

# report



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### **Minority Rights Group International**

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# Migration in the Caribbean: Haiti, the Dominican Republic and Beyond

By James Ferguson

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# Preface

The popular image of the Caribbean is of a tourist paradise, where temporary visitors spend their dollars freely earned elsewhere. For those who live in the region, however, more long-term movement of populations via intra- and extra-regional migration presents an alternative side of the Caribbean experience.

Within the Caribbean there is no stigma in the sending society towards emigration; however, the receiving societies perceive immigrants as poor and inferior – demonstrating similar prejudices to societies in other parts of the world.

Just as there is no universally accepted definition of minorities, the definition of a ‘migrant’ is subject to discussion. When does a settled migrant community become an ethnic or national minority community: during the first generation, or the second, or third? One important factor will be a state’s laws on the acquisition of citizenship. Additionally, popular perceptions of the transition from migrant to national minority vary where communities are markedly ethnically and physically different from their host population.

This is not a question only of semantics: migrant workers have recourse to a range of international standards and often to domestic laws protecting their rights. The International Convention on the Rights of Migrant Workers came into force in July 2003, although it has not been ratified by any governments in the Caribbean islands. But ILO Convention No. 111, against discrimination in employment and occupation, could be invoked by those facing discrimination in the workplace, and those migrants who identify themselves as minorities can claim rights set out in the UN Declaration on Minorities.

However, within the Caribbean as elsewhere, undocumented migrants constitute a group that often has few rights under domestic law. With a lack of recourse to domestic law, and difficulties in claiming the rights they may have at that level, the provisions under international law become even more important.

In the receiving society total migrant population figures are often exaggerated, and negative stereotyping in the media and by politicians portrays the newcomers as a demographic, cultural and sometimes linguistic threat to national identity and unity. This serves to justify the low

wages, job insecurity, racism and anti-immigrant sentiment Caribbean migrant workers face in their new homes.

This report describes human and minority rights abuses experienced by both documented and undocumented migrant workers within the Caribbean: trafficking, forced labour, unequal remuneration for migrant and non-migrant workers and male and female workers doing the same job, discrimination in employment and lack of employment rights or benefits, lack of freedom of association and protection of the right to organize, lack of access to education and health services, and physical abuse, in particular towards women. Children of migrant workers and child migrants also face violations of their rights as they may be forced to work early, prevented from registering for school, and often prevented from or obstructed in claiming citizenship of the receiving country where entitled to do so. Of particular concern are over-hasty deportation processes, preventing the deportee from appealing or collecting belongings and pay for work completed.

Much of this report focuses on the Dominican Republic, which has the largest influx of migrants because of its proximity to Haiti. It also has one of the worst records of human rights abuses of migrant workers. Haiti’s role as the largest single source of migrant workers in the region is also raised in the coverage of other territories.

Across the region, the role played by governments is not creditable. Governments of sending states do not condemn the conditions their nationals are forced to tolerate, because often the remittances sent home by migrant workers prop up a weak economy. Governments of the receiving states, while on the one hand bemoaning the presence of migrants and making political capital out of threatening expulsions, get a workforce prepared to do the jobs their citizens do not want. They often use the position of migrants as a political football to distract from domestic issues or to explain domestic problems.

Under international law, the states of the Caribbean have obligations to fulfil in relation to international instruments they have ratified. Both sending and receiving governments should support our call for respect for the rights of migrants from or within their territories. We need to hold them to their commitments.

**Mark Lattimer**

Director

July 2003

# Caribbean



# Introduction

Few of the foreign tourists enjoying the US \$250-a-day luxury of the Casa de Campo resort on the Dominican Republic's south coast will be aware of a different minority in the vicinity of their hotel complex. A few miles from the hotel stand some of the Dominican Republic's hundreds of *bateyes*, clusters of concrete barracks or wooden shacks, home to the country's poorest people: those who cut cane on its sugar plantations.

Most of those who inhabit the *bateyes* are of Haitian descent, either born across the border or born in the Dominican Republic to Haitian parents. Most are illiterate, many suffer from preventable diseases, some are malnourished. Almost all live in conditions of extreme poverty, and a great number are undocumented or stateless individuals.

Haitians and Dominico-Haitians<sup>1</sup> (those born in the Dominican Republic) form a large minority in the Dominican Republic. For decades they have been crossing the border, either by invitation or illegally, to work on sugar plantations or in other agricultural or manual employment, doing the work that Dominicans have traditionally refused to do. But today, as the Dominican government is attempting to abandon its age-old dependence on sugar, and develop manufacturing, tourism and other sectors, Haitian labour is again filling the gaps left by Dominican workers.

Haitians are both needed and widely disparaged as a migrant minority. For Dominican employers they offer a reservoir of cheap labour, which is non-unionized and easy to exploit. Meanwhile, Dominican politicians and the media often depict them as a problem, as a drain on a poor country's limited resources. Racist attitudes also condemn Haitians and their children as blacker than Dominicans, 'uncivilized' and 'inferior'.

Yet Dominicans are not immune from such exploitation and stereotyping. Like the Haitians who cross the border, many Dominicans also aspire to a better life by braving a journey to a new country. Most aim for the United States of America (USA), but significant numbers head for the neighbouring island of Puerto Rico – also marked by massive migration to the USA. In Puerto Rico, Dominicans hope to find work and money, either to fund a journey to the USA or to send home. Some 100,000–300,000 undocumented Dominican migrants are estimated to live in Puerto Rico. Smaller numbers live in many other islands and mainland territories.

Across the Caribbean, communities of migrant workers and their dependents eke out a living in a foreign

land. Haitians move mostly to the Dominican Republic, but also travel to the Bahamas, to the Turks & Caicos Islands (TCI) and to the French overseas departments, *départements d'outre-mer* (DOMs), of French Guiana (Guyane), Guadeloupe and Martinique.

As Haitians move to the Dominican Republic, so Dominicans move to Puerto Rico and Puerto Ricans to the USA in an interconnected process of relative poverty and economic opportunity. In what might be called a hierarchy of deprivation, Haiti – the poorest country in the Western Hemisphere – lies at the bottom, while the USA offers the brightest hope of self-advancement. In between, the Dominican Republic is richer than Haiti and Puerto Rico substantially wealthier than its Spanish-speaking neighbour. Poverty thus pushes and opportunity pulls migrants up the hierarchy, leading to a constant movement of people within the Caribbean.

Crucial, too, in this process, is the 'pull' factor of social and kinship networks, the way in which family, friends and other social contacts who have already migrated encourage and facilitate the migration of others.

The plight of the Haitian cane-cutters in the Dominican Republic has been recognized since the 1970s, but much less is known about more recent forms of migrant labour, both Haitian and Dominican. This is largely because such labour is often illicit and undocumented. Neither the workers who live outside the economic mainstream nor the employers who benefit from their illegal status are keen to draw attention to the thriving informal-sector economy that exists alongside and supports the formal economy. Throughout the region, undocumented labour fuels a boom in construction, provides the bulk of domestic service, and accounts for much street vending and other small-scale commerce. From the Haitian paintings hawked on the streets of tourist resorts to the manicured gardens of the Caribbean's prosperous middle-classes, undocumented and cheap labour is essential.

Documented and legal migrant workers live and work in most Caribbean territories. But increasing numbers of undocumented migrants, spurred by poverty, are seeking to join them, irrespective of the risks involved. Some are refugees, fleeing political violence or repression, but most are escaping urban unemployment or rural poverty. Lack of information about undocumented labour means that its extent, and the forms of discrimination and abuse that such migrants face, is not known. This report aims to

cast light on the conditions experienced by often 'invisible' migrant workers in the Caribbean, looking at established patterns and newer forms of migration. It generally concentrates on the island of Hispaniola, shared

between Haiti and the Dominican Republic, for the issue of migration is most acute and controversial here, but it also looks further afield to less-known migrant experiences in the Caribbean.

# Caribbean migration: past and present

Migration has been a fundamental part of Caribbean life for centuries. The mass movement of people stretches back to the forced migration of the slave trade of the seventeenth, eighteenth and nineteenth centuries, while the social dislocation caused by the Haitian revolution (1791–1804) caused tens of thousands of people to move within the Caribbean. The abolition of slavery in the English-speaking Caribbean in the 1830s also led to increased inter-island mobility.

But economic and voluntary migration has been a particular feature of the region for the last century. Even before independence reached most of the region's territories in the aftermath of the Second World War, people from the Caribbean were migrating in large numbers in search of work, a better life, and to escape from small and constricting island societies. Most twentieth-century migration has been directed towards Europe and North America, where colonial, post-colonial or existing economic ties were strong. Over the course of the century, almost 6 million people are estimated to have moved from the Caribbean to Europe and North America. Great waves of migration occurred in the 1950s and 1960s, especially to the USA and the United Kingdom (UK).<sup>2</sup>

Movement to destinations outside the Caribbean continued throughout the 1970s and 1980s, but slowed as the receiving countries tightened up immigration quotas and controls, and became increasingly irregular and undocumented. Political repression and economic hardship in Haiti, together with widespread discontent within Cuba, led to much-publicized flows of 'boat people' to the USA. Documented migration continues, with the USA setting annual quotas for aspiring migrants from different territories.

Intra-Caribbean migrant labour also has a long history. In the latter part of the nineteenth and first half of the twentieth centuries, thousands of workers left British colonies such as Jamaica and Barbados to work on constructing the Panama Canal. By its opening in 1914, it is estimated that 70,000 Jamaicans, 45,000 Barbadians and thousands from Martinique, Guadeloupe, the Dutch colonies and elsewhere, had moved to Panama. Many died (see below), some remained to found English-speaking communities, and most experienced hardship and racism. Similarly, during the heyday of the US multinational banana operations in Central America in the 1920s and 1930s, thousands of English-speaking migrants moved to Costa Rica, Honduras and Panama. Their expe-

riences were formative in the political development of the Jamaican activist Marcus Garvey, who visited the region between 1910 and 1912. Cane-cutters from the Eastern Caribbean were recruited to work in the Dominican Republic's sugar plantations around the same time, eventually to be replaced by cheaper workers from Haiti. The evolving oil industry in Trinidad, Venezuela and Curaçao also attracted workers from the underdeveloped Eastern Caribbean.

From the outset, migrants moved to areas where economic growth, usually spurred by US investment, created a labour shortage. This constituted the 'pull' factor, while the 'push' motives included poverty, lack of opportunity, overcrowding or land shortages, and a desire to broaden horizons. Government policies, both in sending and receiving territories, could also act as a stimulus to the immigration of cheap labour or the emigration of surplus labour. Migration rarely carried a stigma in sending countries, having been viewed as economically logical and socially desirable. Migration also transcended language and cultural barriers. The movement was always one from poverty towards greater opportunity.

But migrant communities faced risks as well as opportunities. In Panama as many as 20,000 Caribbean workers died due to malaria and yellow fever.<sup>3</sup> In the canefields of eastern Cuba, conditions were appalling for the estimated 600,000 labourers who migrated there from Haiti and Jamaica in the first three decades of the twentieth century. When the depression of 1929 led to a catastrophic drop in commodity prices, some 25,000 Haitians were unceremoniously rounded up and deported from Cuba within a few months in 1937.<sup>4</sup> In the same year, Rafael Leonidas Trujillo, dictator of the Dominican Republic (1930–61), ordered a campaign against Haitian migrant workers, and some 15,000 Haitians were massacred by the Dominican military.<sup>5</sup> The atrocity again coincided with the fall in world sugar prices, making migrant labour – here largely employed in US-controlled plantations – more vulnerable to xenophobic aggression.

In a region highly divided by colonial legacy, culture and language, migrant minorities have always faced the threat of discrimination and exclusion. Traditionally, the 'big' or more developed islands such as Trinidad and Jamaica, whose relatively diversified economies attracted migrants from smaller and poorer territories, have looked down on their neighbours. Grenadians in Trinidad were traditionally deemed to be 'uncivilized', while migrant



cane-cutters from Guyana and St Vincent encountered prejudice in Barbados. Yet it is Haitians who have borne the brunt of discrimination in the Caribbean, due to the intractable poverty of their homeland and their distinctive cultural identity. As speakers of a French-based Creole, they are linguistically separate from large Spanish- or English-speaking communities, while the practice of *vodou*, long vilified by mainstream Churches and the media, singles them out for further suspicion and fear.

## Migration patterns today

In comparison with migration to the USA and Europe, intra-Caribbean migration over the last 40 years has been small, estimated at 500,000 people, or 10 per cent of overall migration.<sup>6</sup> The primary senders of migrants to other Caribbean destinations are Haiti, the Dominican Republic, Guyana and Jamaica, while the main receiving countries are the Bahamas, the Virgin Islands (British and US) and the TCI. These figures, however, cover documented migration, and do not include the large-scale undocumented Haitian migration into the Dominican Republic, for instance.

Intra-Caribbean migration points to disparities between those territories with economic growth and a demand for labour, and those where economic opportunities are limited. In terms of the modern Caribbean, the old reliance on commodities such as sugar has, in many cases, been replaced by a more diversified economy, in which sectors such as tourism are expanding and in which labour is required. Some small islands in the Eastern Caribbean, such as Antigua and Anguilla, have enjoyed significant tourism growth over the last three decades, as have the Bahamas and the TCI, and all have attracted migrant communities. Many territories enjoying healthy tourism growth are also beneficiaries of direct support from former or existing colonial powers, such as the French DOMs of Martinique and Guadeloupe, the US-controlled islands of Puerto Rico, the US Virgin Islands and Anguilla. The shared island of St Martin, half French and half Dutch, has, in particular, drawn large migrant communities because of a boom in construction and other tourism-related activity.

Some territories, less economically developed, act as trans-shipment points for undocumented migration. In June 2003, *El Caribe* (a newspaper in the Dominican Republic) reported that the small Eastern Caribbean island of Dominica served as a point from which Haitian and Dominican migrants (i.e. from the Dominican Republic) were 'shipped off' to destinations like Guadeloupe, St Martin and the US Virgin Islands.

In some instances, migration is actively welcomed and encouraged by the host country, as in the case of qualified

professionals and skilled workers. This type of migration is normally official and documented, with a work permit and legal residence. But documented migration is rare, as most Caribbean countries are protective of their professional labour markets, and even free-trade agreements such as those within the Caribbean Community (Caricom) do not allow for the unrestricted movement of labour. In many more cases, parallel and undocumented migration takes place. Here, migrants are more likely to be poor, unqualified and less educated. While these individuals may be less 'desirable' for the formal economy than their documented counterparts, they are also more inclined to migrate, with less access at home to economic opportunities. Their destination is usually within the Caribbean, both because it is cheaper to reach and easier to gain entry. Apart from the land border between Haiti and the Dominican Republic, undocumented migration normally involves relatively short journeys, both illegal and dangerous, such as Haiti to the Bahamas or the Dominican Republic to Puerto Rico.

