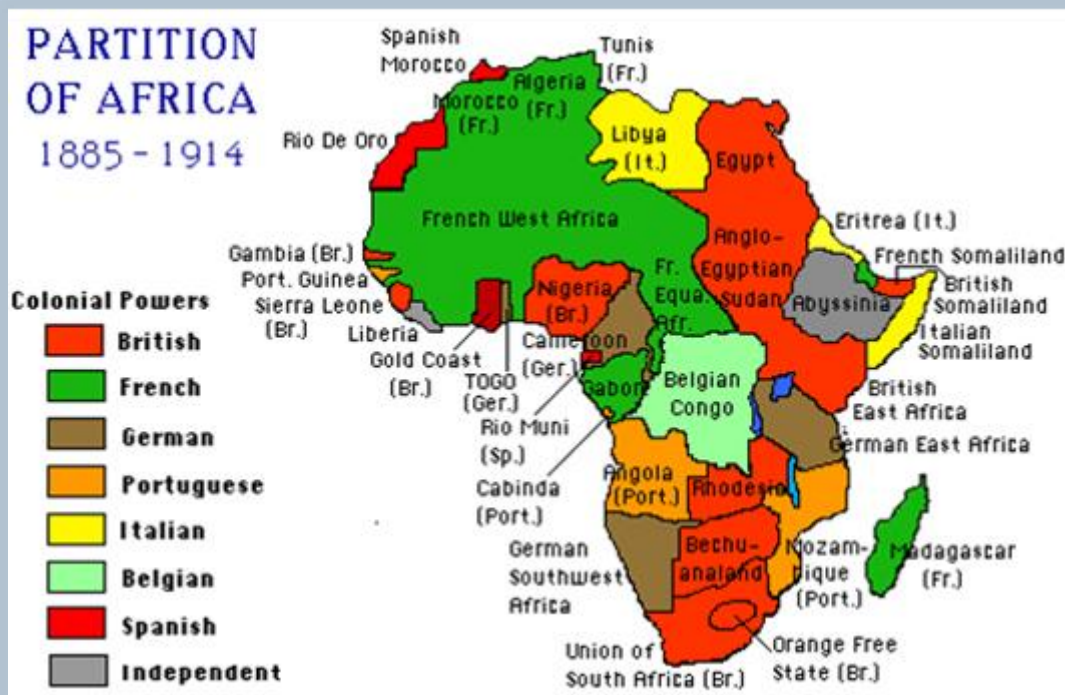
Relevant Documents

Nos abaixo assignados principes e governadores dos povos de Cabinda sabendo que na Europa se trata de resolver em conferencia de embaixadores de diferentes potencias questões que directamente dizem respeito aos territorios da Costa Occidental d' Africa e por consequente do destino de seus povos aprofitearinos a estado n'este ponto da Coroa Portugueza d' Prainha de Portugal a fim de em nosso nome e no dos povos, que governamos, pedirnos ao seu commandante, como deleyado do governo de Sua Magestade Si delibidina, para fazermos e concordarmos n'um tratado pelo qual fiquemos sob o protectorado de Portugal tornando-nos de facto subditos da Coroa Portugueza como ja o eramos por costume, habitos e relações d'amizade. E por tanto, sendo da nossa intere, livre e plena vontade que de futuro entre nos no dominio da Coroa Portugueza, pedimos ao seu senhor commandante da localidade Portugueza para acceder aos nossos desejos e dos povos que governamos d'eterminando, dia, donde em nossa solemne se pode assignar o tratado que nos compete sob o panteão da Bandeira de Portugal — Escrito

Text of the petition by the people of Cabinda, in 1885, for an International Protectorate Treaty with Portugal.



Memorial of the Protectorate Treaty between Cabinda and Portugal, aka Simulambuco Treaty.



The legal-political status of Cabinda has never been mistaken with that of Angola.

Hearing of the President of MLEC, Mr. Luís Ranque Franque, who appeared as a petitioner before the Fourth Committee of the General Assembly on 20 November 1962. Source: UNESCO - United Nations' Archives.

The legal-political status of Cabinda was mistaken with that of Angola, for the first time, in the UNGA Resolution 1542 (XV).

