

MEMORANDUM  
OF THE «VERTS FRATERNELS»- (VF)  
ON COMPENSATION  
TO THE DESCENDANTS OF SLAVES  
IN THE REPUBLIC OF MAURITIUS

TO

TRUTH AND JUSTICE COMMISSION

30<sup>th</sup> of September, 2009.  
(English version)

## CONTENT:

1. STRUGGLE OF “VERTS FRATERNELS” FOR COMPENSATION
2. THE LEGITIMACY OF A COMPENSATION FOR DESCENDANTS OF SLAVES.
3. THE OBJECTIVES OF COMPENSATION.
4. WHO WILL PAY COMPENSATION?
5. WHO WILL BENEFIT FROM COMPENSATION?
6. IN WHAT CONDITIONS A BENEFICIARY CAN USE HIS/HER COMPENSATION?
7. WHAT “VERTS FRATERNELS” EXPECTS FROM THE TRUTH & JUSTICE COMMISSION?

## INTRODUCTION

The claim of “Verts Fraternel<sup>1</sup>” (VF) for financial compensation does not include all descendants of slaves<sup>2</sup>, but only those who find themselves trapped in a situation of economic dependence. The objective of a financial compensation is to bring an economic emancipation to those people.

This memorandum is putting forward the arguments on which VF derives its claim for compensation. It gives also guidelines on the perspectives that this party has for the management and the utilization of the compensation. It is the result of actions, debates, analyses and discussions of VF members during a number of years. On 27 September 2009, all the points discussed in this memorandum have been read to and approved by members and other participants present at the Central committee of VF.

According to those descendants of slaves, the descendants of slave-owners and the State of Mauritius have to assume their responsibility in respect of payment of compensation as follows: Descendants of slave-owners are liable to a payment making 70% of the compensation and the State of Mauritius to 30%. In fact, the State of Mauritius has not only benefited from the free labour provided by several generations of slaves and is also guilty of discriminatory policies perversely undertaken towards the descendants of slaves by successive governments since the independence of the country.

Taking into consideration the responsibilities of ancient colonial powers namely the Netherland, France and the United Kingdom, VF requests the Truth and Justice Commission ( TJC) to carry out

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<sup>1</sup> “Verts Fraternel<sup>1</sup>” is a green political party emanating from the now defunct ONG called “ l’Organisation Fraternelle” (OF).“OF” was itself founded following violent ethnic disturbances between the Muslims and the Creoles in the wake of general elections for the independence of Mauritius.

<sup>2</sup> For VF, a descendant of slaves means a person who has at least one slave among his/her ancestors in the Republic of Mauritius from any country of origin which his/her ancestor may have come.

research work on history and on judicial laws for the preparation of a document on each colonial power and to make available all means that will bring these states to pay compensation for the consequences of slavery and indentured labour in the Republic of Mauritius.

As far as descendants of slaves are concerned:

- their ancestors allowed the slave-owners to enrich themselves by at least 3 means.

1/ These slave-owners have gained possession of lands depending on the number of slaves they possessed.

2/ It was the free labour provided by the slaves that allowed the masters to fructify their lands and factories.

3/ When the slavery was abolished, all slave-owners were paid financial compensation in accordance to the number of slaves they owned.

- The system of slavery has caused the loss of the fundamentals of the slaves' and their descendants' culture of origin, i.e. their languages, their religious and spiritual practices, their family structure and community...
- The slaves and their descendants did not have the right and the means to leave Mauritius.

There is definitely a distinction to be made between descendants of slaves and descendants of indentured labour when referring to damages which slavery and indentured labour have caused.

VF has purposely restricted this memorandum to the situation of descendants of slaves, and has left the descendants of indentured labourers to present their own case for the following reasons:

- The best spokespersons of a group are the very persons who form part of this group sharing the same reality.

- On account of the cultural base which has not been destroyed, the descendants of indentured labourers have been able to preserve their necessary cultural independence, that gave them also the possibility to preserve the solidarity between them and to start fighting to achieve independence and political power.
- Many actions have been performed, and many measures have been implemented on all issues which explain to-day the comfortable situation for the majority of the descendants of indentured labourers.
- In respect of the responsibility of the former colonial powers, the United Kingdom is the only one concerned in reference to indentured labour.

VF recognizes that there is still a section of descendants of indentured labourers who find themselves trapped in the same deplorable conditions as the majority of the descendants of slaves. They need a particular attention. A specific study must be done to know why, in spite of all the means which have been put at their disposal, this category of descendants of indentured labourers are still in that situation of poverty to-day; what part is attributable to indentured labour, to the caste system and to communalism that can explain why those persons are in that state of poverty, and what disposition can be made to put an end to the situation? For those persons, VF claims that every means must be put in place to allow them to get out from the miserable conditions.

## 1. THE STRUGGLE OF “Verts Fraternels” FOR COMPENSATION

The non-violent struggle which the “*Organisation Fraternelle*” (OF) and the “*Verts Fraternels*” put up from 1969 to 2009 in favour of descendants of slaves and indentured labourers led to the setting up of the *Truth and Justice Commission* by the Government of the day. Hereunder is a summary of that struggle.

- **13 APRIL 1969:** The Brown flag which the “*Organisation Fraternelle*” hoisted at *Mont Choisy Public Beach* recalls the fight for freedom of Maroon slave ancestors. On that day, Gaetan Duval, leader of the PMSD<sup>3</sup>, tried to hijack this meeting as well as the flag. He did not succeed because of the hostility of the crowd against him.<sup>4</sup> Later he tried to wreck the “*Organisation Fraternelle*” by causing dissent and harassment. The “*OF*” resisted that onslaught.
- **13 April 1976:** the unveiling of the first monument in memory of the slaves at the *Company’s Garden*, in Port-Louis on the 141<sup>st</sup> anniversary of the abolition of slavery in Mauritius. The Municipality of Port-Louis which was under an administrative Commission presided over by Mr Hamid Moolan, did not grant the licence to construct that monument. Sir Seewosagur Ramgoolam (SSR), then the Prime Minister, had to intervene to secure the construction licence. Members of the “*Organisation Fraternelle*” made financial contribution to erect the monument. Since that date and up to 2000, the “*OF*” assembled its members on 1 February of each year to celebrate the abolition of Slavery in Mauritius.<sup>5</sup>

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<sup>3</sup> PMSD, *Parti Mauricien Social Démocrate*, took over *Le Parti Mauricien* which itself has replaced another party, *Ralliement Mauricien*, founded by the Franco-Mauritian elite with the help of the Coloured Population to fight for their rights and privileges.

<sup>4</sup> Michel, 1998.

<sup>5</sup> *Le Mauricien*, 14 Avril 1976).

- **1977:** Application of a private members' motion by Sylvio Michel, first Member of Parliament of the "OF" elected under the MMM<sup>6</sup> banner, to seek a public holiday on the 1 February of each year to commemorate the abolition of slavery in Mauritius. Heated debates on that motion took place in November 1977 in the Legislative Assembly, after the drawing of ballot for precedence. Anerood Jugnauth, the then leader of the Opposition, proposed a first amendment to the motion to the effect that the commemoration of indentured labour be added to have one celebration for the two historical events. To block the passing of the motion, late Dr J.B. David made a proposal, in a second amendment, to appoint a committee to study the possibility of giving this public holiday taking into account the 40 Hour week and other public holidays which were then observed in the country. At last, the motion was passed by the Legislative Assembly after it had been amended twice<sup>7</sup>. A committee presided over by Mr Empeigne was set up, but the PMSD, the private sector and the catholic hierarchy lobbied hard to prevent the proclamation of public holiday<sup>8</sup>.
- **1984:** After the refusal of Sir Anerood Jugnauth (SAJ) to keep his electoral promise made to the "*Organisation Fraternelle*" to institute an annual public holiday on the 1<sup>st</sup> of February, Sylvio Michel resigned his ministerial duties. Later he joined the opposition, the "*Organisation Fraternelle*" was dissolved and a new political party set up under the name of "*Front des Travailleurs Socialistes*" (FTS)
- 1984 & 1985 : On the occasion of the 150<sup>th</sup> anniversary of the arrival of indentured labourers in 1984 and the abolition of slavery in 1985, Government under the prime-minister ship of SAJ declared a one-time public holiday. The two historical events were commemorated separately, one in 1984 and the other in 1985.
- **1989:** While on mission in the United Kingdom and France to press for demands of the people of the Chagos archipelago, Elie

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<sup>6</sup> MMM: *Mouvement Militant Mauricien*, founded in 1969 as a Marxist party.

<sup>7</sup> Hansard, MLA, Novam 1977.

<sup>8</sup> Michel, 2010.

