Bay Kou Bliye, Pote Mak Sonje:
Climate Injustice in Haiti and the Case for Reparations

EXECUTIVE SUMMARY

GLOBAL JUSTICE CLINIC
NYU SCHOOL OF LAW

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About the authors

The Global Justice Clinic (GJC) is part of the Center for Human Rights and Global Justice at NYU School of Law and collaborates with the Bernstein Institute for Human Rights at NYU School of Law. GJC works with social movements and community partners to prevent, challenge, and redress human rights violations stemming from economic, climate, and racial injustice. GJC challenges extractive economic systems and exploitative power relations, and engages with cross-border challenges that require transnational collaboration. Using a rights-based, legal empowerment approach, GJC works in solidarity with those most impacted by global injustice. For more than a decade GJC has collaborated with social movements resisting the extractives industry and organizing to protect rights to land and water in Haiti.

The Promise Institute for Human Rights at UCLA School of Law is the center of human rights education, research and advocacy at UCLA and around the region. The Promise Institute works to empower the next generation of human rights lawyers and leaders, generate new thinking on human rights, and engage students to drive positive real world impact. Through its Race & Human Rights Reimagined Initiative, from 2019 to 2024, The Promise Institute has been at the forefront of research and advocacy at the intersection of racial justice and critical approaches to human rights, including in the context of migration and climate justice. The Promise Institute also provided support to the mandate of former UCLA Law Professor E. Tendayi Achiume, the former U.N. Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance from 2017 to 2022.

The authors of this Report, from both GJC and The Promise Institute, approach the question of climate injustice as human rights practitioners working to prevent, challenge, and redress rights violations inherent to systemic racism, exploitative capitalism, and environmental injustice.

Cover note: *Bay Kou Bliye, Pote Mak Sonje* is a Haitian proverb. It translates to “they who strike the blow forget; they who bear the scar remember.”

Cover photo: Public Beach, West Department, Haiti. **Credit:** Ellie Happel

Acknowledgments

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Organizations Consulted: This report was informed by several Haitian organizations and social movements working with communities on the frontline of the climate crisis. Information about each organization with whom the authors engaged is available in the Methodology and in the Haitian Organizations Consulted glossary at the conclusion of the report.

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Port-au-Prince Haiti Credit: AlbertoHektor - stock.adobe.com

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> Many of the countries who are responsible [for the global climate crisis] have a colonizing past. And the countries who are suffering the most, are the former colonies .... It's a form of colonization that is continuing from a climate perspective–a climate colonization."
>
> **Kettly Alexandre, Mouvman Peyizan Papay**[1]

> We are living in a world that is all about exploitation of resources, land, people–can we not imagine another world? Can we imagine a world where people live in harmony and have good relationships with their neighbors, where we offer solidarity with one another, where we place care at the center of our relationships with one another and with the land?
>
> **Sabine Lamour, sociologist and coordinator of feminist organization Solidarite Fanm Ayisyèn**[2]

Context

Haiti is one of the countries most harmed by climate disorder,[3] despite having only marginally contributed to, and economically benefited from, the activities that created climate disorder. The country's vulnerability to heavy rains, drought, hurricanes, and other climate impacts is due not only to its location in the Caribbean but also, as this report shows, to its history of exploitation, originating in colonialism and slavery, and ongoing racist exploitation. Haiti illustrates how the climate crisis is a racial injustice crisis. Addressing these interlinked crises is urgent.

Climate Disorder

This report uses the term "climate disorder" in lieu of "climate change." Haitian activists and organizations reject "climate change" as a passive and therefore misleading description of the environmental changes they experience. They favor "climate disorder" as a more effective description of the harmful impacts and the irrational, unpredictable nature of the problem.

There is little available research presenting and analyzing the current and projected impacts of climate disorder on the human rights of Haitian people. There is a similar lack of literature showing how Haitian people–who are forced to adjust in the context of increasing climate disorder today–adapt and survive. This report aims to fill the gaps and to link Haiti's experience of severe climate harms today with its history of Global North plunder, exclusion, intervention, and racist exploitation. Climate disorder and climate injustice are, at least in part, present-day symptoms of historic wrongs. This report advances the case for reparations to Haiti and argues that reparations are essential to addressing climate injustice.