Cabinda in General Assembly Resolution 1542 (XV) of 15 December 1960

The General Assembly,

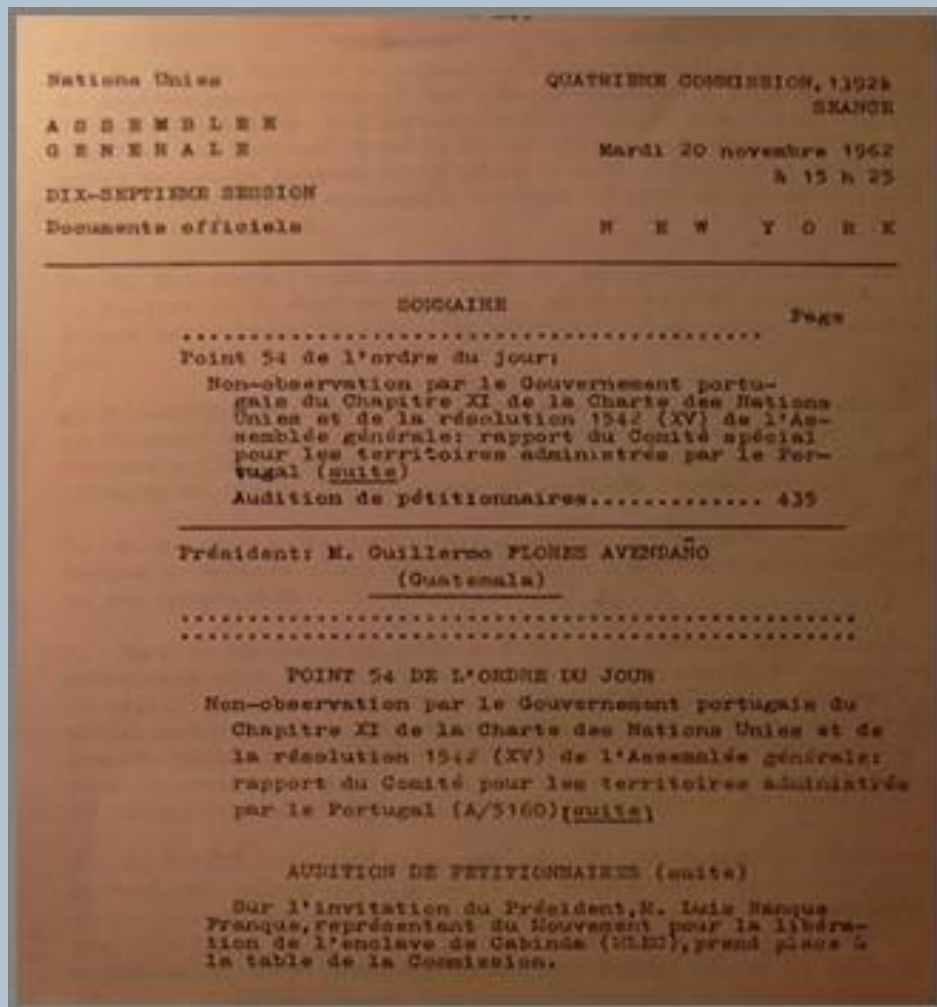
(...)

1. Considers that, in the light of the provisions of Chapter XI of the Charter, General Assembly resolution 742 (VIII) and the principles approved by the Assembly in resolution 1541 (XV) of 15 December 1960, the territories under the administration of Portugal listed hereunder are Non-Self-Governing Territories within the meaning of Chapter XI of the Charter:

