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Restitution for Haiti, Reparations for All: Haiti’s Place in the Global Reparations Movement

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Haiti’s claim for restitution of the debt coerced by France in exchange for Haiti’s 1804 independence has unique legal advantages that can open the door to broader reparations for the descendants of all people harmed by slavery. But in order to assert the claim, Haiti first needs help reclaiming its democracy from a corrupt, repressive regime propped up by the powerful countries that prospered through slavery and overthrew the Haitian President who dared to assert his country’s legal claim. This article explores Haiti’s Independence Debt, and the fight for restitution of it, in the context of two centuries of continued struggle between Haitians asserting their independence and countries enriched by slavery trying to limit the power of Haiti’s example.

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I. INTRODUCTION

The movement for reparations due to enslavement and the myriad of related, ongoing harms is advancing globally despite pushback—in nations such as the United States and the Caribbean. Haiti can accelerate the process of global reparations through its claim for restitution of the Debt coerced by France in exchange for Haiti’s independence. This claim for restitution has unique legal advantages that can open the door to broader reparations claims worldwide. But Haiti cannot go it alone. After making a claim for restitution and, therefore, contributing to the global reparations movement, Haiti now needs that movement to help the nation re-claim its democracy from a corrupt, repressive regime propped up by the powerful countries that prospered through slavery and have undermined Haiti’s sovereignty since its independence in 1804.

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2 Reparations provide a remedy where a defendant has been unjustly enriched through an unlawful act or a breach of contract. See Restitution, CORNELL L. SCH. LEGAL INFO. INST., https://www.law.cornell.edu/wex/restitution (last visited Nov. 1, 2023). Recovery amounts are based on the defendant’s gain, not the plaintiff’s loss. Id. Reparations provide a remedy for damages caused by the
Haiti’s claim for restitution of the Independence Debt is a subset of the claims that Haitians – like other people of African descent – have for reparations from slavery. These reparations claims seek both justice and accountability for a history of enslavement and colonialism. They also seek to prevent modern-day corollaries of that history, including discrimination rooted in anti-Black racism and limitations on genuine freedom and equality for Black individuals and communities. As part of this national and global reparations context, Haiti’s claim for restitution of the Independence Debt brings to the broader fight distinct legal theories based on the unique harm imposed on Haiti by the slave-holding powers.

In 1804, Haiti defeated French leader Napoleon Bonaparte on the battlefield to win its independence. But the countries that dominated the Atlantic world at the time – especially France, the United States, Great Britain, and Spain – maintained their power through slavery and white supremacy, something that would not survive if Haiti became free and prosperous. Therefore, they embarked on a centuries-long coordinated campaign to ensure that Haiti would not succeed, a campaign which included refusal of recognition or defendant’s harmful act, and to reestablish the plaintiff to a level prior to the harmful act at issue. See Reparations: OHCHR and Transitional Justice, U.N. OHCHR, https://www.ohchr.org/en/transitional-justice/reparations (last visited Nov. 1, 2023). Reparation claims may also include restitution. See generally id.

3 The Independence debt refers to the debt France imposed on Haiti in exchange for Haiti’s freedom.

4 See Ann Crawford-Roberts, A History of United States Policy Towards Haiti, BROWN UNIV. LIBR., https://library.brown.edu/create/modernlatinamerica/chapters/chapter-14-the-united-states-and-latin-america/moments-in-u-s-latin-american-relations/a-history-of-united-states-policy-towards-haiti/ (addressing France and the United States); see also RANDALL ROBINSON, AN UNBROKEN AGONY: HAITI, FROM REVOLUTION TO THE KIDNAPPING OF A PRESIDENT 8-9 (2007) (“ . . . [Thomas] Jefferson had expressed his continued concern over black rebellion to Rufus King, lamenting that the ‘course of things in the neighboring islands of the West Indies appeared to have given a considerable impulse to the minds of the slaves’ in the United States and ‘a great disposition to the insurgency has manifested itself among them.’”); id. at 18 (quoting a former U.S. senator: “Our policy with regard to Haiti is plain. We never can acknowledge her independence . . . The peace and safety of a large portion of the union forbids us to ever discuss it.”); id. at 58 (“France was not the only Western society that would capitalize an industry economy with proceeds amassed from slave labor. The United States, Spain, Holland, Denmark, and Great Britain would do much the same.”).
normal trade relations, the forced Independence Debt in 1825, and persistent economic and military interventions for over two centuries.⁵

This coordinated campaign succeeded in keeping Haiti impoverished⁶ and sharply limiting its sovereignty.⁷ A measure of the campaign’s success is that, with a single exception, no Haitian government has asserted the country’s legal claim for restitution of the Independence Debt, despite the strength of the claim, popular support

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⁵ See ROBINSON, supra note 4, at 16 (“Even before France leveraged the weak new state with crushing financial reparations in 1825, the United States and western Europe . . . moved . . . to cripple the fledgling nation socially, politically, and economically, just as France was fashioning new policies to favor Haiti’s minority community of French white ex-colonists and mulattoes . . . .”; id. at 20 (“[T]he new Republic of Haiti was met with a global economic embargo imposed by the United States and Europe[ . . . ] strengthened by a further demand from France for financial reparations of roughly $21 billion . . . as compensation from the newly freed slaves for denying France the further benefit of owning them.”)). See generally Paul Farmer, Who Removed Aristide? Paul Farmer Reports From Haiti, LONDON REV. BOOKS (Apr. 15, 2004), https://www.lrb.co.uk/the-paper/v26/n08/paul-farmer/who-removed-aristide (noting the debt France forced Haiti to pay in 1825 “under threat of another French invasion” and how the United States “eclipsed France as a force in” Haiti by the late 1800s); PETER HALLWARD, DAMMING THE FLOOD: HAITI AND THE POLITICS OF CONTAINMENT 1–38 (Verso 2007) (reciting Haiti’s history and relations with other nations); Mario Joseph, Bureau des Avocats Internationaux, Statement for the Second Session of the Permanent Forum on People of African Descent – Thematic Discussion: Global Reparatory Justice, https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/forums/forum-african-descent/sessions/session2/statements/PFPAD-session2-grj-ngo-Bureau-des-Avocats-Internationaux.pdf.