Michel met in Paris representatives of the French Green Party. He briefed them on the Chagos problems as well as the social and political activities of the “FTS”. They recommended the entry of the “FTS” in the Global Green movement. On the return of E. Michel, “FTS” took the decision to become a Green Political Party under the name of “ Verts Fraternel”.

Thanks to the works on slavery done in Africa, in particular the work of Chief Moshood ABIOLA, “VF” started to campaign on the theme of compensation for the descendants of slaves in Mauritius.

- **1999:** “VF” made the decision to oppose the Telepheric Project on the Le Morne mountain, a historical Maroon site. This project was made public after another project featuring a 5-star Hotel and other tourist infrastructure (golf course, horse track, bungalows, country club etc..) on the same site was approved but never implemented. VF campaigned against this project with the help of other NGOs, political parties, researchers, historians and a section of the local media.
- VF took advantage in the holding of two by-elections, one in constituency Flacq-Bon Accueil (1998), the other in Beau Bassin-Petite Rivière ( 1999) to popularize its campaign on compensation to descendants of slaves.

In order to set up an enlarged platform on the question of compensation, VF organized meetings with many socio-cultural and political creole groups such as “ *Rassemblement des Organisations Créoles*” (ROC), *Mouvement Morisien Kreol Afrikin*” ( MMKA), “*Mouvement Authentique Mauricien*” ( MAM), “*Union Pour le Progrès*” , “*Organisation socio-culturelle Créole*”,( OSCC) etc. The third and last meeting was held at the Curepipe Head-quarters of l’OSCC which was under the chairmanship of Jean-Claude César. Divergences appeared among those present when the question of signing a common communiqué against the Telepheric project on the Le Morne mountain was raised. VF found itself left alone with MAM of former minister Eliezer François to campaign for



compensation and a public holiday on 1 February. Even then, Eliezer François came out strongly against an attempt undertaken by the “*Mouvement Socialiste Mauricien*”<sup>9</sup> (MSM) under the leadership of SAJ to have an electoral alliance with VF. Furthermore, MSM itself did not want to include Eliezer François in this alliance.

- **2000:** VT concluded an electoral agreement with MSM which in turn sealed an alliance with the MMM. This agreement of five points included the proclamation of a public holiday on 1 February and the question of compensation to descendants of slaves and indentured labourers<sup>10</sup>.
- **September 2000:** After the electoral victory of MSM-MMM, the five-year programme as spelt out by President Cassam Uteem, in October of that year, did not mention anything regarding compensation. Further, the new government decided to disband “*The Slavery Reparation Committee*” established by the outgoing government in 1998. Jean-Claude Armance, then an elected member of the National Assembly under the MSM-MMM alliance, decided to lay a private motion to correct the omission, but the Secretariat of the National Assembly by-passing his parliamentary rights summarily rejected his motion. He was compelled to seize an opportunity which occurred by an act of providence: the deposition by the leader of the Opposition, then Dr N.Ramgoolam, a private motion against the minister of Finance. As this motion was the only appearing on the official list of private members’ motion, the government decided to impose on the back-benchers to submit the motions to the Secretariat of the National Assembly in an attempt to block the motion of the leader of the Opposition. It was in this context that Armance succeeded in having his motion on compensation laid.
- **2001:** In the mean time, the 1 February was proclaimed a public holiday to commemorate the abolition of slavery and the 2 November that of the arrival of indentured labour, in total

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<sup>9</sup> MSM: *Mouvement Socialiste Mauricien* was created in 1984 by the then PM, SAJ, following a row with MMM. MSM has been in power for 13 years up to 1995 when it was defeated by another alliance consisting of the Mauritius Labour Party and the MMM.

<sup>10</sup> MSM-MMM electoral manifesto entitled, “*Anou Redress Nou Pays*”, 2000, page 70.

disregard to the content of the electoral manifesto of MSM-MMM which mentions the celebration on 1 February of both historical events<sup>11</sup>.

- If the Telepheric project at Le Morne did not get the approval of Paul Bérenger, Deputy Prime Minister, it had the support of Pravind Jugnauth, then Minister of Agriculture. But Paul Bérenger supported two big *Integrated Resort Scheme* (IRS) projects for two big local companies on the Le Morne site. At this juncture, the *Apravasy Ghat* dossier already finalized was dispatched to UNESCO to apply for the nomination of that site to appear on the World Heritage List. As for the Le Morne, the government was seeking expert views on whether the site could accommodate the IRS projects and at the same time was applying to the World Heritage Centre. UNESCO experts were more or less inclined to satisfy the government's position.

At the same time, a ministerial committee under the chairmanship of Pravind Jugnauth was studying the possibility of including the Telepheric project on Le Morne. If the Telepheric project did not get the official approval, the IRS projects have made forcefully some significant steps of implementation, with regard to official documents. It was at that time and up to 2008 that VF decided to start some moves to counter the projects at Le Morne. Big public demonstrations were organized near the site, on the public beach, to muster public support and for public awareness of the site. This strategy succeeded in 2008/09 when le Morne became a World Heritage Site, one year after *Apravasy Ghat* has won the same status.

- **2001:** The private motion of Jean-Claude Armance on compensation was drawn in the second place by ballot. It was thus worded:

*“ This assembly is of the opinion that a special committee be set up to look into all aspects of damages sustained by slaves and by indentured labourers and their descendants and to make such recommendation as it thinks appropriate on the mode of*

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<sup>11</sup> “Anou Redress Nou Pays, electoral manifesto of MSM-MMM.

*obtaining compensation from parties concerned for prejudice suffered.”*

- **1 Feb 2002.** The Minister of Culture of the Republic of the Seychelles, Mrs Poule, was the Chief Guest for the commemoration of the abolition of slavery. In her public address, the minister declared her opposition to any payment of compensation.
- **26 July 2002:** Debates on the Armance motion started on that date. J.C Armance spoke on his motion and in the end of his speech, Madun Dulloo, an opposition member, requested to second the motion because among government back-benchers, apart of Sylvio Michel who was a minister, no one dared to stand and to do it. Sylvio Michel made his speech in favour of the motion. DPM Paul Bérenger spoke next on behalf of government against the motion. He tried to show that government could not do more than what it had done before and during the Durban Conference. To show that government has lived to its electoral promises, he has proposed at the end of his speech, an amendment to the motion which according to him, would repeat word for word what has been written in the electoral manifesto. His amendment was thus worded:

*“Mauritius should subscribe to all international actions aimed at obtaining the payment of compensation to the descendants of slaves and indentured labourers.”*

The intention of this amendment was meant to kill Armance’s motion. It should be recalled that before the United-Nations Conference in Durban in 2001, Honourable Françoise Labelle, belonging to the MMM, attended alone as a member of Parliament the preparatory meeting at Dakar without providing any information to the National Assembly on the work of the preparatory meetings at Geneva and Dakar. Xavier Duval, an opposition member of Parliament, was forced to put a parliamentary question to get some clarifications on the issues of the Durban Conference.

During the Durban Conference, the MSM-MMM government acting through the Minister of Foreign Affairs, Anil Gayan, supported the “*New African Initiative*” which was a compromise between South Africa and Senegal as opposed to financial compensation to victims of slavery and the slave trade. The Conference voted this programme of action.

Further, viewed alongside the background of 2001 when the Durban conference was already over, the amendment of Paul Bérenger did not have any chance of success at the international level at a time when war against terrorism has taken all the attention. There was no chance or possibility to discuss the question of compensation. NEPAD was set up following Durban Conference. Discussions with G8 and leaders of Africa, namely Thabo Mbeki, A. Wade, O. Obasanjo and Boutteflika to implement Nepad requiring an investment of \$65 bn did not materialise as expected. Instead, G8 was enforcing policies of “good governance” on all African countries. Nepad became a great fiasco which even A.Wade of Senegal has, in the long last, officially recognized.

- **13 December 2002:** The amendment of Paul Bérenger was debated when J.C Armance and S.Michel were compelled to make a walk-out of the National Assembly following remarks aiming at discrediting them were made by MMM members<sup>12</sup>.
- **12 March 2003:** Abdoulaye Wade, President of Senegal, was invited by government as Chief Guest for the National Day celebrations. In his official speeches and in newspaper interviews, he did not miss the occasion to come against financial compensation to descendants of slaves.
- **8 August 2003:** The amended motion of J.C Armance was again amended, this time, by SAJ who was preparing himself to resign his parliamentary seat in order to become the President of the Republic, according the electoral agreement between MSM and MMM. SAJ incorporated part of the

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<sup>12</sup> Hansard, Debat No 37 of 13/12/02

Durban Declaration in the motion as a gesture of goodwill towards VF. His amendment was formulated in these words: *“And, as was done in the declaration and Action Plan adopted on 8 September 2001 in Durban by the World Conference against Racism, racial Discrimination, Xenophobia and related Intolerance and in Resolution 56/266 adopted by the General Assembly of the United Nations on 27 March 2002, hereby acknowledges that slavery and the slave trade constituted a crime against humanity.”* But on that day as many members were absent, the speaker of the National Assembly has been forced to suspend the debate for lack of quorum...

