Ethnic Conflict, Statelessness, and Forced Migration in the Dominican Republic

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Introduction

This policy document, written during the fall of 2015, was created by 24 high school juniors who attend The School for Ethics and Global Leadership (SEGL). SEGL is a semester long residential program in Washington, D.C. that provides intellectually motivated students with the best possible opportunity to shape themselves into ethical leaders who will create positive change in our world. The Fall 2015 semester created this policy document to provide practical and ethical solutions to the current conflict between Haiti and the Dominican Republic. This issue sets a critical precedent for how endemic racism and migrant rights should be addressed in the future. This document was written entirely by the students, and the opinions expressed do not necessarily represent those of SEGL or its faculty.

Executive Summary

The island of Hispaniola is a land of two peoples, two narratives, and two realities. The 2004 Haitian coup and earthquake of 2010 catalyzed a new, tumultuous era of Haitian-Dominican relations. Mass migration from Haiti to the D.R. in the wake of these humanitarian disasters forced older issues of ethnic conflict to center-stage.

In response to the influx of impoverished Haitians, the Dominican Republic instituted a series of citizenship policies that had a disproportionate effect on Haitians and Dominicans of Haitian descent. In 2010, the D.R. instituted a law that revoked citizenship rights from thousands of Dominicans by redefining the qualifications for citizenship to exclude those born to undocumented immigrants. This law was challenged in the Inter-American Court of Human Rights in 2014. The Court found that the policy violated international law because it disproportionately impacted persons of Haitian descent and arbitrarily denied the claim to citizenship for thousands of Dominicans, rendering them stateless. Although the Court has jurisdiction in the D.R., the country has failed to adequately comply with the ruling. Furthermore, persons of Haitian descent within the D.R. continue to face discrimination from the Dominican majority, police, and government.

Previous efforts by the Dominican government have failed at naturalizing the large, stateless population. Current Dominican policy is problematic for two main reasons. First, it allows immigration officials to deny citizenship based on race. Second, it prevents a large majority of stateless people from successfully gaining citizenship as a result of insurmountable requirements. To address these issues, the Dominican government must create an automatic and general registration process with simple and clear guidelines to obtain citizenship.

Fleeing threats of deportation and violence, thousands of migrants have streamed across the border from the D.R. into Haiti. The poorest country in the Western Hemisphere, Haiti lacks the resources to provide for a new population of vulnerable people. Tent cities along the border currently house the new migrant population. Conditions within the tent cities are abysmal. The camps lack proper access to food, clean water, and medical equipment. Cholera is also rampant in these camps. There is a necessity for international organizations and non-governmental organizations (NGOs) to build and run proper camps. Furthermore, many of the thousands of stateless persons within these camps lack the legal resources necessary to apply and gain citizenship in either the D.R. or Haiti.

The United States has a responsibility to respond to this conflict. The U.S. and the D.R. are both signatories of the Inter-American Commission on Human Rights (IACHR). The IACHR has jurisdiction over the actions of the Dominican government. In addressing the current conflict on the island of Hispaniola, the American government has a national interest in protecting the human rights of displaced and stateless people in both the D.R. and Haiti. Additionally, the U.S. is a primary Dominican trading partner; economic relations between the U.S. and both nations of Hispaniola could be negatively affected if the D.R. continues to deport the bulk of the Haitians that make up their supply of cheap labor.

The international community is concerned with the conflicts in Haiti and the Dominican Republic that have erupted after 2004. After pressure in the form of requests and court rulings by the international community, the D.R. has changed its immigration policies and naturalization process. However, the D.R.'s efforts have not yet been sufficient to create reasonable policies regarding

immigrants. Additionally, to combat the corruption and to fill the gaps in the Haitian government, the United Nations Stabilization Mission in Haiti (MINUSTAH) was created to help reform and repair their nation.

The international community, Haiti, the D.R., and the U.S. all have a vested interest in ending statelessness and in de-escalating conflict on the island of Hispaniola. Actions taken by national, supranational, and non-governmental organizations will have wide ramifications on Dominican-Haitian relations.

History and Current Status

Introduction

The events that have taken place since the turn of the century in the Dominican Republic (D.R.) are informed by a long history of conflict and racial discrimination between the Dominican Republic and its neighbor, Haiti. Currently, anti-Haitian sentiment and discrimination against people of Haitian descent persists in the Dominican Republic's society and culture. While we cannot prove intent of government policy, their impacts have proven, under the premise of disproportionate impact, to be discriminatory towards Haitians and people of Haitian descent. On the basis of this discrimination, the Dominican Republic's policies concerning naturalization and right to nationality break international human rights law. The policies have rendered thousands stateless and created a humanitarian crisis because undocumented persons do not have access to basic services in the Dominican Republic. The problems in the Dominican Republic lack attention because the Dominican government has discouraged NGO involvement, and their legislative actions in response to international criticism continue to be discriminatory. These policies, combined with anti-Haitian sentiments within the Dominican Republic, have the possibility to reinforce each other and degenerate into a situation in which there will be mass violations of human rights, potentially affecting up to one million undocumented persons. It is imperative for international and domestic communities to take action now to end discriminatory policies, provide resources for stateless people, and diffuse the anti-Haitian sentiment within the country.

The History of Hispaniola

In 1822, Haiti invaded the Dominican Republic in order to unify Hispaniola, the Caribbean island the two countries share, and remained there for 22 years until the Dominican Republic gained their freedom in 1844. The Haitian occupation of the D.R. has left lasting resentments between the two countries.[1] As a demonstration of the growing animosity, President Rafael Trujillo perpetrated the 1937 Parsley Massacre, a systematic slaughter of an estimated 20,000 Haitians and people of Haitian descent living in the country.[2] A recent report issued by the International Human Rights Clinic at the Johns Hopkins School of Advanced International Studies (SAIS) states, "President Trujillo forged a national identity centered around the racial ideals of Dominicans as descended from Spaniards versus Haitians as descended from slaves, despite the vast majority of Dominicans having a mixed race heritage."[3] This identity was demonstrated in the 1990's when some civil registry offices "would not register anyone who looked like a Haitian, by which they meant anyone who had darker skin color, spoke with an accent, or wore certain types of clothes."[4]

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[1] "How Haiti and the Dominican Republic Made Peace," *Newsweek,* April 4, 2010, http://www.newsweek.com/how-haiti-and-dominican-republic-made-peace-70721.

[2] Mark Memmot, "Remembering to Never Forget: Dominican Republic's 'Parsley Massacre,'" *NPR*, October 1, 2015, http://www.npr.org/sections/thetwo-way/2012/10/01/162092252/remembering-to-never-forget-dominican-republics-parsley-massacre.

[3] Tiffany Basciano, (ed.). "Justice Derailed: The Uncertain Fate of Haitian Migrants and Dominicans of Haitian Descent in the Dominican Republic," *International Human Rights Clinic, Johns Hopkins School of Advanced International Studies*, 2015, accessed November 11, 2015, 6, https://www.sais-jhu.edu/sites/default/files/Final-Report-Justice-Derailed-The-Uncertain-Fate-2015-v1.pdf.

[4] Open Society Justice Initiative, "Dominicans of Haitian Descent and the Compromised Right to Nationality. Report Presented to the Inter-American Commission on Human Rights on the Occasion of its 140th Session," October 2010, accessed November 10, 2015, 5, https://www.opensocietyfoundations.org/sites/default/files/right-to-dominican-nationality-20110406.pdf.

At the beginning of the 21st century, the U.S. State Department reported that out of an approximate population of 8.8 million people, the D.R. had an estimated 650,000 undocumented Haitians.[5] The majority lived in bateyes, or shantytowns neighboring sugar plantations. Business owners in the Dominican Republic, due to an agreement with the Haitian government, were allowed to employ Haitian laborers who live in the D.R. for a part of the year, with the responsibility of overseeing the laborers' return to Haiti.[6] However, this oversight often did not occur, and Haitian laborers remained in the D.R. as undocumented persons.

Dominican and International Law

The 2010 Constitution of the Dominican Republic recognized *ius soli* for citizens; that a person born in the D.R. was a citizen of that country, with the exception of a child born to parents who were "in transit". In 1930, the legislature defined the term "in transit" as anyone in the country for fewer than 10 days.[7] Leonel Fernandez, the right-wing leader of the Dominican Liberation Party, was elected to power in 2004. Fernandez, known for emphasizing economic policy and dismissing human rights, tightened government regulations. This was in response to the Dominican economic crisis, influxes of Haitians to the D.R. because of a violent coup that overturned the Haitian government, and island-wide flooding.[8] One of these regulations was the 2004 General Law on Migration, which redefined persons "in transit" as being any non-resident. The Dominican government interpreted this to expand the definition of "in transit" to mean that Haitian migrants, their children, and their grandchildren should be considered permanently "in transit" and therefore no longer eligible to be citizens.[9] Using this definition in 2010, the D.R. enacted laws to deny citizenship to anyone born to illegal immigrants after 2010. After the enactment of this law, Dominican-born children of illegal immigrants were excluded from Dominican citizenship.[10] In 2013 the Dominican Republic's Constitutional Tribunal passed law TC 168-13.[11] This was a retroactive ruling that extended the application of "in transit" to all persons born since 1929, rendering an estimated 250,000 people stateless, the majority of which were Haitian or of Haitian descent.[12] According to a Johns Hopkins SAIS report, the "ruling mandates highly discriminatory procedures" and "would constitute a breach of international prohibitions against racial and ethnic discrimination."[13]

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[5] U.S. Department of State, Bureau of Democracy, Human Rights and Labor, *2005 Human Rights Report: Dominican Republic,* (Washington, D.C.: U.S. United States Government Printing Office, 2005), http://www.state.gov/j/drl/rls/hrrpt/2005/61725.htm.

[6] Pam Wright, "The Origin of the Dominican Batey," *Children of the Nations,* last modified November 17, 2007, https://cotni.org/news/dominican-republic/2007/11/14/origin-dominican-batey.

[7] Monique A. Hannam, "Soy Dominicano – The Status of Haitian Descendants Born in the Dominican Republic and Measures to Protect Their Right to a Nationality, " *Vanderbilt Journal of Transnational Law*, August, 2014, 1127-1129.

[8] Ibid.

[9] Open Society Justice Initiative, "The Compromised Right to Nationality in the Dominican Republic," *Open Society Foundations,* accessed November 13, 2015, https://www.opensocietyfoundations.org/sites/default/files/right-to-dominican-nationality-20110406.pdf.

[10] Canada: Immigration and Refugee Board of Canada, "Dominican Republic: Whether a person can obtain citizenship...," *Immigration and Refugee Board of Canada*, August 20, 2014, http://www.refworld.org/docid/543b95d04.html.

[11] Rose-Marie Belle Antione, Felipe Gonzalez, Rosa Maria Ortiz, and Elizabeth Abi-Mershed, "The Right to Nationality in the Dominican Republic," Center for Humanitarian Rights and Humanitarian Law, last modified October 29, 2015, http://hrbrief.org/2015/10/the-right-to-nationality-in-the-dominican-republic/.

[12] Randal Archibold, "Dominicans of Haitian Descent Cast Into Legal Limbo by Court," *The New York Times*, last modified October 24, 2013, Americas sec., http://www.nytimes.com/2013/10/24/world/americas/dominicans-of-haitian-descent-cast-into-legal-limbo-by-court.html.

[13] Tiffany Basciano (ed.), "Justice Derailed: The Uncertain Fate of Haitian Migrants and Dominicans of Haitian Descent in the Dominican Republic," *International Human Rights Clinic, Johns Hopkins School of Advanced International Studies*, accessed November 11, 2015, 33, https://www.sais-jhu.edu/sites/default/files/Final-Report-Justice-Derailed-The-Uncertain-Fate-2015-v1.pdf.