⁷ See ROBINSON, supra note 4, at 18 (“[The] United States, France, and western [sic] Europe would quickly join together in a program of measures designed to defeat the new black republic’s prospects for success. For the next two hundred years, Haiti would be faced with active hostility from the world’s most powerful community of nations[,] . . . including military invasions, economic embargoes, gunboat blockades, reparations demands, trade barriers, diplomatic quarantines, subsidized armed subversions, media volleys of public traducement, and a string of . . . of U.S.-armed black dictators . . . .”); see also id. at 51–52 (quoting Frederick Douglass contemporaneously remarking that “[i]t so happens that we have men in this country (the United States) who, to accomplish their personal and selfish ends, will fan the flames of passion between the factions in Haiti and will otherwise assist in setting revolutions afoot.”).
for it, and Haiti’s need for funds. It was no accident that the single assertion of the claim was made in 2003 by a highly-popular democratic government as part of a broader effort to both enlarge Haiti’s sovereignty and to challenge structural injustice in relations between former slave-owning nations and majority Black nations.\(^8\) A free Haiti with the resources to challenge powerful countries’ global hegemony is exactly what former slave-holding states have always feared.\(^9\) It is also no accident that the same countries that dominate the Americas and the UN Security Council ensured that Haiti would not succeed through a coordinated campaign that included economic sanctions, support for Haitian elites trying to overthrow the popular government, and, finally, kidnapping Haiti’s president.\(^10\)

Haiti’s 2003 reparations claim was not abstract. The government made claims for money that would be used to build schools and hospitals, develop Haiti’s economy, and allow the government to provide the basic government services that stable and prosperous governments provide. Haiti explained that their country lacked this infrastructure, unlike France, precisely because so much wealth was extracted from Haiti with the Independence Debt. This reframed the dominant narrative to explain how poverty, limited infrastructure, and weak governance had resulted from local corruption and natural disasters.\(^11\) to give appropriate weight to the contributions of white


\(^9\) See id. at 260 (“[T]he Americans, the French, the Canadians, the armed thugs, the rich, the Convergence politicians knew what couldn’t be said out loud for the public record . . . the ‘problem’ was the very idea of democracy [in Haiti] itself.”) (emphasis in original). See generally ROBINSON, supra note 4, at chs. 11, 21.

\(^10\) See Farmer, supra note 5; see also Irwin P. Stotzky & Brian Concannon, Jr., *Democracy and Sustainability in Reconstructing Haiti: A Possibility or a Mirage?*, 44 U. MIA INTER-AM. L. REV. 1, 9, 31 (2012); infra note 69.

\(^11\) Compare Farmer, supra note 5 (“An understanding of the current crisis requires a sense of Haiti’s history[.]” including colonialism, slavery, the Independence Debt, the United States’ occupation, and ongoing political interference), and Kenneth Mohammed, *Haiti Faces Famine – But Its Trouble Are Rooted in a Brutal Colonial Past*, GUARDIAN (Dec. 14, 2022, 2:15 AM), https://www.theguardian.com/global-development/2022/dec/14/haiti-faces-famine-but-its-troubles-are-rooted-in-a-brutal-colonial-past (“Many believe that Haiti’s problems were ancestral and self-inflicted but there is more to this story. The propensity of the US to prop up strongmen contributed over and over to the sad state of Haiti, and let’s not forget the opportunistic siphoning of aid by the very agencies that
supremacy, from slavery to the Independence Debt to current economic predation.  

Haiti’s reframing of the narrative demonstrated how decades of forced debt, predatory financing, and foreign interference drained Haiti’s economy, severely limited its capacity to invest in social services, and forced reliance on foreign aid. A New York Times collected donations from around the world.”), with World Bank Group [WBG], The World Bank in Haiti: Overview, https://www.worldbank.org/en/country/haiti/overview (last updated Oct. 26, 2023) [under “Context”] (“Haiti’s economic and social development continues to be hindered by political instability, increasing violence and unprecedented levels of insecurity, which exacerbate fragility. . . . Haiti remains one the most vulnerable countries worldwide to natural hazards, mainly hurricanes, floods, and earthquakes.”), and Larry Thompson, Forgotten People: Haiti, U.N. Off. for the Coordination of Humanitarian Aff. (Sept. 15, 2003), https://reliefweb.int/report/haiti/forgotten-people-haiti (“The root cause of Haiti’s problems is bad government. Since the 1950s and the era of ‘Papa Doc’ Duvalier, Haiti has been ruled by one corrupt, unstable regime after another.”).

See Sandra Wisner & Brian Concannon, Debt and Dependence: Foreign Interference in Haiti and the Importance of Non-State Actor Accountability, 21 NW J. HUM. RTS. 185, 185–88 (2023), https://scholarlycommons.law.northwestern.edu/njhr/vol21/iss3/1/. See also Mario Joseph & Beatrice Lindstrom, What the World Owes Haiti Now, JUST SEC. (June 29, 2022), https://www.justsecurity.org/82115/what-the-world-owes-haiti-now/ (“A recent New York Times investigation has sparked renewed conversation about how we reckon with the often-overlooked role of foreign intervention in Haiti’s founding history, especially the independence debt that France extracted from Haiti in 1823 to compensate for its loss of ‘property’ – including enslaved people. But unjust foreign intervention in Haiti did not stop in 1823 – it continues today.”); ROBINSON, supra note 4, at 25–26 (“From Thomas Jefferson onward, race largely explains the conspicuously historic . . . American affinity for rigidly anti-democratic forces in Haiti . . . . [quoting Langston Hughes] ‘ . . . Haitians have ample reason to believe that where the world’s white nations are concerned, notions of democracy and other abstract decencies weigh little against the ageless and seductive traditions of color prejudice and greed. The leaders of the white world simply do not accord to the constitutions and laws of black countries the near sanctity they accord to their own.’”) (emphasis added); id. at 37 (“The color problem in Haiti dates as far back as the December 9, 1492, arrival of Christopher Columbus. More than three hundred years thence, the . . . United States, France, and western Europe continue to play the unconstructive roles they have always played. In Haiti today, color remains as insuperable a barrier to social progress as ever.”); id. at 48–49.

See also Wisner, supra note 12; see also ROBINSON, supra note 4, at 18-22 (“The Haitian economy has never
investigation into the debt estimated that it cost Haiti between $21 and $115 billion (USD) in economic growth. If the countries and institutions responsible for implementing such debts meet their legal obligations for reparations and restitution, Haiti can meaningfully invest in those missing services and in sustainable, Haitian-led development.

As framed above, Haiti’s damages from the Independence Debt can be calculated more easily than other historical reparations claims. The amount that Haiti paid to France is clearly established. Reasonable minds might differ over the applicable interest rates or how to best calculate opportunity costs, but economists and courts make those decisions regularly, and it should be relatively straightforward to come up with a reasonable damage amount after a democratic debate. Haiti’s claim also has no standing issues, which has proven an obstacle to other reparations claims when courts ruled that the plaintiffs before them could not establish that they were personally injured by slavery. In Haiti’s case, the government was party recovered from the financial havoc France (and America) wreaked upon it, during and after slavery.”; id. at 50–54, 57–59; infra note 28.


15 Haiti’s strongest restitution claim is against France, the country directly responsible for the coerced Independence Debt and for the billions of dollars of lost economic development caused by the debt. See generally Greg Rosalsky, ‘The Greatest Heist in History’: How Haiti Was Forced to Pay Reparations for Freedom, NPR (Oct. 5, 2021 10:25 AM), https://www.npr.org/sections/money/2021/10/05/1042518732/-the-greatest-heist-in-history-how-haiti-was-forced-to-pay-reparations-for-freed (quoting Professor Marlene Daut as stating the independence debt “severely damaged the newly independent country’s ability to prosper.”). However, Haiti also likely has claims against other countries and institutions – including the United States and several French and American banks, including the Citi Bank group – whose extractive and exploitative practices caused further economic harm. See Matt Apuzzo et al., Invade Haiti, Wall Street Urged. The U.S. Obliged., N.Y. Times (May 20, 2022), https://www.nytimes.com/2022/05/20/world/haiti-wall-street-us-banks.html.