- **27 August 2004:** The motion of J.C Armance twice amended during three years of debates was finally voted by the national Assembly after it has lost all its importance and its substance<sup>13</sup>. The new PM, Paul Bérenger, has tried to coax VF with the setting up of a commission for restitution of prescribed or stolen lands. This commission was instituted and placed under the chairmanship of former Judge Ahnee. VF did not agree to the setting up of that commission which was not the proper forum to deal with compensation. This commission has held meetings and has visited South Africa to study the mechanism set up by the South African government to implement policies on land restitution. A report made by the commission has never been made public or laid on the table of the National Assembly. As at to-date no one, except members of the commission, knows of its content.
- **14 November 2004:** Sylvio Michel resigned as minister after VF has used all peaceful means and possibilities for a change in government policy regarding compensation. Two marches attended by thousands of participants were organized in Port-Louis. Since then VF has gone in the opposition in the National Assembly.

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<sup>13</sup> Hansard, debat No29 of 27/o8/04.

- **2005:** VF concluded an electoral alliance with the Social Alliance of Dr. N. Ramgoolam. The manifesto of that alliance mentioned the setting up of a Truth and Justice Commission<sup>14</sup>. VF fielded three candidates for the general elections but none was returned. VF had recourse to the mobilization of its members and sympathizers in order to secure that the electoral promises were kept. The presidential speech on the five year programme of the new government made by SAJ did mention the setting up of a Truth and Justice Commission. But VF had to be on the alert and it was in 2008 that a bill was presented by the Prime Minister in the national Assembly. The bill did not make any mention of compensation which prompted the opposition (MSM-MMM) to present an amendment to include the word compensation. This amendment was rejected, but Dr Ramgoolam explained in his summing up that the commission will have the freedom, in respect to section 4 of the bill, to decide what it wishes to propose after it has made researches and has held meetings.
- **1 February 2006:** Mrs Christiane Taubira, member for French Guyana at the “ *Assemblée Nationale*”, who successfully entered a private motion in the French parliament to declare slavery and slave trade a crime against humanity, was invited by the government of Mauritius to attend the commemoration of the abolition of slavery. Mrs Taubira is a well known as a staunch opponent<sup>15</sup> of financial compensation to descendants of slaves. Her presence in Mauritius was not a surprise at all, but leaders of VF had the opportunity to hold discussions with her on the question of compensation. Although Mrs Taubira agreed to pursue the discussions after her departure, there has been no follow-up on her part.
- **August 2008:** The bill to establish the commission was unanimously passed by the National Assembly after two days of debates.

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<sup>14</sup> “*Une île Maurice Pour Tous*”, Chapter 4.

<sup>15</sup> C.Taubira, “l’esclavage raconté a ma fille”, Paris. See also her introduction in “Les routes de l’esclavage” Claude Fauque & Marie Josée Thiel, 2004, about the application of the Taubira law.

- **1 February 2009:** The Chair of the commission and four members were appointed. Professor Shell took the oath together with the other members: Dr V. Teelock, Dr P. Veerapen, B. Moutou and L. Morvan.
- **29 March 2009:** Professor Shell made a statement during a press conference against the idea of financial compensation before the commission has started its work. Since his departure, last March, he has not returned to Mauritius for reasons which have never been made public. Dr. V. Teelock was appointed “Acting Chair”.

## **2. THE LEGITIMACY OF COMPENSATION TO THE DESCENDANTS OF SLAVES.**

The claim of VF for compensation to the descendants of slaves is not based on the inhuman sufferings which their slave ancestors had sustained but on the wealth that the slave-owners and their descendants have accumulated from the exploitation of the slaves. Today the descendants of the slave-owners are still using the same wealth to preserve first and foremost their economic power, in the defence of their own interests.

Concerning the State of Mauritius, the claim put forward by VF is based on the bulk of work performed by slaves still benefiting to Mauritius and some discriminatory policies followed during forty-one years since independence towards descendants of slaves deprived of the help of the state for their emancipation.

### **2.1 SLAVERY HAS CAUSED THE ACCUMULATION OF WEALTH AND ECONOMIC POWER TO SLAVE-OWNERS AND THEIR DESCENDANTS BY 3 MEANS**

The slave system is an economic system<sup>16</sup> which colonial powers had enforced in their colonies to produce wealth for themselves, colonists and slave-owners by the free labour forcefully imposed on men, women and children uprooted from their countries, after being held as prisoners, sold at public auction, and losing all human rights. The fundamental legal practice of slavery and associated cruelties against slaves are found in “Code Noir/lettres patentes” of Colbert.

Slave trade on which slavery had its support has caused the imprisonment, the uprooting, long distance and inhuman voyages in the hold of slave ships and the sale of men, women and children like beasts.

#### **MEANS No 1:**

**Lands have been granted to the slave-masters depending on the number of slaves they possessed.** In fact, for a slave-master to get

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<sup>16</sup> Eric Williams, “*Capitalism and slavery*”.



lands from the state or the East India Company, he/she had to satisfy one important condition that he/she should be owner of slaves or cows to plough the land. If a slave-master owned 20 slaves or 50 cows he was granted 156 acres of land. For 30 slaves or 80 cows he was granted 312 acres etc<sup>17</sup>.

**MEANS No 2: Free labour imposed on several generations of slaves for 197 years<sup>18</sup> that has enabled the slave-owners to amass their wealth from their estates and factories and the colonial powers to set forth plans of development to get return for themselves.**

Generation of slaves have toiled very hard on free labour:

- In sugar cane fields and mills and in slave- owners' household.
- For priests and religious communities.
- For the public sector for roads/bridges construction, public buildings, houses/residences, the harbour, churches and school buildings. Slaves have participated in the construction of towns and villages....

The slave-owners gave the strict minimum as food, clothing and shelter to the slaves just to allow them to continue to work as animals.

- The *normal* daily work stretched to more than 14 hours and when the country became a plantation economy, it exceeded 16 hours during harvest season with very little time left for meal and rest.
- Though working on Sundays was forbidden by 'Code Noir', Slaves were compelled to work on that day.
- Mahé de Labourdonnais<sup>19</sup> introduced the cultivation of manioc as food for the slave population. The daily meal of a slave was 3 roots of manioc.
- Slaves lived in over-crowded camps.
- To enable slaves to sustain inhuman conditions of work, they were given larak<sup>20</sup> regularly.

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<sup>17</sup>Teelock, 1995

<sup>18</sup> From 1638 to 1835, i.e. from the Dutch occupation to the abolition of slavery during the British rule.

<sup>19</sup> Chelin

<sup>20</sup> alcoholic drug.

- Health of the slave population: During an epidemic or cyclone many slaves lost their lives<sup>21</sup>.

The colonial power and the slave-owners have prescribed violent and inhuman punishments to slaves who ran away or struggled to improve their living conditions.

- Mahé de Labourdonnais set up a system of repression against the Maroon slaves.
- Run away slaves were tortured, mutilated and executed<sup>22</sup>.
- Torture, mutilation and execution were carried in public so as to serve as example and to discourage any attempt to maroonage and to revolt<sup>23</sup>. The repressive treatment endured by Ratsitatane, la Tulipe and others at the hand of Adrien D'Epinay and his army of armed slave-owners and trained slaves is very well known.

### **MEANS No 3:**

**The abolition of slavery was yet another means for the slave-owners to enrich themselves.**

- At the first attempt for the abolition of slavery, in the wake of the French revolution in Paris, the slave-owners of “isle de France” did not agree because no financial compensation was provided by the French Convention<sup>24</sup>. When the United Kingdom imposed the abolition of slavery in 1833, with a sum of money earmarked for compensation, the attitude of slave-owners changed towards the slave population, becoming more violent through repressive laws. They also became very cunning to falsify their lists of slaves to make more money. Before the end of apprentice-ship which lasted 4 years to 31 March 1839,

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<sup>21</sup> Teeluck, Karl Noel,

<sup>22</sup> Code Noir.

<sup>23</sup> A.Nagapen, 1999.

<sup>24</sup> Karl Noel, 1991

they brought new workers from India. In 1839, the apprentices were indistinctly forced to leave the camps where they were crowded together. They left without any compensation for them or for their descendants who have toiled on free labour.