Report Objectives and Approach

A key goal of this report is to provide facts and analyses about Haitians' experience of climate disorder and its root causes, including its harms to Haitians' human rights and its disparate impacts on *peyizan*[4] and urban poor communities. The purpose, too, is to inform and bolster arguments for reparations for Haiti–and, in turn, for other formerly colonized, Small Island Developing States.[5] In addition, this report highlights the work of Haitian activists creating alternative livelihoods and organizing for climate justice in the context of climate disorder. This report also informs and engages those who seek to act in solidarity with Haitian people–particularly *peyizan*–and hopes to catalyze further discussion, research, and action for climate justice. The size of the problem requires collaboration across borders, disciplines, identities, and political viewpoints; this report thus seeks to reach a broad audience.

This report is the fruit of collaboration between human rights lawyers and Haitian activists and organizations. The Global Justice Clinic (GJC) has worked in solidarity with Haitian social movement actors for more than ten years; it is this history of collaboration that led the GJC and the Promise Institute for Human Rights at UCLA School of Law (the Promise Institute) to conduct the desk research and analysis that inform this report. GJC and the Promise Institute conducted dozens of interviews and small group discussions with contributing Haitian organizations. This report consolidates available information from a variety of sources relevant to climate disorder: legal, policy, scientific, historical, and economic. GJC and the Promise Institute also drew on the lens that Third World Approaches to International Law and Critical Race Theory scholarship offer to uncover the ways in which race and empire are central to, and perpetuated by, existing legal frameworks.

Chapter-by-Chapter Overview

Reisanbau, Deschapelles, Haiti; Credit: airmaria - stock.adobe.com

Chapter I

Chapter I presents the gravity of the situation facing Haiti. Drawing on secondary research as well as interviews and conversations with Haitian activists and organizations, it summarizes the current and anticipated impacts of climate disorder on Haitian people, including on particularly marginalized groups. Chapter I presents some of the key ways that Haitian people experience climate disorder day to day and year to year: extreme weather events and sea level rise, negative consequences to human health, harms to agricultural production and livelihoods, and drought and lack of access to water.

Chapter I also identifies human rights that climate disorder violates, including rights related to life; equality and non-discrimination; land and housing; food, water, and the environment; and migration. It shows how underlying inequality and structural rights violations compound Haitians' experience of climate harms and includes a human rights analysis, while recognizing the limitations of human rights law in effectively addressing climate injustice. It is foreign actors–governments, companies, and institutions outside of Haiti–who could most meaningfully diminish human rights violations in Haiti, including by cutting greenhouse gas emissions and providing restitution and repair for past harms. Although the Haitian state bears the duty to respect, protect, and fulfill the rights of Haitian people, climate disorder is a transnational problem that must be dealt with on a global scale.

Chapter I is extensive; the authors erred on the side of inclusivity, hoping that this chapter, in particular, could serve as a reference for organizations and activists faced with a relative dearth of information in English on climate impacts in Haiti.

Jean-Jacques Dessalines Statue in front of Cathédrale Notre-Dame du Cap-Haitien; Credit: Rotorhead 30A - stock.adobe.com

Chapter II

Chapter II illustrates how a history of racist foreign exploitation–colonialism, slavery, debt, occupation, and intervention–constructed Haiti's climate vulnerability. Chapter II documents the racism that colonial and neocolonial powers have often used to justify economic exploitation and political domination. It provides a historical synopsis of the impoverishment of Haiti, exemplified by Haiti's independence ransom (described below) and highlights the consequences on the country's environment, governance, budget, and ability to develop the systems (e.g., sanitation, irrigation, road, healthcare) and critical infrastructure necessary for climate resilience.

Haiti is the world's first Black republic and the only country in the world where the enslaved population overthrew its colonizers. Other countries politically shunned and economically punished Haiti for its bold rejection of slavery. In 1825, Haiti agreed to pay France an independence ransom, to compensate France's material losses, including enslaved people, in exchange for political recognition. The following year, the Haitian government instituted the Rural Code, a set of oppressive laws that governed–if not outright controlled–peasants, creating the *peyizan* class that still stands today.[6] Economists estimate that the independence ransom cost Haiti up to $115 billion in present-day dollars. Although French colonialism, slavery, and the ransom are the most obvious examples of foreign extraction and exploitation, Chapter II also explores other, later, processes of impoverishment: the early 20th-century U.S. occupation of Haiti; 20th-century U.S. government support for kleptocratic dictators; late 20th-century neocolonial economics and politics, which included devastating structural adjustment policies; and the ongoing cycle of crisis and intervention.