17 For example, on July 5, 2023, France’s Supreme Court, the Cour de Cassation, dismissed claims filed by three groups in Martinique, ruling that the plaintiffs had failed to demonstrate that they had “suffered individually” from slavery. See Cara Anna, France’s Supreme Court Rejects Groups’ Request for Slavery Reparations in Case from Martinique, AP NEWS (July 5, 2023, 9:41 AM),
to the original coerced agreement and suffered the damages incurred by the Independence Debt.

Haiti’s reparations claims – like those of other people of African descent – did not stop accumulating with emancipation but include subsequent and ongoing harms such as continued economic and political interference. In Haiti’s case, the harms include powerful actors’ helping to install and prop up successive corrupt governments favorable to foreign interests and unresponsive to the Haitian people.18 The resulting weakening of democratic institutions, unchecked extractive practices, and corruption have left Haiti in a cycle of crises, of which the current catastrophic situation is only the latest manifestation.19 In their reliance on international support for maintaining power, the foreign-supported Haitian governments will also never raise a reparations claim. Democratic self-determination by Haitians without foreign interference is therefore a necessary part of reparations-related mobilization.


See HUMAN RIGHTS AND RULE OF LAW IN HAITI: KEY RECENT DEVELOPMENTS DECEMBER 2022 THROUGH MAY 2023 8 (2023), http://www.ijdh.org/wp-content/uploads/2023/06/HRU-June-2023-FINAL_updated-6.28.pdf (June 28, 2023) [hereinafter IJDH]. In addition, see RANDALL ROBINSON, THE DEBT: WHAT AMERICA OWES TO BLACKS 183–89 (2000) [hereinafter “THE DEBT”], where the author describes persisting patterns of extractive neocolonialism and policies perpetuating inequality, directed at countries in Africa and the Caribbean, that maintain subjugation and poverty toward Black people. For example, the author states, “American policy, expressed bilaterally and multilaterally through institutions such as the IMF and the World Bank, is designed to keep Africa poor enough to supply [the United States] with cheap commodities and undemanding labor, viable enough to buy our manufactured exports, and unstable enough to provide a market for our guns.”). Id. at 186–87.
Haiti’s revolution was pivotal to demonstrating that at the core of the global reparations movement is an understanding that slavery is a profound violation of human rights. As that movement surges, Haitian voices – too often marginalized through language, geography, and impoverishment – have much to offer and should be actively recognized. Haiti’s restitution claim could also serve as a catalyst for fostering legal pathways to monetary compensation for people of African descent, as well as other measures necessary for repair, healing, and justice as part of a global reckoning with the harms of slavery, colonialism, and anti-Black racism. In turn, Haiti needs the support and energy of the global reparations movement to rally behind its claim for restitution and support for the predicate of democratic self-determination.

This paper demonstrates how Haiti’s restitution claim can contribute to the broader reparations movement. It begins by offering an overview of the relevant history and legal theory of the restitution claim (Section II) and the Haitian government’s 2003 effort to assert the claim (Section III). The paper then discusses the efforts – by the same countries that tried to make Haiti’s independence fail two centuries earlier – to prevent Haiti from claiming restitution and asserting its sovereignty (Section IV) and explains how the broader reparations community can advance the reparations movement by helping Haiti regain the democracy it needs to assert its restitution claim (Section V).

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20 See ROBINSON, supra note 4, at 5–6 (“‘Only three years after Haitian independence, the British (and Americans) ended their Atlantic slave trade. A generation later, the British freed all their slaves. Clearly this, and subsequent emancipations, did not derive simply from the events in Haiti. But the military and political successors of the ex-slaves in Haiti stood as a permanent rebuke to the social ideals which had shored up the slave empires of the Americas.’”) (quoting James Walvin).

21 Authors have also pointed to the psychological value of seeing reparations claims succeed as a path to advancing truth, dignity, and healing. See, e.g., THE DEBT, supra note 19, at 208 (“‘We would begin a healing of our psyches were the most public case made that whole peoples lost religions, languages, customs, histories, cultures, children, mothers, fathers. It would make us more forgiving of ourselves, more self-approving, more self-understanding to see, really see, that on three continents and a string of islands, survivors had little choice but to piece together whole new cultures from the rubble shards of what theirs had once been. And they were never made whole. And never compensated. Not one red cent.’”) (emphasis in original).
II. UNJUST ENRICHMENT

Haiti’s reparations claims are rooted in a history of enslavement, self-liberation, and the outrageous price Haitians have paid for their freedom. Among their reparations claims is a distinct claim of restitution, arising from Haiti’s challenge to white supremacy.

Colonial Haiti was the most lucrative overseas possession of the 18th century because France amassed great wealth off the backs of Black bodies brutally forced to work Haiti’s soil. France accumulated wealth from Haiti that is equal to the combined GDP of England’s thirteen colonies, in what later became the United States. In 1791, the enslaved Haitians launched a revolt that culminated in Haiti’s Declaration of Independence on January 1, 1804. This victory came after Haitians vanquished the troops of Napoleon Bonaparte, a man considered to be one of the greatest military commanders in history.

The very existence of self-emancipated slaves demanding that they run their own lives and their own country was a threat to the white supremacy underlying the wealth of France, as well as that of the United States, the United Kingdom, Spain, and Portugal. These powerful countries had obtained their wealth through slavery and the slave trade, and they knew that if other enslaved people saw Haitians succeed in winning and exercising their freedom, then they, too, would demand, and win, their own freedom. These powerful nations also knew that recognizing Black people as free, equal, and entitled to self-determination would undermine the white

22 See Piketty, supra note 16, at 71. By the eve of the French revolution, France had been forcibly transporting 40,000 Africans — annually — to Haiti “to replace deceased slaves and replenish the slave trade.” Id. at 69.