In response to international pressure, President Danilo Medina enacted Naturalization Law 169-14 in 2014, which he stated would provide a pathway to citizenship for these people.[14] This law divided those affected by Law 168-13 into two groups: Group A and Group B. There are an estimated 50,000 people in Group A. According to Human Rights Watch, "Category A nationals have been registered as Dominicans, but have alleged irregularities in their civil registry on account of being descendants of undocumented migrants."[15] Members of Group A are in a government-led process of regaining their citizenship. Group B is comprised of approximately 200,000-210,000 people who are undocumented persons, "born in the D.R. before April 18, 2007, and who did not register as Dominicans."[16] Group B individuals would first be required to register as foreigners in a process carried out by the Ministry of Interior and Police. Once recognized as non-nationals, individuals would have an opportunity to naturalize as Dominicans after a two-year waiting period.[17] However, during the time it takes for these people to register, they are left stateless, in violation of international human rights law.

The Inter-American Commission of Human Rights and the Inter-American Court of Human Rights are divisions within The Organization of American States (OAS), created in 1948.[18] The Commission engages in human rights monitoring and promotion activities, whereas the Court issues advisory opinions on the interpretation of regional human rights instruments. The Court may only decide cases brought against the OAS Member States that have accepted the Court's jurisdiction.

In the 2014 Case of *Expelled Dominicans and Haitians v. Dominican Republic*, the Inter-American Court of Human Rights stated that "international human rights law prohibits not only policies and practices that are deliberately discriminatory, but also those whose impact discriminates against certain categories of persons, even when it is not possible to prove the discriminatory intention."[19] Using this standard, the Court concluded that, "the [Dominican Republic] violated the prohibition of the collective expulsion of aliens established in Article 22(9) of the American Convention on Human Rights, in relation to the failure to comply with the obligation to respect rights without discrimination."[20] Under the premise of disproportionate impact, the 2014 Naturalization Law (169-14) also discriminated against those of Haitian descent. In addition, according to the 2014 U.S. State Department Report on Human Rights, the 2014 Naturalization Law disproportionately impacted "an estimated 200,000 undocumented persons mainly of Haitian lineage (Group B)."[21]

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[14] Luis Francisco Valle Velasco (translator), "The Constitution of the Dominican Republic," *The Constitution Project,* 2010, accessed November 10, 2015.
https://www.constituteproject.org/constitution/Dominican_Republic_2010.pdf

[15] Celso Pérez, "We Are Dominican: Arbitrary Deprivation of Nationality in the Dominican Republic," *Human Rights Watch*, accessed November 11, 2015, https://www.hrw.org/report/2015/07/01/we-are-dominican/arbitrary-deprivation-nationality-dominican-republic#_ftn5.

[16] Ibid.

[17] Open Society Justice Initiative, "Deportation and Citizenship in the Dominican Republic: Unanswered Questions" *Open Society Foundation*, July 2015, https://www.opensocietyfoundations.org/fact-sheets/deportation-and-citizenship-dominican-republic-unanswered-questions.

[18] Organization of American States, "Charter of the Organization of American States," *Department of International Law*, last modified April 30, 1948, http://www.oas.org/juridico/english/charter.html.

[19] Inter-American Court of Human Rights, *Case of Expelled Dominicans and Haitians v. Dominican Republic,* last modified August 28, 2014, 86, http://corteidh.or.cr/docs/casos/articulos/resumen_282_ing.pdf.

[20] Ibid., 156.

[21] U.S. Department of State. Bureau of Democracy, Human Rights and Labor, *2014 Human Rights Report: Dominican Republic*, (Washington, D.C.: U.S. United States Government Printing Office, 2014), 22, http://www.state.gov/documents/organization/236896.pdf.

Current Status

The Haitian earthquake in January of 2010 caused an increase in the number of Haitians entering the Dominican Republic seeking economic opportunity and relief. The U.S. State Department estimated the number of migrants entering the D.R. directly following the earthquake at about 130,000.[22] The Dominican government responded to the sudden international attention to the island by accepting the migrants and issuing a moratorium on deportations of Haitian migrants.[23] The Dominican government's actions were motivated by brief international attention and did not represent an overall increase in tolerance towards Haitians.[24] This was shown when later that year, in response to the rising numbers of Haitians within the country and the outcry of Dominican civilians, the Dominican government enacted the 2010 constitutional amendment.[25] Following this amendment, children born of people "in transit" are registered in the "Pink Book of Foreigners," which acknowledges their birth and provides access to future registry as an official citizen of the Dominican Republic.[26] However, previous to the amendment, a U.S. State Department Report on Human Rights in the Dominican Republic stated that children born of Haitian parents were routinely denied birth certificates, as well as education, health, and security documentation. Additionally, registration in the "Pink Book" is not regulated and is subject to discrimination towards those of Haitian descent, with numerous children going unregistered.[27] Children of Haitians and those of Haitian descent, of whom an approximate 10,000-20,000 are born each year in the Dominican Republic, are therefore rendered stateless from birth.[28] The Pink Book is an indication of the long and convoluted process of registration a person must navigate to gain Dominican citizenship. As an added factor, discrimination against those of Haitian descent makes the first step of registration nearly impossible, so the cycle of statelessness and its negative humanitarian effects are perpetuated.

Haitians and those of Haitian descent currently face a reality in the Dominican Republic in which, despite government-instituted legal channels to gain citizenship, thousands remain stateless. Dominican Republic government figures for the number of people deported since the deadline are at about 7,000.[29] Without documentation within the Dominican Republic, an individual cannot complete secondary education, matriculate at a university, apply for a passport, participate in elections, run for office, open a bank account, acquire and transfer property, obtain social benefits, or register the birth of their own children in order to have them be recognized as Dominican

[22] U.S. Department of State. Bureau of Democracy, Human Rights and Labor, *2010 Human Rights Report: Dominican Republic*, (Washington, D.C.: U.S. United States Government Printing Office, 2011), http://www.state.gov/j/drl/rls/hrrpt/2010/wha/154503.htm.

[23] Celso Perez, "The Dominican Republic's Tortured Relationship With Its Haitian Minority," *Foreign Policy*, last modified June 19, 2015, http://foreignpolicy.com/2015/06/19/the-dominican-republics-haiti-migrants-expulsion-human-rights/.

[24] Denise Brennan, interview by author, Washington, DC, November 10, 2015.

[25] "Dominican Republic: Whether a person can obtain citizenship if one parent has Dominican citizenship that is not affected by the 2004 General Law on Migration, including requirements and procedures; documents required to prove that the parent is not retroactively affected by the 2004 law," *Immigration and Refugee Board of Canada*, last modified August 20, 2014, http://www.refworld.org/docid/543b95d04.html.

[26] Caroline Bettinger-Lopez and Indira Goris, "Grant full citizenship to all born in the country," *The Miami Herald*, June 9, 2007, http://poseidon01.ssrn.com/delivery.php?ID=08610300708411609609402001509712006900003102004403207001008207811200200707700060921000340410510010580050460731090941201250070690090540330380350140200920830000260700930650940920721100790210290007095125088122098124108005004123107075084118019070095121085&EXT=pdf.

[27] U.S. Department of State, Bureau of Democracy, Human Rights and Labor, *2010 Human Rights Report: Dominican Republic*, (Washington, D.C.: U.S. United States Government Printing Office, 2011), 17, http://www.state.gov/j/drl/rls/hrrpt/2010/wha/154503.htm.

[28] Ibid., 19.

[29] Ilaria Lanzoni, "IOM Monitors Migrant Flows on Haiti - Dominican Republic Border," *International Organization for Migration*, August 11, 2015, https://www.iom.int/news/iom-monitors-migrant-flows-haiti-dominican-republic-border.

citizens.[30] Additionally, they live with the threat of deportation and detainment at the Center for Attention to Immigrants in Haiti, which various NGOs have stated as having deplorable conditions, depriving individuals of due process and subjecting them to mistreatment in the forms of starvation and overcrowding.[31]

As of November of this year, an estimated 41,292 people of Haitian descent have left the Dominican Republic. About 21% of them claim to have been forcibly deported, 21% have been official deported, and the remaining 59% say that they left spontaneously.[32] However, the government does not acknowledge the underlying anti-Haitian discrimination that is present in the Dominican Republic that has been the cause of many of these migrations. Adding to this are examples of civilian violence, including two Haitian men who have been lynched this year as well as the purposeful burning of entire villages that housed Haitian laborers and their families.[33]

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[30] Open Society Justice Initiative, "The Compromised Right to Nationality in the Dominican Republic," *Open Society Foundations,* accessed November 13, 2015, https://www.opensocietyfoundations.org/sites/default/files/right-to-dominican-nationality-20110406.pdf.

[31] U.S. Department of State, Bureau of Democracy, Human Rights and Labor, *2010 Human Rights Report: Dominican Republic*, (Washington, D.C.: U.S. United States Government Printing Office, 2011), 6, http://www.state.gov/j/drl/rls/hrrpt/2010/wha/154503.htm.

[32] "Border Monitoring SitRep," *Haiti International Organization for Migration,* November, 13, 2015, https://www.humanitarianresponse.info/en/system/files/documents/files/border_monitoring_sitrep_xvii.pdf.

[33] Kenya Downs, "Haitian's Lynching Renews Protests Against Dominican Citizenship Law," *National Public Radio*, February 14, 2015, http://www.npr.org/sections/codeswitch/2015/02/14/384344141/haitians-lynching-renews-protests-against-dominican-citizenship-law.

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Recommendations to the Dominican Republic Government

Introduction

Although not overtly racist, Dominican citizenship policy has had disparate effects on Dominicans of Haitian descent in creating a large stateless population of Haitian Dominicans. To address this injustice, a clear and specific path to citizenship must be created along with new mechanisms to combat cultural and systemic racism affecting Dominicans of Haitian descent.

From 1929-2010, the Dominican Republic (D.R.) granted citizenship to anyone born in Dominican territory other than those born of a diplomat or parent "in transit."[34] In 2013, a constitutional tribunal ruled to interpret "in transit" as anyone in the D.R. without formal registration as citizens, taking citizenship from over 210,000 people born of migrant parents between 1929 and 2010. Before this ruling, people born in the D.R. were automatically citizens, meaning this constitutional ruling retroactively stripped them of citizenship, creating a stateless population, and breaking international law governing statelessness.[35] This large stateless population is unable to register their children at birth, enroll in any type of schooling, formally participate in the economy, or travel within the country without risk of expulsion.[36] A large majority of this stateless population lives in bateyes. These are small, impoverished towns on the outskirts of sugar plantations. They have little access to schools, hospitals, and government services. Many of these communities are in the southwest section of the country.[37]

 The international community exerted pressure on the D.R. over the violation of laws preventing statelessness put in place by The Inter-American Court on Human Rights in 2010. The Dominican government responded by provided a path to citizenship through the 169-14 Naturalization Law for people born of undocumented migrants, the majority of whom are of Haitian descent.[38] This law recognized the right to citizenship of those people with documents proving previous citizenship in the D.R., such as a birth certificate, and provided a path to citizenship for those lacking formal proof of citizenship. This path required undocumented people to register as foreigners, obtain a migratory permit, and then reside in the D.R. for an additional 2 years before being eligible for naturalization.[39] The majority of Dominicans seeking to regain citizenship lack birth registration because they were born in rural areas without registry opportunities. There are also instances of registration officers refusing Dominican babies of Haitian descent birth certificates due to historic trends of discrimination towards Dominicans of Haitian descent.[40] Because a large portion of those who lost citizenship in 2010 have lived in the D.R. for many generations, it is virtually impossible for them to get the documentation needed to register. Law 169-14's path for people who lack

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[34] Stacie Kosinski, "State of Uncertainty: Citizenship, Statelessness and Discrimination in the Dominican Republic," *Boston College International & Comparative Law Review*, 2009, 32, Gelman Library.

