



"I'm Dominican and I have rights" – "We're not foreigners." Activists demand the right to be recognised as Dominican citizens as part of the national Reconoci.do campaign.

*"I've never been to Haiti. I have nowhere to go."*

## Stateless in the Caribbean

In the wake of the catastrophic earthquake of 12 January, 2010, something exceptional happened on the island of Hispaniola. Despite its long, fractured and often difficult relationship with Haiti, the Dominican Republic (DR) was the first nation to come to the assistance of its neighbour. Acting as the main conduit for international aid into Haiti, it provided first-hand emergency aid and offered supplies. Trained medical staff arrived to tend to the injured.

The solidarity shown by Dominicans was historically significant. The long-standing frictions between Haiti and the DR – in particular the vexed question of race relations – were glossed over. For

its part, the international community was eager to emphasise the interconnectedness of the two island nations and to congratulate the DR for its stalwart efforts.

Ever-present on committees, eager to be seen as promoting "dialogue" and slapped on the back by international NGOs for their "participatory" and "collaborative" approach to Haitian development, Dominican diplomats found a new respectability in the international arena. The earthquake was the DR's ground zero in rebranding its relationship with Haiti.

But this honeymoon was short-lived. In September 2013, the DR Constitutional Court dropped a legal bombshell with far-reaching consequences. High court judges

passed Judgment 0168-13, a ruling which retroactively rescinded the citizenship of tens of thousands of Dominicans of Haitian parentage born after 1929. The decision rendered them stateless.

### **Not Haitian; No Longer Dominican**

Juliana Deguis Pierre, the daughter of Haitian parents born and raised in the DR, had struggled to obtain basic documentation from the authorities for a number of years. Told that her French-sounding (i.e. Haitian) name aroused suspicion, she was prevented by the authorities from renewing her original DR birth certificate.

Juliana's native tongue is Spanish. She is not Haitian. She is no longer Dominican. "I am 28 years

old and...not once have I been there [Haiti]. I don't know what it's like...because I've never been because I was born here," she stated in an interview with *El Caribe* newspaper.

Now arbitrarily deprived of her nationality, Juliana cannot challenge the decision in the DR courts despite a ruling which is in clear breach of international law. She, and tens of thousands like her, has no identity and nowhere to go. For many now, their DR passports, national ID cards and even birth certificates are not worth the paper they are written on.

The government is annulling people's basic documentation, claiming that it should have never

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# Haiti and the DR – Partners

By the end of last year, grassroots organisations on both sides of the Haitian-Dominican border protesting the racist denationalisation measures taken by the Dominican Republic (see main story) had every reason to believe that the tide was turning their way.

Their tireless condemnations were finding an increasingly loud echo in international circles.

Former Prime Minister of Antigua and Barbuda, Lester Bird, had denounced the ruling as “so absolutely racist that it’s almost pathetic”; CARICOM had suspended the DR’s application to join, citing the “abhorrent and discriminatory ruling” and the Organisation of Eastern Caribbean States also expressed its abhorrence at the “repulsive” decision. The Inter-American Commission on Human Rights had just completed a visit to the DR, and issued highly critical preliminary observations. Furthermore, many nations who attended the United Nations’ Human Rights Council openly condemned the DR for its “lack of judgment” and urged it to take the necessary steps to ensure that people were not discriminated against on the grounds of skin colour, ethnicity or nationality.

The DR government may have always shown itself to be impervious to moral condemnations, and even international legal rulings in matters of human rights, but it is highly sensitive to its own economic interests. Which is why, when St Vincent and the Grenadines Prime Minister Dr Ralph Gonsalves, announced that he would be leading a call for the DR’s suspension from the highly lucrative Petrocaribe scheme of subsidised oil supply at the body’s forthcoming summit in Caracas, the Dominican government jumped, and hastily organised a high-level delegation to the meeting.

For the first time, the DR authorities were on the back foot, and would have to defend the indefensible in an international forum that actually mattered to them.