25 Cf. Farmer, supra note 5 (“Slavery was at the heart of the thriving system of merchant capitalism that was profiting Europe, devastating Africa, and propelling the rapid expansion of the Americas.”) (quoting Laurent Dubois).
supremacist ideology that justified colonialism, enslavement, and the unequal global distribution of power and wealth.26

These powerful countries took persistent and coordinated action to prevent Haiti from succeeding. They all refused to recognize Haiti and imposed a trade embargo.27 In fact, the United States refused to recognize the second independent country in the Americas, for explicitly racial reasons, until 1862.28 These policies excluded Haiti from the international market, devastating its new economy and making it vulnerable to coercion.29

France conditioned its recognition of Haiti on Haiti providing compensation to former plantation owners for those owners’ lost “property.” France backed its demand with threats to invade Haiti and reinstitute slavery. It escalated the threats in 1825 by sending a fleet of warships that threatened to destroy the capital, Port-au-Prince. Haiti eventually capitulated, and under duress agreed to pay France 150 million francs (the equivalent of approximately $560 million in today’s dollars and ten times Haiti’s annual revenue then) in exchange for France’s recognition of Haiti’s independence and as compensation for what France deemed as its lost land and human “property.”30

The foreign powers also operated inside Haiti by forging an alliance with the newly-emerged class of local elites to act against the

26 See ROBINSON, supra note 4, at 7–9, 18, 25, 60–61.
28 The United States had forged diplomatic and trade relations with the Haitian revolution before independence was proclaimed, under the respective leadership of President John Adams and General Toussaint Louverture, from 1798 to 1801. These relations seemed to come to an end under President Thomas Jefferson. See generally RONALD JOHNSON, DIPLOMACY IN BLACK AND WHITE: JOHN ADAMS, TOUSSAINT LOUVERTURE, AND THEIR ATLANTIC WORLD ALLIANCE (2014).
29 See, e.g., ROBINSON, supra note 4, at 22 (“As late as 1915 ... some 80 percent of the Haitian government’s resources were being paid out in debt service to French and American banks ... . The American loan was finally paid off in 1947. Haiti was left virtually bankrupt, its workforce in desperate straits.”).
country’s impoverished majority. The alliance provided the elites with international recognition of titles in lands amassed since independence and access to foreign markets in order to maintain their supremacy over the peasant majority. In return, the French extracted the Independence Debt and even more durable cultural and linguistic subservience. This alliance persists today as foreign

31 See, e.g., Robinson, supra note 4, at 17, 25, 50–52, 67–68; see also id. at 144 (“Everyone in Haiti knew that the wealthy white families, from the beginning, were working closely with the military to quash the new democracy and restore the military dictatorship behind which the rich, over the years, had amassed unseemly fortunes on the backs of the black poor . . . .[with] the full support of the United States.”). Others have argued that opportunism by Haiti’s elite is its own explanatory factor and that their mediating actions evidence a lack of coercion with respect to the Independence Debt, which undermines the factual basis for a restitution claim. For example, sociologist Alex Dupuy argues that former Haitian president Jean-Pierre Boyer accepted the Independence Debt because it was advantageous to him and his ruling elites, who attempted to maintain the French system of plantation economy as Haiti’s model of economic development, capital accumulation, and organization of production. See Introductory Remarks & Panel I: Historical, Political, and Social Issues at the Inter-American Law Review Symposium: Haiti: Reparations & Restitution (Mar. 24, 2023), https://echo360.org/media/0f6a3900-ffb5-4c29-8259-6139e6c85c1a/public [hereinafter Symposium]; ALEX DUPUY, HAITI IN THE WORLD ECONOMY: CLASS, RACE, AND UNDERDEVELOPMENT SINCE 1700 92–94 (1989). While this is not an unreasonable interpretation, the incentive structure of Haitian elites at the time was itself a direct result of the system of enslavement and racial hierarchy that had been imposed on Haiti since colonization. Thus, this structure was part of the long-term pattern of structures of foreign control and exploitation — perpetrated forward — rather than a causal break. See History of Haiti, ONE WORLD NATIONS ONLINE, https://www.nationsonline.org/oneworld/History/Haiti-history.htm (last visited Nov. 4, 2023) (“ . . . Saint Domingue’s society had settled into a rigid hierarchical structure based on skin color, class, and wealth . . . .During the latter eighteenth century, the fabric of Saint-Domingue’s hierarchical society began to unravel . . . .[F]ree blacks and mulattoes sought full citizenship and property right —including the right to own slaves — and arable land for farming . . . .Despite the egalitarianism of the new revolutionary regime, Haitian society remained hierarchical, with deep disparities in wealth between the mixed-race mulatto freedmen and newly emancipated blacks. Following the departure of most of the French Creoles, the mulatto minority took their place as the new elite within Haitian society.”). For a comprehensive history of Haiti’s revolution and the complicated dynamics around race and access to money and power, see James, supra note 24.

powers provide political and economic support that keeps Haiti’s elites in power and fabulously wealthy in one of the world’s most impoverished countries.\footnote{The United States has a history of supporting and protecting Haitian elites, for example, Prosper Avril, a man whose “regime engaged in a ‘systematic pattern of egregious human rights abuses,’” and Guy Philippe, who “received training, during the last coup, at a US military facility,” and André Apaid, operator of several Haitian sweatshops and the beneficiary of U.S. policy to increase garment manufacturing in Haiti. Farmer, supra note 5. See also Sophonie Milande Joseph & François Pierre-Louis, How Domestic Elites and Foreign Meddling Undermine Haitian Democracy, IN THESE TIMES (Aug. 18, 2021), https://inthesetimes.com/article/haiti-jovenel-moise-democracy-elections-united-states-elite-meddling. ROBINSON, supra note 4, at 17, 25, 39–40, 50–52, 67–68, 144, 152–53, 235.}

It took Haiti over a century to repay the Independence Debt.\footnote{See Marlene Daut, France Pulled Off One of the Greatest Heists Ever. It Left Haiti Perpetually Impoverished, THE MIAMI HERALD (July 15, 2021, 5:46 PM), https://www.miamiherald.com/opinion/op-ed/article252809873.html.} The initial payments were so far beyond what Haiti could afford that it was forced to borrow from French, and then U.S. and German, banks.\footnote{See Gamio, supra note 14.} Such financing came with high interest rates and fees, along with other predatory foreign financing structures, and saddled Haiti with additional debt – known as the “double debt.”\footnote{See id.; see also Frederique Beauvois, Monetize the Incalculable? The Santo Domingo Indemnity, Between Approximations and Tinkering, CAIRN.INFO, https://www.cairn.info/revue-historique-2010-3-page-609.htm#pa69 (last visited Nov. 4, 2023).}

This double debt is, to a large extent, at the root of Haiti’s current poverty and instability. As other nations invested in infrastructure and public services, Haiti was forced to orient its economy towards repaying the Independence Debt, and in the process it sacrificed investment in education, healthcare, and industrial development.\footnote{See Daut, supra note 34; see also ROBINSON, supra note 4, at 22 (“As late as 1915 . . . some 80 percent of the Haitian government’s resources were being paid out in debt service to French and American banks on loans that had been made to enable Haiti to pay reparations to France.”). See generally Wisner, supra note 12, at 185–86 (noting the Independence Debt “has created significant obstacles to the realization and protection of fundamental rights” and that loans conditions toward Haiti have limited “available funding for public spending”).}

Haiti was forced to allow France to set up its first National Bank in 1880, through which France controlled Haiti’s treasury and ensured repayment of the debt at the expense of Haiti’s public works budget.
At the same time, nearly 85 percent of Haiti’s largest source of revenue – coffee exports – was diverted to repayment of the debt.  