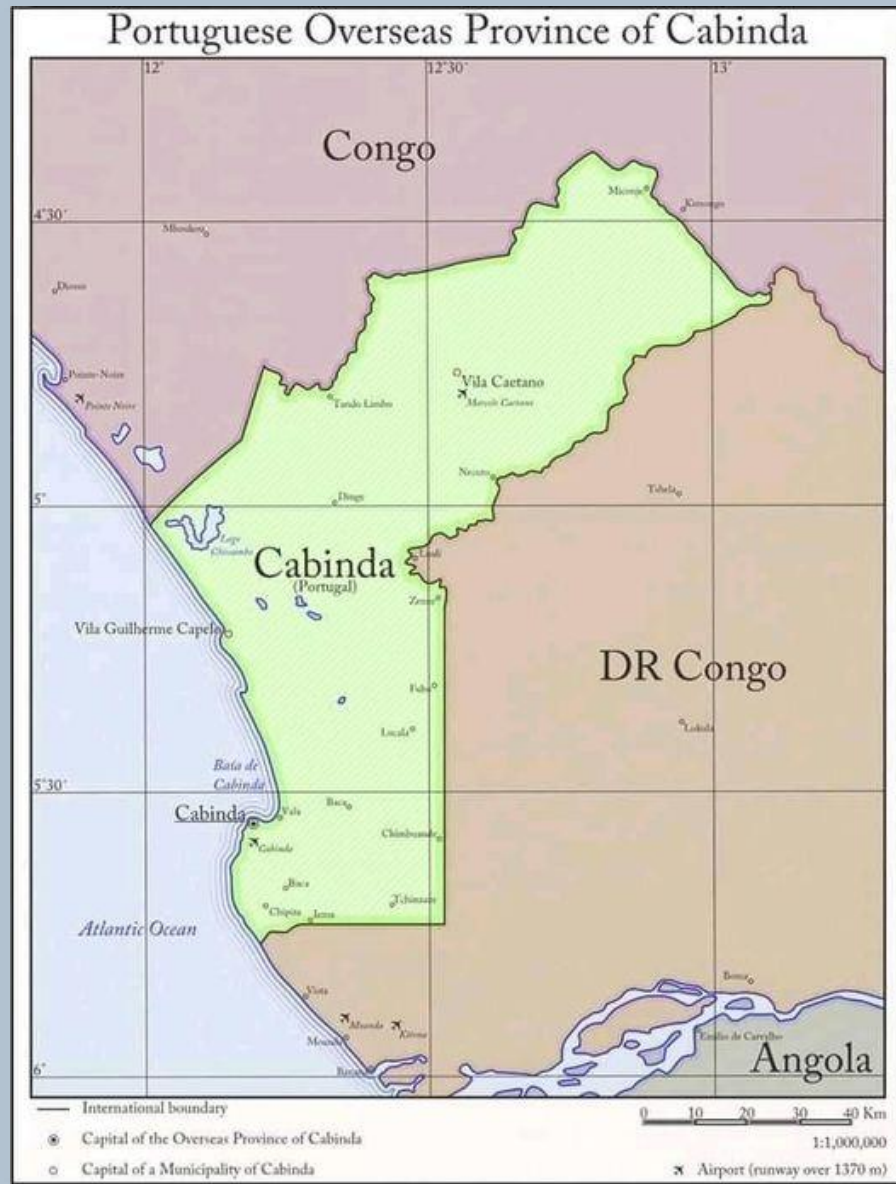
- (a) The Cape Verde Archipelago;
- (b) Guinea, called Portuguese Guinea;
- (c) São Tomé and Príncipe, and their dependencies;
- (d) São João Batista de Ajudá;
- (e) Angola, including the enclave of Cabinda;
- (f) Mozambique;
- (g) Goa and dependencies, called the State of India;
- (h) Macau and dependencies;
- (i) Timor and dependencies;

2. Declares that an obligation exists on the part of the Government of Portugal to transmit information under Chapter XI of the Charter concerning these territories and that it should be discharged without further delay;