- The slave-masters collected £2,112,642 from the British Government. Some of them who falsified the number of slaves made the trip to London in quest of additional compensation but the British Government turned them away.

## **2.2. SOME MEANS THAT ENABLED SLAVE-OWNERS AND THEIR DESCENDANTS TO KEEP CONTROL AND CONTINUE TO USE THE EMANCIPATED SLAVES AFTER THE ABOLITION OF SLAVERY.**

### **MEANS 1: APPRENTICESHIP**

- The slave-owners in Mauritius and in other British colonies wanted to impose the system of apprenticeship on slaves for 6 years after the abolition of slavery. As the British abolitionists and the public stood against such a long time of apprenticeship, the slave-owners and the British government succeeded in reducing it to 4 years on the term of free labour in addition to their compensation. The system was supposed to prepare the slaves to understand their liberty before being set free. But in practice, nothing was taught to them. During 4 years, the situation of the slave population deteriorated. The slave-owners were afraid that, with the abolition of slavery, the slaves would revolt. They set up a legal system of repression (appointment of magistrates) which applied severe corporal punishment for minor matters caused by the apprentices. During the time of apprenticeship, slaves still suffered many restrictions, particularly in their movement in and outside their camps.
- During the time of apprenticeship, the slave-masters of Mauritius undertook to recruit new workers to get rid of their apprentices. Thousands of indentured labourers from India have already disembarked in the country before the end of apprenticeship.

## **MEANS 2: NO MATERIAL HELP WAS PROVIDED WHEN THE SLAVES AT LAST WERE GRANTED FREEDOM**

- After generations of slaves have served during 197 years for the enrichment of their masters and the development of the colonial powers, they were evicted from their camps where they served as slaves without having any means at their disposal to provide for themselves.

## **MEANS 3: THE CONTROL OF THE EDUCATION OF DESCENDANTS OF SLAVES**

When the struggle for compensation has started in Mauritius, both the economic, religious and political powers have been preaching to the descendants of slaves that they should be educated. It is important to place on record that until recently, there has been a cynical move of repression to deny education to the descendant of slaves.

- Before the abolition of slavery, Charles Telfair has been the only person among the population of slave-owners, even if he proved to be paternalistic, to try to educate the children of slaves on his estate. If only each slave-master would have followed his example, the situation would have been totally different today. In general, the slave-masters have come against his initiative<sup>25</sup>.
- The struggle of the slave-masters against the education of the coloured population did not succeed, because of the determination of the Coloured, otherwise the coloured people too would have stuck in the same situation as the descendants of slaves today. The catholic hierarchy is also responsible for its role during slavery. Apart from Lasarist priests, most of those coming afterwards did not fight for the education of the slave population. Reverend Lebrun has encountered all sorts of wickedness and treacheries from the local catholic authority

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<sup>25</sup> Ramdoyal 1976.

when he wanted to give education to the children of slaves and of Coloured people.

- In 1841, Father Laval came across the sufferings and miseries of the emancipated slaves and decided to work in this country till his death on religious rather than educational ground. Even then, Father Laval encountered a lot of difficulties from former slave-masters.

#### **MEANS 4: CONTROL OF THE POLITICAL FORCE OF THE DESCENDANTS OF SLAVES**

174 years after the abolition of slavery, there has never been any specific discussion or action plan coming from the descendants of slave-owners to help the descendants of slaves from their status of total economic dependence and absolute poverty. On the contrary, the descendants of slave-owners have used the political force represented by the descendants of slaves for their selfish personal interest during the pre-independence period in the history of Mauritius.

By and through the “*Ralliement Mauricien*” founded by the Franco-Mauritian elite, which evolved into a new party known as “*Parti Mauricien*” headed by a Franco-Mauritian, Jules Koenig and which became “*Parti Mauricien Social Démocrate*”(PMSD) headed by a Coloured leader, Gaetan Duval, they have strived with the descendants of slaves and the Coloured people to form part of the *General Population Community* on the mere pretext of religion before independence and from hence, to use this political base formed with a majority of descendants of slaves. With the PMSD controlled and financed by them, the Franco-Mauritians tried unsuccessfully to tie Mauritius to the United Kingdom for their own financial and economic interests<sup>26</sup>. The *General Population community* as a whole voted against the independence of Mauritius, but with the electoral victory of the Independence Party, the descendants of the slave-masters quickly changed their position and let down the descendants of slaves and Coloured people who chose to migrate to Australia after the defeat at the general elections in 1967.

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<sup>26</sup> The PMSD in fact campaigned for the status of association with Great Britain against the status of independence advocated by the Hindu community and the Labour party.

### **2.3 IN MAURITIUS TODAY, THE ECONOMIC POWER IS STILL IN THE HANDS OF THE DESCENDANTS OF SLAVE - OWNERS AND OTHER PEOPLE FORMING PART OF THE SAME ETHNIC GROUP**

- Descendants of slaves who secured employment in the private sector owned by the Franco-Mauritian elite (descendants of slave-owners), in the harbour, the docks, sugar factories, sugar cane fields, construction companies, private residences as a domestic servants, drivers etc are very poorly paid.
- Former harbour workers and dockers had to undertake go-slows, strikes to get a pittance from their Franco-Mauritian bosses. When sugar was exported in bulk, the workers received a very poor financial compensation, many of them died of sorrow and others of diseases. Today many are living in absolute poverty.
- With the centralisation of sugar mills enforced by the “sugar barons” or oligarchy as the descendants of slave-owners are often referred to, descendants of slaves have lost their jobs with only a pension for their house-holds. It is the same situation for other categories of workers: masons, domestic servants, female workers in the industrial zone which have closed down. Most of descendants of slaves try either to find jobs in the informal sector or undertake to work for themselves.
- The wealth of the descendants of slave-owners makes its way among themselves and people of the same ethnicity. Those persons share the same responsibility even if they are not the direct descendants of slave-owners. They are of European descent and have settled in Mauritius after the abolition of slavery.
- They have taken advantage of the socio-economics group without denouncing the injustices and inequalities.

## **2.4 IN INDEPENDENT MAURITIUS, THE STATE HAS ITS OWN SHARE OF RESPONSIBILITY.**

VF considers that the initiative to set up the Truth and Justice Commission (TJC), which activities are financed by public fund, constitutes a major development and a new political approach that the Government of Mauritius is implementing in regards to the economically dependent and excluded descendants of slaves and indentured labourers. In a sense, this policy recognizes the free labour enforced on several generations of slaves. However, the State of Mauritius has its share of responsibility when taking into consideration the works done by slaves which benefited and benefit still to our country and, on the other hand, the policies followed against the descendants of slaves after the accession of Mauritius to independence.

- **What the State of Mauritius has inherited from the slave labour?**
  1. Construction of infrastructural road network, bridges, some fishing and landing stations throughout the island.
  2. Construction of public buildings for the administration of the country, the Supreme Court, official residences, postal offices line Barracks, police stations, hospitals, jails, school, etc.
  3. Construction of the harbour in Port Louis.
  4. Slaves trained to work as civil servants and/or as soldiers, how were they treated?

Since 41 years of its existence, the State of Mauritius did neither recognize neither revalorise these works. As examples, there is no slave statute in the new Harbour FRONT; the transfer of the *Centre for African Culture* from a private building to the Central Post Office building has been quashed and the construction of a new building at Latour Koenig is indefinitely delayed.

- **The impediments, delaying tactics and other malicious tricks which “*Organisation Fraternelle*” and “*Verts-Fraternels*” have encountered, the time taken to bring out results, show the indifference and even repression of the State of Mauritius against the emancipation of the descendants of slaves.**

1/ **The Creole language:** In order to get a daily news bulletin in Creole at the *Mauritius Broadcasting Corporation* (MBC), a campaign lasting 28 years had to be undertaken, from 1973 to 2001.

- In 1994, the Mauritius Police Force interdicted a street demonstration of “VF” which has been compelled to seek redress at the Supreme Court of Mauritius
- In 1997, street demonstrations in front of MBC premises were allowed but, because of police brutality, participants were wounded and hospitalized.
- In 1998, VF brought an action in the Supreme Court against the MBC concerning compliance with its own legal framework on the languages and cultural issues. Although at cross-examination at the bar, the representative of the MBC undertook to provide a more coherent news bulletin in Creole, the MBC not only took time before starting that kind of news bulletin in Creole, but also had it broadcasted at noon, which was another way to deny a news bulletin in Creole. Finally, the problem was settled by politics when an electoral agreement gave the way to the implementation of a news bulletin in Creole in 2000<sup>27</sup>.
- As at now, the Creole language which derives from the period of slavery, most considered as vulgar even by the present government is still a taboo and cannot be used in the National Assembly and at school as a medium, showing a real discrimination against the children of descendants of slaves, after 41 years of independence.