The Independence Debt triggered a cycle of extraction, entrenched debt, and aid dependence that stunted Haiti’s development and rendered the country unstable and vulnerable to elite dominance and foreign interference. This interference included the U.S. Marine invasion and occupation from 1915 to 1934. Under the pretext of a “civilizing mission” to end Haiti’s “anarchy, savagery and oppression,” the United States seized Haiti’s gold reserves, took control of its financial and political institutions, and reinstated forced labor reminiscent of slavery. The occupation served to entrench U.S. control of the region, reinforce the United States’ white supremacist ideology, and derail Haiti’s efforts at self-governance and economic liberation.  

A more recent example of foreign interference involves the persistent international support for the brutal, but pro-Western, hereditary dictatorship of “Presidents for Life” Francois Duvalier (1957-1971) and Jean-Claude Duvalier (1971-1986). Notwithstanding their abhorrent human rights records, which were wholly incompatible with stated international commitments, the United States and

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38 See Gamio, supra note 14.
41 Id.; see also JAMES WELDON JOHNSON, SELF-DETERMINING HAITI 7 (1920) (ebook) https://www.gutenberg.org/files/35025/35025-h/35025-h.htm.
42 See Johnson, supra note 41, (“This [American] Government forced the Haitian leaders to accept the promise of American aid and American supervision. With that American aid the Haitian Government defaulted its external and internal debt, an obligation, which under self-government the Haitians had scrupulously observed. And American supervision turned out to be a military tyranny supporting a program of economic exploitation.”); see also Robinson, supra note 4, at 22. See generally Wisner, supra note 12.
43 Cf. Robinson, supra note 4, at 18–19.
others supported the Duvaliers in return for their votes against Cuba in international forums and implementation of “economic reforms” that undercut Haiti’s national production.\(^4\) Beginning in the 1980s, the international community leveraged its financial power to condition development loans and much-needed aid on economic and social reforms that further impoverished and destabilized Haiti. Under the guise of assistance, these conditioned loans allowed the United States – including through its position of dominance in those institutions\(^4\) – to maintain control over Haiti and advance its own geopolitical agenda.\(^4\)

The Duvaliers’ repression and economic dislocation led Haitians to once again rise up in 1986. A broad-based popular democratic


\(^4\) Monika Kalra Varma et al., Wotch nan soley: The Denial of the Right to Water in Haiti, HEALTH AND HUM. RTS. J. (Dec. 2008), https://www.hhrjournal.org/2013/09/woch-nan-soley-the-denial-of-the-right-to-water-in-haiti/ (“Throughout this period — then two years after implementation should have begun — not a single [Inter-American Development Bank] member state spoke out publicly about the US government’s violation of the Bank’s charter. In private meetings in 2003, certain member states acknowledged that the US government’s actions were inappropriate but felt that the US government’s power within the Bank prevented them from taking public action.”).

movement – known as Lavalas, or “the avalanche” – forced out Jean-Claude Duvalier, who fled to a gilded and protected exile in France. After a series of aborted democratic openings, Haitians elected Jean-Bertrand Aristide, the first president elected through fair, national elections, in 1990 by overwhelming numbers. When Aristide attempted to implement the policies Haitians had voted for – including increased government services, especially education and healthcare – Haitian elites, with the support of the United States and other powerful countries, overthrew Aristide in a September 1991 military coup d’état.48

The Independence Debt is estimated to have cost Haiti at least $21 billion USD, and possibly up to $115 billion, in economic growth.49 At the same time that Haiti was making regular large payments to France to service the coerced debt and Haitian farmers were living on the brink of starvation, France was building hospitals, schools, the Eiffel Tower, and the foundations of what is now one of the biggest economies in the world.50


49 See Gamio, supra note 14.

The coercion at the root of the Independence Debt and its consequences offers Haiti a distinct path towards reparation of this specific harm: through restitution based on a theory of unjust enrichment.\footnote{See Anthony D. Phillips, \textit{Haiti's Independence Debt and Prospects for Reparation}, INST. FOR JUST. AND DEMOCRACY IN HAITI, http://www.ijdh.org/wp-content/uploads/2009/11/Haiti_RestitutionClaimArticlePhilipps05-09.pdf (last visited Nov. 4, 2023).} The theory of unjust enrichment can be traced back to 1760.\footnote{Moses v. Macferlan, (1760) 97 Eng. Rep. 676, 680 (K.B.)} In this context, the theory rests on the understanding that the Independence Debt was illegal even under contemporary international law because it was extorted under a credible threat of re-enslavement by the French.\footnote{See Symposium, \textit{supra} note 31; see also Joseph, \textit{supra} note 12; Daut, \textit{supra} note 30; Phillips, \textit{supra} note 51; Robinson, \textit{supra} note 4, at 20–21 (“In 1825, twenty-two years after L'Ouverture’s death, the Haitian army was no longer the feared fighting force it had once been . . . .'[F]orcing slaves who had won their freedom to compensate their former masters for their lost property was recognized, even in the 19th century, as a violation of human rights and international laws. By the time of the 1825 Ordinance [the Independence Debt], the international slave trade had been abolished and the reintroduction of slavery into free territories forbidden by the Second Treaty of Paris and the Congress of Vienna — both of which France had signed in 1815.'").} Contemporary legal principles also recognized that remedies would include the cost of any resulting harms, such as the billions of dollars in Haiti’s lost economic growth.\footnote{See Symposium II, \textit{supra} note 50; see also Phillips, \textit{supra} note 51.}

III. CLAIM FOR JUSTICE

In 2003, Haiti’s President Aristide, after being elected a second time in 2000, initiated proceedings to pursue restitution under the unjust enrichment theory.\footnote{U.S.-based lawyers Ira Kurzban and Günther Handl assisted President Aristide with the restitution claim. Daut, \textit{supra} note 34.} The strength of Haiti’s legal and, perhaps just as importantly, moral argument is evidenced by the reaction it triggered: a coordinated international effort to remove the government pursuing the claim.\footnote{See Méheut, \textit{supra} note 50; ROBINSON, \textit{supra} note 4, at 57, 59 (describing the French foreign minister at the time sending a message to “democratically elected president [Aristide], that it was time for him to step down” one month after he had convened a conference of experts to “discuss Haiti’s restitution claim against France for repayment of the debt.”); \textit{id.} at 63 (“When the thugs who’d been
The amount of money Haiti claimed for restitution in 2003 – nearly $22 billion USD\textsuperscript{57} (although subsequent analysis suggests it could claim far more) – was far from a serious economic threat to France. The amount represented just over 1 percent of France’s gross domestic product that year.\textsuperscript{58} Still, Haiti’s 2003 restitution claim posed a threat of a different kind, both to France and to the other nations that still retained the global hegemony they had built on slavery. These powerful nations knew that other countries and peoples that had suffered from slavery, upon seeing Haitians succeed in winning restitution, would demand, and win, their own reparations. They also knew that providing reparations to Haiti and to other deserving countries could lead to political sovereignty and human and economic development in those countries that would undermine the unequal global world order that still rests on the foundation of colonialism, enslavement, and white supremacy.\textsuperscript{59}