[35] Monique A. Hannam, "Soy Dominicano – The Status of Haitian Descendants Born in the Dominican Republic and Measures to Protect Their Right to a Nationality, " *Vanderbilt Journal of Transnational Law*, August, 2014.

[36] "We Are Dominican," *Human Rights Watch*, accessed November 8, 2015, https://www.hrw.org/report/2015/07/01/we-are-dominican/arbitrary-deprivation-nationality-dominican-republic.

[37] Marie R. Cita, "U.S. Asylum Eligibility: Citizenship in the Dominican Republic,"*Harvard Civil Rights-Civil Liberties Review* 50, March 2015, 256-287, http://harvardcrcl.org/wp-content/uploads/2015/05/USAsylumEligibility.pdf.

[38] Monique A. Hannam, "Soy Dominicano – The Status of Haitian Descendants Born in the Dominican Republic and Measures to Protect Their Right to a Nationality."

[39] Stacie Kosinski, "State of Uncertainty: Citizenship, Statelessness and Discrimination in the Dominican Republic." 2009.

[40] Monique A. Hannam, "Soy Dominicano – The Status of Haitian Descendants Born in the Dominican Republic and Measures to Protect Their Right to a Nationality."

registration, again, leaves the majority of those citizens stateless.[41] Even if select citizens were able to live in the Dominican Republic for an additional two years with foreign registration, the process of regularization is grueling. Residents had to prove sufficient "length of time spent in country, ties to Dominican society, employment and socioeconomic status and regularization of family members,"[42] again preventing the majority of the affected population from gaining citizenship. The affected population, Dominicans of Haitian descent, has trouble proving each of these qualifications as the majority of Haitian descendants work and live informally, lack sufficient capital based on the requirement (an active bank account with at least 10,000 R.D., or 229 U.S. dollars)[43], and were unable to attend secondary schooling required as proof of education due to their original lack of birth registration.

To address these problems, a new pathway to citizenship must be outlined and implemented in a way that is more effective by expediting the bureaucratic process while working to prevent discrimination by officials carrying out the registration.[44]

Preventing Future Statelessness

The primary issue with the Dominican naturalization plan lies in the fact that obtaining citizenship without a birth certificate is a nearly impossible and takes years to complete. Ensuring that the Dominican government issues birth certificates for each person born on its soil will prevent future statelessness problems in Hispaniola. In order to reach this goal, the government will need to open more birth registration facilities in the southwest of the country where a majority of the unregistered births occur. We suggest that the government collaborate with PUICA, an organization currently running multiple programs to advocate for birth registration in the Latin America,[45] to address how many additional civil registry offices are needed, and by using funds from organizations allied with UNICEF and PUICA to build the offices.[46]

Pathway to Citizenship For Group A

In May of 2014, the Dominican government, through Law 169-14, returned citizenship to those with formal birth registration. However, once implemented, the law failed to naturalize all those who were eligible before its expiration. Therefore, a large population of stateless people with official birth registration still exists. To address this, the government must re-open registration for those with formal birth registration with an expanded network of registration offices. Specifically, an emphasis should be placed on expanding access in the southwest portion of the country near the cities of La Romana and San Pedro De Macoris because the majority of those affected live in these areas.

An additional issue was that there were reports by international human rights groups accusing government officials proclaiming documents to be fraudulent in order to deny citizenship on the basis of race. Although there is not reliable information on how widespread these events are, the

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[41] Ibid.

[42] Marie R. Cita, "U.S Asylum Eligibility: Citizenship in the Dominican Republic."

[43] Ibid.

[44] Monique A. Hannam, "Soy Dominicano – The Status of Haitian Descendants Born in the Dominican Republic and Measures to Protect Their Right to a Nationality."

[45] "Universal Civil Identity Program in the Americas (PUICA): Projects," *Organization of American States*, accessed November 17, 2015, http://www.oas.org/en/spa/depm/puica/proyectos.asp.

[46] "UNICEF Dominican Republic - Knowledge Management - Name and Nationality," *UNICEF: Children's Rights & Emergency Relief Organization*, accessed November 16, 2015, http://www.unicef.org/republicadominicana/english/advocacy_partnerships_12547.htm.

Dominican Republic should strive to eliminate discrimination from within its bureaucracy. Therefore, officers should be required to file an appeal through the judiciary if they believe a document to be fraudulent. To ensure that the judicial process is fair, we suggest that the court be overseen by members of Dominican civil society including Dominicans of Haitian descent.

As a further measure to speed up the process and prevent discrimination, the Dominican Republic must guarantee a one-step registration process for citizens in Group A. Former citizens will be required to display only their proof of birth in the D.R. before 2013 at an immigration or registration office in order to obtain an ID card that serves as proof of citizenship.

Pathway to Citizenship for Group B

Group B consists of Dominicans who had their citizenship revoked as a part of the 2013 retroactive court ruling and lack formal documentation of birth. This group has little interaction with the formal economy and lacks access to education, paved roads, and other government services. People in this group have no ability to prove that they were once citizens, presenting numerous challenges in creating a registration process that differentiates new migrants from long-time citizens. In order to naturalize stateless people within this group, a new pathway to citizenship is needed. Naturalization Law 169-14 has proven to be ineffective at nationalizing the stateless population while disproportionately disenfranchising the minority population of Haitian-Dominicans. In order to create a more affective pathway to citizenship, the process must be simplified and bureaucratic obstacles must be removed. The first issue that must be addressed is the lack of access to government immigration offices for impoverished people that make up the majority of Group B; specifically, addressing the lack of access to these services in bateyes, where a significant percentage of this group lives.[47] By increasing the amount of immigration and registration centers in the southwest of the country near the cities of La Romana and San Pedro De Macoris, the government can more effectively meet the need for registration in these areas.

Addressing the actual process, the Dominican government should formalize and give more oversight to the process to make sure it is equally implemented among all applicants giving citizenship to all applicants who meet specific requirements. Residents will apply to receive a temporary citizenship that is valid for up to four years or apply immediately for full citizenship. To be eligible for temporary citizenship, applicants must prove a basic, oral proficiency in Spanish in order to demonstrate ties to Dominican society. This test will test comprehension and will be administered electronically while ensuring it is accessible to those who are illiterate. If applicants can show proof of residency in the Dominican Republic for more than three years, they do not have to meet the Spanish proficiency requirement. In order to receive full citizenship, an applicant must prove two of the following eligibility requirements: one or more immediate family members (meaning a spouse, child, or, in the case of a minor, parent) with proof of citizenship, proof of residency for more than three years (including verification of employment for three or more years, property ownership, or verification of residency by landlord), proof of ownership of land or business, completion of elementary school, a Dominican Bank account with assets over 630 RD, or possession of a temporary citizenship for three or more years. These requirements will make it feasible for impoverished residents to demonstrate their ties to Dominican society and obtain citizenship and subsequent documentation. The Dominican government should also halt all deportations for one and a half years to give applicants ample time to register.

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[47] Marie R. Cita, "U.S. Asylum Eligibility: Citizenship in the Dominican Republic."

Addressing Racism in Dominican Society

Conflict between Haitian and Dominican peoples has always been present on Hispaniola.[48] Ongoing economic and cultural differences are the source of the current state of conflict between both countries. As a result of these differences, racism towards Haitians has developed within the Dominican Republic. Although the Dominican Republic has not allowed outwardly discriminatory policies to exist within legislature, the history and culture of racism towards Haitians has made way for discrimination within the Dominican bureaucracy. To acknowledge the history of racism in the Dominican Republic, the government should take action to prevent opportunities for discrimination against Haitians within Dominican bureaucracy. We recommend that the government create a system of checks within the registration infrastructure to prevent individual government officials from arbitrarily denying citizenship to applicants, including Haitians, based on racial bias. By creating a judicial process overseen by members of civil society including citizens of Haitian descent to contest fraudulent documents, individuals will be prevented from arbitrarily denying citizenship based on race.[49] Taking into consideration the suggestions of Inter-American Court of Human Rights, the registration process will be "automatic and general."[50] Provisions that place any decision-making power over the legal status of applicants in the hands of government employees will be excluded. Instead, immigration officers will issue citizenship solely on the basis of meeting simple, clear, and fast requirements as suggested by the IACHR.

As a further measure to combat racism, the Dominican government should strengthen anti-discrimination laws by clarifying the illegality of workplace discrimination based on age, sex, race, or gender in one succinct law. Additionally, the Dominican Republic should undertake various collaborations with NGOs and with the Haitian government to address the racism within Dominican society and bureaucracy. This includes working with NGOs to monitor and ensure government officials are held accountable under Dominican Law throughout the registration process. Along with establishing a dialogue to pinpoint areas with low rates of documentation, the government should also publicly reaffirm its commitment to ending discrimination by issuing a formal statement outlining its own efforts and its support for efforts to end racism within society.

Recommendations

- Going forward, the Dominican Republic should issue birth certificates to all people born in the country and citizenship to anyone who would otherwise be stateless by increasing the number of civil registry offices.

- The Dominican Republic should implement an improved pathway to citizenship that allows those rendered stateless by the 2013 court ruling to regain legal status by reducing the amount and difficulty of requirements to become a citizen.

- The Dominican Republic should pass laws that prohibit individual government officials from arbitrarily denying citizenship based on racial bias against Haitians.

- The Dominican Republic should affirm its commitment to preventing discrimination by issuing a verbal statement supporting the work of NGOs to end racial conflict between

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[48] "Timeline: Dominican Republic," *BBC News,* last modified May 28, 2012, http://news.bbc.co.uk/2/hi/americas/country_profiles/1217771.stm.

[49] Monique A. Hannam, "Soy Dominicano – The Status of Haitian Descendants Born in the Dominican Republic and Measures to Protect Their Right to a Nationality."

[50] Ibid.

Dominicans and Haitians. In addition, the D.R. should establish dialogue with NGOs to create an exchange of knowledge and support in targeting areas of low documentation.

- The Dominican Republic should strengthen its laws that prevent discrimination based on age, gender, sex, and race to address the issue of racism affecting Dominicans of Haitian descent.

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Recommendations to the Haitian Government

Introduction

The crowds of Haitians and Dominicans of Haitian descent fleeing threats of violence and deportation in the Dominican Republic (D.R) have placed Haiti in a precarious position. The recovery from the earthquake of 2010 in Haiti is still incomplete. Over 74% of Haitian families that were uprooted in 2010 still consider themselves displaced.[51] Haiti is not ready to face another influx of displaced persons. It is not Haiti's sole responsibility to accept and care for these migrants. The international community, instrumental in providing aid to Haiti after the earthquake, needs to play a role in the maintenance and care of the now stateless population currently living in underserved camps and tent cities along Haiti's border with the D.R.. But the mistakes of the UN and international aid workers in Haiti following the earthquake must be remembered and avoided as the world forges a new age of aid to the country.

The current issue of migration and statelessness is a result of the larger conflict between Haiti and D.R.. Anti-Haitian discrimination, stemming from a colonial mentality and the occupation of the D.R. by Haiti in the early 19th century, has caused the widespread mistreatment of Haitians (and those perceived as Haitian) in the D.R.[52] Simultaneously, economic disparity between the two countries, caused by the imbalance of resources and land, has led to mass migration into the D.R. In order to create lasting solutions for citizens of the D.R. and Haiti, the root causes of the conflict must be addressed. It will not suffice to use a "band-aid," or short-term, solution. Without serious investment into Haiti's economy, migrants will continue to flow across the border, and without reforms to the way the D.R. deals with racial minorities, they will continue to be met with policies that produce a discriminatory impact.[2]

Therefore, our recommendations fall into two main categories. We recommend several courses of action to both address the short-term humanitarian crisis, and some that target the broader conflict between the D.R. and Haiti.