Women are increasingly at the forefront of intra-Caribbean migration, as growing educational achievement and economic aspirations encourage them to quit their home countries. Gender disparities in wealth, power and authority may also be a major 'push' factor in the Caribbean. According to a 1998 report, 'this region is the only one in the developing world where women predominate in the migrant stream':

*'The sex difference in the proportion of migrants seems to be largely determined by the employment opportunities that are available in the migrant-receiving country. These opportunities exist in the tourist industry as service workers in hotels, gift shops, restaurants and related occupations. It seems that the old model of women travelling after their male companions have settled for family reunification is no longer the norm.'*<sup>7</sup>

The changing face of the Caribbean economy, with the shift towards tourism and other service sectors, has provided more opportunities for female migrants, not least in domestic service, where employers are keen to find low-cost labour.

The risks and problems faced by modern-day irregular migrants, leaving aside the journey itself, are many. Undocumented status means the continual threat of deportation, although this is more likely in territories such as the French DOMs than elsewhere. In the Dominican Republic, regular large-scale deportation exercises target anybody of 'Haitian appearance' (i.e. black) or whose accent betrays Haitian origins. Living without official status also presents problems over access to education, health care, housing and any other forms of official assis-

tance. It also produces considerable vulnerability in the event of abuses on the part of the employer. Domestic workers may be sexually or emotionally abused with impunity, while workers in the informal sector, with no support from trade unions or the wider community, may be fired without reason or simply not paid.

A wider risk is that posed by racism or xenophobia. This, according to an International Organization for Migration (IOM) study, is a more or less universal experience for illegal migrants.<sup>8</sup> In the Caribbean, negative perceptions of cultural or ethnic difference seem to occur under conditions of social stress such as real or imagined competition for jobs and services. Racism is also a factor, even in societies where the majority of people are black, but race normally interacts with poverty as grounds for discrimination. 'Black racial characteristics and poverty', writes Elizabeth Thomas-Hope, 'produce xenophobic images of the Haitians by populations who are themselves black and attempting to rise from poverty.'<sup>9</sup> Xenophobia can also be a matter of policy, with politicians and parties whipping up anti-immigrant feeling for their own ends.

The attitude of governments, both in sending and receiving countries, is often ambiguous in regard to undocumented migration. Migration, whatever form it takes, can be viewed as a positive response to unemployment and economic tension, producing a social 'safety valve'. It increases foreign-exchange income through remittance payments sent back home by migrants, and reduces joblessness and demand on scant resources. Critics of this view argue that remittances have little positive impact in the long-term, are unsustainable and increase dependency, while the outward movement of a developing country's educated and active workforce is often viewed as an undesirable 'brain drain'. Even so, governments in Haiti and the Dominican Republic have done little or nothing to prevent undocumented emigration. This is partly because of the practical impossibility of policing borders and ports, and partly because it is not in these governments' interests to block potential migrants.

Governments and other powerful groups in receiving countries are also ambivalent towards illegal migration. Politicians and the media are sometimes inclined to view the issue as a problem, claiming that immigrants put intolerable strain on social services and the environment. Yet they are aware that migrants come because they know they will find employment, because there is a constant demand for cheap, and by implication undocumented, labour.

*Part of the dynamic and the irony of irregular migration, is the need for cheap, unskilled labour in countries experiencing periods of economic growth. Despite the claims of governments to be committed to*

*stopping these movements, many of the factors that influence movement are to be found in the very relations and negotiations that take place between the countries of immigration and emigration.'*<sup>10</sup>

In this sense, both sending and receiving countries have a stake in continuing the stream of undocumented migration. What the receiving countries seek to prevent, however, is the establishment of permanent immigrant communities. As a result, much of the controversy surrounding undocumented migration concerns the question of legal status, residency and citizenship. A further irony is that many migrants in search of a better life discover that their promised land contains further poverty, exploitation and cultural shocks.

## Haitians in the Dominican Republic

Nobody knows how many Haitians and Haitian-descended Dominicans are living and working in the Dominican Republic. Estimates vary from the Inter-American Commission on Human Rights (IACHR) figure of 500,000–700,000 in 1999, while, according to Human Rights Watch (HRW), the head of the Dominican army referred in 2001 to 'a million or so'. The Haitian Embassy in the Dominican capital Santo Domingo proposed a similar figure in 2001, and some Dominican media reports have guessed at 1.5 million. There is no reliable census material, and estimates are generally ideologically motivated, especially from Dominican nationalists opposed to Haitian migration. Not only is it unclear how many Haitians are resident in the Dominican Republic, but also how many people of Haitian descent were born in the Dominican Republic. The Haitian Embassy in the Dominican Republic estimated in 2001 that there were 280,000 Dominico-Haitians, born to Haitian parents within the country.<sup>11</sup>

What is known is that only a tiny fraction of Haitian-born migrants in the Dominican Republic have a valid visa or work permit. The Dominican authorities claimed in 1999 that only 4,000 Haitians possessed legal documentation, and it is frequently alleged that large numbers of Haitians buy false identity papers, thereby further confusing statistical estimates.

### Escaping poverty

The driving force behind Haitian movement across the border is poverty. This is as much the case today as it has been since the first large-scale migratory movements in the 1920s. Haiti has an average annual income per head of US \$500. Many Haitians subsist on incomes below that, and an estimated 80 per cent, according to the World Bank, live in 'abject poverty'.<sup>12</sup> If several thousand

millionaire families reputedly live in the capital's prosperous mountainside suburbs, the vast majority of Haiti's 7 million people live either in urban shanty towns or poverty-stricken rural communities. Haiti's capital, Port-au-Prince, is largely devoid of any government services and employment prospects, but the worst poverty is to be found in the countryside, where some 66 per cent of Haitians eke a precarious living from smallholdings and informal agricultural work. With an average life expectancy of only 49.5 years and infant mortality recorded at 93.5 per 1,000 live births, Haiti's social statistics point to almost universal hardship and exclusion.

Haiti is a country of social extremes. Some 5 per cent of the population is designated as white or mulatto, with the rest defined as black. The small mixed-race minority, together with some black elite families, hold a near monopoly of economic power and have strong links with the USA and France, the former colonial power. French- and English-speaking, often with assets in Miami and elsewhere, the Haitian elite inhabits a different world from that of the Creole-speaking black majority.

The ecological disaster that has ravaged the Haitian countryside since the 1970s fuels the rise of poverty and resulting migration. Vast tracts of once fertile land have been reduced to desert by tree-felling for charcoal and by the farming of marginal land. Soil erosion has rendered many small farms unviable, and vulnerable to drought and flash floods. Some World Bank consultants doubt that Haiti can ever return to being a viable agricultural economy. At the same time, the manufacturing sector that employed 100,000 workers at the beginning of the 1990s in low-wage *maquiladora*-type assembly plants, had all but collapsed in 2000, due to political instability, the demise of the US-sponsored Caribbean Basin Initiative (a programme designed to encourage manufacturing aimed at the US market) and competition elsewhere in the region.

Unemployment and a stagnant economy (Haitian Gross Domestic Product [GDP] contracted by 1.2 per cent in 2001)<sup>13</sup> are linked to chronic political instability and Haiti's troubled relations with the international financial institutions. After the collapse of the Jean-Claude 'Baby Doc' Duvalier dictatorship in 1986 and an extended period of coups and ephemeral unelected governments, Haiti witnessed the overthrow of the democratically elected Jean-Bertrand Aristide in 1991, a brutal military regime, and then the return of Aristide in 1995. Re-elected in 2000, Aristide's government has been paralysed by constitutional obstructions from opposition groups in Haiti and allegations of electoral malpractice. It has also presided over a worsening economic situation, exacerbated by the reluctance of international donors to supply aid. Human rights abuses and political violence grew in 2000 and 2001. In the words of HRW:

*'Given Haiti's abysmal economic conditions and political turmoil, it is no surprise that many Haitians now flock to the Dominican Republic in hopes of a better life.'*<sup>14</sup>

Further, Haitians crossing the border know that there will be work for them. Sectors of the Dominican economy are as dependent on cheap Haitian labour as poor Haitians are on working in the Dominican Republic.

Periods of intense political upheaval in Haiti produce larger than normal outflows of migrants into the Dominican Republic. According to the National Coalition for Haitian Rights (NCHR), some 25,000–30,000 Haitians crossed the border in the immediate aftermath of the 1991 anti-Aristide coup;<sup>15</sup> there are cases of Haitians fleeing their homes as a result of violence or threats from local political bosses. Yet the real link between political instability and migration lies in the deteriorating Haitian economy, where foreign investors, international donors and Haitian entrepreneurs are unwilling or unable to reverse the inexorable growth of poverty and unemployment while political chaos persists.

Haitians have been migrating to escape poverty and persecution since the beginning of the twentieth century. Today the Haitian diaspora extends to the USA, where the IOM estimates there to be some 800,000 Haitian migrants, France (60,000) and Canada (40,000). There are also significant Haitian communities across the Caribbean. Traditionally, the Haitian elite, professionals and intellectuals, have sought refuge in France or Canada. However, the largest movement of Haitian migrants takes place across the Haiti–Dominican Republic border. This movement is a two-way process, involving voluntary and involuntary migration, long- and short-term residence in the Dominican Republic, legal and illegal entry, smuggling, expulsions and a long history of human rights abuses. The central paradox of this cross-border traffic is that Haitian labour is essential to the Dominican economy, while Haitians are viewed as a threat, both demographic and cultural, to the Dominican Republic. The other great irony is that although Haitians move to the Dominican Republic to escape the worst forms of poverty and deprivation, they are almost certain to encounter similar conditions – as well as prejudice and ill-treatment – across the border.

Haitians living in the Dominican Republic are not a homogeneous community. It is important to distinguish between the very small, documented Haitian population, mostly based in Santo Domingo, and the great majority of undocumented migrants. It is even more important, moreover, to recognize the difference between permanent or semi-permanent communities and those temporary and mostly seasonal workers.

The Haitian presence in the Dominican Republic is thus comprised of three groups: a small group of documented and legal migrants; a large community of long-term residents who were born in Haiti; and a floating, transient population of temporary Haitian migrant workers. Together they form a distinct minority within Dominican society, but each, with the exception of the documented group, faces its own particular problems.

A significant and separate community is comprised of Dominico-Haitians, people of Haitian origin born in the Dominican Republic. This category includes differing generations, as well as individuals born to one or more Haitian parent. What they have in common is that they were born in the Dominican Republic, yet face problems in 'proving' their Dominican citizenship and accessing fundamental rights.

It is difficult to generalize about the characteristics of those 'new' Haitian migrants who currently move across the border, but those who choose to move to the Dominican Republic are generally from the poorest sectors of Haitian society. While those who attempt to reach the USA tend to sell whatever assets they have to fund the journey, migrants to the Dominican Republic merely have to reach the border or other places where they can make contact with those who facilitate their entry. According to the International Human Rights Law Clinic at the University of California:

*'Males, largely illiterate and in their late twenties, employed in agricultural work are typical migrants. This picture is consistent with the type of Haitian laborer the Dominican and Haitian governments actively recruited for decades to harvest sugar cane in the Dominican Republic. Despite significant changes in the agricultural sector in the last fifteen years, notably the end in the mid-1980s of the bilateral labor contract between Haiti and the Dominican Republic and the more recent privatization of the sugar cane industry, the continued pattern of Haitian male employment in this area indicates the durability of this employment pattern.'*<sup>16</sup>

Other sources point to a more complex mix of occupation and gender, suggesting that large numbers of migrants are women working in the agricultural sector, domestic service and particularly in informal-sector trading.<sup>17</sup>

## Sugar and migration

Sugar had been an important commodity in the Dominican Republic since the 1870s, but it was during the 1916–24 US occupation that the Dominican sugar industry really expanded. By 1925, 11 of the country's 21 sugar mills belonged to US corporations, with 98 per cent of

exports going to the USA. Haitian labour was actively encouraged by the US military, particularly in the face of mounting economic and demographic pressures across the border. After the USA left the Dominican Republic and (in 1934) Haiti, the migratory movement continued. The official census of 1935 recorded 50,000 Haitians residing in the Dominican Republic.

In the sugar industry, Dominicans were employed from the outset in higher-skilled and better-paid jobs, but most refused to cut cane – the work was too arduous and demeaning, and too badly paid. Unlike Haiti, which, until independence (1804), had been the plantation-based French colony of Saint Domingue, the Dominican Republic had little tradition of large-scale plantation agriculture and had not experienced the same history of slavery. Slavery during the Dominican Republic's colonial period had been much less widespread than in Saint Domingue and arguably more benign. As a result, Dominican antipathy towards cane-cutting was, to a large extent, determined by associations with slavery and by the assumption, encouraged by Dominican governments and plantation owners, that Haitians – and not Dominicans – were suited to the work. Some Dominicans, normally from the poorest sectors of rural society and darker-skinned, were forced by poverty to cut cane, but by the 1970s they were outnumbered by Haitians.<sup>18</sup>

Haitians also replaced the so-called *cocolos*, migrant cane-cutters from the English-speaking Caribbean, as early as the 1920s when the depression slashed world sugar prices and wages. Nonetheless, considerable numbers of Dominicans have always been – and remain – employed in the sugar industry, mostly in technical, managerial and skilled roles, enjoying much higher status than Haitians. Of the 30,000 official employees recorded in the state-controlled sugar sector in 2000, most were Dominicans.

Trujillo's dictatorship was both brutally anti-Haitian and dependent upon continuing supplies of Haitian labour. The 1937 massacre took place at a time when Trujillo did not control large sugar-producing interests and was more interested in issuing a political warning to Haiti. Yet later, as Trujillo's state took over much of the industry from US and domestic owners, he saw Haitian labour as a necessity rather than a threat. So began a series of bilateral agreements or *convenios* between the rulers of the two countries, under which Haitian labourers or *braceros* were brought across the border for specified periods of work on sugar plantations. After Trujillo's 1952 *convenio* brought in 16,500 workers, more *convenios* were signed between Trujillo and his Haitian counterpart 'Papa Doc' Duvalier. After Trujillo's assassination in 1961, his personal sugar interests were reorganized into the state-owned State Sugar Council (CEA), and this entity dealt

with Papa Doc and then his son 'Baby Doc' Duvalier. The benefits received by the Haitian dictatorship for supplying cheap labour to the Dominican authorities were considerable. According to Ramón Antonio Veras,<sup>19</sup> Baby Doc received US \$2.9 million in 1980–1 for facilitating the transportation of 16,000 workers to CEA plantations.