The powerful countries once again took persistent and coordinated action to prevent Haiti from succeeding. France, in particular, saw the restitution claim as a challenge to its version of history and its “national identity as a beacon of human rights.”\textsuperscript{60} These powerful countries boycotted Haiti’s January 1, 2004 independence bicentennial celebration,\textsuperscript{61} and coerced Black countries throughout the world collaborating with Haiti’s wealthy class finally entered Port-au-Prince in the days following the president’s mysterious disappearance, they destroyed first off the Museum of the Restitution.”; id. at 254 (“In an early act of office, Latortue rescinded the application made the year before by the deposed democratic Haitian government for restitution from France.”) See also Mario Joseph et. al, France Demanded Crippling Payments. Now Haiti has a Legitimate Claim for Slavery Reparations, MIAMI HERALD (Mar. 27, 2023) https://www.miamiherald.com/opinion/op-ed/article273642735.html [hereinafter France Demanded]; Symposium, supra note 31.

\textsuperscript{57} Farmer, supra note 5.
\textsuperscript{59} In An Unbroken Agony, Randall Robinson extensively explores the perceived threat Haiti’s democracy and self-determination posed to wealthy white nations who maintained associated financial interests in Haiti, as evidenced by repeated economic and military interference by those nations against Haiti historically and in the modern day. See generally ROBINSON, supra note 4.
\textsuperscript{60} See Méheut, supra note 50.
\textsuperscript{61} See Lydia Polgreen, 200 Years After Napoleon, Haiti Finds Little to Celebrate, N.Y. TIMES (Jan. 2, 2004), https://www.nytimes.com/2004/01/02/world/200-years-after-napoleon-haiti-finds-little-to-celebrate.html. The only foreign
to not send a head of state to this commemoration of the first emancipation.62

As in 1804, in 2000, the international community imposed an embargo on Aristide’s Haiti.63 Using the pretext of largely unfounded claims of minor election irregularities,64 the United States led a devastating development assistance embargo that deprived the Haitian government of support from the United States and European Union countries, as well as from international financial institutions, such as the Inter-American Development Bank, the World Bank, and the International Monetary Fund, upon which Haiti had become dependent.65 The embargo had a number of serious consequences for Haiti that destabilized its democratic government, such as forcing it to limit critical social spending – including spending on security, health, and education.66 While clean water projects, hospitals, and schools were starved of financing, the international community did generously support the elite-led opposition.67

62 See HALLWARD, supra note 5, at 358 n.64; see also Stotzky & Concannon, Jr., supra note 10; Foreign Relations, supra note 45.
63 Farmer, supra note 5.
64 See HALLWARD, supra note 5, at 76–81.
66 See generally Varma, supra note 46 (“The continual debt payments leave the Haitian government incapable of supporting the social infrastructure necessary to meet basic needs, including health facilities, water and sanitation systems, and education, with serious consequences to the health and human rights of all Haitians.”)
67 See Farmer, supra note 5; see also ROBINSON, supra note 4, at 54 (“[T]he Bush administration took measures of dubious legality to block four loans of $146 million that had been fully approved by the Inter-American Development Bank (IDB) in 1998.”); id. at 101, 122, 144, 146, 153-55; Weisbrot, supra note 65 (“The US Agency for International Development and the International Republican Institute . . . had spent tens of millions of dollars to create and organize an opposition — however small in numbers — and to make Haiti under Aristide ungovernable . . . . Washington had an added weapon against the Haitian government. Taking advantage of Haiti’s desperate poverty and dependence on foreign aid, it
When the former slave-owning powers’ political and economic coercion did not stop Haiti from pursuing its restitution claim, France, the United States, and Canada acted to remove Aristide from office.68 Former soldiers openly training in the Dominican Republic swept across the border, taking many cities from Haiti’s depleted police forces.69 The UN Security Council refused to respond to a request from the Caribbean community to send peacekeepers to protect the elected government.70 Additionally, Canadian troops took over the main airport in Port-au-Prince.71

On February 29, 2004, Aristide was forced onto a U.S. government plane at a Haitian airport.72 The U.S. plane, flying out of Guantanamo Bay, Cuba with a false flight plan, diverted from its usual activities of transferring prisoners and deposited President Aristide and his wife in Bangui, Central African Republic, at an airport stopped international aid to the government, from the summer of 2000 until the 2004 coup . . . [T]he World Bank also contributed to the destabilization effort by cutting off funding.”).

68 See Farmer, supra note 5; see also ROBINSON, supra note 4, at 53 (“Over the course of 2003 . . . in addition to arming the Duvalierist insurgents and organizing Haiti’s tiny, splintered political opposition, the [Bush] administration moved apace to strangle Haiti, the poorest country in the Western Hemisphere, into a state of economic, social, and political collapse.”); id. at 18–19, 48–49.


controlled by French troops. The former French ambassador to Haiti later acknowledged that Aristide’s overthrow was, at least in part, a response to the president’s efforts to seek reparations.

Haiti’s elected president was replaced by a prime minister flown in from Boca Raton, Florida. In the subsequent nineteen years, Haiti’s governments presided over a dismantling of the country’s democratic institutions, leading to Haiti’s current acute crisis. In

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73 See Aristide Arrives in Central African Republic After Fleeing Haiti, HAARETZ (Mar. 1, 2004), https://www.haaretz.com/2004-03-01/ty-article/aristide-arrives-in-central-african-republic-after-fleeing-haiti/0000017f-dbd7-d9cf-c17f-df3f2ac0000; see also ROBINSON, supra note 4, at 204 (Aristide’s assertion at the time was that “[i]t was a coup,” with U.S. soldiers forcing him from his residence); id. at 105, 205, 230–31, 237 (describing contemporaneous accounts). Cf. Farmer, supra note 5.


nearly two decades, no Haitian government has asserted Haiti’s restitution claim—and each one has received generous international support.77

IV. INTERNATIONAL INTERFERENCE IN HAITI’S DEMOCRACY, A BARRIER TO RESTITUTION

The response of powerful countries to Haitians asserting their freedom in 1804 and enforcing their legal rights in 2003 had a common aim: to keep Haiti poor, unstable, and unable to challenge the white supremacist international order.78 In both cases, the powerful countries imposed the control and exploitation of the slavery-based colonial system through means acceptable in contemporary society. Through the imposition of the Independence Debt, France laid the


78 See ROBINSON, supra note 4, at 3–6, 8, 10–11, 14, 28, 31, 49, 57, 60, 66, 68–70; cf. THE DEBT, supra note 19, at 186–87.
foundation for further persistent interference with Haiti’s sovereignty and development — including nineteen years of brutal U.S. occupation, decades of economically devastating “development” loans, the overthrow of Haiti’s elected government in 2004, and, most recently, the propping up of Haiti’s corrupt, repressive de facto regime.