## Defeat from the Jaws of Victory

Those expecting fireworks at the summit will have been disappointed, as the Venezuelan hosts were keen to avoid any show of disharmony among the ‘Bolivarian Brotherhood’. Instead, Venezuelan President Maduro announced that he had brokered an “historic” decision by the heads of state of Haiti and the DR to form a “high-level bilateral commission” to find “a just, proper and balanced solution” to the problems affecting both governments.

But Haitian migrants’ rights organisations, much closer to the issue, and more familiar with its history, were sceptical: why had the Haitian government been silent on the issue until now? What was “historic” about the dusting off of a bilateral forum that had been instituted in 1996, but since fallen into disuse due to the lack of commitment on either side? Shouldn’t Haiti be condemning the illegal treatment of Dominican citizens by their own government before entering negotiations that might afford such treatment some legitimacy? Above all, they expressed the concern that the distinct issue of international law at stake was at risk of being subsumed into the issue of Haitian migrant labour in the DR, along with a raft of other matters that were the sole concern of the governments involved. Furthermore, if the DR was prepared to ignore agreements signed with the OAS and the UN, how could it possibly be trusted to respect one it signed with Haiti?

Their concerns proved justified when a joint declaration was issued after the first of a promised series of monthly summits, held in the Haitian border town of Ouanaminthe on 7 January. In it, both governments confirmed that this was merely the ‘reactivation’ of a joint bilateral commission that would be dealing with questions as varied as reforestation, cross-border markets, customs enforcement,

visa requirements for Haitians studying in the DR, security and intelligence cooperation, as well the ‘migratory’ question. The Haitian side affirmed that it “recognised the DR’s sovereign right to determine its migratory policy and its rules for granting of citizenship”, in exchange for an unspecified ‘guarantee’ that the rights of “people of Haitian origin” would be safeguarded. An equally unspecified commitment was given that the Haitian government would provide “temporary Haitian workers” in the DR with the necessary documents to enable them to obtain a visa under a new programme.

The Dominican government must have breathed an audible sigh of collective relief. Not only had the Haitian side not even mentioned the flagrant breach of international law, it had explicitly acknowledged its own “sovereign right” to do as it pleased on issues of citizenship and immigration, echoing the Dominican far-right’s assertion that international human rights bodies should not interfere in their domestic affairs.

Haitian rights organisations, notably GARR, the platform created to support refugees and deportees, mainly from the DR, were quick to decry the fact that the Haitian government was muddying the waters by conflating the issue of Haitian migrant workers with that of Dominican citizens being stripped of their nationality, thus risking confusing and demobilising international critics just as their voice had been getting louder. GARR also questioned the Haitian government’s willingness and ability to issue undocumented Haitian nationals in the DR with “necessary” documents, when a vast number of its citizens at home remained unable to obtain such basics as a birth certificate.

The second meeting of the commission was held in the Dominican border town of Jimaní on 3 February, and confirmed GARR’s pre-

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been issued in the first place.

If the Constitutional Court’s judgment is to be believed, for over 80 years the DR has apparently misunderstood and been misapplying its own constitutional law. Authorities – in their attempt to address this – are rejecting accusations that the ruling applies the law retroactively by claiming that it is taking the necessary steps to clean up and modernise the country’s civil registry system.

Although her birth certificate may state otherwise Juliana – in the eyes of the law – was never really a DR citizen in the first place.

Without the correct documentation, Dominicans of Haitian descent and, more worryingly, those “deemed” to be un-Dominican by the authorities, are barred from ac-

cessing a range of services. These include what most would assume to be basic citizenship and residency rights – including the right to a state education, the right to access to healthcare, the right to vote, the right to own property, the right to claim an inheritance and the right to work.

Estimates of how many people are affected by the ruling have been anywhere from a few hundred to the hundreds of thousands. This lack of clarity is understandable. If the authorities choose to measure a person’s “Haitianness” selectively and apply it to a largely undocumented group of citizens then the exact number of people affected will be very difficult to assess.