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<sup>27</sup> Refer to page of this memorandum.



## **2/ A monument for the commemoration of the abolition of slavery**

In chapter 1 of this memorandum, we explained the patience and perseverance that VF had to show to achieve the nomination of Le Morne Mountain on the world Heritage list of UNESCO.

To build an official monument at Pointe Canon in Mahébourg and another one at Antoinette, we had to struggle for nine years.

## **3/ Public holiday on 1 February (cf. chapter 1)**

This is the case of a claim which started in November 1977 which ended in February 2001, that is 24 years later.

## **4/ Slavery and the slave trade are crimes against humanity.**

Please refer to chapter 1.

## **5/ Financial compensation paid to the Chagossians.**

The population of the Chagos Archipelago<sup>28</sup> has been uprooted from their native land to allow Mauritius to achieve its independence from Great Britain, their country being taken over by the same colonial power to be transformed into a US naval military base in Diego Garcia.

To get financial compensation from United Kingdom and Mauritius, the Chagossians headed by Elie Michel supported by the “*Organisation Fraternelle*” (OF) and VF had to struggle for years. Peaceful marches, street demonstrations followed by arrests, court cases, which ended in fines or imprisonment, many hunger strikes, one lasting 27 days and another 45 days to force the Government to send a delegation to London or to start legal procedure against Great Britain. In 1981, an agreement was reached between Mauritius and Great Britain for the payment of financial compensation to the Chagossians. Later when a group of Chagossians were preparing themselves to visit the Chagos archipelago, the “*Pâtisserie*

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<sup>28</sup> The Chagos Archipelago comprising 65 islets including Diego Garcia is part of the territory of the State of Mauritius, but before independence, was detached to form the British Indian Ocean Territory.

*Fraternelle*<sup>29</sup> was burnt down by arsonists in June 1995. The police did not institute a judicial fire inquiry but an inquiry into the death of one of the arsonists. As he was a habitual criminal, there was no follow up against anybody. Further, our lawyer himself turned against us during the judicial procedure to enter an action. As the Chagossians did not want to change the lawyer, VF decided to stop its struggle with them.

But thanks to the financial compensation which the Chagossians received from Great Britain and Mauritius, in 1983, they are now on their own to continue their struggle. As at to-date, the Chagossian new leadership never refers to the participation of VF in their struggle. Consequently, there is no remembrance of that part of our participation.

### **5/ Struggle for residents of CHA estates and housing problems.**

Residents of CHA estates<sup>30</sup> were heavily indebted to the CHA as most have followed PMSD during the electoral campaign not to pay monthly bills as that party would give all the houses free of charge in case it won power. After the defeat of the PMSD, the victorious political alliance started a policy of expulsion of those residents who had their belongings thrown on the streets. “*Organisation Fraternelle*” together with late Mrs Célier Gaspard stood in defense of the residents at a time when Mauritius was not capable to face the violent racial turbulences between Muslims and Creoles and had called in British soldiers to prevent further killings and riotings. In 1970, on the eve of an important by-election in the constituency of Pamplemousses-Triolet,- where the SSR regularly stood as candidate-, government hurriedly came to an agreement to end the long sitting of Mrs Gaspard and her group in Company’s Garden in the capital.

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<sup>29</sup> This enterprise set by OF members was providing financial assistance in principle to every activity organized by OF and VT. To help the Chagossians in their struggle, this enterprise was provided funds for a visit to the Chagos.

<sup>30</sup> Central Housing Authority (CHA) set up by the colonial power in 1960 after two destructive cyclones destroyed most of the thatched houses in the island. This authority was meant to provide houses to cyclone victims. Many housing estates (mostly known as “cités”) have been constructed in which the Creole population found shelter. The CHA was closed down by SAJ on account of indebtedness of the residents and he also refused to build houses during his earlier mandate.

In spite of cyclone Gervaise which caused havoc among the population and destroyed more houses, the government did not make any move to build new social houses for the thousands of victims. The O.F. took again a strong stand against that policy. It was then that new houses were built and are known today as “*cités Gervaise*”. But this time as the number of houses could never match the demand there was discrimination in selecting those eligible for a house. Further, the increase in the rents coupled with growing unemployment among the population, particularly among the descendants of slaves, gave rise to difficulties in paying them. Consequently, those who were most vulnerable had the belongings confiscated by the CHA and transported at an open space at Pailles under the police surveillance.

“*Organisation Fraternelle*” and VF organized those victims. Street demonstrations, marches followed by arrest and imprisonment. In 1984, more than 1,000 families who were squatting houses not yet commissioned or not yet allocated, were under the threats of expulsion. Sylvio Michel, then a minister, was compelled to resign his ministerial responsibility to start a campaign and had to have recourse to a hunger strike of 44 days to force government to give in on that issue.

In 1990, VF succeeded in getting the sale of all housing estates, but government seized the opportunity to close down the CHA. VF was forced to campaign again, on the issue of housing, and to demonstrate in front of the ministry of Housing in Port Louis. It was then that the MSM-MMM alliance decided to set up the “*National Housing Development Company*” (NHDC) to launch a national housing construction programme in the country.

The sale of lands inside the former CHA estates was obtained in 2005 following a demand made by VT to the present government. This question is still not settled, as most of the residents have no money to acquire these lands. Most of residents of housing estates are descendants of slaves and indentured labourers.

## **6. The State of Mauritius discriminates against the descendants of slaves**

In principle and under the Constitution, every citizen of the Republic of Mauritius is equal and enjoys the same rights, but that principle cannot be verified while considering the following cases:

1. The case of finding employment in the public sector. The percentage of descendants of slaves employed is more or less negligible, even in the jobs that require very low qualification such as labourers, hospital domestic servants<sup>31</sup> ...
2. The national television programme, in particular the news bulletin, in which the presence and the image of descendants of slaves are reduced to the minimum and even discredited.
3. The necessity to give an equivalent advantage to descendants of indentured labourers each time the struggle of descendants of slaves has succeeded in providing a good result, while the contrary is not true most of the time... This policy has been in force in particular under MSM-MMM government:
  - Example 1: Before government agreed to give a public holiday on 1 February to commemorate the abolition of slavery, descendants of slaves had to agree first that this date covers the celebration of the arrival of the indentured labourers. When they have agreed without making any fuss, there followed another exigency whereby movements of indentured labourers sought to have another public holiday instead of 1 February to mark the arrival of the indentured labourers.
  - Example 2: When the Creole language which is the language of descendants of slaves and the national language of Mauritius, has started to get institutional importance after many years of peaceful struggle, efforts are being made under cover to revalorize *bhojpouri* the spoken language of the Hindus in order that in case the status of Creole language is officially recognized, it will ensure a similar treatment to *bhojpouri*.

The necessity of giving an equivalent advantage would not have been seen discriminatory against descendants of slaves

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<sup>31</sup> Staff List, 2002.

to keep hold on their development, if descendants of slaves during 41 years of independence have benefited the same facilities which descendants of indentured labourers have gained in the following fields:

- Lands,
- Security of employment in the public sector and governmental bodies
- Creole at school...

#### 4. THE OBJECTIVES OF THE COMPENSATION

As every citizen of the Republic of Mauritius, members of VF are striving for a society in which every citizen feels that he or she is a member of the same family:

- Where everybody has the same rights
- Where everyone can feel that he or she is responsible of his/her future and the future of his/her country.
- Where there is peace and security
- Where he/she can live and develop, etc.

But for VF, our country will never be able to reach these objectives so long as our society will continue to be thwarted by:

- The system of slavery and indentured labour which started the formation of its population and which continues to keep a large section of the citizens of the country in a situation of dependence in relation to a small minority.
- An ethnic competition on the economic front which in turn draws ethnic competition in other spheres of activities: politics, education, media, sports, culture...

In spite of the abolition of slavery, in spite of 41 years of independence, the majority of the descendants of slaves still find themselves in a situation of total dependence to the Franco-Mauritian and Coloured elites on the socio-economic, cultural and political grounds.

This situation has become particularly clear since Mauritius acceded to the status of independent state in which the Hindu community, due to the fact that their cultural base has not been destroyed by indentured labour and to the support of leaders of their country of origin ( e.g. Mahatma Gandhi, Manilall Doctor, Gopio...) with whom they have succeeded to keep contact, have been able to build an ethnic solidarity which has helped them to achieve political power and the means to negotiate at par with the descendants of white settlers and former slave-owners.