Sellers going to the market in Haiti, Dondon; Credit: Marta - stock.adobe.com

Chapter III

Chapter III shifts to the local, providing examples of how Haitian communities grapple with and survive in climate disorder, innovating when the state is unable to adequately respond. Chapter III begins with an overview of the Haitian state's (in)action and then presents local community adaptation and climate resilience strategies, including *peyizan* agroecology, *ekonomi solidè* ("solidarity economy"), and ecosystem protection. Chapter III also highlights prominent economic and political demands to challenge the systems that perpetuate and may worsen climate disorder. These demands include securing land rights, promoting rural Haitian livelihoods, and resisting large-scale industrial gold mining. The chapter ends with a discussion of popular education as an important practice to ensure inclusive progress.

Local-scale strategies are essential in Haiti and must be at the center of climate adaptation efforts and funding, just as Haitian people must be at the center of the movement for climate justice and for reparations. Yet they cannot prevail in these movements on their own; the root cause and scale of climate injustice demands transformative international action.

Aerial View of Cap-Haitien, Haiti Cityscape at Sunrise; Credit: Rotorhead 30A - stock.adobe.com

Chapter IV

Chapter IV argues that Haiti is an exemplary case for reparations. Reparations are defined as "the act or process of making amends for a wrong."[7] Haitians have long demanded reparations for slavery and colonization, including restitution of, and compensation from France for, the independence ransom. This chapter argues that reparations are necessary for climate justice. It also underscores that the unjust impacts of climate disorder are fundamentally connected to, and reinforce, existing demands for reparations for colonialism, slavery, and ongoing racial injustice.

After outlining the shortcomings of international climate negotiations, Chapter IV presents a "constructive" view of reparations, advancing an expansive view of what reparative justice might entail.[8] It then outlines the different legal and moral rationales for reparations. Under international law, legal fault is the basis for reparations. There are at least three forms of legal fault at play in Haiti today: first, the historical and ongoing racism that have constructed Haiti's climate vulnerability, violating the legal prohibition on racial discrimination; second, the independence ransom–a particularly egregious illustration of how racist foreign exploitation impoverished Haiti and made it more climate vulnerable, while unjustly enriching former colonial states; and, third, excess emissions by Global North states in violation of the "no harm" rule under international law. This third justification is distinct from reparations claims based on slavery and colonialism, but, as detailed in Chapter II, remains rooted in those histories, given that excess emissions result from colonial and post-colonial unequal accumulation of wealth.

Chapter IV suggests that a meaningful response to reparations demands will require not only compensation but also transformative economic and political change. Critically, a reparations agenda must be built through a participatory process that is led by Haitian people.

Endnotes

1 "Racism Causes Climate Vulnerability in Haiti," *CENTER FOR HUMAN RIGHTS AND GLOBAL JUSTICE* (July 6, 2022). https://chrgj.org/wp-content/uploads/2022/07/Global-Justice-Clinic-Submission_Climate-Change-and-Racism_220620.pdf.

2 "Haitian Leaders Share Their Vision of a Mining Free Haiti," *MINING FREE HAITI* (accessed Aug. 6, 2024). https://en.ayitikanpemin.org/mining-free-haiti.

3 "Least Responsible, Hardest Hit: New UNFPA Brief Explores Climate Change's Disproportionate Harm of People of African Descent," *UNITED NATIONS POPULATION FUND* (Mar. 24, 2023). https://esaro.unfpa.org/en/news/least-responsible-hardest-hit-new-unfpa-brief-explores-climate-changes-disproportionate-harm.

4 As described further in the introduction to this report, *peyizan* is a term specific to Haiti, denoting a cultural and political identity. *Peyizan* translates imperfectly to, but fits within the definition of, "peasant"–a person who engages or seeks to engage alone, or in association with others or as part of a community, in small-scale agricultural production for subsistence and/or for the market, and who relies significantly, though not necessarily exclusively, on family or household labor and other non-monetized ways of organizing labor. A peasant has a special relationship with and dependency on the land by virtue of working the land. See Human Rights Council Res., UN Doc. A/39/12, (Sept. 28, 2018).

5 "About Small Island Developing States," *UN-OHRLLS*, (accessed Aug. 6, 2024). https://www.un.org/ohrlls/content/about-small-island-developing-states.

6 See, e.g., JEAN CASIMIR, *THE HAITIANS: A DECOLONIAL HISTORY*, trans. Laurent Dubois (Chapel Hill: The University of North Carolina Press, 2020), 171.

7 "What are Reparations," *MOVEMENT FOR BLACK LIVES*. https://m4bl.org/wp-content/uploads/2020/11/defining-reparations.pdf.

8 *See* OLÚFÉMI O. TÁÍWÒ, *RECONSIDERING REPARATIONS* (Oxford: Oxford University Press, 2022).

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