The current struggle faced by Dominicans of Haitian descent to gain access to basic documentation

such as birth certificates brings back terrible memories of the 1937 Parsley Massacre when tens of thousands of Haitians and “Haitian-looking” (that is, dark-skinned) Dominicans were hacked to death on the orders of then dictator Rafael Leónidas Trujillo Molina.

“El Benefactor”, as he was known, made concerted efforts to portray the Dominican Republic as a white, Spanish-speaking, Catholic country, effectively defining a national identity that is self-consciously the antithesis of perceptions of Haiti. The Parsley Massacre was so-called because a failure to pronounce the word “perejil” (“parsley” in Spanish) correctly, when stopped by soldiers, constituted a death warrant which was executed on the spot. A

similar approach to “Haitianness” is still used in the Dominican Republic today, where a “suspicious” sounding name can see a person stripped of their statehood.

## Legal Limbo; Enforced Silence

The wave of panic the ruling has created is palpable: “I get worried that the immigration police will stop me and demand my ID card. If you don’t have one, they take you away and if they send me to Haiti I don’t know where I will go because I’ve never been”, says Juliana.

The conscious decision by the DR to create and criminalise a group of citizens and non-citizens means that its members will now be more dependent than ever before on those who profit from their cheap and backbreaking labour. Anxious not to draw attention to

# ers in Crime

Source: ACF Observatory on Migration, 2013



"If I'm not from here then where am I from?" – "I want to vote". The recent ruling has drawn widespread international condemnation for its discriminatory and retroactive nature.

diction regarding demobilising international critics, as CARICOM representative Colin Granderson, whose presence as an observer at the first meeting had been much trumpeted, did not attend. The final declaration makes no mention of Ruling 0168-13 itself (see main story, page 4), mentioning only the DR government's intention to establish a "special law dealing with those born on Do-

minican territory who have no kind of documentation" – which is certainly not the case for the estimated tens of thousands whose documentation is being retrospectively deemed invalid.

GARR founder Colette Lespinasse wrote on 10 February that both governments had used the bilateral commission to bury the burning question of Ruling 0168-13 and were

negotiating away the sufferings of thousands to benefit the economic and political interests of the elites on both sides of the island and that it would "now be difficult to explain to the world what is happening."

Thanks to the Haitian government intervention, the DR government has found a breathing space and ammunition with which to prepare its propaganda counter-offensive, as well as intensify the intimidation of domestic opponents.

## A Community of Interests

Why have Haiti's ruling elites proved so ready, now and in the past, to sacrifice the interests of their population in favour of those of the Dominican elites? What is the driving factor in the dynamic?

The interests of both sides actually dovetail quite neatly. Notwithstanding the racist demagoguery that characterises Haiti as a backward nation and a drain on the Dominican economy, Dominican business benefits massively from the relations between the two countries. They share the same interest as Haiti's elite in keeping Haiti underdeveloped and the mass of Haitians powerless, whether as a pool of easily exploited labour, or as a captive and highly profitable market. While frictions may occasionally occur between specific business interests, Haitian monopoly importers' interests neatly dovetail with those of Dominican exporters, pricing becoming merely a question of division of the spoils.

The Haitian government's complicity in whitewashing Ruling 0168-13 is merely a natural continuation of the *quid pro quo* that has allowed those interests on either side of the border to profit from the status quo despite the guaranteed misery that results. After all, if international norms were to be observed in the DR, where would this leave Martelly as regards his own refusal to uphold them in terms of his treatment of those displaced by the earthquake, prosecution of Jean-Claude Duvalier for crimes against humanity or compensation for the victims of the cholera epidemic introduced by a foreign occupation force on which his illegitimate power depends?

their "origins", those with access to resources will pay whatever it takes to regularise their status. A nice, profitable little earner for the already atrociously corrupt DR government.

Fear of losing citizenship is leading to the suppression of society's most vulnerable people and silencing those who may have a louder voice to condemn the authorities' actions. With the new ruling, people like Juliana – who once believed that they were Dominican citizens and who had never thought their citizenship would be questioned – are now in possession of original birth certificates and identity cards that have been torn up by the state and are effectively worthless.