Against this backdrop, Haiti’s 2003 demand for restitution was the perfectly expected result of democracy. Aristide and his Fanmi Lavalas party had campaigned for elections in 2000 on a platform of asserting Haiti’s independence and improving the government’s delivery of basic government services. The voters endorsed the platform by handing Aristide the presidency and Fanmi Lavalas a majority in both houses of Parliament. Calling for restitution kept the campaign promises by exercising a promising legal claim that could have led to the government being in a position to deliver the services and economic development that had been frustrated for two centuries. The unprecedented restitution claim – much like the unprecedented election of a government willing to assert this claim – was not just an exercise in accountability, but also Black people’s deliberate effort to advance democratic self-determination.

79 See Wisner, supra note 12, at 185.
80 See ROBINSON, supra note 4, at 22, 165.
82 See Farmer, supra note 5; See generally ROBINSON, supra note 4, at chs. 43, 47.
83 See Haiti Developments December 2022 – May 2023, supra note 76; see also Urgent Civil Society Appeal for a Rights-Based International Response to the Crisis in Haiti, INST. FOR JUST. AND DEMOCRACY IN HAITI (June 12, 2023), http://www.ijdh.org/wp-content/uploads/2023/06/12062023-Haiti-Civil-Society-Declaration-ENG-version.pdf (“An essential first step is to stop propping up the set of actors who created the crises facing the country, including those currently in power.”) (emphasis in original).
Former slave-owning powers’ backlash toward Haiti’s restitution claim and sovereignty was predictable. As in 1803, Haitians were made an example of. Armed gangs, policemen, UN soldiers, and anti-democracy groups attacked poor neighborhoods known to support President Aristide. One study concluded that in the two years after the coup, 8,000 Haitians were killed and 35,000 women and girls were raped.

The 2004 coup ushered in a steady erosion of Haiti’s democracy through a series of governments supported by the international community. One of the first actions of the new unconstitutional head of Haiti’s government—just weeks after the international community removed Aristide from power—was to publicly abandon Haiti’s restitution claim. Not a single one of the Haitian governments that

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84 In 2000, Aristide and his party, Fanmi Lavalas, were elected in a landslide, with Aristide receiving 90 percent of the presidential vote and his party receiving 75 percent of the vote. Aristide won on a pro-poor platform. Aristide’s platform, designed to narrow the wide socioeconomic gap in Haiti, angered the U.S. and European governments and the Haitian bourgeoisie, who sought to quash popular support for Aristide and maintain their supremacy in Haiti. See Robinson, supra note 4, at 145, 193–95, 235, 257 (“Between February 29, 2004, the day of the abduction, and May 14, 2006, the day of President Rene Prévail’s inauguration, an estimated four thousand Haitian men, women, and children were killed by the American-armed thugs, the interim government’s national police force, as well as by American, French, Canadian, and United Nations troops.”).


followed demanded restitution for Haiti, and all have implemented pro-Western policies that often benefit the United States and its powerful allies more than the Haitian people. 89

Once again, the international community supported Haitian elites as they repressed the majority of Haitians. These external governments systematically dismantled Haiti’s democratic structures, extracted Haiti’s resources for their own personal gain, and colluded with gangs to subjugate the population. 90 The U.S.-backed corrupt, repressive government run by de facto Prime Minister Ariel Henry is the latest iteration of this neocolonialist pattern which dates back to when Haitians first claimed their freedom. 91 As of June 2023, gangs control over half the country, half of all Haitians suffer from hunger, and the country lacks a single elected official. 92

While most of Haiti’s governments since 2004 have served the international community, civil society has kept the fight for Haitian self-determination alive. Haitians have been taking to the streets, news outlets, and international fora to protest continued international support for the Pati Ayisyen Tèt Kale (PHTK), which has

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91 See Rafael Bernal, More Than 100 Groups Call on Biden to Drop Support for Haitian Prime Minister, THE HILL (Sep. 16, 2022, 7:16 PM), https://thehill.com/latino/3647076-more-than-100-groups-call-on-biden-to-drop-support-for-haitian-prime-minister/.

92 Haiti Developments December 2022 – May 2023, supra note 76.
ruled Haiti for most of the last dozen years. They are organizing for and proposing Haitian-led, broad-based transitional solutions that would create a path towards the restoration of democracy, which would lead to initiatives to assert Haitian self-determination and renewed reparations claims – exactly what the United States, France, and others have been fighting against since 1804.

V. REPARATIONS FOR HAITI AND BEYOND: MOBILIZING IN SOLIDARITY

Haiti’s emancipation in 1804 and subsequent struggle for self-determination and justice are central to and emblematic of the centuries-long fight for Black liberation, dignity, and reparatory justice. The last thirty years, in particular, have seen a flourishing of global mobilization to redress, rectify, and heal the lasting consequences of the harms suffered not only from enslavement and trade, but also the resulting institutions and white supremacy built up to maintain power and inequality. Haiti’s example clearly demonstrates that dismantling those systems is necessary for true repair and the meaningful possibility of seeking reparations.

Haiti’s importance in the broader fight for reparations and Black self-determination is often acknowledged in reparations discussions. For example, many speakers from many countries at the UN Permanent Forum on People of African Descent’s (UNPFPAD) inaugural session in December 2022 in Geneva addressed Haiti’s history and

93 Id.
95 For example, in late July 2023, the Caribbean Community (CARICOM), of which Haiti is a member, and the African Union announced, after a series of talks, that they would formulate a framework for cooperation and collaboration in advocacy and campaigning for reparations on a global level. The harms contemplated as part of this envisioned framework are broad and include those related to slavery, anti-Black racism, climate injustice, and the erasure of culture and language, among others. See Ground-Breaking Study Tour on Reparations and Racial Healing in Bridgetown, Barbados, U. OF W. INDIES (July 24, 2023), https://www.open.uwi.edu/media/news/ground-breaking-study-tour-reparations-and-racial-healing-bridgetown-barbados.
its restitution claim, as did speakers at the second meeting in May 2023 in New York, to both the main assembly and a side event on the Caribbean. A claim against France seeking an apology and monetary compensation for Haiti was part of CARICOM’s 2013 planning. Speakers at the 2023 State of the Black World Conference V from Jamaica, Barbados, and other Caribbean nations emphasized Haiti’s importance in the region, together with its long history of anti-slavery and anti-imperialism.