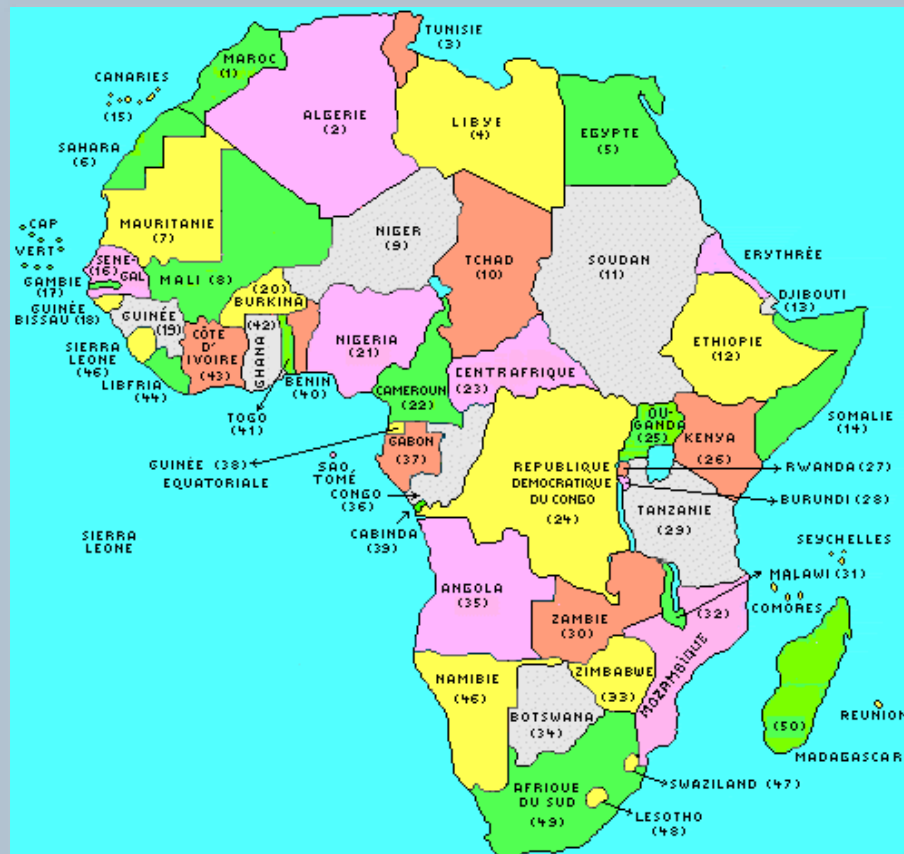
3. Requests the Government of Portugal to transmit to the Secretary-General information in accordance with the provisions of Chapter XI of the Charter on the conditions prevailing in the territories under its administration enumerated in paragraph 1 above; (...)



The Portuguese records have never mistaken the legal status of Cabinda with that of Angola.



In 1963, the founding fathers of the OAU [now African Union] had ranked Cabinda as the 39th African State in their list of the African countries, with Angola as the 35th.



ANNEXES

Annex I

PRELIMINARY LIST OF TERRITORIES TO WHICH THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (GENERAL ASSEMBLY RESOLUTION 1514 (XV)) APPLIES

Territory	Area		Population (mid-year 1962 estimates in thousands)
	(square kilometres)	(square miles)	
<i>(a) Trust Territories</i>			
AUSTRALIA			
1. New Guinea	240,870	93,000	1,485
2. Nauru ^a	21	8	5
UNITED STATES			
3. The Trust Territory of the Pacific Islands ^b	1,813	700	81
<i>(b) The Territory of South West Africa</i>			
SOUTH AFRICA			
4. South West Africa	823,264	317,863	545
<i>(c) Territories which have been declared by the General Assembly to be Non-Self-Governing Territories within the meaning of Chapter XI of the Charter of the United Nations, but on which information is not transmitted by the administering Powers concerned</i>			
PORTUGAL ^c			
5. Angola, including the enclave of Cabinda	1,246,700	481,352	4,950
6. Mozambique	771,125	297,654	6,750
7. Guinea, called Portuguese Guinea	36,125	13,947	549
8. The Cape Verde Archipelago	4,033	1,557	211
9. São Tomé and Príncipe and their dependencies	964	372	64
10. Macau and dependencies	16	6	169
11. Timor and dependencies	18,990	7,332	528
UNITED KINGDOM ^d			
12. Southern Rhodesia	389,362	150,333	3,880
<i>(d) Non-Self-Governing Territories on which information is transmitted by the administering Powers concerned</i>			
AUSTRALIA			
13. Cocos (Keeling) Islands	13	5	1
14. Papua	234,498	90,540	540
FRANCE AND UNITED KINGDOM			
15. New Hebrides ^e	14,763	5,700	63
NEW ZEALAND			
16. Cook Islands	234	90	18
17. Niue Island	259	100	5
18. Tokelau Islands	10	4	2
SPAIN			
19. Fernando Póo	2,034	785	67
20. Ifni	1,500	579	50
21. Río Muni	26,017	10,045	188
22. Spanish Sahara	266,000	102,703	25
UNITED KINGDOM			
23. Aden	287,684	111,075	1,220
24. Antigua	442	171	58
25. Bahamas	11,396	4,400	111

In this 1963 UN preliminary list [not the closing] of Territories to which the Declaration on the Granting of Independence to Colonial Countries and Peoples [General Assembly Resolution 1514 (XV)] applies, the legal-political status of Cabinda is still mistaken with that of Angola.