Juliana's parents were brought to the DR under an agreement with

Haiti. Throughout the twentieth century, the DR, pre-revolutionary Cuba and the United States made huge profits from the cheap (or even unpaid), irregular and often illegal Haitian labour that they sourced to work on plantations from *bateyes*, Haitian sugar cane workers' communities. Both countries were at a similar level of development, relying on subsistence agriculture and the export of certain commodities: indigo, coffee, sugar, timber. The local business elites, based in coastal cities, had control of the external trade that ensured the profits acquired guaranteed governments compliant to their interests, while the hinterland saw little development. In more recent years, Haitians and people of Haitian parentage have become the backbone of the Dominican in-

formal labour market, working in domestic service and on construction projects.

Whilst the DR made huge profits on the back of cheap Haitian labour, it cynically bypassed the legal requirements and the paperwork that the state is now demanding from those same workers. Ex-President Leonel Fernández's dream of converting the capital Santo Domingo into his "Nueva York Chiquito" (Little New York) was realised by this informal labour which he used to build his metro, new highways, skyscrapers and tourist resorts. The lack of regulation and social security protections and the informality of employment contracts were never matters of concern for his administration. Still less the appalling living and working conditions en-

dured by the labourers.

Anxious to distance himself from accusations of racism, Fernández, when confronted by journalists in New York, stated: "If it [the ruling] is retroactive then this would mean that there has been a problem determining the legal status of people living in the country. They have been under the impression that they are Dominican and at some point were even in possession of DR paperwork. Something like that can lead to other types of problems." Indeed. Such as the potential removal of tens of thousands of voters from the electoral rolls. Fernández is standing for reelection in 2016 and can expect few votes from that quarter.

When Fernández accepted an invitation to speak at the National

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Dominican Student Conference at Harvard University in March 2014, he was presented with a public letter by organisers that demanded he address the issue of the ruling as a condition of his participation. Unwilling to face difficult questions, he promptly declined.

### Dominican Nationalism Rampant

In a well-intentioned but perhaps misguided act of solidarity, at the inaugural ceremony of a regional conference on women in Latin America and the Caribbean in October 2013, a group of women interrupted the current Dominican President Danilo Medina by holding protest banners shouting “We are all Haiti.”

Their focus on Haiti, rather than the DR, together with the fact that the delegates were mostly from abroad and represented international NGOs, led to nationalist groups criticising foreign interference and lack of understanding of sovereign issues. In an attempt to divert attention from the issue of race, nationalist groups have repeatedly reiterated the “right to sovereignty” and the need for Caribbean nations to exert their own autonomy over migration issues.

Lambasted by the international community and facing allegations of a retroactive social apartheid, the Dominican authorities have come out with their “plan de ataque” to combat the wave of negative publicity and international pressure they have faced. They are keen to present themselves as victims of international bullying, on the one hand, and as a multicultural and diverse nation, on the other.

At a recent speech in London, the Dominican Ambassador Federico Cuello Camilo stated his satisfaction at celebrating his country’s national Day of Independence “after several months of an unjustified campaign against one of the most multiracial and multicultural countries in the world, where people with over 117 national origins coexist peacefully.”

In November 2013, the Dominican government released its proposal for a “National Regularisation Plan for Foreigners in an Irregular Migratory Situation” and in March 2014 presented this plan to the United Nations Human Rights Council in an attempt to demonstrate the country’s intention to conform to international law.

Despite the obvious legal contradictions and dubious legitimacy of the plan, nationalist groups and members of the Dominican elite, such as Cardinal López Rodríguez, have come out in strong support, hailing it as an opportunity for the nation to exert its authority over the issue of immigration. To confuse the citizenship issue further, they have focused

on migration and emphasised that the matter concerns foreign nationals, giving impetus to nationalist groups’ anti-Haitian rhetoric. The National Network for the Defence of Dominican Sovereignty, for example, recently staged a large-scale and well-attended protest.