Despite the agreements, there were never enough Haitian workers to cut the cane during the *zafra* or harvesting season. Nor were the non-CEA plantations, principally the US Gulf & Western-owned La Romana, the local Vicini group and some 5,000 smaller private farms, able to recruit sufficient labour.

The labour shortage was eased by the gradual establishment of a permanent, resident, Haitian-born population in and around the sugar plantations. These people remained in the Dominican Republic either because they had not earned enough money to return home or because they saw no advantage in doing so. While some cane-cutters returned to Haiti at the end of the harvest, many remained behind. They settled in the squalid work camps that had been constructed in the early twentieth century to house temporary contract workers. Known as *bateyes*, these rudimentary settlements were never intended to house workers, let alone families, all year round. Yet as increasing numbers of *braceros* opted to stay in the vicinity of the plantations, even during the workless *tiempo muerto* season between July and October, the *bateyes* became permanent communities. Some men were joined by female family members from Haiti, others married Dominican women; children were born.

The inhabitants of the *bateyes*, or those who could work, provided a stable source of labour from the 1960s onwards and were joined by an annual influx of contracted workers, known as *kongos*, as well as an unknown number of illegal and undocumented workers, who were known by the Haitian Creole term of *ambafiles* (literally 'below the wire'). Many of these remained behind each year, swelling the populations of the *bateyes*.

The *convenios* supposedly guaranteed basic levels of pay and minimum working conditions to workers recruited by the CEA: acceptable accommodation, safe transport, medical insurance and a basic payment for each ton of cane cut. The CEA was also supposed to provide basic pensions and access to schools for the cane-cutters' children. Those *braceros* who arrived illegally were denied even these guarantees. A network of recruiting agents, known as *buscones*, were allegedly employed by the sugar plantations, both CEA and privately owned, to persuade Haitians to cross the border with promises of good pay. Some workers were recruited in Haiti, others on the border, while still more were picked up once inside the Dominican Republic. While the recruiting involved massive deception, the rounding-up of Haitian workers inside

the Dominican Republic was often tantamount to kidnapping.<sup>20</sup> With the overthrow of Baby Doc's dictatorship in 1986, the last *convenio* came to an end. Abruptly the CEA and private sugar companies found their annual supply of cheap labour cut off. As a result, illegal recruiting increased dramatically.

The plight of Haitians in the *bateyes* began to attract international attention in the 1980s. Maurice Lemoine's *Bitter Sugar* (1981) and Roger Plant's *Sugar and Modern Slavery* (1987) graphically revealed the squalor and exploitation prevalent in the settlements. They, together with reports from non-governmental organizations (NGOs), exposed the systematic abuse of Haitian workers' rights, ranging from underpayment and denial of medical attention, to physical abuse and conditions resembling imprisonment. A fact-finding mission sent by the International Labour Organization (ILO) in 1983 condemned what it described as 'near-slavery' on the plantations.<sup>21</sup> In particular, it was reported that *braceros* were physically prevented by armed overseers or Dominican military personnel from leaving their CEA *bateyes*, as many believed that conditions were better in the plantations owned by the private companies. The publications also outlined the disgraceful conditions endured by *batey* residents. Many, it was reported, were never paid what was owed to them, especially those returning to Haiti at the end of the cutting season. Within the *bateyes* a hierarchy existed: at the top were the Dominican residents (mostly overseers), followed by long-stay Haitian-born workers (*viejos*). At the bottom of the pile were the *kongos* and *ambafiles*.

As the illegal trade in *braceros* gathered pace after 1986, attention turned also to the forcible recruitment of workers. Americas Watch reported in 1989 that *buscones*, often Haitian themselves, were operating in Haiti, promising high wages and good conditions. Often they pretended to be recruiting for different work altogether. The recruits were then taken to border towns such as Jimaní, where they were arrested by the Dominican military and forcibly transported to a CEA plantation. The *buscón* reportedly received US \$10 per head, rising to US \$25 during the 1990–1 harvest when the labour shortage had worsened. The report also detailed how Haitians were regularly picked up in roadblock searches or in raids on Haitian communities by the military.<sup>22</sup>

The Americas Watch report caused considerable controversy in the Dominican Republic and also put pressure on the USA to review the Dominican Republic's eligibility for preferential access to US markets. If the Dominican government indignantly denied the report's allegations, it also ordered several reforms, notably the issuing of official contracts to Haitian cane-cutters and improvements in the state-owned *bateyes*. But a subsequent 1991 Americas

Watch report<sup>23</sup> noted only limited reform, and maintained that widespread abuses in recruitment and deplorable conditions persisted. Another report, published the same year, reinforced these allegations, specifying that children as young as six were being recruited or taken from *bateyes* to work on Dominican plantations.<sup>24</sup>

The persistent foreign criticism of Dominican labour practices led the autocratic government of Joaquín Balaguer, an erstwhile political ally of Trujillo, to order a massive expulsion of Haitians from the Dominican Republic. Significantly, those targeted were individuals aged under 16 or over 60, and not those required by the sugar industry. This was one of many such expulsions, motivated by political or economic pressures.

### The decline of sugar

The controversy surrounding Haitian labour in the 1980s coincided with a crisis within the Dominican sugar industry. Trujillo had seized foreign-owned assets in the profitable post-Second World War era, when prices were high, and the CEA had inherited his 12 mills and surrounding plantations. But the CEA, writes Roger Plant, was 'a massive and notoriously inefficient organisation, operating virtually as a state within a state'. In the early 1970s, it exported over a million tons annually, and during the 'miracle years' of 1974–8 received 76 cents per pound on the US market. By 1982, however, the CEA was receiving only 5 cents per pound. By 1977 it was estimated that production costs were higher than the price received per pound and gradually the CEA became indebted, its shortfalls covered by the government.<sup>25</sup> For years it was rumoured that corruption and mismanagement, as well as a bloated payroll of government appointees, made the company commercially unviable. By contrast, the La Romana complex, sold by Gulf & Western in 1985, and the smaller holdings of the Vicini group, were profitable and maintained consistent levels of production.

From the 1980s, successive Dominican governments reduced the dependency on sugar and the notoriously volatile international market, and aimed to diversify into low-wage export-oriented manufacturing, non-traditional agriculture and tourism. The economic drain exerted on the state by the CEA made this policy more urgent as the pro-privatization administration of Leonel Fernández replaced Balaguer's more traditionally statist government in 1996. Pledging to divest itself of large state-owned sectors of the economy, the Fernández administration prioritized the privatization of the CEA. CEA production tumbled to a record low of 50,000 tons in 1999 (compared to 242,000 from La Romana and 78,000 from the Vicini group);<sup>26</sup> the CEA had reached the end of the road. Tendering for management of its mills and plantations began in June 1999.

Privatization led to key CEA assets being leased to various companies and consortia. Almost immediately, however, the divestment hit problems, as one consortium, the Mexican-owned Conazucar, sold its five mills to a Dominican capital company, Pringamosa. There are currently five private companies: the established Central Romana and Vicini concerns, as well as Pringamosa, Cañabrava, and the Franco-American consortium, which runs the plantation and mill in Barahona.

A condition of the privatization was that the Dominican government cleared the CEA's existing debts, and in September 1999 the government agreed to pay off liabilities amounting to US \$125 million. Nearly 30,000 CEA workers, mostly Dominican, were to be made redundant ahead of the new companies taking over, but according to the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF), promises of redundancy and severance payments were slow to materialize or were not paid at all.<sup>27</sup>

If the fate of Dominican CEA employees was precarious, that of undocumented and casual Haitian workers was worse. The 1999–2000 harvest did not take place on certain plantations because of the transition to private management. In June 2000, Faustino Jiménez, the director of the National Institute of Sugar (INAZUCAR), the state body intended to regulate the privatized industry, claimed that the new firms were failing to provide any social services to the thousands of cane-cutters living in what he estimated to be 222 ex-CEA *bateyes* around the country.<sup>28</sup>

In April 2001, a delegation from the New York-based Haiti Support Network reported that conditions in *bateyes* such as Barahona were worse than before privatization:

*'Previously, many bateys were owned and run by the state through the... [CEA]. As a state-run enterprise, the CEA was forced to commit itself to certain responsibilities and minimum conditions for the braceros in housing, education, health, and other services. Although these commitments were rarely met, some were and they provided a handle for advocacy groups to exert leverage for the betterment of conditions in the bateys. With the wholesale privatization of the sugar industry and its continuing decline (today the Dominican Republic even imports sugar), the Dominican state has washed its hands of any commitment to maintaining conditions in the bateys.'*<sup>29</sup>

This assessment is supported by a recent report from the US-based Economic Research Institute, which quoted the Dominican Human Rights Committee's view that 'conditions of work for cane workers have deteriorated since the

industry was privatized in 1999'.<sup>30</sup> Sonia Pierre of the Dominican-Haitian Women's Movement (MUDHA) claims:

*'Since privatization, the situation in the 375 bateyes has worsened. Schools have been closed and the new owners have expelled workers' widows, the elderly and the injured. These are people who were able to claim pensions from the State Sugar Company, and the new owners don't want them on the plantations.'*<sup>31</sup>

## Smuggled labour

Whether the Dominican sugar industry is continuing to decline is a matter of debate, for the private companies managing CEA assets claim that production rose in 2000 and 2001 and that investment has created 7,000 permanent new jobs in the east of the country alone. What is certain, is that the industry is facing the age-old problem of recruiting labour for work that most Dominicans refuse to do.

According to the IUF, the Dominican government assured the companies taking over management of CEA plantations that there would be adequate labour available from the permanent or semi-permanent inhabitants of the *bateyes*. The Secretary of Labour reportedly stated that improved conditions would attract cane-cutters from within the Dominican Republic.<sup>32</sup> However, the newly privatized operations immediately faced labour shortages.

More or less at the same time, in February 2000, the governments of the Dominican Republic and Haiti signed a declaration, with a view, in the ILO's words, 'to suppressing clandestine recruitment and illegal migration'. The declaration called for proper contracts of employ-

ment, a system of work permits and measures to 'protect migrant workers on an equal footing with nationals'.<sup>33</sup> In theory, the Haitian authorities were to provide their nationals with passports or other identity papers, while the Dominican authorities were to provide workers with temporary work permits.

The objectives outlined in the declaration seem to be at odds with reports that clandestine smuggling of Haitian labourers is actually on the increase – and that many of these labourers are destined for sugar plantations. In May 2000 Father Pedro Ruquoy, a Belgian human rights activist, claimed that 32,000 Haitian *braceros* had crossed the border in recent months with the connivance of Dominican military personnel and *buscones*. Arriving either by boat or in lorries, the workers, alleged Ruquoy, were sent to various sugar plantations. In September 2002 Ruquoy repeated the allegation, claiming that 'members of the military department are in complicity with the privatized sugar mills to smuggle in field hands from Haiti'.<sup>34</sup> At the border point of Escondido he claimed to have seen temporary lodging facilities for Haitians, and said that 30,000 *braceros* had been smuggled into the Dominican Republic, earning the *buscones* RD \$150 (US \$10) per head. These claims were supported by the director of the Dominican Department of Migration, Danilo Díaz, who said in March 2000 that the border security forces had 'turned the trafficking of illegal Haitians into a lucrative business'.<sup>35</sup>

The extent of illegally trafficked migration is naturally difficult to determine. Yet there seems little reason to disbelieve such reports, nor any reason to assume that changes in the Dominican sugar industry have stemmed the flow of Haitian migrant labour.

# Haitian labour and the Dominican economy

'If we ask ourselves what best symbolizes extremes of poverty in the country, I think that all of us would mention conditions in the *bateyes*.<sup>36</sup> The words are those of Hipólito Mejía, elected president of the Dominican Republic in 2000. They suggest that the poverty and hardship experienced by most of those living in the Dominican Republic's *bateyes* are a matter of common knowledge. They also suggest a desire on the part of the government to change such conditions. Yet there is little evidence of any such change, nor is there a sense that improving the lot of the Dominican Republic's permanent Haitian or Haitian-descended population, or that of those Dominicans who live in the *bateyes*, is a priority.

## The *bateyes*

There are approximately 500 established *bateyes* in the Dominican Republic.<sup>37</sup> Of these around 220 belong to the CEA, but are, for the most part, managed by private companies. According to a 2002 report, there are some 250,000 residents of *bateyes*, of whom 65–75 per cent are Haitians (the report does not specify whether these are Haitian-born or Haitian-descended).<sup>38</sup> The State Enterprise Commission (CREP), which oversaw the privatization of the sugar industry, reported in 2001 that 32 per cent of the CEA's *bateyes* had no drinking water supply, 66 per cent had no proper sanitation facilities, 16 per cent had no access to medical services, and 30 per cent no access to schools.<sup>39</sup> Visitors to *bateyes* report open sewers, ramshackle housing and very few facilities:

*'The batey visited [in March 2002] ... had about 450 residents, half of whom were Dominicans. There was barrack-style housing for solo men who cut cane – five to a room. In addition, there was family housing that consisted of tin-covered shacks. Water was obtained from several fountains, some of the shacks received electricity by tapping into the main lines, and sewage flowed openly between the shacks. There was a small school built several years ago with US AID funds, but it has never opened. Unicef had a small operation dispensing medicines.'*<sup>40</sup>

Fundamentally, little has changed since the first reports on conditions in the *bateyes* in the 1980s. In 1995 the NCHR published *Beyond the Bateyes*, which found 'no evidence that conditions in the *bateyes* have improved

since our last report in 1992'.<sup>41</sup> Subsequently, the International Confederation of Free Trade Unions (ICFTU) reported in October 2002 that 'Haitians generally live in slums where sanitation and services are essentially non-existent and basic social indicators are very low.'<sup>42</sup>

Contemporary descriptions of the *bateyes* also stress the abuses inflicted on cane-cutters and their families by plantation personnel, or by the Dominican military or police.<sup>43</sup> Most cane-cutting continues to be done by hand, with the current rate of pay standing at RD \$45 (US \$2.60) a ton cut. It is estimated that cane-cutters average 2–3 tons a day.<sup>44</sup> Cane-cutting is dangerous work; according to Michele Wucker, the Dominican government admits that 85 per cent of all workplace injuries take place in the canefields. In addition, cutters are obliged to load the cane into carts that are pulled by tractors to a transfer station, where it is weighed and taken by trucks to the mill. As cut cane dries (and loses weight) quickly, cutters need the cane to be taken quickly to the weighing station, and Dominican drivers allegedly demand bribes from the cane-cutters in return for a quick delivery. It has also been alleged that scales are deliberately weighted against the cane-cutters by the *pesadores* (weighers).<sup>45</sup> Inspectors, who are supposed to check the weighing process, had disappeared by 1999. Payment continued to be made in vouchers or tokens rather than money, according to a 1999 IACHR report. These vouchers could be used at a company store, where prices were inflated, or cashed in at the stores at a 10 per cent discount.<sup>46</sup>

Perhaps most serious are allegations that *braceros* are still the victims of forced labour.<sup>47</sup> The 2002 ICFTU report detailed various types of coercion, concluding:

*'Haitian workers on sugar plantations often work under conditions tantamount to slavery, as they have no legal protection in the country, and are completely at the mercy of their employer. There are numerous reports of clothes and other belongings being locked away, or wages withheld, in order that workers cannot leave.'*<sup>48</sup>

Women face particular hardships:

*'... their presence in the bateyes is not acknowledged, nor their presence in the canefields ... Consequently, Haitian women do not have, on their own account, the right to housing, nor to health services, however limited they may be.'*<sup>49</sup>



According to the IACHR, some 5 per cent of cane-cutters are women, but they are paid half of what male cutters receive. The NCHR claimed in 1995 that, although women were legally prohibited from cutting cane, some did, relying on a male co-worker to process the cut cane for payment. The report also pointed out that women in the *bateyes* were tolerated only if married to or living with a male cane-cutter and faced particular problems:

*... aside from earning wages cutting cane, few avenues to earn money are available. Many sell coal or sweets or do laundry for pay. Others abandoned by a male must turn to prostitution to feed themselves and their children. They are also subject to sexual violence from Dominican army, police and camp guards and Haitian workers, with little legal recourse.<sup>50</sup>*

MUDHA points out that 80 per cent of women working in or from *bateyes* do so in the informal sector: 45 per cent in domestic service, 23 per cent in small-scale trading, and 5 per cent as market vendors. None of these jobs offer security, social benefits or anything above poverty pay.