CONSTITUTIONS of NATIONS

VOLUME III - EUROPE

by

AMOS J. PEASLEE

Formerly Ambassador of the United States of America to Australia, Secretary-General of the International Bar Association, Member of the American Council of Learned Societies, President of the American Branch of the International Law Association, Representative of the American Society of International Law at the San Francisco Conference of 1945, Associate of the American Commission to Negotiate Peace at Versailles in 1919

Author of INTERNATIONAL GOVERNMENTAL ORGANIZATIONS THEIR CONSTITUTIONAL DOCUMENTS (Martinus Nijhoff, The Hague; and Justice House, New York, 2nd Ed., 1961), A PERMANENT UNITED NATIONS (Putnams, 1942), UNITED NATIONS GOVERNMENT (Putnams, 1945), and co-author of THREE WARS WITH GERMANY (Putnams, 1944)

CONSTITUTION of PORTUGAL¹

April 11, 1933, as amended 1935, 1936, 1937, 1938, 1945,
1951 and 1959

PART I

ON THE FUNDAMENTAL GUARANTEES

CHAPTER I - ON THE PORTUGUESE NATION

Art. 1. The territory of Portugal is that which at present belongs to it and comprises:

(I) in Europe: the mainland and the archipelagoes of Madeira and the Azores;

(II) in West Africa: the Cape Verde archipelago, Guinea, S. Tomé and Príncipe and their dependencies, S. João Baptista de Ajudá, Cabinda and Angola;

(III) in East Africa: Mozambique;

(IV) in Asia: the State of India and Macau and their respective dependencies.

(V) in Oceania: Timor and its dependencies.

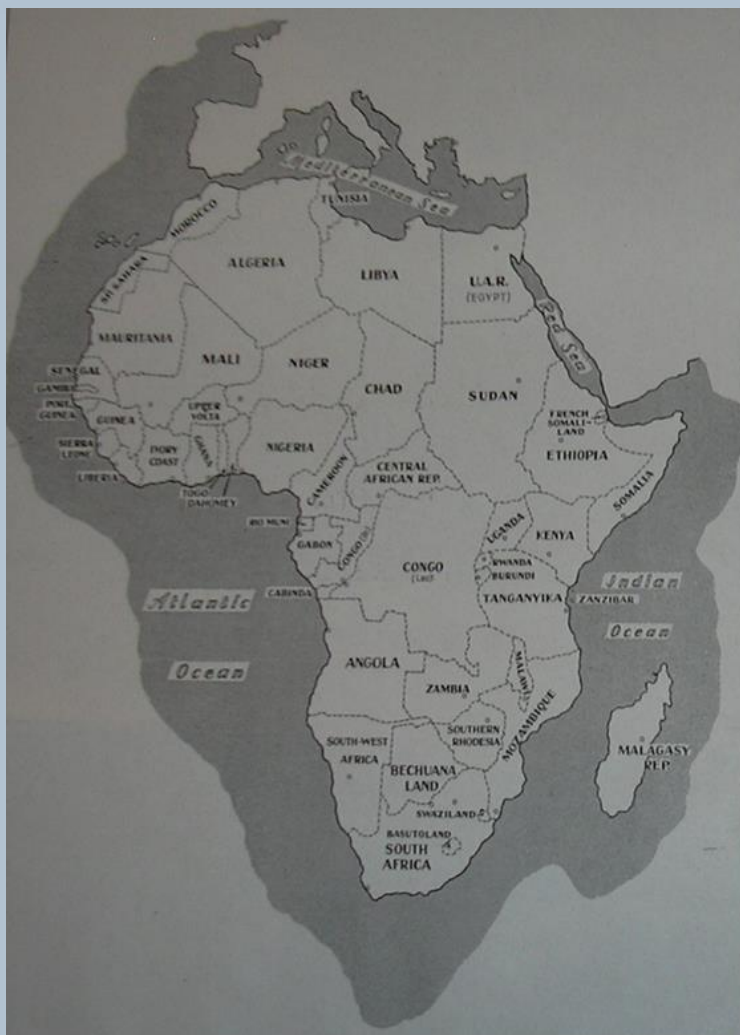
Sole. §. The nation does not renounce the rights which it has or may hereafter acquire over any other territory.