Relationship Between Haiti and the International Community

As the poorest country in the Western Hemisphere, Haiti is not in a situation to help itself. Aid must come from abroad, through supranational organizations and NGOs. After the earthquake of 2010, the international community and NGOs attempted to provide aid for Haiti, bringing to light troubling issues regarding the relationship between Haiti and the international community. The US, UN, and international NGO's treatment of Haiti was poor, with the coup of 2004 against President Jean Bertrand Aristide as one source of contention. Many Haitians, including Aristide himself, believe that the United States deposed the Haitian government and put one in place that would be friendly to U.S. interests.[53] The United States disputes these accusations, but doubts linger in the minds of many Haitians.

In the wake of the 2004 coup, the UN sent an estimated 7,000 peacekeepers to Haiti to establish MINUSTAH, the United Nations Stabilization Mission in Haiti. MINUSTAH has been instrumental

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[51] Megan Bradley, "Four Years After the Haiti Earthquake, the Search for Solutions to Displacement Continues" *The Brookings Institution*, 2014, http://www.brookings.edu/blogs/up-front/posts/2014/01/13-haiti-earthquake-anniversary-bradley.

[52] Inter American Court on Human Rights, "IACHR Wraps Up Visit to the Dominican Republic" *Organization of American States Media Center,* December 6, 2013, http://www.oas.org/en/iachr/media_center/PReleases/2013/097.asp.

[53] "Aristide says U.S. deposed him in 'coup d'etat,'" *CNN WORLD,* March 1, 2004, http://www.cnn.com/2004/WORLD/americas/03/01/aristide.claim/.

in helping Haiti rebuild post-earthquake, particularly in providing services to vulnerable displaced people and providing political stability.[54] However, their eleven year stay in Haiti has not been without significant controversy. An internal probe found a history of sexual abuse of the locals, perpetrated by UN peacekeepers.[55] They were found to have traded supplies and favors with women for sex. The scandal prompted reform, including the removal of some mission commanders. However, allegations of sex abuse against peacekeepers in Haiti and other countries have not ceased.[5] The scandal contributed to a general resentment of MINUSTAH by the Haitian population even though their work to create a more stable government has been generally successful.

In the aftermath of the 2010 earthquake, a new wave of UN personnel flooded into Haiti, promising to help people. But peacekeepers from Nepal carried cholera with them and "the disease entered Haiti's water system through a peacekeeping base's improperly managed human waste disposal site."[56] The resulting epidemic killed roughly 9,000 Haitians and infected one fifth of the population.[57] Haitian trust in the UN Peacekeepers was already low, and after this incident it plummeted. The UN has worked to fix some of the problems they created by working to improve health infrastructure in the country.

Haitians have varying opinions on NGOs and international charities in Haiti. The Red Cross raised 500 million dollars in response to the earthquake, providing effective short term housing and aid. Controversy stems from the fact that much of that money went into long term projects that faltered, even while short-term emergency relief brought resources to thousands of Haitians.[58] The Red Cross is successful at what they do, providing short-term relief, but should be careful not to step too far outside their mission, for risk of wasting money and damaging its reputation in Haiti.

In short, the government of Haiti does not fully trust most foreign influences. As we move forward and the issue of Haitian statelessness evolves, it will be key for the government of Haiti to cooperate with any international involvement in its borders. This can be done by giving Haiti the authority to oversee the actions of NGOs and other international organizations within Haiti. A transparent relationship between Haiti and the world can effectively deal with the short-term problems. Once the immediate issue of displaced people is addressed, we can focus on the root cause of this mass statelessness: a frayed relationship between Haiti and the D.R.

Displaced Persons Camps

Currently, camps holding migrants along the border between the D.R. and Haiti are being referred to as "sites" by the Haitian government. This has downplayed the situation and actively discouraged

[54] United Nations, "MINUSTAH United Nations Stabilization Mission in Haiti," *United Nations*, 2015, accessed November 15, 2015, http://www.un.org/en/peacekeeping/missions/minustah/index.shtml.

[55] Justin Moyer, "Report: UN peacekeepers had 'transactional sex' with hundreds of poor women," *The Washington Post*, June 11, 2015, https://www.washingtonpost.com/news/morning-mix/wp/2015/06/11/report-u-n-peacekeepers-in-haiti-had-transactional-sex-with-hundreds-of-poor-women/.

[56] Armin Rosen, "How the UN caused a massive cholera outbreak in Haiti," *Business Insider,* April 29, 2015, http://www.businessinsider.com/cholera-outbreak-in-haiti-and-the-un-2015-4.

[57] Amnesty International, "Haiti: Five years on, no justice for the victims of the cholera epidemic," *Amnesty International,* October 14, 2015, http://www.diplomaticintelligence.eu/international-news/1075-un-failing-cholera-victims-in-haiti-five-years-after-outbreak.

[58] Laura Sullivan, "In Search Of The Red Cross' $500 Million In Haiti Relief," *NPR All Things Considered,* June 3, 2015, http://www.npr.org/2015/06/03/411524156/in-search-of-the-red-cross-500-million-in-haiti-relief.

international involvement even as around 41,292 people have crossed the border, fleeing threats of violence and deportation.[59]

As thousands of migrants and deportees flowed across the border, a need for housing emerged. Most of the displaced persons ended up living in tent cities along the border, specifically in the southeastern part of Haiti. The people lack food, water, shelter, and other basic necessities. The population of the camps are currently fed by small international aid groups such as the Support Group for Refugees and Returnees (GARR) and Jesuit Relief Services,[60] who are doing as much as possible to meet the needs of these people safe. As more and more people cross the border, their capacity for aid will be tested. Prominent aid groups must emerge and oversee these camps. The International Organization for Migration (IOM), Red Cross, and the United States Agency for International Development (USAID) should take the lead, but there must be significant presence from the Haitian government in order to prevent the abuses of power by international organizations and NGOs in 2010. Camps are a short-term problem, and initiating increased service and support from aid groups will help de-escalate the situation.

Haitian Bans on Dominican Imports

On June 8, 2013 Haiti placed bans on Dominican poultry and eggs. The bans were placed after allegations of the bird flu, H5N2, spreading throughout the border between the two countries. The Dominican Republic denied the allegations and stated that there were several cases of the flu, H1N1.[61] Finally in January 16, 2014 Haiti announced that it would lift the bans. These bans seriously damaged diplomatic relations between the D.R. and Haiti.[62]

The Haitian government announced on September 16, 2015 that bans on 23 Dominican imports would go into effect on October 1, 2015.[63] These bans were to be placed on construction goods and basic necessities, about one-third of the total commerce between Haiti and the D.R. Haiti is the D.R.'s second largest importer of Dominican goods after the United States, buying 15% of Dominican exports. The bans specifically target land imports across the border. This is harmful because Dominican imports will only be accepted by land or sea. This raises the cost of transporting goods, harming Dominican businesses and Haitian customers alike.

Local Dominican businesses are hurting economically, and as a result some Dominican traders and truckers have been protesting the bans by blockading cargo, vehicles, and people traffic at border crossings. Not only does this affect Dominican businesses, but also Haitian border communities. Border communities are already experiencing shortages in food and basic necessities. If these bans

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[59] "Border Monitoring SitRep," *Haiti International Organization for Migration*, November, 13th, 2015, https://www.humanitarianresponse.info/en/system/files/documents/files/border_monitoring_sitrep_xvii.pdf.

[60] Jesuit Relief Services, "Spotlight on Statelessness in the Dominican Republic." *JRS North America,* February 12, 2015, http://jrsusa.org/Spotlight_Detail?TN=DTN-20131127095847.

[61] Patricia Rey-Mallen, "'Chicken War' And Flu Put Dominican Republic and Haiti at Odds," *International Business Times,* June 19, 2013, http://www.ibtimes.com/chicken-war-flu-put-dominican-republic-haiti-odds-1314645.

[62] Wilhelmina Agyapong, "Troubled Haitian-Dominican Bilateral Relations Await Progress," *Council on Hemispheric Affairs,* February 27, 2014, http://www.coha.org/troubled-haitian-dominican-bilateral-relations-await-progress/.

[63] Sentinel Staff, "Haiti bans ground imports of 23 Dominican products," *Haitian Sentinel,* September 16, 2015, http://sentinel.ht/2015/09/16/haiti-bans-ground-import-23-dominican-products/.

continue, the effects are expected to severely hurt all Haitian consumers with higher prices and shortages of staple goods.[64]

Perhaps more importantly, the bans have created tension between Haiti and the D.R. The D.R. government sees them as unjustified, because Haiti did not pursue any diplomatic channels to negotiate commercial trading before imposing the bans. In response, the D.R. appealed to the World Trade Organization's Committee on Market Access. So far, this has not resulted in any action on the part of the committee.

In order to address the underlying Dominican-Haitian conflict present in this issue, both countries must work to eradicate sources of tension and escalation. The bans are a perfect place to start. The bans hinder productive and effective discussion between the Dominican and Haitian governments regarding forced migration and statelessness. Bans are an obstacle to dialogue, which will be necessary for a long-term solution.

1961 Convention on the Rights of the Reduction of Statelessness

The UN Convention on the Reduction of Stateless Persons was signed by its original client states in 1961, with the D.R. being the fourth signee. Most of the world's countries have since adopted a portion of the Convention with the goal of eliminating statelessness by 2024.[65] Haiti has not yet ratified the Convention.[66] If Haiti decided to join, it could become a party of the convention under declared reservations, meaning that it would not have to comply with every decision made by the Convention, which makes joining more reasonable for their government. Ratification of the Convention would be a sign of cooperation and goodwill to both the UN and the government of the D.R. It would also put Haiti in a position to discuss the issue of statelessness with other countries, specifically the D.R. Haiti and the D.R. would then be committed to the same guidelines to address statelessness. Signing the Convention would put Haiti on the same playing field as the D.R. and the rest of the world, and would contribute to a long-term solution.

Recommendations

- The Haitian government should issue a formal statement re-labeling the tent cities and camps along the border between Haiti and the Dominican Republic as "displaced persons camps."

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[64] Economist Intelligence Unit: Country ViewWire, "Dominican Republic politics: Haitian ban on Dominican goods worsens tension," *Global Issues in Context,* Oct. 16, 2015, http://country.eiu.com/article.aspx?articleid=1812791565&Country=Dominican%20Republic&topic=Politics&subtopic=Forecast&subsubtopic=International+relations&u=1&pid=1973621581&oid=1973621581&uid=1.

[65] UNHCR, "Convention on the Reduction of Statelessness" *UNHCR NEWS*, June, 2015, http://www.unhcr.org/3bbb286d8.html.

[66] United Nation Treaty Collection, "Convention on the Reduction Statelessness," *United Nations,* July 1, 2014, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=V-4&chapter=5&lang=en.

- The Haitian government should partner with UNHCR and NGOs such as the Red Cross in setting up camps for displaced persons, and allow for foreign involvement in the camps (funding, short-term control) with oversight from the Haitian government.

- The Haitian government should request additional funds from the UNHCR to fund a full-time task force (5 positions) within the Haitian government to deal with the current influx of stateless migrants from the D.R. as the issue evolves.

- The Haitian government should enter into negotiations with the Dominican government in order to loosen the import bans in exchange for immigration reform or monetary assistance (task force, camps, etc.).

- The Haitian government should ratify the 1961 Convention on the Rights of Stateless Persons.