According to MUDHA's research, over 20 per cent of children living in or around *bateyes* live with a single mother, while 61.5 per cent of households calculated to live in extreme poverty are those of single women. Children are extremely vulnerable to exploitation, are often denied access to education and have been used as a particularly cheap source of labour. The ICFTU's 2002 report noted that 'there are increasing numbers of Haitian children working on sugar plantations alongside their parents'.<sup>51</sup> This was echoed by the Economic Research Institute who state that despite government attempts to ban children from cutting cane, children were working, with the tacit acceptance of sugar companies.<sup>52</sup> The IACHR's research concludes that most children in *bateyes* do not go to school, but helped their parents. 'This created a tragic cycle in which a future of poverty is practically inescapable.'<sup>53</sup>

Trade union organization in most *bateyes* is almost non-existent. The Dominican union movement is, in any case, weak, and even those Dominicans employed in the sugar industry are generally reluctant to join unions. The ICFTU report recorded that union representatives cannot move freely around *bateyes*, that workers taking part in union activities had been threatened and that three unions – Sinatraplasi, Sipicaiba and Sitraplasib – had been repeatedly refused negotiation rights by the CEA. Privatization of the state sugar sector has done nothing to improve this situation, with 150 workers at the mill at Consuelo reportedly laid off in early 2000 for forming a trade union.<sup>54</sup>

Yet not all *bateyes* present the same grim picture of deprivation and abuse. The *Sugar Worker* of April 2001, for instance, reported that the Central Romana Corporation had just signed a three-year collective bargaining agreement with the Sindicato Unido union, offering a 50 per cent pay rise to sugar workers over that period as well as improvements in educational facilities and pension provision.<sup>55</sup>

Considerable improvements in living conditions and economic opportunities have also materialized as a result of the work of national and international NGOs. Organizations such as MUDHA, the Movimiento Socio Cultural de los Trabajadores Haitianos (MOSCTHA) and the Organización de la Defensa de los Moradores de los Bateyes (ODEMOBA) have combined with international donors to implement practical projects in advocacy, health care and credit for small businesses; while other human rights groups such as the Centro Puente, the Jeannot Succès network and the Pastoral Haitiana have brought abuses to international attention. Overseas fundraising groups such as the Batey Relief Alliance make an impact on health and education facilities, while many church and human rights activists make a contribution. All of this NGO work, while improving life for the most deprived inhabitants of the *bateyes*, also relieves the Dominican state of some of its responsibility.

## Beyond the *bateyes*

The image of the Haitian migrant worker in the Dominican Republic as an oppressed cane-cutter is only part of the story. For several decades Haitian labour has fuelled other sectors of the Dominican economy, including coffee and rice, commerce, construction, manufacturing and tourism. As the Dominican economy has broadened from its historic dependence on sugar, so too has demand for cheap labour in other areas. Partly, this is because Dominican agricultural workers have abandoned their traditional roles, looking for work in the new manufacturing and service sectors, and Dominican migration, especially from the poorest rural areas, has reinforced this trend. It is also partly because Haitians are now the first choice for a growing range of Dominican employers in search of cheap and pliable labour. This diversification of labour demand, combined with the deterioration of the sugar industry, has meant that Haitians are required outside the plantations, even if the hardships and discrimination they face are reminiscent of their traditional economic role.

The diversification of Haitian labour is not new. During the *tiempo muerto*, male cane-cutters often became an integral part of the coffee-picking workforce. It is reckoned that Dominican coffee-growers employ about 35,000 Haitians and 15,000 Dominicans to harvest coffee

worth US \$160 million annually to the Dominican economy in the mid-1990s, but now worth only approximately \$11 million.<sup>56</sup> Conditions and pay, although poor, are marginally better than in the sugar plantations; a worker can expect to be paid around US \$5 for each 70-pound box of beans picked. The Dominican Federation of Coffee Growers has vociferously opposed expulsions of Haitians from coffee-growing areas, arguing that the disappearance of cheap labour will mean the end of their business.

Haitian labourers are also active in rice, tobacco and vegetable harvesting. The Dominican newspaper *Listín Diario* reported in February 2002, how 200 or 300 workers assemble each morning near Constanza to be bussed to farms where they harvest garlic, onions and other vegetables. The paper pointed out that larger Dominican farms prefer Haitians since they can pay them only RD \$80 (US \$4) a day as opposed to the national minimum of RD \$150 (US \$7.50).<sup>57</sup>

The biggest source of work for men, however, is construction, which has been booming in the Dominican Republic since the country's economy began to grow quickly in the early 1990s. Haitians are favoured by building contractors as, according to the IOM they can be paid between US \$5 and \$8, without any added social security payments, for a 10-hour day. Initially, Haitians tended to do only the most onerous building work, but nowadays they work in all aspects of construction, including skilled tasks. The Dominican Secretariat of Labour estimated in 2000 that 27 per cent of construction workers were Haitian, but this is probably a significant underestimate. It also points out that 88 per cent of these workers came into the Dominican Republic during the course of the 1990s and that 66 per cent of them found their first job in the construction sector.<sup>58</sup>

Construction is dangerous and poorly paid but preferred by most Haitian migrants to agricultural work. It also underlines how widely spread, geographically and in terms of economic sectors, Haitian labour is across the Dominican Republic. As MUDHA points out, the idea that Haitian workers come first to plantations and then move on to other, better paid, work is no longer the case. Instead, there is a large permanent or semi-permanent Haitian population that has no connection with the traditional *bateyes*. In Santo Domingo, for instance, the area around the Mercado Modelo is a centre for Haitian migrants, living for the most part in tenements or shacks and engaged in informal-sector trading work. The country's second city, Santiago, also has a distinct Haitian district, while most towns contain a *barrio* with strong Haitian associations. There are, of course, sugar-based districts with strong connections with Haitian labour and where the *bateyes* contain those who have worked for years

in plantations: Barahona, La Romana and San Pedro de Macorís are the best-known. The west of the country, particularly areas close to the border, has a high concentration of Haitian migrants – and the lowest social indicators in the country. But Haitians are to be found throughout the Dominican Republic, even in areas to the east where there is no tradition of *braceros*.

It is also the case that the traditional *bateyes* remain home to Haitian and Haitian-descended workers, even though they are no longer employed in the sugar industry. Some Haitians involved in other agricultural sectors are still based at the *bateyes*, while others, particularly women, may work in the domestic sector, either travelling from the *batey* to their place of work or returning there occasionally.

On top of these permanent or semi-permanent communities are growing numbers of short-stay migrants. According to Sonia Pierre of MUDHA:

*'the new migrants are more transient, staying for 15 days or so before returning home. These people are usually more educated and skilled than the cane-cutters.'*<sup>59</sup>

Women are increasingly prominent in the diversified Haitian presence. *Listín Diario* claimed in August 2002 that 50 per cent of all domestic workers in the Dominican Republic were Haitian or Haitian-descended women. Again, they are preferred by employers because they accept lower wages and enjoy little or no job security.<sup>60</sup> Women are also highly visible in informal-sector trading, both in towns and rural markets, as well as in some agricultural sectors. The busy cross-border traffic in goods, some smuggled and counterfeit, is largely female-dominated. Tourism offers some opportunities, mostly through selling articles to tourists.

Perhaps the most significant recent development in terms of Haitian labour lies in proposals to develop new Free Trade Zones (FTZs) in areas close to the Haitian–Dominican border. Low-wage, export-oriented manufacturing plants have been a key feature of the Dominican economy since the mid-1980s, offering foreign companies cheap labour, tax incentives and easy access to the North American market. In return, the 50-plus FTZs have brought some 200,000 jobs to the Dominican Republic, many in economically depressed areas. But Dominican FTZs must compete with similar installations elsewhere in the Caribbean and Central America in terms of cost-effectiveness. Even though FTZ wages are often below the national minimum wage (as companies are exempted from wage legislation), companies are always looking for cheaper sources of labour.

The suggested solution lies in new FTZs to be built on the Haitian border, in which a percentage of workers

would come from Haiti and be paid even less than those in the Dominican Republic. Environmental groups have opposed the plan, stressing that industrial development on a proposed border site will ruin scarce agricultural land in the region, and commentators have warned that such a move might persuade companies to relocate from existing FTZs to border plants, thus worsening unemployment among Dominican workers.<sup>61</sup> The lure for investors is that trans-border FTZs would lower wage bills and give Haiti's unused textile quota access to the US market – if some work in the plants could be proven to be 'Haitian'.

## Necessary but abused

Whether the FTZ plan materializes or not, it is indicative of the way in which Haitian labour now forms an intrinsic part of the Dominican economy. Indeed, some economists have argued that the success of the country's economy in the 1990s, with its high growth rates and increased foreign investment, was largely due to a reservoir of cheap labour.

Yet dependence on Haitian labour has not resulted in any reduction of abuses committed by employers and others. Undocumented migrant workers have no rights whatsoever and are vulnerable to many forms of mistreatment. The NCHR reported that Haitian coffee pickers were routinely cheated of their proper wages, and that construction workers are not paid or are robbed of their wages when a job is finished. Informal-sector traders are particularly liable to be robbed or have their goods confiscated by military personnel, especially at border markets where bribe-paying is endemic.<sup>62</sup>

A particular form of abuse concerns child labour. In August 2002, the United Nations Children's Fund (UNICEF) reported that between 2,000 and 3,000 Haitian children were trafficked annually to the Dominican Republic and set to work in agriculture, construction, street peddling or begging. Some are sent by their parents, others against their will, but traffickers allegedly receive around US \$80 for each child who enters the country. Dominican border guards receive between RD \$20 and RD \$50 (US \$1.25–3.50) per child whom they let through. The report concluded that neither the children nor their parents received any payment for what amounted to a form of slavery.

One of the many ironies surrounding Haitian migrant workers is that they are accused of taking jobs away from Dominicans. Yet most Dominicans admit that Haitians do the work that they choose not to do, and indeed much anti-Haitian feeling derives from the perception that Haitians are fit only for the lowliest forms of employment. Haitians are therefore accused of stealing

jobs from Dominicans, yet vilified for doing the country's 'dirty work'.

It is arguable that a large pool of cheap Haitian labour depresses wage rates in certain economic sectors that are, in any case, notorious for poor pay. Yet the impetus comes less from the Haitian workers than from employers in these sectors who actively seek the cheapest and most vulnerable forms of labour. As the newspaper *El Caribe* argued in a January 2002 editorial:

*'Those who employ Haitians, primarily sugar cane mills, rice plantations, coffee plantations, construction engineers, and the military, would make less profit if they had to hire Dominican workers, invest in automation or modernize their harvests.'*

As world commodity prices, most recently coffee, stagnate or fall, a vicious cycle develops in which employers look to cut costs by cutting wages, thus favouring migrant workers on near-starvation wages over locally born workers on merely poverty wages. As *El Caribe* sees it, the exploitation of Haitian labour works to the advantage of those who are wealthy and powerful, but to the detriment of the Dominican Republic's poor. And this, it adds, is a political decision:

*'The fact that our governments have favored landowners, engineers and the military over unskilled laborers explains why our politicians talk so much of the presence of Haitians, but do little to confront the situation.'*<sup>63</sup>

## Expulsions

Contrary to *El Caribe's* assertion, successive Dominican governments have 'confronted' the situation, often by the most brutal means. The 1937 massacre is probably the most notorious instance of this, but violent and abusive treatment of Haitians and Haitian-descended Dominicans has been a consistent feature of government policy since mass migration and settlement began.

Expulsion is the most common Dominican response to unwanted Haitian migrants. This takes two forms: large-scale and widely reported mass expulsions, and the less known but day-to-day expulsions of individuals and groups. Mass expulsions are normally military-led and centrally planned. They also tend to contain an explicitly political message, occurring around election times or in response to international criticism of Dominican labour practices. The last mass expulsions took place in 1991, 1996, 1997 and 1999. The 1991 campaign was ordered by President Balaguer in the wake of international criticism and threatened US trade sanctions, and involved an

estimated 35,000 deportations. The 1996 campaign, which resulted in 5,000 expulsions, coincided with presidential elections, when it was claimed that 100,000 Haitians were illegally entered on electoral rolls.<sup>64</sup> In 1997, some 25,000 people were deported within two months of a controversial debate over recruiting additional cane-cutters, while the 1999 expulsion of up to 20,000 individuals followed the publication of the critical IACHR report on the treatment of Haitians.

Smaller expulsions happen more regularly. The April 2002 HRW report talks of a 'daily flow of deportations', and investigated small-scale expulsion exercises, involving 50–100 people. It found that Haitian or 'Haitian-looking' people were most likely to be summarily deported when found outside *bateyes*. Yet raids on the *bateyes* themselves appear rare or non-existent. Suspected illegal migrants were most likely to be apprehended in urban areas. In June 2002 alone, 1,410 Haitians were apprehended, of whom 570 were picked up in Santo Domingo and 400 in Santiago.<sup>65</sup> The HRW report concluded that 10,000 – 30,000 people are deported each year.<sup>66</sup>

Whether deported in mass expulsions or smaller raids, all are denied legal rights, whether under Dominican law, under a protocol of understanding signed between the Dominican and Haitian governments in 1999, or under international law.<sup>67</sup> No opportunity is given to prove legal status, and it is allegedly common practice for the Dominican military to operate independently of the official Migration Department.<sup>68</sup> Typically, a deportee is picked up, held for a few hours or days and then bussed to the border.