Because 197 years of slavery destroyed their culture of origin and because after 174 years of the abolition of slavery they are still living in a state of cultural dependence, the descendants of slaves have not been

able to construct a solid cultural base which would have allowed their emancipation on the model of indentured labourers.

In addition, their relationship with Africa and/or with the African countries of origin is still practically inexistent, above all taking into consideration that information and training from African countries are always distorted by the media of European or Indian sources.

The payment of financial compensation to be envisaged in the perspective of an ecological development mobilizing the whole population of Mauritius remains the only means for the emancipation of descendants of slaves to be viable, to be more efficient to bring reconciliation in a more sustainable way between the different components of our society.

Slavery has had a catastrophic impact on several generations of slaves and today their descendants have lost their identities, their cultures, their languages, their religious beliefs. It is impossible for their descendants to find their families of origin.

For these two reasons, the struggle of VF has two definite objectives:

**Objective No 1:** To restore the equilibrium between, on one hand, those persons who have drawn huge profits with the slave system and indentured labour and, on the other hand, those persons who have suffered these two systems and who are still in a state of total dependence.

**Objective No 2:** To promote an equitable and an ecological management of resources for a non-violent and sustainable development.

**Objective No 1: The emancipation of descendants of slaves from a state of total dependence in which they find themselves today**

In each economic sector of our country, namely agriculture, transport, baking and insurance, commerce, communication, tourism, building industry, etc., we note that the majority of descendants of slaves now living in Mauritius:

- They have no means of production, i.e. lands, factories, industrial tools, buildings, big boats, etc.
- Apart for very few exceptions, there is no enterprise owned by descendants of slaves which can provide jobs to more than 10 persons.
- They do not have financial capital on land-ownership which would have allowed them to get involved in the economic development of this country.
- They are neither proprietor of colleges and schools nor of any other training structures.
- For the big and small traders, they are mere consumers. They are not importers, whole-sellers, proprietors of supermarkets. They do not own hotels and restaurants. They have only a few small shops, pastries, hair-dresser shops.
- In the public and private administrations, it is becoming more and more exceptional to come across a descendant of slaves in a post of important responsibility.

**The first objective of compensation to combat economic dependence of the descendants of slaves is therefore to allow them to acquire means of production. Among them:**

- lands
- capital
- means of production
- infrastructure
- training and expertise
- access to the markets
- Jobs and responsibilities in the private as well as in the public sectors.

**Objective No 2: The equitable and ecological administration of resources for a sustainable and non-violent development.**

This second objective is rather a project for society building which can mobilize the interest of descendants of slaves to develop their country, a project which can mobilize the interest of the entire population of Mauritius. We explain globally this objective here because it allows an



understanding of the direction or perspective we envisage the economic emancipation of descendants of slaves. This objective is described more fully in chapter 6 of this memorandum where it is explained in details the conditions under which a beneficiary can use his/her compensation. But this objective is also part of a political commitment which goes outside the purview of the Truth and Justice Commission.

What, as a party, we are committed to is not only for reparation of an injustice and the emancipation of the descendants of slaves. We are committed also to economic reform based on equitable and ecological management of all resources which are existent for the entire population of Mauritius. For us, without this reform, competition will be based on racism and communalism will develop at a greater speed. In addition, all the natural resources which Mauritius possesses will be destroyed.

- **Characteristics today of the economic development of Mauritius.**

1. As in many countries, the economic development in Mauritius is geared towards a pro-Western capitalist model which bears in itself its own seed of destruction.
2. Its priority is to make big gains at all costs on natural resources and the work-force available to get more than others in terms of material richness, opportunities, right, socio-economic and socio-cultural values.
3. The first consequence is the destruction of human values and human relationship: some extreme examples are slavery and indentured labour; today, it is corruption, destruction of the family, individualism, increasing number of crimes, various forms of delinquency at the level of young persons to embezzlement or misappropriation of funds at the level of bankers, traders chief executives.
4. The second consequence is the destruction of living space, ecological space, which is already fragile because the country is small with a population density amounting to the densest in the world. Today there is just 1 % of natural forest left on the lands of Mauritius. With the dream of each Mauritian to possess a big house and the

development of factories and offices, reinforced concrete takes rapidly all available cultivable land. On the climate change, Mauritius is putting on a very small space all destructive practices such as harvesting sugar cane by burning sugar cane fields, carbonic smokes from factories and the high number of vehicles on the increase.

5. This development is based on a very tight battle between the ethnic groups in presence.

The answer to a society where there are so many ethnicities as in Mauritius to an economic system based on competitions leads to strengthen these persons in the same community to get the upper hand on the others, to protect the advantages which they have benefited or to get out of the state of dependence where they are.

The consolidation of ethnicities shows itself by the predominance of socio-religious bodies in the cultural sphere of Mauritius. But it is also present in a more discreet manner, in a more perverse way, on the level of the economic and political elite of this country which uses the ethnic solidarity on national and international levels as a means of pressure<sup>32</sup>.

All moral lectures preached on “Mauritianism”, “Rainbow Nation”, “ National Unity” have no value if there is no putting into question generally and fundamentally the economic model which the Mauritian elite and the citizens of Mauritius in general are following at full speed.

#### **4. WHO ARE THOSE TO PAY THE COMPENSATION?**

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<sup>32</sup> Bunwaree & Kasenally, Rights and Development in Mauritius- A reader, 2007.

In spite of fundamental economic contribution of ancestors of slaves during 197 years of slavery to set the foundation of the economy of Mauritius, since the abolition of slavery 174 years ago, many generations of descendants of slaves experience exclusion and poverty<sup>33</sup>. The individual financial compensation will allow and safeguard the true emancipation and economic liberation of the descendants of slaves.

VF identifies in this document five big parties liable to pay compensation to be put in a legally constituted and administrative fund as is explained in part 6 of this memorandum.

These parties concerned are:

- 1/ The descendants of slaves-owners whose ancestors were slave-owners.
- 2/ The State of Mauritius
- 3/ The Republic of France
- 4/ The United Kingdom
- 5/ The state of Netherland.

The claim for compensation in this memorandum is addressed to descendants of slaves-owners and the State of Mauritius for part of the descendants of slaves that is those whose individual wealth does not exceed an amount of two millions rupees (Rs. 2 millions). The amount of compensation for a descendant of slave whether an adult or a child who finds himself/herself in this category of descendants of slaves has been reduced to one million Mauritian rupees to allow him/her to achieve the minimum required for his/her uplift from the total economic dependence.

As regards claim addressed to three other liable parties, namely France, UK and the Netherland, VF asks the TJC to do the historical and judicial researches to allow the descendants of slaves to make their claim for compensation to each of the former colonial powers.

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<sup>33</sup>Moutou, 1985

#### **4.1 Compensation claim to descendant of slave-owner/colonist.**

Since the abolition of slavery the descendants of slave-owners have never agreed to recognize that they have inherited huge wealth to the detriment of the entire slave population. Even today most of them refuse to admit their liabilities towards the deplorable economic situation. On the contrary, in the local media and through political parties founded and/or funded by them, through the Catholic Church which is still under the ideology and culture, they are spreading in their discourse of communalism and a feeling of guilt among the entire population of descendants of slaves .

Using as a base the common Christian identity and/or the *General Population Community* which they share with the population of slave descent, they have succeeded to keep that population in a situation of total dependence and at the same time in a position of opposition as regards the Hindu population. However, in return, the descendants of slaves have not got anything from them despite the fact that they constitute in the *General population Community* and in Mauritius as the most rich and fortunate persons.

- **Descendants of slave-owners and colonists have to pay compensation from companies in the sugar industry which has developed and expanded from slavery and the slave trade.**

The sugar estates and all the companies which developed as from the time of slavery and slave trade, companies founded and developed from the financial compensation paid by the United Kingdom to free the slave population. Today there are not only sugar estates and factories such as *FUEL*, *Mon Désert Alma*, *Mon Desert Mon Trésor* , *Médine S.E.* at Bambous, *Belle Vue Harel* , *Mauritius Commercial Bank* , but also all other companies which possess sugar cane fields and large estates, those companies which have benefited from important concessions of lands during the period of slavery and which have invested in other economic activities as in the transportation of raw sugar, *Air Mauritius* , the tourist industry, IRS, insurance, etc. The TJC has to carry a survey of all these companies which have existed in the past and exist today. It has also to draw an inventory of companies such

as *Lloyds*, *Barclays*, the harbour companies, those shipping companies of raw sugar during the period of slavery and also insurance companies involved in slavery and slave trade to force them to pay compensation.