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Recommendations to the U.S. Government

Introduction

The United States has an interest in preventing violations of international human rights law. The U.S. Department of State writes that, "The promotion of human rights is an important national interest [of] the United States."[67] As a signatory of the Universal Declaration of Human Rights, the United States has a national obligation to protect people whose rights are being violated.[68] Article 15 of the Declaration states: "Everyone has a right to a nationality… [and] no one shall be arbitrarily deprived of his nationality."[69] In 2013, a Dominican court retroactively revoked the citizenship rights of all those born of migrant parents including over 250,000 people of Haitian descent. This arbitrarily deprived them of their nationality, directly violating the Declaration.[70]

The United States also has an economic incentive to assist the island of Hispaniola. The Dominican Republic (D.R.) is "an important partner in hemispheric affairs due to its standing in the Caribbean as the largest economy and second-largest country in terms of population and landmass, its large bilateral trade with the United States, and its proximity to the United States and other smaller Caribbean nations."[71] Dominican trade with the United States accounts for $11.5 billion.[72] On the other hand, Haiti only accounts for $2.1 billion in trade with the U.S.[73] This trade will be negatively affected if the D.R. continues forcibly deporting people of Haitian descent; it will seriously harm the economies of both the D.R. and Haiti. Forced deportation will undercut a significant portion of low-wage labor in the D.R.,[74] and the already overburdened Haiti will be forced to support thousands of additional migrants. Therefore, it is in the best interest of the United States to improve the economies of the D.R. and Haiti by promoting increased trade. The U.S. government should work with the international community to facilitate diplomatic cooperation between Haiti and the Dominican Republic and construct displaced persons camps to avoid further burden on the Haitian economy. The U.S. should also work to provide aid in support long-term improvement of the Haitian economy, and negotiate with the Dominican government to create a new citizenship policy.

Citizenship Policy

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[67] U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, *Human Rights* (Washington, DC: Government Printing Office), accessed Nov 16, 2015, http://www.state.gov/j/drl/hr/.

[68] Ibid.

[69] "Universal Declaration of Human Rights," *United Nations*, Dec 10, 1948, http://www.un.org/Overview/rights.html.

[70] Michele Wucker, "The Dominican Republic's Shameful Deportation Legacy," *Foreign Policy Magazine,* Oct 8, 2015, http://foreignpolicy.com/2015/10/08/dominican-republic-haiti-trujillo-immigration-deportation/.

[71] U.S. Department of State, Bureau of Western Hemisphere, *U.S Relations With the Dominican Republic*, (Washington, DC: Government Printing Office , 2013) , http://www.state.gov/r/pa/ei/bgn/35639.htm.

[72] Office of the United States Trade Representative, *U.S Dominican Republic Trade Facts,* Accessed Nov 16, 2015, https://ustr.gov/countries-regions/americas/dominican-republic.

[73] Office of the United States Trade Representative, *U.S Haiti Trade Facts*, Accessed Nov 16, 2015, https://ustr.gov/countries-regions/americas/haiti.

[74] Mirza Uddin, "The Costs of Deportation," *Harvard Economics Review*, Oct 20, 2014, http://harvardecon.org/?p=3154.

The United States is a member of the Inter-American Commission on Human Rights (IACHR) and, as a signatory, has an obligation to protect the human rights of those under the Commission's jurisdiction. The IACHR is "a principal and autonomous organ of the Organization of American States ("OAS") whose mission is to promote and protect human rights in the American hemisphere."[75] On August 28, 2014, the IACHR ruled against the Dominican government in the case of *Expelled Dominicans and Haitians v. Dominican Republic*.[76] The Court found that there existed a system of "structural discrimination against persons of Haitian descent who live in the country."[77] The Dominican Republic's distinct pattern of deporting and expelling people of Haitian descent from its borders on the basis of their ethnicity demonstrates an unacceptable practice of discrimination towards a racial minority. The Court's decision demanded that Dominican leaders immediately eliminate this racially discriminatory system. After international pressure, the Dominican government implemented a policy to repatriate these newly stateless people. However, only 7,000 of more than 250,000 people regained citizenship before the act expired and thousands of people have been deported since then.[78] Although this new policy was a step in the right direction, the system is still fundamentally flawed.[79] The U.S. government needs to work with the international community and the Dominican Republic to reform this system. If the Dominican Republic does not face additional international pressure, the current system will stay in place. However, as a signatory of the IACHR, a commission with jurisdiction over the Dominican Republic, the United States has the responsibility to ensure that human rights are protected.

Diplomatic Relations

The Dominican Republic's diplomatic relations with Haiti have steadily deteriorated after the Dominican Republic implemented its citizenship policies. The Dominican Republic's discrimination of Haitians, originating during the 1822-1844 occupation, has provoked distrust from the Haitian government and racial conflict between citizens of the two countries.[80] Since the 1990s, the relationship between both countries has rapidly declined leading up to the current issue.

Restoring diplomatic relations between Haiti and the Dominican Republic will allow both countries to discuss current issues, which can reduce the tensions that exist between the Dominican and Haitian governments. If they are not able to restore diplomatic relations, both of their economies will continue to suffer, due to the implementation of an embargo by the Haitian government. The United States has the ability to facilitate an official diplomatic conference between the governments of the Dominican Republic and Haiti. This conference will be hosted by the U.S. government. The Dominican President, Danilo Medina, and Haitian President, Michel Martelly, will be able to confidentially discuss a series of issues that have diminished the relations between both nations, such as the citizenship policies, cultural, racial and social disparities, and the inhibitions on trade and commerce. The conversation should include restoring ambassadors, improving commercial ties, and

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[75] IACHR, "What is the IACHR?" *The Inter-American Commission on Human Rights,* Nov 12 2015, http://www.oas.org/en/iachr/mandate/what.asp.

[76] "IACHR Condemns Judgement of the Constitutional Court of the Dominican Republic," *Organization of American States,* Nov 8 2015, http://www.oas.org/en/iachr/media_center/PReleases/2014/130.asp.

[77] Ibid.

[78] Michele Wucker, "The Dominican Republic's Shameful Deportation Legacy," *Foreign Policy Magazine,* Oct 8, 2015, http://foreignpolicy.com/2015/10/08/dominican-republic-haiti-trujillo-immigration-deportation/.

[79] Ibid.

[80] Thomas Leonard, ed. Encyclopedia of the Developing World, Routledge, 2005, PDF e-book.

lifting Haiti's ban on 23 Dominican products. An established and continual dialogue between both countries will allow them to resolve issues without the need for the United States involvement.

Displaced People

Before diplomatic talks can yield results, the humanitarian problem that exists right now must be resolved. Through a combination of deportation and voluntary migration from their homes, an estimated 41,292 people have been displaced since the August 1, 2015 deadline for registration.[81] The majority of these people have nowhere to go. Recently, camps for displaced people, called "sites" by the Haitian government, have been created along the Haitian-Dominican border to provide shelter for the thousands of displaced people. However, these "sites" are poorly run and have limited resources.[82] As of September 2015, the Office for the Coordination for Humanitarian Affairs (OCHA) has reported that nearly 3,000 people are located in the 6 camps located on the Haitian Border.[83] The number of people in these camps is increasing, and the conditions in the camps will continue to deteriorate if the current situation continues. As the most experienced and economically stable country in the region, the U.S. government should issue aid to help build new camps for displaced people, as well as to provide supplies for these new camps along the Haitian-Dominican border. The supplies will be provided by USAID Logistics and Relief Commodities.[84]

The "gold standard" for displaced persons camps is the refugee camp in Kilis, Turkey, which cost $50 million dollars to build and $2 million to run each month. It can hold approximately 14,000 people.[85] This is the only camp with published numbers on the cost of a camp, so it provides some context as to the cost of running a camp for displaced persons. However, camps built in Haiti will likely not be closely based off of this "gold standard." It is impossible with the lack of current information to provide a definitive monetary amount for displaced persons camps in Haiti. With the lack of knowledge on the cost of camps, on-the-ground analysis will be needed to assess the costs of building a new camp. Right now, camps are the only viable option considering Haiti is facing a housing shortage resulting from the Haitian Earthquake.[86] The U.S. should provide financial and logistical aid to support new camps, and ensure that displaced persons near the Haitian-Dominican border are living in acceptable living conditions and have access to aid.

U.S. aid will come from the remaining money allocated to Post-Earthquake Funding to Haiti. After the earthquake in 2010, the United States Department of State (working with USAID,) designated $4.2 billion in post-earthquake support to Haiti through 2016. To date, the U.S. government has

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[81] "Border Monitoring SitRep," *Haiti International Organization for Migration*, November, 13th, 2015, https://www.humanitarianresponse.info/en/system/files/documents/files/border_monitoring_sitrep_xvii.pdf.

[82] Mariano Castillo, "Tent cities sprouting in Haiti as migrants return from Dominican Republic," *CNN*, Thu July 30, 2015, http://www.cnn.com/2015/07/28/americas/haiti-migrants-tent-cities-dominican-republic/

[83] "Haiti : Returnees/Deportees Camps in Anse-à-Pitres," *Humanitarian Response: OCHA*, last modified September 30, 2015, https://www.humanitarianresponse.info/en/system/files/documents/files/haiti_returneesdeporteescamps_anse-a-pitres_30092015_eng.pdf.

[84] U.S Agency for International Development, *Logistics and Relief Commodities*, last modified October 16, 2014, https://www.usaid.gov/what-we-do/working-crises-and-conflict/responding-times-crisis/how-we-do-it/humanitarian-sectors/logistics-and-relief-commodities.

[85] Erika Soloman, "In Dream City for Syrian Refguees, Hope for Return Dims," *Reuters*, April 13, 2012, http://www.reuters.com/article/2012/04/13/us-syria-turkey-camp-idUSBRE83C1EM20120413.

[86] "Ten facts about Haiti's housing crisis," *Amnesty international*, last modified January 12, 2015, https://www.amnesty.org/en/latest/news/2015/01/ten-facts-about-haiti-s-housing-crisis/.

disbursed $3.7 billion of that allocation, and plans to provide approximately $300 million more through 2016, leaving $200 million unspent.[87] The majority of aid for camps should go to the UNHCR to build these camps, and to the IOM to run these camps. The U.S. should provide around half the cost of building and running these camps. The UNHCR is the premiere camp-building organization of the United Nations.[88] Additionally, the IOM has significant logistical experience, with direct operations in Haiti after the 2010 earthquake, running camps and providing services to Haitians.[89]

Economic Aid

A large factor of the ongoing conflict in Hispaniola is the lack of development in Haiti. Haiti is the poorest country in the Western Hemisphere.[90] Especially after the earthquake in 2010, the Haitian infrastructure has been unable to meet the needs of the people. Even five years after the earthquake, the United States Agency for International Development and the government of Haiti has estimated that 500,000 additional units of housing will be required over the next ten years.[91] Additionally, the government of Haiti continues to rebuild after the death of thousands of civil servants in the earthquake. Along with a lack of housing and stable government, the economic sector of Haiti is also underdeveloped and currently provides no room for economic growth.[92] In the five years since the earthquake, USAID has had significant success in improving the economy of Haiti. Since 2008, job-creation programs supported by USAID have resulted in over 32,000 new jobs.[93] Although these top down approaches have been successful, the most effective method to rebuild the Haitian economy has been through work with small businesses and initiatives in Haiti. One success has been the creation of a local technology sector that did not exist before.[94] Additionally, in working with local entrepreneurs, USAID has helped to create over 8,000 new jobs in the country through the creation of dozens of small businesses.[95]

The catalyst for this issue was the flood of refugees into the Dominican Republic after the 2010 earthquake in Haiti, and although Haitians are again migrating into the Dominican Republic at far lower rates, tensions are still high. The solution to this issue is to remove the incentive for Haitians to migrate to the Dominican Republic.[96] The most effective way that the United States has been able to work towards that solution has been through aid from USAID. In order to significantly improve the situation in Haiti, the U.S. government should allocate the remainder of the $200 million of Post-Earthquake Funding to Haiti in the support of Haiti's government institutions and local civil

[87] U.S. Department of State, *Total Post-Earthquake USG Funding to Haiti Summary*, (Washington, DC: Government Printing Office, 2015), http://www.state.gov/documents/organization/249391.pdf.