In the process of deportation, multiple human rights abuses take place. Families are often separated and children left alone if parents are picked up. Verbal abuse and physical violence are frequently documented. According to HRW, deportees:

*'... have no chance to contact their families, to collect their belongings, or to prepare for their departure in any way. They are frequently dropped off at the Haitian border within a matter of hours after their initial detention, sometimes with nothing more than the clothes on their back.'*

These abuses form part of a wider picture of violence, extrajudicial killings and illegality perpetrated by the Dominican armed forces, documented by Amnesty International, HRW and the US State Department among others.<sup>69</sup>

Migration officials claim that they are only interested in deporting those Haitians engaged in 'anti-social acti-

vity'. Yet the criteria for deportation are explicitly racist: a suspected undocumented migrant must appear to be Haitian, in other words black. HRW quotes a Migration Department official who admits that Haitian 'suspects' are identifiable because 'they're much blacker than we are. They're easy to recognize.'<sup>70</sup>

The correlation of blackness with Haitian identity is a long-standing theme within Dominican national ideology. Yet it also means that significant numbers of black Dominicans run the risk of being stigmatized as Haitian and expelled from their own country. This is particularly the case with those people born in the Dominican Republic of Haitian descent. According to the International Human Rights Law Clinic, between 5 and 8 per cent of people expelled between 1999 and 2000 were born in the Dominican Republic; a further 20 per cent had lived in the country for over 15 years.<sup>71</sup>

Expulsions take place while Haitian labour is recruited by Dominican employers. In what appears a paradoxical two-way process, migrants are actively sought by sugar companies, coffee farmers and construction companies while their compatriots are being dumped at the border. MUDHA claims that:

*'... the government that oversees the expulsion campaigns against undocumented immigrants is the same government that facilitates their entry into the country and exploits them in public works construction. Similarly, the employer who claims to be threatened by an "invasion" of these workers is the same employer who pays the buscón to recruit them and bring them as undocumented workers.'*<sup>72</sup>

It might be added that the Dominican military both carries out expulsions and connives at the entry of illegal migrants.

Paradox or logical strategy? Evidence suggests that expulsions take place at times when Haitian labour is deemed less essential, especially at the end of the cane-cutting season. It also suggests that the economically active are not the main targets, for as the Director of Haitian Affairs in Santiago told *Listín Diario*: 'Our work is basically directed against women, children and the old of the neighbouring nation who beg or wander the streets.'<sup>73</sup> Above all, the history of deportations shows that the economic interests of employers frequently conflict with political imperatives; and Haitian migrants are not only exploited economically but also ideologically, as Dominican politicians and parties use the 'Haitian problem' for their own ends.

# Dominican and Haitian identity

Haitian migrants in the Dominican Republic enter a country whose culture, history and identity is intertwined with that of their own homeland. Yet they also cross the border into a territory where many people disparage them and their country. According to HRW, a recent public opinion poll in the Dominican Republic found that 75 per cent of respondents favoured repatriating the Haitian population, while only 5 per cent believed that Haitians were 'of use' to the Dominican Republic.<sup>73</sup>

*Antihaitianismo* has a long pedigree in the Dominican Republic and has been extensively analysed.<sup>75</sup> The roots of anti-Haitian feeling can be traced back to the island of Hispaniola's colonial history, when the western third of the island was French-controlled Saint Domingue and the eastern two-thirds Spanish-ruled Santo Domingo. A highly profitable plantation- and slave-based economy in Saint Domingue contrasted with the neglected ranching economy across the border, where slavery was less prevalent. When the French were thrown out of Saint Domingue after a complex 13-year struggle, the independent state of Haiti was born in 1804. The territory across the border had been involved in the revolutionary turmoil and occupied by various armed forces, but remained nominally Spanish. More significantly, its population was predominantly mulatto and Spanish-speaking, while Haiti's people were overwhelmingly African-descended and Creole-speaking.

Following its independence, Haiti's leaders feared that a French counter-invasion would be staged from the Spanish colony, and that only possession of the whole of Hispaniola would guarantee some measure of protection. In 1822 the Haitians occupied Santo Domingo, staying there until 1844. Resentment grew against the Haitians among the Spanish-descended elite and they led an uprising in 1844 that led to the independent Dominican Republic. Further invasion attempts by Haiti were rebuffed, but Dominican fears of their neighbour were such that the country invited Spain to recolonize it in 1861 – a disastrous step that lasted only four years.

Hostility has marked relations between Haiti and the Dominican Republic ever since. The precise delineation of the border was not agreed upon until the 1940s, while it was not until 1999 that an agreement regarding mail delivery was reached.

## Colour, culture and racism

Nineteenth-century events live on in the Dominican national consciousness. Fear of invasion remains a potent myth in the dominant collective psyche, as does the belief that Dominican culture is intrinsically different from, and better than, Haitian culture. Defenders of Dominican nationhood have always stressed that the nation is essentially Hispanic, Roman Catholic and Spanish-speaking, its traditions drawn from those of Spain. Haiti, on the other hand, has frequently been depicted as African-influenced, dominated by *vodou* and Creole-speaking. Dominicans, it follows, are racially superior.<sup>76</sup>

This racist view was enthusiastically developed by Trujillo during his long dictatorship. Not only did he seek to 'whiten' Dominican society by encouraging migrants from Europe, but he systematically denigrated and abused Haiti and Haitians, culminating in the 1937 massacre. According to HRW:

*'Throughout the mid-twentieth century, Trujillo fed the Dominican population a steady diet of anti-Haitian propaganda, relying on the schools and the media to disseminate these ideas.'*<sup>77</sup>

Some subsequent politicians, most notably Balaguer, who dominated Dominican politics from the 1960s until his death in 2002, have reiterated racist stereotypes about Haitians. Balaguer's 1984 book *La Isla al Revés* (The Upside Down Island) invoked the spectre of racial contamination:

*'The erosion of Dominican national identity, steadily under way for more than a century through dealings with the worst of the Haitian population, has made worrying advances. Our racial origins and our tradition as a Spanish people must not stop us from recognising that our nationality is in danger of disintegration if we do not take drastic measures against the threat to it from the proximity of the Haitian population.'*<sup>78</sup>

Such drastic measures have included mass deportations, carried out under the aegis of Balaguer's various governments and those that have succeeded him.

Race and *antihaitianismo* are thus potent factors in Dominican politics. Many Dominican politicians, not least Balaguer, have used anti-Haitian feeling as a means

of distracting attention from other domestic issues or as a way of explaining away problems. The concept of invasion recurs frequently in Dominican political discourse, allowing political leaders and parties to play the role of defending 'true' national identity against alien influences. Racism was a particular feature in the career of José Francisco Peña Gómez, the black leader of one of the country's main political parties who died in 1998. Born of Haitian parents who were killed in the 1937 massacre and adopted by Dominicans, Peña Gómez rose to control the Partido Revolucionario Dominicano (PRD) and stood several times for the presidency. But a mixture of electoral fraud and racism defeated him, especially in 1994 when his opponents accused him of plotting to join the country with Haiti, of practising *vodou* and of being racially unsuitable to lead the country.<sup>79</sup>

The Dominican media and political class also view Haiti's perennial political turmoil and intractable economic problems with distaste. Balaguer's antipathy towards the radical former priest, Aristide, was well known, and the Dominican media tends to portray Haitian political and social life as anarchic and violent. It is frequently alleged that Haiti is a 'failed', 'dysfunctional' or 'narco-state'.

In essence, dominant Dominican identity is the negation of all that is Haitian. If to be Haitian is to be black, then many Dominicans wish to deny their own blackness. In a country where most people are, to some extent, African-descended (a recent demographic analysis states 16 per cent white, 11 per cent black, 73 per cent mixed),<sup>80</sup> blackness is widely viewed as a negative attribute. Colour consciousness, at the same time, is acute, and Dominicans employ a plethora of terms to describe subtle differences in pigmentation, such as *mulato oscuro* (dark mulatto), *trigueño* (wheat-coloured) or *indio oscuro* (dark Indian). Of these the last is perhaps the most characteristically Dominican, explaining an individual's dark skin not in terms of African antecedents but as a consequence of ancestors from the island's pre-Columbian indigenous population. For anyone in today's Dominican Republic to claim discernible Taino-Arawak genetic features is, to say the least, implausible, but it reveals the extent to which many dark-skinned Dominicans are keen to deny an African heritage that is too closely associated with Haiti and Haitians.

If, officially, racism is not meant to exist,<sup>81</sup> it is revealing that a disproportionate percentage of Dominicans in the higher echelons of politics, industry and the media are light-skinned. Conversely, black-skinned Dominicans, with the exception of sportsmen and women and musicians, tend to occupy the lowest social strata and do the lowest-paid menial jobs.

Dominican *antihaitianismo* reflects a racist worldview at odds with the ethnic reality of Dominican society. It perpetuates the idea that the Dominican Republic's cul-

tural roots are predominantly European, whereas its people are the product of a centuries-old mixing of European and African ancestry. However, not all Dominicans subscribe to the sort of racism expounded by Balaguer and others. Many Dominicans have tastes and beliefs that have more in common with their Haitian neighbours than with some distant model of Hispanic culture. Art, food, music and religion all testify more to a shared cultural background than to any intrinsic difference.

The case of Peña Gómez also points to a central paradox within Dominican society, for although he was vilified by political opponents as 'Haitian', he was also extremely popular among large numbers of voters, especially from lower-income groups, and would have won the 1994 election but for what deserves to be described as electoral fraud.<sup>82</sup>

## The Dominican perspective

Despite such cultural affinities, the Dominican Republic often views itself as a country under siege. The Dominican government argues that the country is not rich and that it cannot afford to offer a disproportionate level of economic and social support to its poorer neighbour. Dominican politicians have long called on the USA, the European Union (EU) and other multilateral organizations to provide aid not only to Haiti, but to the Dominican Republic, so that it can provide aid to Haitian migrants. One suggestion has been that the Dominican Republic be 'forgiven' some of its multilateral debt so that resources can instead be directed to development in the most deprived border area.

Many allegations are made in the media and by political figures against Haitian migrants. They are alleged to have a higher incidence of HIV/AIDS, malaria, polio and other diseases than Dominicans, and are supposed to pose a health risk to the wider population. Dominican government agencies have also accused Haitians of inflicting damage on the environment by cutting down trees for charcoal, of stealing crops and cattle in border districts, and of organizing begging by women and children in Dominican towns and tourist resorts.

In the period following the September 2001 terrorist attacks on the USA, the 'security' implications of the Haitian–Dominican border came under scrutiny, and in November 2002 it was announced that the Dominican military would receive weapons and training from the USA in a bid to stem 'the flow of drugs and illegal migration'.<sup>83</sup> Initial reports that thousands of US troops would patrol the border were later amended.

Most persistent is the charge that illegal Haitian migrants impose an intolerable burden on already overstretched health and education services. In April 2002, for

instance, the director of the largest public hospital in Santiago complained to *Listín Diario* that growing numbers of Haitian women were giving birth 'at the expense of Dominican taxpayers'. Public hospitals in areas with large Haitian populations, the article reported, are said to use 30 per cent of their budget to treat immigrants.<sup>84</sup> This issue became more serious as the Dominican government began a new social security programme in 2002, based on workplace contributions. Haitians' access to free health care will become more problematic, as the new legislation explicitly bars non-legal foreign residents from any benefits other than emergency care.

Above all, the Dominican authorities resent criticism from abroad that Haitians are badly treated. In June 2000, Danilo Díaz, head of the Department of Migration, claimed that, rather than condemning alleged labour abuses, NGOs should commend the Dominican Republic for allowing large numbers of Haitians to work there, for offering free health services to Haitian migrants, and for allowing informal commerce, such as markets, along the border.<sup>85</sup> Dominicans like to point out that they are a sovereign nation and are thus entitled to repatriate illegal migrants in much the same way as the USA repatriates Mexicans and others. Indeed, it might be argued that Dominican attitudes towards accepting undocumented migrants are more lenient.

The Dominican Republic's pragmatic response was exemplified in November 2002 when President Mejía publicly offered to receive and legalize residency for up to 250,000 Haitian migrant workers, claiming that jobs could be found in agriculture and construction. Stressing also that there were over a million Haitians in the country, the Dominican Ambassador to Canada, Eduardo Fernández, warned that 'the other 600,000 to 700,000 Haitians were a heavy social burden for the Dominican Republic'.<sup>86</sup> In other words, the Dominican government would welcome a significant low-wage labour presence in certain economic sectors, but would not welcome the social cost of a permanent community.

## Dominico-Haitians

Nowhere is the argument over nationality, identity and the social cost of migration more acute than in the case of the estimated 280,000 people born in the Dominican Republic of Haitian parents. The great majority of these people, according to the IACHR, live in a state of 'permanent illegality'.<sup>87</sup> Unlike other countries, the Dominican Republic grants neither citizenship nor even permanent resident status to people who have lived in the country for many years. Not only are they permanently illegal, but their children also face a situation of non-citizenship. Without proof of identity, they face reduced access to

education and health facilities, they can take no part in political or other organized activity, they have no civil rights, and, most significantly, can be repatriated arbitrarily and without appeal to a country they have never seen.

The Dominican Constitution recognizes, in principle, that in keeping with the legal principle of *jus soli* 'all persons born in the territory of the Dominican Republic' are Dominican citizens. But a loophole allows the authorities to deny the children of undocumented Haitians such citizenship, since they are judged to be 'in transit'. This exclusion, normally applicable only to diplomats or tourists, is cynically extended to undocumented Haitians despite the fact that many parents may have been in the country for years rather than the 10 days specified elsewhere in the Constitution as a reasonable period to be in transit. If Haitians are considered to be in transit, it follows, that their Dominican-born children are not entitled to Dominican citizenship.

Ethnic Haitian children born in the Dominican Republic are routinely denied Dominican birth certificates in hospitals, especially if their parents are undocumented. Other ways of acquiring relevant documents are mired in bureaucracy and involve expense beyond the means of most migrants. Above all, in order for a child to be granted citizenship, both parents must normally prove their own citizenship by showing *cédulas* (identity cards) to the authorities, normally the Central Electoral Board (JCE), the body that supervises electoral lists. Late birth registration becomes even more complex and costly, and most attempts to obtain registration end in failure, according to MUDHA.<sup>88</sup> Further, the HRW report *Illegal People* concludes that 'given the difficulty of obtaining Dominican identity papers, it is not surprising that many Dominicans of Haitian descent remain undocumented'.