Art. 2. The State shall not in any way alienate part of the national territory or the sovereign rights it exercises over it, except in so far as concerns the rectification of frontiers when approved by the National Assembly.

§ 1. No part of national territory may be acquired by the Government or public legal entity of a foreign country, except for the installation of diplomatic or consular representation where there is reciprocity in favor of the Portuguese State.

§ 2. In the Overseas Territories the acquisition by a foreign Government

¹ *Political Constitution of the Portuguese Republic*, S.N. 1, Lisbon, 1957. Supplied, together with 1959 amendments, by the Ministry of Foreign Affairs in December 1965. Ed.



The individual legal-political status of Cabinda is obvious in the Constitution of Portugal (1933-1976) that was put at the disposal of the United Nations in 1965 through Mr. Amos J. Peaslee's "Constitutions of Nations," the first ever compilation of the Constitutions of the States of the world.

The laudatory introduction to the first edition of "Constitutions of Nations" by Dr. Ivan Kerno, then Assistant Secretary-General of the United Nations in charge of the Legal Department, *inter alia* reads, citation: "Mr. Peaslee's publication should prove very useful to international and national statesmen, officials, lawyers, educators and students of international affairs. As Secretary-General of the International Bar Association, he is doing much to promote the growth of international law and to establish and maintain friendly relations among the members of the legal profession of every country. Such activity is itself a great service to the United Nations and to its cause, the cause of peace, which is the fervent desire of all peoples everywhere."

United Nations Declaration on the Elimination of All Forms of Racial Discrimination,

Deeply concerned by the evidence of persistent practices of apartheid in the Republic of South Africa and South West Africa and the racial discrimination practiced in the colonies of Southern Rhodesia, Angola, Mozambique, Portuguese Guinea, Cabinda, São Tomé and Príncipe, brought to its attention by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, such practices constituting, according to General Assembly resolutions 2022 (XX) of 5 November 1965 and 2074 (XX) of 17 December 1965, crimes against humanity,

Taking note of the conclusions and recommendations of the Seminar on Apartheid,⁸ organized under the programme of advisory services in the field of human rights and held at Brasilia in 1966,

1. *Reaffirms* its strong condemnation of the violations of human rights and fundamental freedoms wherever they occur, especially in all colonial and dependent territories, including the policies of apartheid in the Republic of South Africa and the Territory of South West Africa and racial discrimination in the colonies of Southern Rhodesia, Angola, Mozambique, Portuguese Guinea, Cabinda, São Tomé and Príncipe;

2. *Regrets* the policy pursued by colonial Powers in order to circumvent the rights of peoples under their rule through the promotion of the systematic influx of foreign immigrants, and the dislocation, dispossession, deportation and eviction of the indigenous inhabitants;

3. *Further regrets* the actions of those States which, through political, trading, economic and military collaboration with the Governments of South Africa and Portugal and the illegal régime in Southern Rhodesia, are encouraging them to persist in their racial policies;

4. *Urges* all States which have not yet done so to comply with the relevant General Assembly resolutions recommending the application of economic and diplomatic measures against South Africa and with the relevant Security Council resolutions calling upon all States to impose an arms embargo against South Africa;

5. *Calls upon* all States to strengthen their efforts to promote the full observance of human rights and the right to self-determination in accordance with the Charter of the United Nations, and to attain the standards established by the Universal Declaration of Human Rights;

6. *Urges* all States to take effective measures, in accordance with the provisions of the Charter of the United Nations and the relevant resolutions pertaining to human rights,

1. *Reaffirms* its strong condemnation of the violations of human rights and fundamental freedoms wherever they occur, especially in all colonial and dependent territories, including the policies of apartheid in the Republic of South Africa and the Territory of South West Africa and racial discrimination in the colonies of Southern Rhodesia, Angola, Mozambique, Portuguese Guinea, Cabinda, São Tomé and Príncipe;

2. *Regrets* the policy pursued by colonial Powers in order to circumvent the rights of peoples under their rule through the promotion of the systematic influx of foreign immigrants, and the dislocation, dispossession, deportation and eviction of the indigenous inhabitants;