#### **4.2 Compensation claimed from the State of Mauritius**

The State of Mauritius has to pay its share of compensation and at the same it can have recourse to the following measures:

1/ All local and foreign firms which are making big return from the exports of their products through AGOA towards the USA have to contribute in the compensation fund. It must be recalled that *Africa Growth and Opportunity Act* (AGOA) is a big trade given by former American President Bill Clinton, in a effort by the US government to help African countries which underwent slave trade and slavery. As in practice, descendants of slaves do not benefit from that facility because none of them is a proprietor of a factory or an exporter, it is but legal to cause these firms which are enriching themselves to participate in their turn in the compensation fund.

2/ A tax on all new development project and investment which produces wealth. South Africa has introduced this tax in its constitution, which is a financial means in its empowerment drive of black South Africans.

3/ On all aid programmes which the Government of Mauritius obtains from NEPAD , debt remission, aid on exclusion and as poverty alleviation from friendly countries and the international organisations, a percentage must be attributed to the compensation fund.

4/ A percentage from revenues which Mauritius derives from economic activities on economic infrastructure constructed by the free labour of slaves and which the TJC can identify. The harbour is an example.

### 4.3 Compensation claimed from France.

France, a colonial power that colonized Mauritius, has done some official symbolic actions as reparations on slavery and slave trade. In fact, in 1981, when François Mitterrand took the oath of allegiance as the President of the Republic of France, he laid a flower on the tomb of Victor Schoelcher, an eminent French abolitionist who on 27 April 1848 proposed in the French National Assembly a motion to abolish slavery and slave trade in all French colonies.

Christiane Taubira<sup>34</sup> laid a motion in December 1998 following the holding of big march in Paris to commemorate the 150<sup>th</sup> anniversary of the abolition of slavery and slave trade. Her motion became a bill which passed all the stages of parliamentary procedure to allow President Jacques Chirac to sign it into law on 10 May 2001<sup>35</sup>.

In article 1 of that law, also known as the Taubira law, slavery and slave trade are declared crimes against humanity. Article 2 makes provision for the teaching of history on slavery and slave trade. At the University level, facilities are provided to historians and academics for research purpose everywhere in the world where there has been slavery and slave trade. Article 3 makes mention of what the French Government should do in the European Council and at the United Nations to Commemorate the abolition of slavery and the slave Trade.

But the Taubira law puts an end on all lawsuits for reparation against the French Government or to those who have been involved in slavery and slave trade. One side, this law does not make provision for reparation, on the other, the French “*Conseil Constitutionnel*” which makes authority in the French legal system has given its interpretation of compensation in February 2004, claimed by a Jewish organization, after the pronulgation of a law by the French National Assembly which apologizes to the treatment of the Jewish population following the invasion of France by the Nazi Army in Second World War. The “*Conseil constitutionnel*” decreed that all laws voted by the French parliament on past events which are declared crimes against humanity do not open the door to financial compensation<sup>36</sup>. However, the French

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<sup>34</sup> idem as at

<sup>35</sup> Journal officiel de France, N0.434 – 21 Mai 2001.

<sup>36</sup> Les Décision du Conseil Constitutionnel,2004, p.50

“Conseil d’Etat” which is an institution set up by Napoleon in 1803, declares that the objective of a law is to give rights and not to refuse them to individuals<sup>37</sup>. This opinion shows that there is another way which can be used against France to obtain compensation. One should consider above all what rights France has cast aside .

#### **4.4 Compensation claimed from the United Kingdom.**

By the Treaty of Paris, Mauritius became in 1810 a British colony in the Indian Ocean. By the same treaty, colonists who were working in the most important jobs at the central administration, in the judiciary and in the colonial Assembly kept their posts as well as their responsibilities. Colonists were granted the right of using their language, culture and religion.

Concerning the slave population, the period of apprenticeship has given slave-owners to maintain their slave population in the same servile situation.

When the apprenticeship was over and the emancipated population was given freedom in 1839, it was difficult to know what real measure the British Government has undertaken to come to help them in their new civil status.

- **The success story of the United Kingdom in the business of slavery and slave trade.**

In any way, the United Kingdom was a great colonial power which even if it had entered in the lucrative business of slavery and slave trade one hundred years after Portugal, it had rapidly reached the top after its great victory in 1588 on the Spanish armada. British companies had developed. *Royal Africa Company* got most of its investment to develop the slave business. In 1712, more than 120,000 slaves have been transported in 500 ships.<sup>38</sup> London, Bristol and Liverpool developed due to those activities.<sup>39</sup> The British economy flourished with the slave trade and slavery.<sup>40</sup>

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<sup>37</sup> Opinion, 250, 2004

<sup>38</sup> Walvin, 1999.

<sup>39</sup> Mogan, 2000.

<sup>40</sup> Reddie, 2007.

- **Although it abolished slavery and slave trade, the United Kingdom had rather paid compensation to slave-owners than repaired the damages done on slaves.**

It had been a long and difficult struggle in the United Kingdom itself. The date of 22 May 1787- two years before the French Revolution- has seen the first great move against slavery when the Quakers decided to join forces with those who were struggling like Thomas Clarkson, William Wilberforce and also William Pitt.

The judgment of Lord Mansfield, Lord Chief Justice, in the *Sommersett v /s Stewart* case which declared slavery illegal in the United Kingdom, has determined everything. But the United Kingdom has been very generous towards the slave-owners when it decided to give them financial compensation in exchange of the freedom of the slaves. UK had even a step further when it agreed to provide a period of apprenticeship of four years. This decision constitutes what the law calls “forced labour” which is the basis of claim compensation for the descendants of slaves.<sup>41</sup>

In 1996, in the Lords Chamber, Lord Gifford, QC, a close collaborator to Chief Moshood Abiola,<sup>42</sup> laid a motion on the necessity to pay compensation to descendants of slaves. But the lords chose to look for excuses rather than to agree for compensation<sup>43</sup>.

- **Compensation claimed on the Netherland**

The Netherland tried twice without success to colonize the island to which the name of one of its princes was given. When the Dutch left the island for good, they have left behind many Maroon slaves they brought in. They have also participated in the extinction of the DODO, and they have done real damage to the natural forest of Mauritius. There are to-date traces of their occupation of the island spreading over a period of 75 years.

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<sup>41</sup> Brooks, 2006.

<sup>42</sup> Abiola, 1937 to 1998, was elected president of Nigeria and spent his last years in jail. He was a philanthropist and a militant for compensation.

<sup>43</sup> Hansard, House of lords, 14 March 1996.



VF claims that the netherland has also to pay compensation for uprooting people and forced them into slavery, those killed during sea voyages, those who died of epidemics and of cyclones. The Netherland has participated in a crime against humanity.

## **6. WHO ARE THOSE TO BENEFIT OF THE COMPENSATION?**

VF has set the criteria which allow to reach the two objectives which have been already defined: to liberate those descendants of slaves from their actual status of economic dependence where they are still to a sustainable and equitable development.

### **5.1 Criteria of eligibility**

To benefit of the compensation, a descendant of slaves must satisfy the following criteria of eligibility:

1. An applicant must have the citizenship of Mauritius and must have resided in the territory of Mauritius for the last five years.
2. An applicant cannot have wealth which exceeds an amount of two millions rupees ( Rs 2 millions) in terms of land, house, money, etc.
3. In a family, every member ( mother, father, child..) is entitled to a compensation if he /she satisfies criteria set at No 1 and No 2.
4. Each applicant must be alive during the period fixed for registration to benefit of the compensation.
5. An applicant born after the period fixed for registration shall not be entitled to any compensation.
6. In the case of a minor, he/she will be allowed to his/her compensation provided he/she is 16 years old and the compensation is used for training.
7. An applicant who is serving a term of prison is allowed to administer his/her compensation under an authority appointed in that case and once he/she has been set free, he/she is allowed to make use of the compensation in line with the objectives set for that purpose.

8. An applicant who is disabled / handicaped or sick is entitled to a compensation under the legal authority appointed to supervise him/her.

## **6. IN WHAT CONDITIONS CAN A BENEFICIARY USE HIS/HER COMPENSATION ?**

- **Definition of compensation.**

For VF, each beneficiary has the right to a financial compensation of a value amounting to one million Mauritian rupees ( Rs 1,000,000.) made up as follows: 70 % from funds obtained from the descendants of slave-owners and 30 % from the State of Mauritius.

A compensation means

1. a payment of an amount of money in one go, per month or per year on a determined period which does not exceed five years.
2. Plot/s of land.
3. House of Firinga type.
4. Shares in a company/ies.
5. Scholarship and training.