Some Dominicans point out that children born of Haitian parents in the Dominican Republic are not stateless, as their parents' Haitian nationality gives them automatic Haitian citizenship under the Haitian Constitution. Yet such citizenship is of little use to children entering schools in the Dominican Republic, where they are still judged to be illegal migrants. Even undocumented children can, in principle, gain access to free education at Dominican primary schools. But until recently (2001), they have been unable to enrol in secondary schools, lacking the necessary certificate for which a *cédula* is required.

According to MUDHA, being an undocumented Dominico-Haitian carries distinct risks and prevents the most ordinary of transactions. People without documents are more likely to be arrested and held for often trivial offences, while the judicial system discriminates against undocumented individuals. According to the Dominican Vice President and Education Minister Milagros Ortíz Bosch:

*'Dominican laws already guarantee the right to an education to all children. But if you want to get a job, open a bank account, travel, vote, simply be a citizen, you need a birth certificate.'*<sup>89</sup>

Yet the greatest threat for an undocumented Dominico-Haitian is summary deportation, without right of appeal, to a country that the deportee has never seen before and where economic opportunities are virtually non-existent.

The Dominican government's view is that children born to Haitian parents, who are technically 'in transit', are Haitians and have no automatic right to Dominican citizenship. It also fears that a relaxing of the existing constitutional procedure would result in a huge increase in Haitian migration. The granting of citizenship to large numbers of Dominico-Haitians, it is said, would also create an unpredictable change in the electorate and voting patterns. The official response is therefore that those who are undocumented should seek appropriate documentation from their own government. This means that even those with proof of Haitian citizenship would still remain 'illegal' as regards long-term residency in the Dominican Republic. Under the terms of the December 1999 protocol of understanding with the Dominican government, the Haitian government agreed to provide its citizens with Haitian identity documents, but progress in supplying such documents has been slow.<sup>90</sup> Indeed, it has been suggested that the Haitian government is unwilling to supply proof of Haitian citizenship to those born in the Dominican Republic as it would increase the burden on the Haitian state if these people were then deported. To a large degree, then, the issue of nationality marks a conflict of interest between the Haitian and Dominican governments over who bears the social cost of a large number of effectively stateless people.

## Grounds for hope?

Despite the precarious existence endured by Haitian migrants and Dominico-Haitians, there are some indications that recent reforms and concessions from the Dominican government may indicate a movement towards resolving issues of nationality and legal status. In July 2001, the Ministry of Education announced that schools would no longer require children to show birth certificates in order to enrol in secondary schools. This ruling followed the well-publicized case of Claubian Jean Jacques, a son of undocumented Haitian parents, who scored the best results nationally in 1998 in eighth-grade

examinations. He was able to go to secondary school but was warned that he might be unable to collect his secondary school diploma for want of a Dominican birth certificate. After considerable controversy, President Mejía ordered the JCE to grant Claubian Dominican citizenship in April 2002. While nationalist political commentators warned that this set a dangerous precedent, Sonia Pierre of MUDHA pointed out that there are many other such cases that do not reach the headlines.

Significant, too, was the August 2000 provisional ruling of the Inter-American Court on Human Rights that determined that the Dominican authorities had acted illegally in expelling one Haitian and six Dominico-Haitians during the mass expulsions of 1999. Although the ruling was only provisional and did not cover all such cases, the decision was greeted as a victory by MUDHA and other human rights organizations, and as an infringement of national sovereignty by the Dominican government. Although the authorities refused at first to abide with the ruling and allow those deported back into the country, the government agreed to form a Comité de Impulso (supervisory committee) to resolve outstanding issues relating to the 2000 court ruling and to monitor future government practice on migration matters. The announcement that the committee would include representatives of NGOs and human rights groups caused considerable controversy, and revealed the extent to which Dominican concessions to international opinion, however small, can stir up nationalist sentiment.<sup>91</sup> MUDHA's achievements were underlined in February 2003 by the news that Sonia Pierre had been awarded an Amnesty International human rights prize.

These (small) successes must be measured against the ongoing deportation of 'illegal' migrants, including Dominico-Haitians, as well as the marginalization faced by those of Haitian descent, irrespective of their place of birth. The logic of the Dominican position seems to be that while a temporary, unsettled inflow of Haitian labour is economically desirable, the presence of a permanent and settled population of Haitian descent is socially undesirable. Deportations directed against long-stay Haitian communities and individuals do little to disprove the theory voiced by a Haitian official that Dominican migration policy:

*'... aimed to prevent Haitians from becoming "too permanent" and that those who had lived in the country for more than five years were more likely to be targeted for expulsion.'*<sup>92</sup>



# The wider Haitian diaspora

The Haitian population in the Dominican Republic is the largest component of Haiti's Caribbean diaspora, but Haitians have also migrated in significant numbers to several other Caribbean destinations. As with the Dominican Republic, the nature of undocumented migration makes precise statistics problematic, but it is thought that there are around 40,000–50,000 Haitians or Haitian-descended people in the Bahamas; 30,000–40,000 in Guyane; 15,000 in Guadeloupe, 15,000 in St Martin; 10,000 in the TCI and 5,000 in Martinique. A further 1,000 are thought to live in Jamaica; 1,000 in Venezuela and 500 in Cuba.<sup>93</sup> None of these migrant populations has attracted the level of international attention of those in the Dominican Republic, but each faces discrimination, marginalization and legal status problems.

## The Bahamas

Stories of capsized boats and coastguard interceptions are regular fare in the Caribbean media, as hundreds, if not thousands, of Haitians attempt to reach the Bahamas each year, mostly in small boats. *Migration News* reported in January 2002 that the Royal Bahamas Defence Force had been apprehending some 1,000 Haitians per month, while many more were believed to have arrived safely in one of the 700 islands and cays that make up the Bahamian archipelago.<sup>94</sup> A significant number of migrants never arrive; in early 1999, for instance, it was reported that Bahamian coastguards had intercepted 47 Haitian 'boat people' and were about to deport them, while the previous month police had recovered 14 bodies after a boat sank (the survivors were deported).<sup>95</sup>

It is difficult and dangerous for Haitians to reach the Bahamas and the threat of interception or deportation is real, but this does not prevent many undertaking the journey in the hope of moving to the USA (illegal entry into Florida from the Bahamas is an expensive, but relatively easy, procedure). Others arrive in the Bahamas by accident, intending to reach the USA direct, or are misled by unscrupulous captains that they are in Florida. But many Haitians aim solely for the Bahamas, attracted by the prospect of work, family connections and an opportunity to escape Haiti's grinding poverty. The southernmost Bahamian island of Inagua is some 400 miles from northern Haiti, the journey can take a week.

Haitian migration to the Bahamas can be traced back to the 1950s, and in 1963 the Bahamian authorities

deported 2,899 undocumented migrants. Political and economic refugees from the Duvalier dictatorship swelled the numbers to 20,000 by the end of the 1960s. This exodus continued throughout the 1980s and 1990s, particularly as economic conditions worsened in the north-west of Haiti, an area of extreme poverty and environmental degradation from which most migrants are thought to originate.<sup>96</sup>

Haitian migration reached crisis point in the early 1990s as political repression in Haiti, following the *coup* against Aristide, fuelled a massive exodus of 'boat people', many of whom landed in the Bahamas. A US human rights delegation visited the Bahamas in April 1994 and alleged many human rights violations, including forced repatriation, raids and widespread anti-Haitian discrimination.<sup>97</sup> It claimed that both recent arrivals and long-term residents were vulnerable to summary deportation, poor prison conditions and cursory dismissal of political asylum claims. In the aftermath of Aristide's return to power in Haiti, diplomatic relations were normalized and the Haitian and Bahamian governments reached an agreement in 1995 whereby long-term residents would be allowed to stay but recent asylum-seekers would be repatriated. Under this agreement, 800 Haitians were to be repatriated each month for a year, with the Bahamian government paying their fares, but many fewer than this figure volunteered to be returned. An earlier agreement, signed in 1985, returned some 2,000 Haitians.<sup>98</sup>

Although the 1995 agreement expired at the end of that year, the Bahamian government continues to repatriate illegal Haitian migrants under its terms. In 2001, 6,253 Haitians were repatriated, most within 48 hours of apprehension.<sup>99</sup> The US State Department claims that 'leaders of the Haitian community approve of the Government's approach to the repatriation of illegal migrants',<sup>100</sup> but Amnesty International has expressed concern about asylum application procedures and wrote to the Bahamian Prime Minister in February 2002, asking that all applicants receive a fair hearing. Essentially, the Bahamian government regards all Haitian arrivals as economic rather than political migrants and deals with them as such. It claims that no asylum applications were received in 2001, but as the US Committee for Refugees points out: 'the lack of applications may indicate that Haitians do not have sufficient access to the Bahamas' refugee status determination procedures'.<sup>101</sup>

Census figures do not include estimates of the Haitian population, but estimates vary from the Grand Bahama Human Rights Committee's figure of 40,000–75,000 (based on the common belief that Haitians comprise about 25 per cent of the Bahamas' 300,000 population). Of these, according to the Bahamian Ministry of Migration, 5,000 are legally registered migrant workers, with 13,000 dependent family members.<sup>102</sup> This suggests that 20,000–50,000 Haitians living in the Bahamas are undocumented. The main Haitian communities are to be found on the most populated and developed islands of the Bahamas: Abaco, Eleuthera, Grand Bahama and New Providence. These communities remain largely separate from mainstream Bahamian society, and 'Haitians tend to live in low-cost housing areas and shantytowns that are detached from the main city and which are in obscured locations'.<sup>103</sup>

Most Haitian migrants take low-paid and menial employment in agriculture, domestic service and informal-sector trading. The Bahamian economy, based largely on tourism and offshore financial services, has grown since independence in 1973, with GDP per head in 2000 estimated at US \$16,131 by the International Monetary Fund (IMF). Although migrant workers' wages are low (c. US \$2 an hour), they are significantly higher than in Haiti and allow many migrants to send money home regularly. Due to the nature of most of the work done by undocumented Haitians, job security and other employment rights are virtually non-existent. Those who acquire a work permit are forced to do so through their employer, who then has considerable leverage over the worker in question. Permits can be expensive, depending on the category of work undertaken, and national insurance must be paid, even if Haitians are not granted citizenship. Reporting in 1994, the Project DIANA human rights delegation concluded:

*'The work permit benefits the Bahamas by creating a subject people who will work the least desirable jobs at substandard pay. The differential in pay between Haitians and Bahamians is great enough that even many low-income Bahamians can afford to hire a Haitian servant. The government draws revenue from the permits, from the consumption taxes paid by all Haitians, and from the premiums for insurance upon which Haitians will draw only if they remain in the Bahamas and are awarded citizenship.'*<sup>104</sup>

The attitude of the Bahamian authorities, as well as public opinion, is ambivalent towards Haitian labour. The Ministry of Migration tends to distinguish between 'legal' and 'illegal' migrants, praising the former for their contribution to the economy and disparaging the latter as a burden on the economy. Problems arise when second-

generation Haitian-descendants seek work in areas not normally reserved for Haitian labour and compete with Bahamian nationals for more prestigious, better-paid and more secure employment. *The Abaconian*, an Abaco newspaper, lamented in late 2000 that:

*'The first generation of immigrants take menial jobs, gardening, wheel-barrow jobs, maid work, and the like. For the most part, the next generation is not satisfied with this work. They have not lived in Haiti and are not familiar with the poverty their parents talk about. They have been to school and are familiar with higher standards of living.'*<sup>105</sup>

Discrimination and anti-Haitian feeling take many forms in the Bahamas. Newspaper editorials talk of an 'invasion' and blame Haitian migrants for everything from unemployment to unsanitary conditions in and around shanty towns. According to a 1998 report on Caribbean migration: 'It is also claimed that their community is rife with illiteracy, the production of illegal bush alcohol, prostitution, gambling and drug running by juveniles.'<sup>106</sup> The main charge, however, is contradictory: that on the one hand the children of Haitian migrants make disproportionate use of educational facilities, but, on the other, that they remain culturally and linguistically separate: 'Do we want a substantial foreign group in our midst who do not speak our language and who are not integrating into Bahamian society?'<sup>107</sup> Haitians are hence guilty of oversubscribing to educational facilities but of remaining unassimilated. According to Ria Treco, assimilation does take place:

*'Years ago it was very easy to single out Haitians based on dress and accent, now the second and third generation Haitians dress and speak the way Bahamians do and so it is very difficult to determine ethnicity.'*<sup>108</sup>

Treco also points out that many Haitians are extremely education-conscious and that social mobility is a possibility, despite prejudice.

The main issue for many Haitian migrants is to obtain Bahamian citizenship and thus avoid the risk of deportation. This can be obtained by marriage to a Bahamian national or by applying at the age of 18, if born in Bahamian territory. In practice, this means that many children born in the Bahamas to Haitian parents are effectively stateless until they are 18. Even then, the applicant has only a year to complete the formalities, there are allegations of deliberate delays and the rules are not widely known.<sup>109</sup>

Those Haitians who succeed in obtaining citizenship or who obtain a work permit can undoubtedly look forward to better economic prospects than those they left at

home. They are among the more fortunate minority, for as the US State Department points out, 'reports of ethnic violence or blatant discrimination against legally resident Haitians are scarce'.<sup>110</sup> The discrimination they face is perhaps less than blatant, but that is preferable to the cursory deportations faced by those deemed to be 'illegal'.

## Turks & Caicos Islands

The Turks & Caicos Islands (TCI), a small British dependency of 40 low-lying islets and cays at the southern tip of the Bahamas, have also had a significant Haitian migrant population for many years. Like the Bahamas, the TCI have also been used as a stepping stone towards entry into the USA and receive many undocumented migrants who arrive by mistake or by design via unscrupulous people-smugglers. Again, numbers are imprecise, but the UK government estimated in 1994 that there were 8,000 Haitians resident of whom 1,500 had work permits. That year marked the height of a crisis in migration, as in the Bahamas, and in 1996 the TCI authorities reached an agreement with the Haitian government to undertake a phased repatriation of 3,000 out of an estimated 10,000 Haitians in the territory, agreeing also to grant 1,000 Haitians legal residence status.<sup>111</sup>

Today there are some 6,000 Haitians with work permits (approximately 30 per cent of the TCI's overall population). They live mostly on the island of Providenciales, where the tourism sector is strongest and where low-wage jobs in construction and domestic service are available. The Haitian communities generally inhabit shanty towns and other poor-quality housing.<sup>112</sup> Even more marginalized, however, are those who manage to elude the coastguard patrol and land on one of the islands. According to Dennis Brown, significant numbers of illegal migrants live 'in the bush', subsisting on the most irregular forms of labour or begging.<sup>113</sup>

Considerable numbers of Haitians are apprehended and deported, their numbers reaching 2,038 in 2001. Some 80 per cent are male. Those who remain may obtain a work permit, which normally entitles them to reside legally for five years. However, as the TCI authorities point out:

*'As a matter of general policy, a person who has worked under a work permit for one employer will not be permitted to work for a different employer. This means that when his employment ends, the employee must be ready to leave TCI within a week or so.'*<sup>114</sup>

There has recently been discussion as to whether to reduce the time allotted to permit holders to three years for unskilled labourers. Work permits are normally obtained by employers upon proof that no locally born,

suitably qualified worker is available. The employee must pay the annual fee, c. US \$100 upwards, and must also pay national insurance contributions. Work permit applicants are obliged to take a blood test, and as many Haitians fear that they may be HIV-positive and would be deported on the basis of such a result, they prefer not to apply for permits and remain illegal workers.