[88] "Displacement The new 21st Century Challenge," *UNHCR Global Trends,* published 2012,, http://unhcr.org/globaltrendsjune2013/UNHCR%20GLOBAL%20TRENDS%202012_V05.pdf.

[89] "Project Profile: Camp Coordination, Camp Management, Emergency Shelter and WASH in Haiti - IOM Appeal 2011," *Foreign Affairs, Trade and Development Canada*, November 16, 2015, http://www.acdi-cida.gc.ca/cidaweb/cpo.nsf/vWebCSAZEn/8FCD0FBFE57052488525788000372A43.

[90] "Haiti: Overview," World Bank, Opened Nov 13, 2015. http://www.worldbank.org/en/country/haiti/overview.

[91] "Haiti: Infrastructure," U.S. Agency of International Development, *Haiti: Infastructure*, Aug 26, 2015, https://www.usaid.gov/haiti/shelter-and-housing.

[92] Ibid.

[93] U.S. Agency of International Development, *Economic Growth and Trade*, (Washington, DC: Government Printing Office, 2015), https://www.usaid.gov/haiti/economic-growth-and-trade.

[94] U.S. Agency of International Development -HiFive, *Haiti Tech Sector Develops Solutions for Mobile Money*, (Washington, DC: Government Printing Office), Accessed Nov 13, 2015, http://hifiveproject.org/haiti-tech-sector-develops-solutions-for-mobile-money/.

[95] "USAID, PADF Honor Successful Entrepreneurs," *PADF*, Jun 4, 2015, http://www.padf.org/blog-hidden/2015/6/4/haiti/lead-expo-celebrates-job-creation-in-haiti.

[96] "Dominican Republic Profile - Overview," *BBC*, Jun 16, 2015, http://www.bbc.com/news/world-latin-america-19246340.

society. Currently, the majority of U.S. aid to Haiti is directed at solving health problems, but the long-term solution requires more investment in the Haitian economy.[97] To combat the immediate problem, the U.S. should divert between $15 to $50 million towards supporting the construction of displaced persons camps, but should focus the remaining $150 to $185 million on the economy. The majority of this aid should go to the improvement of infrastructure, and the creation of private-public partnerships with local Haitian companies.[98] Additionally, some of this aid should be focused on rebuilding the Haitian government and USAID programs that help to facilitate responsible spending by the government.[99]

Recommendations:

- The U.S. government should work with the international community and the Dominican Republic to craft new policies that protect the human rights of Dominicans of Haitian descent and comply with international law.

- The U.S. should host a formal diplomatic discussion between the presidents and other negotiators of Haiti and the Dominican Republic in order to strengthen the relationship between the two nations.

- The U.S. government, through USAID and the Department of State, should provide financial assistance to the United Nations High Commission for Refugees to construct camps, and provide aid to the IOM to run the camps.

- The U.S. government, through USAID and the Department of State, should increase economic aid to Haiti by $150 to $185 million for the purpose of supporting economic development, improving Haiti's infrastructure, and supporting the rebuilding of the government of Haiti.

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[97] "Haiti: Foreign Assistance," *ForeignAssistance.gov*, Accessed Nov 2015, http://beta.foreignassistance.gov/explore/country/Haiti.

[98] "Investment and Economic Affairs," *Embassy of Haiti*, Accessed November 13, 2015, http://www.haiti.org/index.php/features16/sections/investment-and-economic.

[99] "Promoting Sound Policies for Economic Growth," U.S. Agency of International Development, *Promoting Sound Policies for Economic Growth*, (Washington, DC: Government Printing Office), Accessed November 11, 2015, https://www.usaid.gov/what-we-do/economic-growth-and-trade/promoting-sound-economic-policies-growth.

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growth-and-trade/promoting-sound-economic-policies-growth.

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Recommendations to the International Community

Introduction

The international community, specifically the United Nations and its sub-bodies, is invested in the humanitarian crisis on the island of Hispaniola. The continued problem of the Dominican Republic's (D.R.) citizenship policies and their discriminatory implementation, mostly against people of Haitian descent, has rendered 250,000 of these people stateless.[100][101] The international community has the responsibility to challenge the D.R.'s current citizenship laws and their effects, which include the large numbers of stateless people, as well as to give aid to both the D.R. and Haiti in targeted ways to address this multifaceted problem. We believe that the background and methods listed below are crucial to understanding and addressing the problem of statelessness in the D.R.

Aid to Haiti

In order to fully address the crisis, we must address the roots of why people are being rendered stateless. Part of this problem stems from the migration of Haitians into the D.R. There are three main "push factors" that cause immigration from Haiti to the D.R.

The first major cause of this migration is the dramatic disparity of wealth between the governments of the D.R. and Haiti.[102] The Haitian earthquake in 2010 exacerbated this issue, encouraging a flood of low-wage Haitian economic migrants to resettle in the D.R. in search of a better life.[103] The second cause is Haiti's severe political instability. There are high levels of corruption within the government and police force and the supposedly free and fair elections are often neither free nor fair.[104] Third, health services in Haiti have serious gaps in giving patients what they need. People often do not have access to clean water or medicine that is important for their wellbeing.

These "push factors" have manifested themselves not only in the migration of temporary Haitian workers to the D.R., but also in an established community of people of Haitian descent within the D.R. The D.R. claims that this influx of unskilled workers has strained its economy because the migrants are taking jobs and are using up social services.[105]

Currently, the United Nations Stabilization Mission in Haiti (MINUSTAH) addresses instability within the Haitian government by working to reduce corruption and stabilizing election procedures as well as improving nationwide health. Both of these lead to better economic conditions.[106] The work of this organization, which began after the 2010 earthquake, has decreased the intensity of these "push factors." It has considerably stabilized the country's political institutions with work on the ground and increased health services for people by, for example, providing clean water and

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[100] "Dominican Republic Urged Not to Deport Stateless Dominicans," *UNHCR News*, accessed November 17, 2015, http://www.unhcr.org/5584221a6.html.

[101] The Editorial Board, "Stateless in the Dominican Republic," *The New York Times*, July 11, 2015, http://www.nytimes.com/2015/07/12/opinion/stateless-in-the-dominican-republic.html.

[102] Jake C. Miller, "International Concern for Haitians in the Diaspora," *Western Journal of Black Studies* 30, no.1 (2006): 35.

[103] "GDP per Capita (current US$)," *The World Bank*, accessed November 9, 2015, http://data.worldbank.org/indicator/NY.GDP.PCAP.CD.

[104] Robert Klitgaard, "Addressing Corruption in Haiti," *Claremont Graduate University*, February 2010, accessed November 17, 2015, http://www.cgu.edu/PDFFiles/Presidents Office/Addressing Systemic Corruption in Haiti _3_.pdf.

[105] Randal Archibold, "Dominican Republic Passes Law for Migrants' Children," *New York Times,* May 22, 2014, http://www.nytimes.com/2014/05/23/world/americas/dominican-republic-passes-law-for-migrants-children.html.

[106] "MINUSTAH Facts and Figures," *United Nations Peacekeeping*, last modified October 15, 2015, http://www.un.org/en/peacekeeping/missions/minustah/facts.shtml.

medicine, most of which is funded through operational costs.[107] MINUSTAH budget consists of 3 main sections: military personnel costs that receives $263 million, civilian personnel costs which receives $135 million, and operational requirements which receives $179 million.[108] While many Haitian citizens distrust MINUSTAH, their work to address government inefficiencies has been successful overall.

International Pressure Regarding Citizenship Laws

In 2013, the D.R. implemented law TC 168/13, which "retroactively deprived all children born to undocumented foreign parents since 1929 of their nationality". [109] After the large influx of Haitian workers migrated after the earthquake, the D.R. claimed to have an economic motive behind creating this new law. However, many others argue there were racial motivations. Because this ruling rendered a significant number of people stateless, it violates the UN Declaration of Human Rights.[110] In response to the international outcry about TC 168/13, the government instituted TC 169/14 in 2014. This new law divides the affected persons who were officially rendered stateless by the 2013 policy into two groups, providing two specific pathways to citizenship. The government returned the citizenship to the first group (Group A), which consisted of people who were born in the D.R. and had originally been registered as Dominican citizens but whose documentation papers were taken away because their parents were not born in the D.R., but the second group (Group B), which consisted of people without papers to prove their Dominican citizenship, could apply for citizenship through a naturalization process.[111] Despite the improvements, there are still many problems within the implementation of law, which is often carried out arbitrarily and with racial biases, negatively affecting Haitians.

Part of the problem of discriminatory implementation has to do with the rampant problem in the D.R. of the lack of citizenship papers, which is due to an inadequate citizenship documentation system. The documentation system in place now often does not reach people who live in rural areas and are poorer, and many Dominicans of Haitian descent fall in these categories. There is a significant group of people, many of them impoverished, who were born in the D.R. but were not registered at the time of birth.[112] These people, despite often having lived in the D.R. their whole lives, do not have documentation to prove their status. They must first register as foreigners before applying for D.R. citizenship. Every country is obligated to prevent statelessness by assuring effective nationality immediately after birth, providing children who qualify with citizenship documents. However, the D.R. fails to satisfy this requirement. This gap in the process causes Dominicans, many of whom are of Haitian origin, to be deprived of their statehood because of their

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[107] Guillermo E. Rishchynski, "Security Council Meeting: MINUSTAH," *Permanent Mission of Canada to the United Nations*, October 8, 2015, http://www.canadainternational.gc.ca/prmny-mponu/canada_un-canada_onu/statements-declarations/security_council-conseil_securite/2015-10-MINUSTAH-Rishchynski.aspx.

[108] "A Financial Overview of Peacekeeping in Haiti," *Observatory on Public Policies and on International Cooperation*, accessed November 18, 2015, http://reliefweb.int/sites/reliefweb.int/files/resources/CERFAS Haiti Monitoring bulletin 4 english.pdf.

[109] Francisco Quintana, "Inter-American Court Condemns Unprecedented Situation of Statelessness in the Dominican Republic," *European Network on Statelessness*, October 27, 2014, http://www.statelessness.eu/blog/inter-american-court-condemns-unprecedented-situation-statelessness-dominican-republic.

[110] "The Universal Declaration of Human Rights | United Nations," *UN News Center*, accessed November 9, 2015, http://www.un.org/en/universal-declaration-human-rights/.

[111] "We Are Dominican," *Human Rights Watch*, July 1, 2015, https://www.hrw.org/report/2015/07/01/we-are-dominican/arbitrary-deprivation-nationality-dominican-republic.

[112] "The Universal Declaration of Human Rights," *United Nations*, accessed November 9, 2015, http://www.un.org/en/universal-declaration-human-rights/.

inability to get documents; they cannot obtain documents due to either the racial bias of the officials granting papers or the fact that they live in rural, harder to access areas.[113]

As shown above, in the past, the D.R. has responded with improved legal framework to statements made by the UN that call for changes in the country's naturalization system. However, the implementation of such changes has proved problematic. The system for issuing official identification cards has been plagued by inadequate funding from the government. There are inadequate resources to give documents to people in more rural areas, an unreasonable deadline, and a biased bureaucracy. Specifically, human rights groups have "documented the arbitrary refusal [often based off of racial bias] of D.R. government officials to register children of Haitian descent as Dominican nationals," a still-widespread practice that was prevalent starting in the 1990s.[114] More direct international pressure, specifically from the UN, with clear-cut goals in mind can ensure that the D.R.'s institutions are being utilized in compliance with international standards of human rights. Such goals should include the reduction of requirements to prove citizenship and the creation of more civil registry offices.

