

PRIVATE NOTICE QUESTION

To ask Dr the Honourable Prime Minister, Minister of Defence, Home Affairs and External Communications –

Whether, in regard to the Truth and Justice Commission, he will state–

- (a) Recommendations thereof which Government proposes to implement, including if Government proposes to implement the recommendation for reparation by way of positive discrimination and by way of an integrated rehabilitation plan, in lieu of cash compensation, indicating, in each case –**
- (i) The time frame set out therefore;**
 - (ii) The estimated cost thereof; and**
 - (iii) How same will be funded; and**
- (b) The total amount of money spent on the Commission’s work?**

REPLY

Mr Speaker, Sir,

Right at the outset, let me remind the House that the intention of Government to set up a Truth and Justice Commission was clearly stated in our Government Programme 2005-2010.

I quote, section 231:

“In order to address issues pertaining to historical grievances, Government will set up a Truth and Justice Commission to establish the facts regarding slavery and indentured labourers and to make recommendations with respect to reparations for the descendants of slaves and indentured labourers.”

Unquote

Mr Speaker, Sir,

During an official visit to South Africa, I met Archbishop Desmond Tutu. I asked him about setting up a Truth and Justice Commission as they have done in South Africa and he suggested a few names of persons who could chair the Truth and Justice Commission. These names included Professor Robert SHELL and Dr Alex BORAINÉ. And I want to thank Archbishop Desmond Tutu for having helped us.

The Truth and Justice Commission was set up in March 2009 following the coming into force of the Truth and Justice Commission Act, No. 28 of 2008. The mandate of the Commission as provided in the Act was to:

- (a) conduct inquiries into slavery and indentured labour in Mauritius during the colonial period and, may, for that purpose, gather information and receive evidence from any person;
- (b) determine appropriate measures to be extended to descendants of slaves and indentured labourers;
- (c) enquire into a complaint other than a frivolous and vexatious complaint, made by any person aggrieved by a dispossession or prescription of any land in which he claims he had an interest; and
- (d) prepare a comprehensive report of its activities and findings, based on factual and objective information and evidence received by it and submit the report to the President.

In accordance with the Act, the Commission was to complete its assignment within a period of two years after a preparatory period of three months.

The initial composition of the Commission was as follows:

Chairperson: Prof Robert SHELL

Vice Chairperson: Dr (Mrs) Vijaya TEELOCK

Members: Mr Lindsay MORVAN

Mr Benjamen MOUTOU

Prof Parmaseeven VEERAPEN

During the first months of its coming into operation, the Commission had experienced functional difficulties in view of the fact that Professor SHELL was not in a position to assume full-time the chairmanship of the Commission due to some unforeseen circumstances. He only managed to come on three occasions and set up a task force under his chairmanship.

Given that it was becoming apparent that he would not be able to devote himself full time to the Commission, I spoke to Archbishop Desmond Tutu again in Brussels and he confirmed that Dr Alex BORAINÉ would be an appropriate choice to take over the chair of the Commission.

Dr Alex BORAINÉ is an eminent Professor of Law, of South African origin, who was one of the main architects of the Truth and Reconciliation Commission in South Africa. He was appointed in November 2009. In April 2010, Mr Lindsay MORVAN resigned as Member of the Commission for personal reasons and he was replaced by Mr Jacques DAVID in July 2011.

The Commission invited the public at large, through a public notice, to submit cases in line with its mandate. Subsequently, more than 400 cases were received and during the past two years, the Commission held 230 hearing sessions, including 28 in Rodrigues. Besides, in order to carry out its assignment, the Commission embarked upon a number of Research projects, assisted by a pool of 90 Researchers/Research Assistants appointed for that purpose. The projects were as follows:

- (i) Slave Trade and Indentured Immigration
- (ii) The Economics of slavery and indenture
- (iii) Land Issues
- (iv) Culture, Ethnicity and Identity
- (v) Health
- (vi) Education
- (vii) Demographic history and spatial distribution
- (viii) Monitoring and Communication of the Commission
- (ix) Rodrigues, Agalega and Chagos

The Commission which was initially to complete its assignment in June 2011 requested, mostly for administrative reasons, for an extension up to end of September 2011, followed by a further request for extension up to the end of October 2011 and finally up to the 25th November 2011.

The Commission completed its assignment and submitted its report to the President on Friday 25 November 2011. In accordance with Section 13(3) of the Truth and Justice Commission Act, the President has caused the report to be laid before the National Assembly on 28 November 2011- that is, last Monday of last week.

Mr Speaker, Sir,

In regard to part (a) of the Question, the House will appreciate that procedures and practices need to be followed when such reports are submitted, as they need first and foremost to be studied by Government in all its details and from all angles. It is beyond reason to assume that informed decisions could be taken within a week of receipt of a four-volume and two CD's Report.

Mr Speaker, Sir,

The House will recall that as recently as this early morning, we were discussing constitutional amendments relating to "positive" discrimination. It is not realistic to assume that a decision, within such short time since the report was submitted, the implications of such positive discrimination will have been fully studied and decisions thereon made by Government.

Mr Speaker, Sir,

In regard to part (b) of the Question, the total sum spent on the Commission's work stands at Rs59,780,601.88.