The TCI have a tiny population and an insular sense of identity, with a distinction made between 'belongers' (the official term for citizens) and 'non-belongers'. The TCI view Haitians as 'non-belongers' as well as a numerical threat to national identity. In local newspapers, Haitians are accused of being associated with drug smuggling and violent crime, of causing road accidents, of using illegal fishing methods and of causing environmental damage by chopping down trees for charcoal. As in the Bahamas, there is resentment against the Haitians' use of Creole, their perceived unwillingness to assimilate, and the burden supposedly placed on the territory's health and educational facilities.

It is difficult for Haitians to become 'belongers'. There is little evidence of inter-marriage between migrants and the host population,<sup>115</sup> and the work permit system is designed to discourage permanent settlement. Naturalization or long-stay residence is reserved to those who can prove 'financial stability'. As 'non-belongers' Haitians thus occupy a precarious and marginalized position. In July 2002, for instance, there was controversy when the undocumented children of illegal migrants were allegedly threatened with deportation to Haiti, despite having been born in the TCI.<sup>116</sup>

## The French overseas departments

As integral parts of the French Republic and hence the EU, the three French *départements d'outre-mer* (DOMs) of French Guiana (Guyane), Guadeloupe and Martinique enjoy an above-average regional level of prosperity, due mostly to subsidies from Paris. Salaries are high, and this has created a large informal sector in which Haitians and other migrant workers are active. There are thought to be some 38,000 Haitian migrants in the mainland enclave of Guyane, of whom only 8,000, according to the regional authorities, are documented. There are an estimated 15,000 in Guadeloupe; 15,000 in St Martin (under Guadeloupe's departmental administration) and 5,000 in Martinique. Although figures are imprecise, it seems that most are undocumented migrants. In contrast to the wealth of information available on Haitian migrants in the Dominican Republic, there is little recorded information on Haitians within the DOMs, possibly as a result of limited NGO interest in the issue.

The economic conditions in these territories (collectively known as the French Antilles) differ markedly from the rest of the Caribbean: there is a vast disparity between the DOMs' GDP per head of over US \$10,000 and Haiti's \$500.<sup>117</sup> There are other attractions both cultural and linguistic; the French Caribbean territories have much in common with Haiti, despite Haiti's early independence from France, not least that their people speak Creole (in many senses similar to Haiti's) as well as French. As a result, Haitian migrants feel and sound much less 'foreign' than they do in the Dominican Republic or the Bahamas.

In Martinique and Guadeloupe, where tourism and government services account for most of the GDP, Haitians are employed as domestic servants and gardeners, and in construction and small-scale commerce. This work is largely undocumented, leaving them vulnerable to a range of abuses. In Guadeloupe, where the banana industry is important, Haitians provide cheap plantation labour. In Guyane, Haitians are employed in the vast mining and logging industry, often in dangerous conditions. Here they are competing with other migrants from Brazil and Suriname.<sup>118</sup> St Martin, which shares an island with the Dutch-controlled territory of St Maarten, has undergone a tourism and construction boom since the early 1990s, offering plentiful informal-sector work.

Official French policy is to intercept and deport illegal migrants. There are regular instances of boatloads of Haitians and others being arrested and deported by coast-guard and migration officials. In Guyane, where the land border with Suriname and Brazil is vast and impossible to protect, migrants find it easier to enter French territory in search of work. But Haitians must first make the journey from their own country to Suriname, a costly enterprise in itself. However, during the 1994 crisis in migration, the Surinamese government agreed, with US assistance, to host a 'safe haven' for Haitian refugees, thus increasing the flow of migrants across the border.

Illegal migrants in the DOMs are liable to summary deportation. According to AFP (Agence France Presse),

about 1,000 undocumented migrants, mostly from Haiti and neighbouring Dominica, are deported from Guadeloupe each year.<sup>119</sup> The French Senate reported in 2002 that 7,171 expulsions had taken place in Guyane during 2000. Yet according to GISTI, an NGO that works with Haitian migrants, many more are expelled 'voluntarily' when migration officials confiscate their passports and force them to buy an air ticket to Haiti before returning their documents.<sup>120</sup>

It is almost impossible for undocumented migrants to obtain French nationality or even a one-year '*carte de résident*', which involves a lengthy bureaucratic process including an application from the prospective employer. As a result, those undocumented migrants who reach a French territory tend to join a clandestine community. They are unable to access social services and are vulnerable to raids from migration officers. According to GISTI, even the children of documented migrants in Guyane were placed on 'waiting lists' for access to schools, while migration officers questioned children about their parents' whereabouts and legal status.<sup>121</sup>

Anti-Haitian feeling is not frequently expressed in the DOMs, but, as elsewhere, Haitians are sometimes blamed for lowering wages, worsening unemployment and behaving in an anti-social manner. Politicians, both from metropolitan France and locally, occasionally seek to make electoral capital out of the 'Haitian problem'. In 1994 presidential candidate Jacques Chirac pledged to step up the expulsion of illegal Haitian migrants from Guyane. More recently, in early 2002, an independent television presenter and local councillor, Ibo Simon, caused controversy in Guadeloupe with his racist attacks on the Haitian population, describing migrants as 'vermin' and 'dogs'.<sup>122</sup> After Simon was sentenced to six months jail, his supporters rioted in the Guadeloupean capital, Pointe-à-Pitre, allegedly attacking Haitians and their property. Also targeted were migrants from Dominica. Large demonstrations, in Guadeloupe and Martinique, showed strong opposition to the activities of Simon and his organization, which was linked to Jean-Marie Le Pen's Front National.

# Dominicans in Puerto Rico

Just as many Haitians, despite the treatment they receive there, are desperate to reach the Dominican Republic, so significant numbers of Dominicans are desperate to leave their own country. Although the Dominican Republic is richer than Haiti, it is still a poor country in which, according to the World Bank, 26 per cent of the population in 1998 lived on less than US \$2 a day. With GDP per head estimated by the Inter-American Development Bank at \$2,405 in 2001, the Dominican Republic also has a highly unequal structure of income; even those in full-time employment earn only between \$120 and \$300 monthly, while the national poverty level, the basic income needed by a family of five, is estimated at \$402.<sup>123</sup> Many subsist in poor rural communities, in precarious informal-economy jobs in the cities, or are among the 16 per cent of the workforce that is officially unemployed. A 2002 United Nations Food and Agriculture Organization report<sup>124</sup> concluded that 26 per cent of the Dominican population suffers from malnutrition and that the country faces 'nutritional risk'. Poverty is therefore a major factor in Dominican migration, as are the lack of access to education and health provision, and other forms of social exclusion. The other key motive in Dominican migration is the self-sustaining role of social networks, particularly family reunification.

As discussed, the Dominican Republic has enjoyed above-average levels of economic growth since the 1990s, with the economy shifting towards export-oriented manufacturing and tourism. Praised by the World Bank and other financial institutions as a model of high growth and low inflation, the country has undergone profound economic changes, attracting significant levels of foreign investment into its Free Trade Zone (FTZ) manufacturing enclaves and privatized state companies. But these trends seem to have done little to stem emigration. Migration remained constant throughout the 1980s, peaking in the mid-1990s and falling only slightly in the new millennium.

Most Dominicans aim for the USA. The US Immigration and Naturalization Service estimated that 810,000 Dominicans had emigrated legally to the USA between 1990 and 2001, while approximately 200,000 short-stay Dominicans (i.e. those without a green card or residency) are admitted annually. The 2000 US Census recorded 765,000 Dominican-born residents in the USA, of whom 407,000 lived in New York City. Most of these documented migrants arrived from the 1980s onwards, spurred for the most part by the economic crisis in the Dominican

Republic during that decade. Previously migration had been restricted under Trujillo's dictatorship (1930–61), but was then encouraged by the US family unification system which permitted migrants to join family members in the USA. Tougher immigration laws since 1996 are thought to have slowed legal migration.

What is less clear, however, is the extent of undocumented Dominican migration. Overall estimates of the Dominican population in the USA range from 1 to 1.5 million, while the Migration Policy Institute believes that there are 100,000–300,000 undocumented Dominicans.

There are other destinations for migrating Dominicans. Spain and the Netherlands have substantial migrant populations, with an estimated 40,000 Dominicans in Spain, of whom 14,000 are reportedly unauthorized. These communities, like the 5,000 believed to live in Argentina, are largely comprised of women, and there have been persistent allegations of illicit trafficking in connection with the sex industry in receiving countries.<sup>125</sup>

Demand for legal access into the USA far exceeds supply, and undocumented migration is the only option for many Dominicans. This takes several forms, including the recently publicized phenomenon of stowaways on container vessels and even one individual who hid – and died – in the landing compartment of an aeroplane.

But by far the most common means of getting to the USA is via Puerto Rico, separated from the Dominican Republic by the 70-mile Mona Passage. Puerto Rico is a commonwealth or 'free associated state' in association with the USA, whose citizens are citizens of the USA, and may freely enter and leave that country. This means that, for many Dominican migrants, Puerto Rico acts as a stepping-stone to the USA, either through legal means via naturalization as US citizens, or by illegal strategies such as false identities. As Puerto Rico is itself a major source of migrants to the mainland USA, the regularity of domestic flights and the absence of passport controls make illicit entry easier than from the Dominican Republic. Puerto Rico thus presents the apparent paradox of a growing immigrant population – one of the fastest-growing in the Caribbean – as well as sustained emigration to the USA. In the words of Samuel Martínez, the island is 'the scene of multiple, cross-cutting, back-and-forth geographical displacements of people of different national origins'.<sup>126</sup>

Some Dominican migrants to Puerto Rico are documented, with 115,000 admitted since the 1960s. According to the Dominican consul in San Juan, there

were approximately 100,000 Dominicans living legally in Puerto Rico in 2002 (although this figure is believed to be lower by some experts). Children born to Dominican migrants, legal or not, are also automatically entitled to US citizenship by virtue of being born in Puerto Rico.

## Across the Mona Passage

Other Dominicans, however, make their way across the Mona Passage on *yolas*, or small wooden boats, hoping to avoid interception by the US border patrol or coast guard, and reach the comparative safety of Puerto Rico. Accidents and drownings are commonplace and are frequently reported in the local media. One estimate suggests that only 40 per cent of those setting out actually arrive, but this is difficult to confirm.<sup>127</sup> It costs between US \$600 and \$1,000 for a place in a *yola*, paid to the boat's owner or a *buscón*. These form parts of a well-organized criminal network that trades not only in Dominicans, but in migrants from Cuba and China, as well as drugs. This network operates between the Dominican Republic and Puerto Rico, but also to the US Virgin Islands, from where access to the USA is also easier. While the Dominican authorities claim some success in a collaborative venture between the US border patrol and the Dominican navy to detect and confiscate *yolas* in the Dominican Republic, it has been alleged that the Dominican military are unable or unwilling to stop illicit migration. In 2002 it was reported that a new 'VIP' service was available to wealthier would-be migrants, in which power-boats set off from Puerto Rico, collect passengers from Dominican ports, and deliver them to the 'Island of Enchantment'.<sup>128</sup>

Estimates of the numbers of undocumented Dominicans in Puerto Rico vary. The border patrol claims only to apprehend some 10 per cent of illegal migrants, while in 1996 the Immigration and Naturalization Service put the number of undocumented immigrants, mostly Dominicans, at 34,000. The *Puerto Rico Herald* reported in July 2002 that 'although hard data does not exist, officials estimate that about 10,000 immigrants enter annually, and more than half stay.' The paper also claims that 250,000 of Puerto Rico's population of 4 million are Dominican-born.<sup>129</sup> Subtracting the 'legal' population and those *en route* to the USA, it is possible that a permanent or long-stay and undocumented Dominican population of 75,000–100,000 lives in Puerto Rico.<sup>130</sup>

Dominican migration reached a peak in the mid-1990s. Rumours of an amnesty for undocumented migrants apparently caused another larger exodus in 2000, while a change of government that same year, leading to the firing of tens of thousands of civil servants by the incoming administration, was cited by the US Coast

Guard Office of Law Enforcement as the reason for a rise in migrant movement.<sup>131</sup>

Undocumented migration – or at least its detection – appeared to fall after 2001. The coastguard figures for expulsions of illegal immigrants were 659 between October 2001 and March 2002, compared with 2,158 between October 2000 and March 2001. These figures compare with a total of 14,900 deportations in 1990 at the height of the migratory movement.

There is disagreement as to whether most Dominican migrants in Puerto Rico are of rural or urban origin, and how they can be defined in class and educational terms. What is certain, however, is that those Dominicans who remain illegally in Puerto Rico are highly disadvantaged in terms of employment, access to services and social status.

Because unemployment is high in Puerto Rico (officially 12.5 per cent in 2000) and the US statutory minimum wage applies, formal-sector work is largely unavailable to those without proper documentation. This means that most of the jobs taken by undocumented Dominican migrants are either temporary or low-paid, and in the informal sector. Puerto Rico has a relatively small agricultural sector, but undocumented labour is to be found in the coffee industry (mirroring undocumented Haitian labour in the Dominican coffee sector), as well as informal sector jobs in commerce, construction, domestic service, restaurants and small workshops. According to Luisa Hernández Angueira, men with some experience in trades such as masonry can find occasional jobs (*chivos*), which sometimes lead on to more regular work.<sup>132</sup> Others do one or more informal-sector jobs, usually paid below the minimum wage. Jorge Duany, an expert on the Dominican diaspora in Puerto Rico, concludes:

*'The majority of Dominican immigrants have come to fill a void created by relative labor scarcity in certain niches of Puerto Rico's economy such as domestic service, the construction industry, and coffee agriculture ... In sum, most Dominicans have incorporated into Puerto Rico's secondary labor market, characterized by low wages, occupational status, and education levels, as well as poor working conditions, few fringe benefits, and limited opportunities for upward mobility.'*<sup>133</sup>

Many undocumented Dominican migrants in Puerto Rico are women. According to a cross-section of interviews, these women tend to be young, with secondary-level education and are of urban origin. Domestic service is their main source of employment. 'This type of work', writes Hernández Angueira, 'is not attractive to Puerto Rican women because it has low status and poor prestige, low wages, is temporary, and offers poor working conditions.'<sup>134</sup> Many women arrive in Puerto Rico on their

own; those who come with male partners frequently separate from them once they have found work. Most undocumented Dominican women in Puerto Rico define themselves as 'heads of household', and send regular payments to dependents in the Dominican Republic. In many cases, those with children leave them in the care of relatives in the Dominican Republic, hoping to rejoin them either in the USA or upon returning to the Dominican Republic with savings.