(b) To encourage judicial associations and other appropriate organizations, and the public in general, to provide such relief and assistance;

8. *Urges* Member States to take all necessary measures, in accordance with their domestic laws, against the operations of propaganda organizations of the Government of South Africa and of private organizations which advocate apartheid and policies of racial discrimination and domination;

9. *Invites* States to become parties as soon as possible to all conventions which aim at protecting human rights and fundamental freedoms, including in particular the International Convention on the Elimination of All Forms of Racial Discrimination;

10. *Requests* the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa and the Commission on Human Rights to take appropriate measures for the implementation of the present resolution as it affects the responsibilities of these organs;

11. *Requests* the Secretary-General to assist in the implementation of the present resolution and to report to the General Assembly at its twenty-second session;

12. *Invites* the Economic and Social Council and the Commission on Human Rights to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of human rights wherever they may occur;

13. *Requests* the Secretary-General to establish a unit within the Secretariat of the United Nations to deal exclusively with policies of apartheid, in consultation with the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, in order that maximum publicity may be given to the evils of those policies;

14. *Further decides* to place this item on the provisional agenda of its twenty-second session.

1452nd plenary meeting,
26 October 1966.

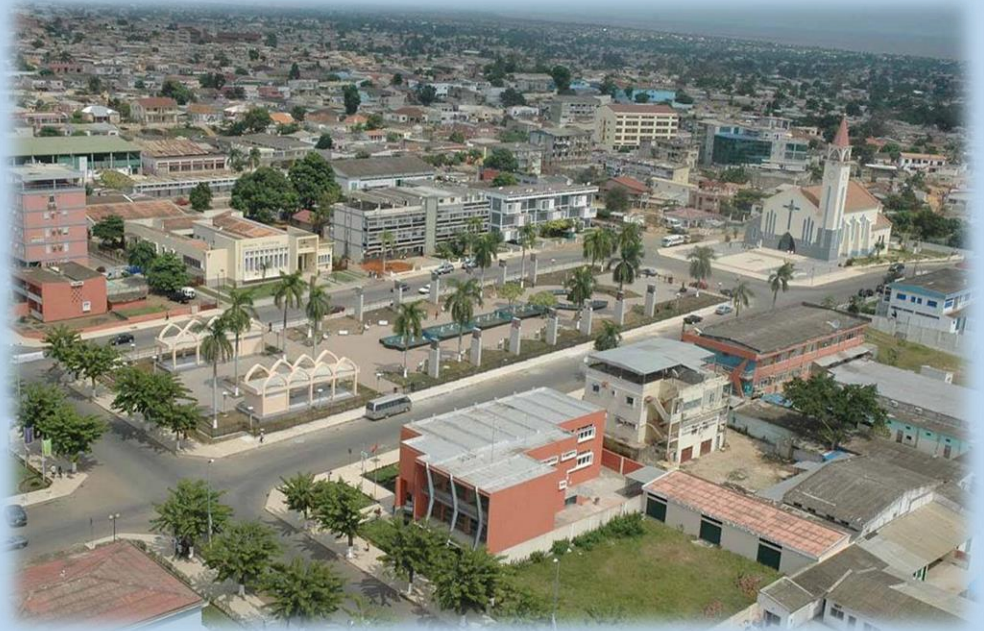
B

The General Assembly, 26 October 1966.

2144 (XXI). Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories

⁸ ST/TAO/HR/27, para. 138.

The Non-Self-Governing Territory of Cabinda is exceptionally rich in minerals such as gold, diamonds, uranium, iron, oil, manganese, phosphates, and so on. In oil revenues alone, over 35 billion US dollars is the amount the besieged people of Cabinda are deprived of on a yearly basis by the administering Power, i.e. Angola, and its foreign custodians. Even though the population of Cabinda does not exceed two million, life expectancy at birth has dropped from 75 years in Portuguese colonial era to 48 years today; child and maternal mortality rates presently figure among the highest in the world; garbage bins have become children's last resort; and a hospital bed is meant for at least four patients. This is an unmistakable intent to destroy, in whole or in part, the national group named Cabinda!



B. Capita



Bartolomeu Capita (Mr.)
Refugee under UNHCR mandate

Joint-Presidency, Cabindan National Movement
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