Haiti’s government, however, did not join the chorus of people calling for a massive transfer of resources to the country. So many

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96 See 1st Meeting, 1st Session of the Permanent Forum on People of African Descent, U.N. HUM. RTS. COUNCIL (Dec. 5, 2022), https://media.un.org/en/asset/k18/k183mmjcm [hereinafter 1st Meeting]; see also Verene A. Shepherd, Chair, Comm. on the Elimination of Racial Discrimination, Presentation on “The Sustainable Development Goals and Reparatory Justice” at Day Two of PFPAD (Dec. 6, 2022), “We all know, e.g., that Ayiti had to pay reparation to France in order to secure its independence from a brutal and atrocious slavery regime imposed by France; that Haiti’s underdevelopment is attributable to that reparation tax and that debt must be repaid by France. Constant Méheut and Matt Apuzzo revealed publicly in the New York Times that a more precise price tag for the double debt (these payments, and a loan from a French bank to cover them) was 112 million francs, or about $560 million USD today.”).


speakers mentioned Haiti at the first UNPFAD session\textsuperscript{100} that the organizers provided the \textit{de facto} government with a valued five-minute time slot to respond. The government managed to use the full time allotted without mentioning the restitution claim once.\textsuperscript{101} In the May 2023 second session, the government declined to even attend the Thematic Discussion on Reparatory Justice.

As long as Haitian governments are more accountable to former slave-owning powers than they are to the Haitian people, Haiti will never be able to contribute to the reparations movement via its restitution claim. This challenge makes global solidarity around Haitians’ fight to reclaim their democracy essential. It also makes Haiti’s involvement in the broader reparations movement equally essential. Although Haiti has a legal claim that could technically be asserted without regard to the broader context, there is no chance that Haiti will be allowed to assert its claim without the support of the broader reparations community.

There are many ways that people who care about reparatory justice can help Haiti. \textit{First}, Haiti’s claims can be better integrated into the global reparations movement as a means of advancing both the broader movement and Haiti’s individual claim. Since Haiti’s government will not assert the claims, leaders within Haiti’s civil society who are knowledgeable about Haiti’s claim should be systematically included in all discussions. Involving more Haitian voices in the global reparations movement will require active efforts towards meaningful inclusion. Haitians are often marginalized by virtue of language, geography, impoverishment, and inability to obtain visas to enter or remain in former slave-owning countries.\textsuperscript{102} However,
there are Haitian voices willing and able to address international audiences. Additionally, the growing use of video conferencing technology and language justice-based simultaneous translation can help overcome many of the traditional obstacles.

Second, international solidarity can help Haiti restore the democracy and sovereignty it needs to be able to assert its restitution claim. Haitians have been working toward a consensus solution to the current governance crisis – one that will pave the way for a democratic transition and a leader accountable to the Haitian people – but their progress has been blocked by persistent international support for corrupt, illegitimate governments. Haitians will keep


105 See Monica Clesca, Haitians Have a Solution to Haiti’s Crisis, THE DIALOGUE (Sep. 8, 2022), https://www.thedialogue.org/analysis/haitians-have-a-solution-to-haitis-crisis/.

fighting, but they need supporters of reparations outside Haiti to insist that their own governments support democracy and sovereignty in Haiti. Barbados’ Ambassador to CARICOM, David Comissiong, uplifted this message at the recent State of the Black World Conference V, emphasizing repeatedly that Haiti needs the support of the Caribbean and broader international community to restore Haitian-led democracy that will reinvigorate Haiti’s reparations claims and work to dismantle the enduring harms underpinning those claims.107

Third, Haiti has an important opportunity to better integrate its claim into the U.S. racial justice and reparations movements. The 2022 New York Times series pushed Haiti’s story of independence, debt, and quest for reparations into popular consciousness in the United States.108 Suddenly, many U.S. Americans who had little previous knowledge or understanding of Haiti’s situation were outraged.109 Their outrage reflected the blatant injustice of the Independence Debt, but also concern that this history is not better known. This deep and lasting harm that the U.S. government had a heavy hand in perpetrating has never been covered adequately in schools or in the mainstream press.110 Changing that dynamic is an

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important step towards dismantling racialized systems of oppression and revising narratives that perpetuate anti-Black racism and impede structural change and reparatory justice for people of African descent in the United States, Haiti, and globally.

Integrating with U.S. reparations movements is especially important for Haiti. The U.S. government has had an outsized role in creating and perpetuating systems of racialized domination and exploitation that have impeded Haiti’s sovereignty, democratic governance, and development.111 Equally importantly, many of the levers for unraveling the continuing manifestations of those systems are in the United States, as well – first among them, the U.S. foreign policy establishment that continues to prop up corrupt, repressive, and illegitimate governments so long as they serve U.S. interests.112

As the reaction to the New York Times’ “The Ransom” project indicates, there is great potential for widespread support for Haiti’s reparatory justice claims in the United States. As proposed above, there is power in Haiti’s story and its restitution claim to advance the objectives of the U.S. racial justice and reparations movement. The next steps are to elevate and center Haitian voices in the places

see also Lauren Collins, The Haitian Revolution and the Hole in French High-School History, THE NEW YORKER (Dec. 3, 2020), https://www.newyorker.com/culture/culture-desk/the-haitian-revolution-and-the-hole-in-french-high-school-history; Interview with Howard Zinn, professor, by Bill Bigelow, Rethinking Schools curriculum editor, Zinn Education Project (Jan. 19, 2010), https://www.howardzinn.org/collection/one-long-struggle-for-justice/; See THE DEBT, supra note 19, at 221 (“Only in the case of black people have the claims, the claimants, the crime, the law, the precedents, the awful contemporary social consequences all been roundly ignored.”).

111 See Stotzky & Concannon, Jr., supra note 10; see also Foreign Relations, supra note 45; see also ROBINSON, supra note 4, at 26 (“The leaders of the white world . . . .value the written compacts that bind black nations little more than they do the paper the compacts are printed on, and even less so when such documents . . . pose a hindrance to the strategies and interests of the world’s powerful community of historically compulsive interlopers.”); id. at 145 (“Against American and EU insistence, Aristide formed the government the Haitian electorate had voted for, a democratic, mass-based government . . . .The Bush administration and EU members continued to pressure Aristide to disregard the electorate and do what none of them would have done in their own countries.”); id. at 186 (“In Haiti’s two-hundred-year history, one is hard put to identify a single episode of organized human suffering in which the United States did not play a direct, collateral, or instigative role.”)); id. at 18, 20.

112 Id. at 8; see also Foreign Relations, supra note 45.
where they will make a difference – among activists, before Congress and the executive government, and in popular discourse.

VI. Conclusion

There is a well-worn Haitian proverb, “men anvil, chay pa lou,” or “many hands make the load light.” Right now, the load imposed on Haiti by centuries of white supremacist policies – including the Independence Debt – is heavy. A stable, democratic government – one willing to assert the restitution claim – seems out of reach for many, both in Haiti and abroad.

But Haitians have been putting their hands together to carry impossible loads for over two centuries, as Napoleon found out in 1803. They have a history of winning battles no one thought could be won, by refusing to give up. Haitians will win their fight for restitution too, but their friends outside Haiti who care about reparations can help them win sooner and at a less horrific cost by lending their own hands to the fights for both the restitution claim and the democracy that asserting the restitution claim requires. In doing so, the reparations community can help themselves, by giving Haitians the opportunity to make their full contributions to the reparations movement.