Dominican migration, legal and illegal, is now so well established that there are particular areas in Puerto Rico where Dominicans tend to live and seek work. These are in and around the greater San Juan area, particularly in poorer inner-city neighbourhoods such as Barrio Obrero and Barrio Gandul in Santurce. Here social conditions are markedly worse than elsewhere in the capital, with low-rent, dilapidated tenements and poor educational and health provision. Undocumented migrants are, in any case, unable to access such services and are constantly threatened by the prospect of detection and deportation. In recent years, raids on established Dominican communities seem to have diminished, but undocumented migrants face the risk of deportation in any encounter with the police or other officials.

Dominican migration to Puerto Rico is different from Haitian migration to the Dominican Republic in several key respects. Dominican migrants are statistically as likely to be women as men and are generally better educated; they tend to congregate in urban areas, they face fewer linguistic barriers, they are not the victims of coercive labour practices, nor are they vulnerable to sudden mass deportations or human rights abuses.

Yet what they have in common is the experience of being second-class citizens, of living clandestine and marginal lives, of being outside the mainstream of social and economic life. If Dominicans speak a similar Spanish to Puerto Ricans and tend to enjoy the same sort of food, music and culture, there are nevertheless differences that emerge in the form of negative stereotypes and preju-

dices. According to Duany, Puerto Rican public opinion is broadly anti-Dominican because migrants are undocumented, 'are black or mulatto in physical appearance', are mostly working-class or of rural origin, and are mostly women. 'Hence, Dominicans in Puerto Rico represent a disadvantaged minority in legal, racial, economic, and gender terms.'<sup>135</sup>

Despite evidence that Dominicans do work that Puerto Ricans reject, critics of undocumented migration allege that Dominicans are responsible for rising unemployment, that they lie behind social problems and that they are a drain on social resources. Stereotypes emphasize colour and class differences:

*'Some Puerto Ricans openly call Dominicans dirty, loud, greasy, pigs, and other insulting epithets. An ever-expanding repertoire of ethnic jokes and folk stories perpetuates the myth of the dumb, ignorant country bumpkin from the Cibao [a rural district of the Dominican Republic]. Local complaints of Dominican immigrants range from their playing music loud at night and throwing garbage in the streets to dominating the drug trafficking and prostitution businesses.'*<sup>136</sup>

Ironically, the Puerto Rican stereotype of Dominicans recalls that of Haitians in the Dominican Republic, as well as that of Puerto Ricans in the USA. Dominican migrants face the same sort of racist categorization and prejudice that their own society imposes upon Haitians. Although many Dominicans apply their own complex system of ethnic classification to themselves, defining themselves as *mulato oscuro*, *trigueño* or *indio oscuro*, in Puerto Rico, where a US-influenced black/white dichotomy is more common, they are simply black. Again, colour and economic status are intimately interlinked. They join black Puerto Ricans as victims of racist generalizations about crime, drugs and other anti-social behaviour.<sup>137</sup>

# Conclusion

As long as large economic and social disparities exist between territories, intra-Caribbean migration, both legal and undocumented, will continue. Migration has been a feature of the region for at least two centuries and forms part of its culture as well as its limited structure of social mobility. While migration flows vary in intensity, determined to some extent by political and economic factors, the overall trend is steady. According to Anthony Maingot, an authority on Caribbean migration, ‘the direction of the flow might shift occasionally, and the magnitude might also vary, but [migration] pressures are constant.’<sup>138</sup>

These pressures are, to some extent, ‘push’ factors: poverty, social exclusion, environmental crisis, political instability. But ‘pull’ factors also lie behind much undocumented migration, such as family networks and the willingness of employers in receiving countries to provide work for undocumented migrants. Ranging from middle-class households to large-scale construction or agricultural concerns, these employers are keen to take advantage of low wages, lack of security and a preparedness to do work that nationals would often refuse to do. Undocumented migrants are on one level, welcome – so long as they restrict themselves to the low-wage, menial occupations in which cheap labour is always needed.

They become unwelcome when they are perceived to compete with local workers for better-paid jobs, or when they are seen less as an economic asset and more as an economic liability. This occurs when established migrants, together with their dependents, make demands on education, health or housing services. To the receiving country, and to both employer and government, the ‘ideal’ migrant worker is thus unattached, temporary and content to remain in a low-wage job.

Yet few migrant workers conform to these characteristics; most form family relations or are reunited with relatives, aspire to a settled life and to a better standard of living. Few are inclined to remain in a permanent state of temporariness. As a recent analysis of migration points out:

*‘The iron law of labour immigration asserts that there is nothing more permanent than temporary workers – documented or undocumented ... Migrants are aware that if one cannot get into the front door legally, then entry through the side door or even the back door has the same outcome – permanent stay in the receiving country.’*<sup>139</sup>

Permanent stay, however, is constantly threatened, by the prospect of deportation, by the spectre of xenophobia, and by the daily reality of discrimination and hardship.

Regulated migration can, to some extent, break the cycle of exploitation. If migrants receive official work permits and guaranteed rights of residence, even if temporary, they are less vulnerable to summary expulsions and other forms of abuse. Such regulated movements would also reduce the power of traffickers, smugglers and corrupt authorities. It would, additionally, discourage undocumented migration by offering a safer alternative.

Yet governments seem unwilling to commit themselves to expanding regulated migration, doubtless fearing that this would lead to a growing social burden. The small proportion of regulated migrants who move across the Caribbean are still outweighed by their unregulated counterparts. This situation clearly works to the advantage of employers, guaranteed a reservoir of cheap labour, but to the disadvantage of migrant workers. Nor does it work to the advantage of receiving governments, who are not only faced with the expense of policing borders and arranging deportations, but are also denied revenue from taxes and national insurance payments. Undocumented migrants also tend to remit a large percentage of their earnings to their family rather than investing this money in the local economy. The interests of employers and governments are frequently at odds. While employers benefit from undocumented migration, governments are faced with the economic and political implications of uncontrolled demographic change.

Regulating migration is only a partial solution, for unregulated migration will continue, irrespective of enlarged legal opportunities. Regulated migration, in any case, tends to exclude the poorest and least educated, who are most inclined, if circumstances allow it, to migrate. Ultimately, only a substantial improvement in the economic and social fabric of sending countries can reduce undocumented migration, although large-scale migration would be unlikely to be affected in the short- or even medium-term. For Haiti, the biggest exporter of migrants in the region, this is a formidable task that will take many years. The rural economy will have to be rebuilt, in the face of environmental disaster and collapsing commodity prices, for there to be any slowing of



the rural exodus. Only a concerted and sustainable programme of aid, together with improved terms of trade for agricultural exports, can begin to reverse the process of rural depopulation.

Yet even increased levels of economic growth cannot guarantee to slow migration, as the cases of the Dominican Republic and Puerto Rico, where massive migration coincided with long periods of growth, have shown. Here, a fairer distribution of income and other resources in societies where social disparities are all too evident is of greater importance.

In the meantime, governments and local NGOs must ensure that migrant communities around the Caribbean, from the Bahamas to Guyane, are protected from arbitrary expulsions and economic exploitation. International attention has been drawn to abuses committed in the Dominican Republic in recent years, but the situation in other Caribbean territories has been less documented. It is hoped that this report may lead to an understanding of the scope of the migrant phenomenon and the problems encountered by those who risk everything in search of a better life.

# Recommendations

## To governments

1. Authorities must refrain from mass expulsions of suspected illegal migrants. Assessments of the legality of migrants' status must be made on an individual basis and in full compliance with the law and human rights standards. Deportations should not lead to the separation of families, the loss of property, money or documents, physical or verbal abuse, or violence. The military and other paramilitary forces should not be deployed in deportations. Under no circumstances may the identification and deportation of suspected illegal migrants be made on the basis of skin colour, which is a violation of customary international law. Authorities should publish statistics of deportations, and full details of the conditions under which they were carried out. The Dominican government should honour its commitments under the December 1999 protocol of understanding with the Haitian government regarding repatriations.
2. Measures should be implemented to prevent illegal trafficking in migrants, in particular over the activities of recruitment agents such as the *buscones* in Haiti, and the falsification of documents. A campaign of public education in sending countries such as Haiti should educate potential migrants as to the realities that they will face.
3. Censuses carried out by the authorities should allow for respondents to indicate freely their own definition of their ethnic, racial and/or national origin. The findings should not be used to further victimize migrant communities or as a basis for deportations. They should be used to design development programmes, with the full participation of representatives of the Haitian community and other migrant communities in the respective countries, to enable them to achieve full and effective equality with the general population. These programmes should pay particular attention to the predicament of women in migrant communities, who are disproportionately vulnerable to economic and sexual exploitation. In the Dominican Republic, the private owners of former State Sugar Council (CEA) *bateyes* should be prohibited from removing accommodation and other rights from long-stay residents, irrespective of nationality.
4. Transparent and non-discriminatory procedures should be put in place to ensure that migrants employed in a country can obtain temporary work and residency permits, and, within reasonable time, citizenship, and be guaranteed protection under relevant labour codes. The Dominican Republic should refrain from using the 'in transit' clause in its Constitution to prevent children of migrant workers from gaining citizenship. Governments should ensure that laws regarding the citizenship of children born in their territories do not result in them being rendered stateless. The Haitian government should honour its commitment, under the December 1999 protocol of understanding, to provide its citizens with Haitian identity documents.
5. Governments should actively seek to counter prejudices held against migrant communities, for example the phenomenon of *antihaitianismo* in the Dominican Republic, by including a human rights curriculum in state schools. In particular the 200th anniversary of Haiti's independence in 2004 could be used to raise awareness about Haitian culture and history.
6. Governments should ratify and implement the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Covenant on Civil and Political Rights, and other relevant instruments. They should invite the UN Special Rapporteur on the Human Rights of Migrants to visit their countries, and ensure full cooperation and implementation of her recommendations. The Dominican government should ensure that the Comité de Impulso set up subsequent to the ruling of the Inter-American Court on Human Rights is able to operate independently and without fear of intimidation from any sector, and is provided with sufficient resources. It should also fully implement the recommendations addressed to it by the UN Human Rights Committee in April 2001. Governments should ensure the freedom of human rights defenders, including those working to promote and defend the rights of migrant workers, to work without fear of intimidation from any sector.

## **To governmental and non-governmental aid agencies**

7. Aid programmes in receiver countries should pay particular attention to the situation of migrant worker communities and strive towards implementation of the Millennium Development Goals with respect to

all sectors of the population. Specific programmes may be necessary to ensure that migrant communities enjoy economic, social and cultural rights to the fullest possible extent, and the design, implementation and evaluation of such programmes should be carried out with full participation of representatives of those communities.

# Relevant international instruments

## United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Adopted 18 December 1990)

### Article 9

The right to life of migrant workers and members of their families shall be protected by law.

### Article 15

No migrant worker or member of his or her family shall be arbitrarily deprived of property (...). Where, under the legislation in force in the State of employment, the assets of a migrant worker or a member of his or her family are expropriated in whole or in part, the person concerned shall have the right to fair and adequate compensation.

### Article 16

1. Migrant workers and members of their families shall have the right to liberty and security of person.
2. Migrant workers and members of their families shall be entitled to effective protection by the State against violence, physical injury, threats and intimidation, whether by public officials or by private individuals, groups or institutions.
3. Any verification by law enforcement officials of the identity of migrant workers or members of their families shall be carried out in accordance with procedure established by law.
4. Migrant workers and members of their families shall not be subjected individually or collectively to arbitrary arrest or detention; they shall not be deprived of their liberty except on such grounds and in accordance with such procedures as are established by law.  
(...)
8. Migrant workers and members of their families who are deprived of their liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of their detention (...). When they attend such proceedings, they shall have the assistance, if necessary without cost to them, of an interpreter, if they cannot understand or speak the language used.  
(...)

### Article 17

1. Migrant workers and members of their families who are deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person and for their cultural identity.

## United Nations International Covenant on Civil and Political Rights (Adopted 16 December 1966)

### Article 12

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

### Article 13

An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall (...) be allowed (...) to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority (...).

### Article 14

1. All persons shall be equal before the courts and tribunals (...) everyone shall be entitled to a fair and public hearing by a

competent, independent and impartial tribunal established by law.  
(...)

### Article 24

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.
2. Every child shall be registered immediately after birth and shall have a name.
3. Every child has the right to acquire a nationality.

## United Nations International Covenant on Economic, Social and Cultural Rights (Adopted 16 December 1966)

### Article 6

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

### Article 7

The States to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

- (a) Remuneration which provides all workers, as a minimum, with: (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;
- (b) Safe and healthy working conditions;
- (c) Equal opportunity for everyone to be promoted (...);
- (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

### Article 11

1. The States Parties to present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.

### Article 12

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

### Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups (...).
2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:
  - (a) Primary education shall be compulsory and available free to all;
  - (b) Secondary education in its different forms, including tech-

nical and vocational secondary education, shall be made generally available and accessible to all by ever appropriate means, and in particular by the progressive introduction of free education;  
(...)

### **United Nations International Convention on the Elimination of All Forms of Racial Discrimination (Adopted 21 December 1965)**

#### **Article 5**

In compliance with the fundamental obligations laid down in Article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

(...)

(e) Economic, social and cultural rights, in particular:

(i) The rights to work, to free choice of employment, to just

and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;

(ii) The right to form and join trade unions;

(iii) The right to housing;

(iv) The right to public health, medical care, social security and social services;

(v) The right to education and training;

(vi) The right to equal participation in cultural activities;

### **International Labour Organization, C111 Discrimination (Employment and Occupation) Convention, 1958**

#### **Article 2**

Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.

# Notes

- 1 The term used to describe individuals born of Haitian parents in the Dominican Republic is problematic, with 'Dominico-Haitian' being widely used in the Dominican Republic. Other terms, which imply more than an incidental Dominican connection, are Haitian Dominicans or Dominicans of Haitian descent.
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