OAS Oversight

The international community should also ensure that the D.R. implements all of its deportations in compliance with international law and that citizenship is granted in an equal manner. The Organization of American States, or OAS, is a regional body that is already working on the ground and is planning to oversee deportations of illegal residents and requests for citizenship.[115] The OAS sent a delegation to Santo Domingo on July 10, 2015.[116] The OAS met with Dominican and Haitian officials, talked with workers in Haiti's private and social sectors, and travelled to the border of Haiti and the D.R.[117] Through diplomatic dialogue between the D.R. and Haiti, the organization is working toward a long-term solution that legally clarifies the definition of immigrants within the island of Hispaniola.

The OAS is not only established, as it is the world's oldest regional organization (est. 1948), but it is already working on the ground in Hispaniola (as mentioned above) to improve the island's situation.[118] Both Haiti and the Dominican Republic are members. On July 8th, officials within the two neighboring countries agreed to "host an OAS delegation to observe the situation at the heart of the dispute."[119] The OAS is comparatively the best regional organization to solve the problem. The Community of Latin American and Caribbean States, or CELAC, is new and therefore lacks the

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[113] Francisco Quintana, "Inter-American Court Condemns Unprecedented Situation of Statelessness in the Dominican Republic."

[114] Celso Pérez, "We Are Dominican: Arbitrary Deprivation of Nationality in the Dominican Republic*," Human Rights Watch*, July 1, 2015, https://www.hrw.org/report/2015/07/01/we-are-dominican/arbitrary-deprivation-nationality-dominican-republic#_ftn5.

[115] Brianna Lee, "Dominican Republic Deportations: Facing Uncertain Future, Immigrants Begin Leaving For Haiti," *International Business Times*, July 2, 2015, http://www.ibtimes.com/dominican-republic-deportations-facing-uncertain-future-immigrants-begin-leaving-1992810.

[116] "Our History," *Organization of American States*, accessed November 10, 2015, http://www.oas.org/en/about/our_history.asp.

[117] Yamiche Alcindor, "Haitian Deportation Crisis Brews in Dominican Republic," *USA Today*, July 12, 2015, http://www.usatoday.com/story/news/world/2015/07/11/haitian-deportation-fears--oas-mission-begins--dominican-republic/30003307/.

[118] Ibid.

[119] Editor, "OAS Member States Meet on Mass Deportations of Haitians from Dominican Republic," *Free Speech Radio News*, July 8, 2015, http://fsrn.org/2015/07/oas-member-states-meet-on-mass-deportations-of-haitians-from-dominican-republic/.

strong institutions of the OAS. It lacks the funding because it excludes the U.S. and Canada, both of the OAS's largest donors, from membership.[120]

The OAS Universal Civil Identity Project of the Americas, or PUICA, works toward the "universalization and accessibility of civil registration and the right to identity" by providing hospital birth registration, mobile campaigns in border areas, and a centralized database of citizenship registries.[121][122][123] It has already had many projects throughout Latin America and the Caribbean. It conducted two pilot projects in Haiti that, in their first two months, more than doubled the registration rate for babies in Sainte-Catherine Hospital in Cité Soleil and in Isaie Jeanty Maternity in Delmas.[124] The PUICA also worked with the National Archives of Haiti and the Office of National Identification to digitalize 16 million birth, death, and marriage certificates. The mission, called the OAS Modernization of Haiti's Civil Registry System, ended on June 30, 2012. However, twenty operators continue to digitalize certificates. Although the systems are currently in place for access to citizenship in Haiti, "more work is needed, particularly in data entry."[125] This mission was financially supported by the Canadian International Development Agency, or CIDA.[126]

OAS PUICA has never had a project in the Dominican Republic, a country who shares Haiti's problems of citizenship registration.[127] PUICA projects are funded by a variety of governmental organizations. The OAS has two types of funds: a regular, fixed fund based on member countries' individual GDPs, and a fund for special donations for specific projects. PUICA project funding falls under that latter fund. In the past, many PUICA projects have been funded by the Spanish International Development Cooperation Agency, or AECID. AECID is an organization run by the government of Spain, and its past projects have been similar in size to the suggested work in the Dominican Republic.[128] The D.R. is a Spanish speaking country, giving this organization a vested interest in financially supporting such a project, as it has done with similar projects in Bolivia, El Salvador, and Guatemala.

Displaced Persons Camps

In order to address the conflict as a whole, the international community must also address short term concerns. As people have fled and been deported from the D.R. to Haiti, they have had no place to go or live. Haitian displaced persons camps are cropping up in light of recent deportations in the D.R., and with 41,292 displaced persons there will be high demand for these camps, and a significant amount of people living amidst cacti and dust in these camps.[129] Camps consist of tents

[120] Clemént Doleac, "Between Independence Or Disappearance: The Organization of American States and the Challenge of The 2015 Elections," *Council on Hemispheric Affairs*, January 26, 2015, http://www.coha.org/between-independence-or-disappearance-the-organization-of-american-states-and-the-challenge-of-the-2015-elections/.

[121] "Universal Civil Identity Program in the Americas (PUICA)," *Organization of American States*, accessed November 17, 2015, http://www.oas.org/en/spa/depm/puica/.

[122] "Universal Civil Identity Program in the Americas (PUICA): Lines of Action," *Organization of American States*, accessed November 17, 2015, http://www.oas.org/en/spa/depm/puica/lineas.asp.

[123] Ibid.

[124] "Universal Civil Identity Program in the Americas (PUICA): Projects," *Organization of American States*, accessed November 17, 2015, http://www.oas.org/en/spa/depm/puica/proyectos.asp.

[125] Ibid.

[126] "Secretariat for Political Affairs," *OAS*, accessed November 18, 2015, http://www.oas.org/en/spa/depm/puica/proyectos.asp.

[127] "GDP per Capita (current US$)."

[128] "AECID," *RSS AECID News*, accessed November 18, 2015, http://www.aecid.es/EN/get-involved/contacts-and-information.

[129] Peter Granitz, "Immigration Changes Create Refugee Crisis Along Dominican Republic-Haiti Border," *NPR*, July 28, 2015, http://www.npr.org/2015/07/28/427019702/immigration-changes-create-refugee-crisis-along-dominican-republic-haiti-border.

made out of sticks, cardboard, and plastic. The funding for these camps comes from the Haitian government, local parishes, and international NGOs. The United Nations for High Commissioner for Refugee (UNHCR) works with regions to fix the problems of displaced persons. UNHCR helps to repatriate them into their homeland or integrate them into another country.[130] This organization would be the best suited to build refugee camps because the overall conditions of these camps do not currently meet international standards. [131]

Once the camps are built, we believe that the IOM (International Organization for Migration) take control and responsibility for the camps. Canada has funded the IOM so that they could run 120 camps in Haiti within the past 5 years. [132][133] The IOM managed a large portion of the camps following the 2010 Haitian earthquake, giving them significant experience in the region. The UN as well as 157 individual nations support the IOM. After the camps have been built, and with ultimate IOM oversight, other organizations can provide the services and aid they are most adept at giving for example the Red Cross and their expertise with giving medical services within camps.

Lack of Clarity

One of the many challenges of the multifaceted crisis on Hispaniola is the lack of clarity in terminology. The government of Haiti, the government of the D.R. and various media sources have presented this conflict in contrasting lights. The president of the D.R., Danilo Medina, has called this crisis a national 'migratory' issue. *The Washington Post*, however, went so far as to label the situation ethnic cleansing of people of Haitian descent from the D.R. [134][135] These examples are representative of how other outlets have also used the term "ethnic cleansing" to describe the events succeeding Law 168-13, while others have labeled the situation simply a border crisis. [136][137] While ethnic cleansing is reprehensible under the ICC, it is currently not formally defined; furthermore, it has only been applied in an international court in reference to conflicts in Yugoslavia in 1994.[138] In order for the international community to best respond to the recent events on Hispaniola, as well as to any conflict, a uniform understanding of the various labels and their meanings must exist. It is important to have a cohesive definition to prevent confusion; a definition will clarify the immediate and long term actions needed to prevent "ethnic cleansing".

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[130] Karl DeRouen, "Issues: Understanding Controversy and Society" *Office of the UN High Commissioner for Refugees,* 2006, accessed November 18, 2015, http://issues.abc-clio.com.ezproxy.nobles.edu/Search/Display/1021691?terms=UNHCR.

[131] Ibid.

[132] "Project Profile: Camp Coordination, Camp Management, Emergency Shelter and WASH in Haiti - IOM Appeal 2011," *Foreign Affairs, Trade and Development Canada*, accessed November 16, 2015, http://www.acdi-cida.gc.ca/cidaweb/cpo.nsf/vWebCSAZEn/8FCD0FBFE57052488525788000372A43.

[133] "CMO In Action," *Camp Management Operations in Haiti*, accessed November 17, 2015, https://cmohaiti.wordpress.com/.

[134] The Editorial Board, "The Dominican Republic Must Normalize Harsh Immigration Policy," *Boston Globe*, July 5, 2015, https://www.bostonglobe.com/opinion/editorials/2015/07/04/the-dominican-republic-must-normalize-harsh-immigration-policy/TNqkvTtSAjBfeX5PWzGaxN/story.html.

[135] Abby Phillip, "The Bloody Origins of the Dominican Republic's Ethnic 'cleansing' of Haitians," *Washington Post*, June 17, 2015, https://www.washingtonpost.com/news/worldviews/wp/2015/06/16/the-bloody-origins-of-the-dominican-republics-ethnic-cleansing-of-haitians/.

[136] Ibid.

[137] Jacqueline Charles, "New Migrant Rules Spur Crisis along Haitian-Dominican Border," *Miamiherald*, August 22, 2015, http://www.miamiherald.com/news/nation-world/world/americas/haiti/article31906527.html.

[138] Roger Cohen, "Ethnic Cleansing," *Crimes of War*, accessed November 9, 2015, http://www.crimesofwar.org/a-z-guide/ethnic-cleansing/.

Recommendations

- MINUSTAH should reallocate funds within its budget from military costs to operational costs to strengthen Haiti's government, economy, and to provide resources such as health care to decrease "push factors" of migration.

- The UN should issue further pressure on the D.R. government through a written statement encouraging it to comply with specific recommendations, namely: 1. Expanding civil registry offices. 2. Reducing requirements to prove citizenship. 3. Passing laws to prevent racial bias. The full explanation of these guidelines is outlined in the Recommendations to the Government of the Dominican Republic section of this document.

- The OAS should run: 1. PUICA project (specifically funded by AECID through an OAS Special Fund) in the D.R. that involves oversight of the D.R. naturalization process, including the issuance of temporary citizenship identification cards. 2. Creation of another PUICA project in Haiti (specifically funded by CIDA through an OAS Special Fund). 3. The furtherance of deportation oversight in the Dominican Republic (funded by the OAS General Fund). 4. Continued dialogue between the Dominican Republic and Haiti with international oversight about citizenship policies in order to come to an agreement where nobody is rendered stateless (funded by the OAS General Fund).
- The UNHCR should build 3 displaced persons camps in Haiti on the border of the D.R. to house 13,000 people each in order to house the 39,000 people that have returned to Haiti. The UN must allocate resources for the UNHCR to build these camps. The IOM will run the displaced persons camps with help from NGOs such as the Red Cross.

- The UN should craft an international definition of ethnic cleansing so the international community can more quickly respond to a conflict that is considered ethnic cleansing.