Haiti is one of the few nations that offers *jus sanguinis* citizenship. Nationalist groups have highlighted this point to suggest that Dominicans of Haitian parentage can easily apply for Haitian nationality should they so wish. Dominican Ambassador in Washington Aníbal de Castro rejected accusations made in *The New York Times* that the ruling had cast Dominicans of Haitian descent into a legal limbo.

“The Dominican government is fully aware of the plight of the children of illegal Haitian migrants born in the country who lack identity documents. This does not, however, render them stateless. As your article says, Haiti’s Constitution bestows citizenship on any person born of Haitian parents anywhere in the world,” he wrote. In other words: go back to where you belong! Or we’ll send you there.

Systematic repatriations of Haitians from the Dominican Republic have been taking place for years. Although arbitrary deportations of those affected by Ruling 0168-13 were ruled out by President Danilo Medina, human rights groups have drawn attention to the country’s track-record of unscheduled expulsions of documented and undocumented workers: up to 30,000 on an annual basis. So the fear of deportation to Haiti is very real for those affected by the ruling.

### Citizen, Foreigner, Resident, Citizen

Informed that her status in the country was “irregular”, Marie Etienne Désir Joseph, the daughter of Haitian parents, was recently the subject of widespread publicity as the first “former citizen” to receive a temporary residency permit in a formal ceremony. To a media circus, she was handed her papers by representatives who publicly congratulated her for her efforts to “regularise” her status in the country so that she could now register to study with her new papers.

Just over a month later, Desir attended a naturalisation ceremony with 36 foreigners from countries including Colombia, Cuba, Spain and Russia. She was awarded Dominican nationality on the basis of her marriage to a Dominican national.

A crass PR stunt by the Dominican authorities to legitimise Ruling 0168-13, this in fact served to highlight the Kafkaesque legal and administrative

barriers that Dominicans of Haitian parentage are currently facing – and having to pay for – in order to become recognised as legal residents in their country of birth.

Peruvian Nobel laureate Mario Vargas Llosa has been highly vocal in his criticism. In an article published in the Spanish Newspaper *El País* on 3 November 2013 he highlighted the historical similarities of the DR’s ruling to Nazi legislation of the 1930s that stripped German Jews of their nationality. That historical parallel led to a motley assortment of Dominican “community organisations” burning copies of his book, *The Feast of the Goat*, and declaring his son – Head of Mission of the UN Refugee Agency in the Dominican Republic – “persona non grata”.

On 24 March in Washington D.C., the Inter-American Commission on Human Rights was due to hear two cases relating to the plight of Haitian migrant workers and their offspring. Juliana had been granted a special visa to present her case before the session. She never made it: the Dominican authorities denied her boarding on the grounds that she was not in possession of a Dominican passport. The DR authorities have vigorously refuted accusations of racism, arguing that people cannot be made stateless if they were never Dominican in the first place.

Her “non-citizen” status has made her a prisoner in her own country.

The new geopolitical settlement that has been created in the Dominican Republic sets a worrying precedent. Criminalised for the origin of their parents, grandparents or even great-grandparents, the poor will find their voice ever more marginalised. Fear of deportation is sending communities deeper into the *bateyes* where they have lived for generations and is discouraging them further from accessing their basic rights.

Although the ruling mostly affects Dominicans of Haitian parentage, other non-Hispanic descendants of Africans in the Caribbean – “cocolos” – have not escaped being tainted with the “Haitian” label and have also been refused documentation. Basically, if you’re dark-skinned, even if you were born and raised in the DR, you are now at risk of having your citizenship rescinded.

The legal instrument may be new, but this is a strategy that has always worked for the Dominican elite: keep the poor in their place, but better still keep them uneducated, unable to vote and mired in poverty. Teach them that they should be grateful and honoured if and when they find the means to pay to become a Dominican citizen. And, above all, never completely cut them off from their ties to Haiti, lest they should forget just where their blackness came from.