- **Steps to be taken by the Government of Mauritius to implement the TJC recommandations.**

1. The Government of Mauritius shall pay its share of the compensation according to a schedule which does not exceed a period of five years.
2. The Government of Mauritius shall take such measures which allow it to cash the share of the compensation from companies and industries concerned owned by descendants of slave-owners over a period which does not exceed five years.

- **The setting up of a compensation fund with a board of administration**

1. An act of the National Assembly shall institute a fund or body corporate which shall have powers to collect, manage, distribute

all monies, lands, houses, company shares, scholarships, etc accruing to it and to set the terms and conditions under which the compensation fund shall be utilized by beneficiaries.

2. The fund shall be managed by a broad-based board of administration placed under the direct control of the President of the Republic of Mauritius and under the scrutiny of the National Assembly.
3. The fund shall comprise of all stakeholders, i.e Government representatives, private contributory representatives and beneficiary representatives.

The chair shall be appointed by the President of the Republic on the advise of the Prime minister after consultation with the Leader of the opposition. Representatives of beneficiarries shall have a majority number of seats and shall be elected by the beneficiaries every two years. Members of the board shall comprise of persons of good experience in management and have a sound knowledge in social security, economic, ecological fields of development and cultural matters as well as in accountability and integrity.

- General conditions for the utilization of the compensation money.

An adult beneficiary shall use his/her compensation under the supervision of the compensation fund's comprising the following conditions.

1. A beneficiary who does not possess a home/plot of land will benefit of a plot of land and a house of Firinga type, for himself/herself, spouse and children under his/her guard. The house shall be provided with clean energy (electricity) and a reservoir to collect rain water.
2. A beneficiary who has no qualified job, shall benefit a training appropriate to his skill together with adult members of the family and a follow up shall be made so that he/she can develop in an economic activity which is equitable and sustainable for himself/herself and for the country.

3. A beneficiary who is recipient of the old age pension and/or a pension to which he/she has contributed shall be advised to find the appropriate means to invest or administer his/her compensation in a way which provides him/ her a maximum security.
4. A beneficiary who is a minor shall have his/her compensation kept in a savings account and shall be allowed as from the age of 16 onl to use his/her money to follow training courses set in a list of priority training.
5. All other beneficiaries shall invest in an economic activity which has as objectives sustainability and equilability in the perspective of an ecological development promoting the following: food security, clean and cheap energy, equitable and sustainable of management of the national resources of the Republic of Mauritius.

**In short, once a family of a descendant of slaves holds a plot of land to live in, the second objective of the compensation is to provide him/her the means and possibilities to become a professional who will be able to cater for himself /herself and his/her family to live decently and to participate in the economic development of the country.**

- **Measure to be set to provide the professional economic activities.**

### **1) Training**

#### *National compulsory Education.*

This training concerns children who are of 3 to 16 years old. The reform of the system of education is vital to have a true democratic educational system for all the children of Mauritius. Our perspective on this reform as laid down in our memorandum on education will be provided to TJC separately. Because this reform forms part of the policies of the National Education of the State of Mauritius, the compensation fund will devote more on training needs which fall outside the ambit of government.

More attention must be paid to children of descendants of slaves who have been most hit and fallen victims of the discriminatory educational system and who have fallen outside school before the age of 16 years.

It is necessary to set up professional training to those young persons who do not want to follow the academic curriculum. For them, it is necessary to take into consideration the oral means of transmission of knowledge and they should be accompanied by professionals who have a sound knowledge whether oral or practical to become good trainers.

### *DIPLOMA FOR ADVANCED TRAINING*

This diploma will be equivalent to a “A” level which testifies the basic professional training of a young person aged between 16-19 or an adult during two to three years, in one given subject. In addition, to give a training on professional relation management, management of his/her time, the negotiation skills to develop his/her works and management his/her budget. During that training, a descendant of slave will benefit of his/her compensation under a kind of grant.

### *PROFESSIONAL DIPLOMA*

It is a diploma for a person between the age of 19 to 22 or more to prepare him/her for three years after his/her “A” level which testified that he/she is not only a professional in his domain, but he/she can also undertake a work in an autonomous manner and can manage an enterprise (alone or with others). In addition to the specialization of his/her training, he/she will get training on labour laws, the setting up of an enterprise, accounting, etc.

A person who succeeds in getting that diploma shall be able to use the remaining of his/her compensation money to start an enterprise if he/she so wishes. He/she should be encouraged to follow that line.

## **2) Special cases**

1/ An invalid : priority for health care and security.

2/ Old age person : priority to a Day Care Centre, interactions with young persons for transmission of culture and oral memory.

3/ Orphan /minor : interactions with adults without child.

4/ Man and woman who have or not any child: kindergarten, professional training not far from their residence.

5/ Alcoholics, Drug addicts, marginalized persons:  
A programme for social re-integration and a therapy.

### **3) A service to be put in place for the following purposes.**

-To guide all beneficiaries to choose economic activity depending on :

- 1/ their motivation
- 2/ their capacity
- 3/ the sustainability of the project

- To follow his/her during the training process till the end in obtaining or creating a job.

- To guide him/her in the management of his/her capital.

**4)** To make a survey of all economic activities to help the descendants of slaves to take their place in the society to-day .

- The media for the promotion of a model of ecological development for developing countries.

- Telecommunications
- Medical care/Health
- Oral training
- Tourist guides (Green and cultural tourism)
- National & International transport.
- Fishing and aqua-culture
- Languages
- Performing arts
- Sports
- Recycling industries

## 7 WHAT “VERTS FRATERNELS” EXPECTS FROM THE TJC ?

This memorandum is a guideline which VF proposes to the TJC for the researchwork which the Commission has undertaken to carry on slavery and indentured labour and their consequences.

6.1. VF is expecting that the TJC first and foremost work is to know the truth on the history of Mauritius. This dimension is a priority because the knowledge of the truth constitutes in itself a deep sense of healing of the collective memory of our country in its development to bring reconciliation. In the period of its history where the people of Mauritius have arrived today, each individual in each community has his own perspective of history and even of the realities of contemporary Mauritius. The *understanding* of the different perspectives will contribute not only to a better understanding between the different groups, but also a contribution to share our memories.

- **A few proposals on research in our contemporary situation**

1/ At the same time that researches are undertaken on the period of slavery, it is important to put together all data on the situation of descendants of slave today in particular their economic situation. What percentage do they have in the different economic sectors of Mauritius? What is their percentage in a secured employment ? What percentage of them have a house ? How many are living in CHA ESTATES (cités) and NHDC? How many resort to *squatting* ?

2/ It will be important to know the percentage of descendants of slaves in prison and police cells, for thefts, crimes, drug addiction, debts, prostitution, etc.

3/ What is the percentage of lands in the possession of descendants of slaves allowing them to live and to carry an economic activity ? How many have lost their lands though theft and prescription ?



- **Some proposal on history**

1/ In the perspective of a financial compensation to descendants of slaves, it is important to have an evaluation of the financial compensation paid by UK to former slave-owners who are represented today.

2/ It is also important to know the names of enterprises which have benefited from slavery and their succession up to now. In what conditions they have benefited from slave trade and the slave labour?

3/ It is important to carry a survey of all public infrastructure which have been built throughout the country during the period of slavery , other work have done for the colourial power, the number of them who lost lives in works accidents, condition of works , food, lodging ,dress ,educations etc.....

4) In Mauritius, the British .....(1810 –1834 ) has allowed to gather a lot of information on slavery , specially when there was the commission of eastern Enquiry presided over by deburch and Blair . All these important documents will allow to get a better idea as the practice of slavery in Mauritius , in the central administration as well as in sugar indentury .This commission did create a part of share protection , slaves were able to make complaint in spite of all risks which they had to face. The complaint give a better insijust on the inhumain suffering which the slave-owners and their “Commandeurs” executed . This alone constitute a very “demantive” to historian who pretended that slavery was not brutal.

5) Data as slave population , are not complete and true . On each ship which carried slaves : how many were there on the departure , how many on arrival ? How much a slave was sold ? What gains the work of a slave have allowed his/her proprietor to enrich himself/herself ? etc.....

6) The democratic of access to as public archives and others religious institution as also fondamental.

VF is aware that work has already started in many of the proposal which are covered in this memorandum . It acknowledge that the works of the commission is not an easy one . For this reason , it has presented in this document to the maximum its perspective on compensation to member of the commission.

The time -limit which the commission has set between the moment it has called officially for submission of papers , dossiers and the dates time as 30 Sept 2009 of which it has put, has not allowed us to more attention to what we would have hoped in this memorandum . In particular the bibliography which we promised to send afterwards to the commission.

Each member of VF and its sympathisans wish to thank the members of the Truth and Justice commission for their attention which they will give to the claim.

At annex , the best of sigfiatories.