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Recommendations to NGOs

Introduction

There is insufficient non-governmental organization assistance in helping the stateless people of Haitian descent in the Dominican Republic (D.R.). According to the International Organization for Migration (IOM), an estimated 41,292 individuals have crossed from the D.R. into Haiti.[139] Of these individuals, 20% have officially been deported by the D.R., and an additional 21% claim to have been.[140] 59% claim to have left spontaneously, though it is fair to assume the threat of deportation influenced their migration.[141] According to Thomas Albrecht, a Deputy Representative for the United Nations High Commissioner for Refugees, "[statelessness] means identity documents conferring legal personality and the rights that go with this—access to health care, education, property rights, freedom to leave and return to your country—are simply not available."[142]

We have identified four key areas in which non-governmental organizations (NGOs) should focus their efforts. First, large international NGOs should provide logistical aid and supplies to displaced persons camps. Second, grassroots NGOs should work to combat discrimination and create cultural change within the D.R . Third, NGOs should provide legal aid to those, within the displaced person camps, seeking to gain official citizenship in the Dominican Republic. Fourth, NGOs and human rights groups should monitor human rights situations within the D.R. and collect data about the conflict.

Logistical NGOs

Following the catastrophic 2010 Haiti earthquake, an international response from governments and NGOs has established a substantial network of aid on the island of Hispaniola. International aid agencies have built significant infrastructure, in collaboration with the Dominican Republic and Haitian governments, to effectively provide aid to those in need.[143] The earthquake also prompted a large influx of financial support for aid in the region, with $13.5 billion pledged for aid to Haiti internationally.[144] The Red Cross alone received $487,640,757 in donations.[145] All this means that there is an existing infrastructures and experienced organizations in Haiti to deal with displaced persons. Again, using the Red Cross as an example, around 35% of the funds spent in Haiti went directly to shelter needs, providing 860,000 people with emergency shelters and 132,000 with more lasting solutions.[146] By re-purposing these supply networks currently on the ground and already suited to assisting displaced people, the Red Cross, along with other major international groups, is an

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[139] "Border Monitoring SitRep," *Haiti International Organization for Migration*, November, 13th, 2015, https://www.humanitarianresponse.info/en/system/files/documents/files/border_monitoring_sitrep_xvii.pdf.

[140] Ibid.

[141] Ibid.

[142] Stacie Kosinski, "State of Uncertainty: Citizenship, Statelessness and Discrimination in the Dominican Republic," *Boston College International and Comparative Law Review* 5, no.2 (2009): 13, http://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=1112&context=iclr.

[143] Alan Cowell and Sharon Otterman, "Relief Groups Seek Alternative Routes to Get Aid Moving," *The New York Times,* January 16, 2010, http://www.nytimes.com/2010/01/16/world/americas/16relief.html.

[144] "Behind the Numbers: American Red Cross Housing Solutions in Haiti," *American Red Cross*, last modified June 2015, http://www.redcross.org/images/MEDIA_CustomProductCatalog/m51740178_American_Red_Cross_Housing_in_Haiti.pdf.

[145] Ibid.

[146] Ibid.

excellent choice to supply the displaced persons camps. These camps will be established by the UNHCR using the funding received from USAID.

Additionally, the already established sites housing displaced people are in highly accessible areas, with two slightly north of Anse-à-Pitres, and another located near Malpasse, allowing for the Red Cross to easily transition into aiding these camps.[147] The location of these camps, near two prominent land crossings between the D.R. and Haiti, suggests that any other camps that may develop will likely be near one of the four prominent border crossings.[148] All of these factors suggest that the large scale NGOs in the region following the 2010 earthquake are in an excellent position to help the displaced people within these camps.

Cultural Change and Discrimination

Currently, Dominican nationals of Haitian or assumed-Haitian origin face significant discrimination within the Dominican Republic. There has been a rise in violent attacks on people assumed to be of Haitian origin in the country.[149] The Dominican-Haitian Women's Movement (MUDHA) is the leading non-governmental organization working to improve the conditions of people of Haitian origins in the Dominican Republic. The NGO works through grassroots community organizing programs designed to train people in the alleviation of anti-Haitian sentiment. The organizations that do similar work to MUDHA are *Reconocido Dominicanos por Derechos*, *Comité de Solidaridad* con *Personas Desnacionalizadas*, *Eso No Se Hace RD*, *Centro Bonó*, and *Visión Mundial*. Combining the efforts of MUDHA and other grassroots NGOs in the Dominican Republic that do similar cultural work to eradicate anti-Haitian sentiment in the region would help lead to a decrease in violence against Dominican nationals of Haitian origin and would prevent the creation of policies that negatively affect these people. By creating a network with consistent communication, these organizations will be able to create a central set of goals and stratagems while maintaining independent operations. Furthermore, this network would enable these organizations to create a focused, coordinated campaign to end discrimination against people of Haitian origin in the Dominican Republic.

Legal Aid

The process for uneducated Group B Haitian migrants, who are defined as "persons born to 'in transit' parents who were never registered in the civil registry," to apply for legal residency in the Dominican Republic is incredibly slow, bureaucratic, and complex.[150] As of November 6th, 2015, only 8.7% of the declared returnee population has been registered through the Dominican Plan for Regularization of Foreigners (PNRE) by June 17th, the initial deadline to register.[151] This displays how lengthy, inefficient, and complicated this process is. Historically, a high percentage of the Group B Haitian migrant workers applying for citizenship have had low levels of education, and around half have been illiterate.[152] Amnesty International has cited a need for legal support for

[147] "Tent Cities Sprouting in Haiti as Migrants Return," *CNN*, Nov 13, 2015, http://www.cnn.com/2015/07/28/americas/haiti-migrants-tent-cities-dominican-republic/.

[148] "Location of Border Crossings," *International Organization for Migration,* August 11, 2015, https://www.iom.int/news/iom-monitors-migrant-flows-haiti-dominican-republic-border.

[149] Jonathan M. Katz, "The Dominican Time Bomb," *New York Times Magazine*, last modified July 2, 2015, http://www.nytimes.com/2015/07/02/magazine/the-dominican-time-bomb.html.

[150] U.S. Department of State, Bureau of Democracy, Human Rights and Labor, *2014 Human Rights Report: Dominican Republic*, (Washington, D.C.: U.S. United States Government Printing Office, 2014), 22, http://www.state.gov/documents/organization/236896.pdf.

[151] "Border Monitoring SitRep," *Haiti International Organization for Migration*, November, 6th, 2015, https://www.humanitarianresponse.info/en/system/files/documents/files/border_monitoring_sitrep_xvi.pdf.

[152] Fletcher and Miller, "New Perspectives on Old Patterns," 663.

people in Group B who do not have adequate awareness or legal resources to successfully go through this process.[153]

The Support Group for Refugees and Returnees (GARR) is a NGO based in Port-au-Prince, Haiti, that provides humanitarian support in addition to legal and administrative assistance to asylum seekers and refugees of Haitian descent in the Dominican Republic and Haiti. GARR has partnerships with both MUDHA and the UNHCR.[154] According to a representative from the Association of Haitian Professionals, GARR already has a large humanitarian presence in the displaced person camps in Haiti.[155] If the burden of providing humanitarian support for these camps is relieved by the Red Cross, it would free up funding within GARR to focus on its legal aid program. This program would increase legal aid from GARR to individuals who fall into Group B and would, as a result, increase the number of displaced people who are able to successfully obtain legal resident permits or citizenship in the Dominican Republic.

Oversight and Data Collection

The 230 state owned bateyes, sugar plantation towns, in the D.R. are home to more than 200,000 Haitians and people of Haitian descent.[156] Working and living conditions in the bateyes are abominable.[157] Most people who live there lack documentation, despite having lived within the D.R. for decades or even generations.[158] Most of the mass deportations take place in the bateyes.[159] Human Rights NGOs situated in these towns would be able to track the scale of deportations happening and determine their nature. This would allow the international community to hold the Dominican government accountable for its promises to stop mass deportations, as well assess other human rights violations committed by the Dominican government and police towards the vulnerable bateyes residents. Amnesty International, as the world's largest human rights organization, has the resources and experience to take the lead in monitoring the bateyes.[160]

The International Organization for Migration (IOM) works at nine official and non-official entry points along the Dominican-Haitian border identifying, registering, and assisting displaced people as they cross through these points.[161] The information it gathers is crucial to identifying the scope of the issue, as well as how best to respond. Furthermore, it works with GARR, Jesuit Service for Migrants, and the Reseau Frontalier Jannot Succes to gather data.[162] At the moment the IOM is able to record the movements of most displaced persons, but lacks the resources to cover the more than

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[153] "Amnesty International ends visit to the Dominican Republic: further actions needed to protect Dominicans of foreign descent," *Amnesty International*, June 30, 2015, http://www.amnestyusa.org/news/press-releases/amnesty-international-ends-visit-to-the-dominican-republic-further-actions-needed-to-protect-dominic.

[154] "Fiche Technique Des Projets En Cours Au GARR En 2012," *GARR: Groupe d'Appui aux Rapatriés et Réfugiés*, last modified December 2013, http://www.wwew.garr-haiti.org/proyectos/2012_Etat_Civil_RD.pdf.

[155] "Activités et Axes de Travail du GARR," *GARR: Groupe d'Appui aux Rapatriés et Réfugiés*, Last modified February 6, 2012, http://www.http.garr-haiti.org/index.php/activites-et-axes-de-travail-du-garr.

[156] "The Bateyes," *Batey Relief Project*, accessed November 10, 2015, http://bateyrelief.org/work/projects/the-bateys/.

[157] Barbara L. Bernier, "Sugar Cane Slavery: Bateyes in the Dominican Republic," *New England Journal of International and Comparative Law* 9, 2003, accessed November 11, 2015, http://www.nesl.edu/userfiles/file/nejicl/vol9/bernier.pdf.

[158] Ibid.

[159] Fletcher and Miller, "New Perspectives on Old Patterns," 667.

[160] "Many Rights, Some Wrong." *The Economist*, March 22, 2007, http://www.economist.com/node/8888792.

[161] Ilaria Lanzoni, "IOM Monitors Migrant Flows on Haiti - Dominican Republic Border," *International Organization for Migration*, last modified August 11, 2015, https://www.iom.int/news/iom-monitors-migrant-flows-haiti-dominican-republic-border.

[162] "Humanitarian Bulletin," *Humanitarian Response,* last modified October 1, 2015, https://www.humanitarianresponse.info/en/system/files/documents/files/ocha_haiti_humanitarian_bulletin_55_-_october_2015.pdf.

140 informal border-crossing sights.[163] More local NGOs' assistance to the efforts of the IOM will greatly improve the accuracy of its data, allowing for better planning and action of any responses.[164]

Recommendations

- The Red Cross and other large NGOs in the region should use their previously established supply networks in the area to provide food, emergency shelter, and health supplies to the Haitian displaced persons camps, which will be built by the UNHCR and overseen by the IOM.

- Local NGOs focused on cultural change in the Dominican Republic should establish a network under the leadership of MUDHA in order to better coordinate their efforts to reduce discrimination against people of Haitian descent in the Dominican Republic.

- GARR should focus its legal aid services on members of Group B in the displaced persons camps in Haiti and guide them through the process of acquiring citizenship in the Dominican Republic

- Amnesty International or other human rights watch organizations should monitor the activities of government and law enforcement in the bateyes to ensure compliance with internationally accepted human rights standards as well as commitment to promises by the Dominican government to stop mass deportations.

- NGOs should work with the IOM to receive training on screening, data collection, and referral of specific protection cases, and operate at the eight official and unofficial border crossings.

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[163] Ibid.
[164] Ibid.

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