

## Submission by the Global Justice Clinic of NYU School of Law<sup>1</sup>

The Global Justice Clinic<sup>2</sup> of NYU School of Law works with social movement organizations and community partners to prevent, challenge, and redress human rights violations stemming from contemporary structures of global injustice. GJC has worked on human rights in Haiti since its founding, including on environmental and climate justice and migrant rights. Due to its location at NYU Law, the Global Justice Clinic is particularly concerned with U.S. and other Global North actor accountability for enabling or directly causing human rights violations in Haiti. This submission precedes the publication of the Global Justice Clinic and Promise Institute of UCLA Law report presenting Haiti as an exemplary case for climate reparations. The content herein includes the inputs and orientation of GJC partner organizations based in Haiti and the Haitian diaspora.

### Contributing organizations and individuals to this submission include:

[Commission Épisiscopale Nationale Justice et Paix](#) (National Episcopal Commission, Justice and Peace, CE-JILAP)<sup>3</sup>

**Sosyete Kiltirèl Jen Ayisyen** (Haitian Youth Cultural Society, **SOKIJA**)<sup>4</sup>

Colette Lespinasse, Migrant Rights Educator<sup>5</sup>

---

<sup>1</sup> This communication does not purport to represent institutional views, if any, of New York University.

<sup>2</sup> Contact: Ellie Happel, Interim Director, [ellie.happel@nyu.edu](mailto:ellie.happel@nyu.edu)

<sup>3</sup> Contact: Jocelyne Colas, Executive Director, +509-3912-3292; [colas\\_jocelyne@yahoo.com](mailto:colas_jocelyne@yahoo.com)

<sup>4</sup> Contact: Samuel Nesner +509-4354-5577; [samuelsesner537@gmail.com](mailto:samuelsesner537@gmail.com)

<sup>5</sup> Contact: [colespinasse@yahoo.fr](mailto:colespinasse@yahoo.fr)

## Questionnaire in relation to Human Rights Council resolution 53/6 on human rights and climate change

This brief submission highlights how racism is central to understanding climate disorder and its impacts in Haiti. The submission highlights one common form and consequence of loss and damage in Haiti—displacement and migration—and the ways in which racism shapes Haitian migrants’ experience. It also highlights efforts of Haitian grassroots organizations to adapt to climate related loss and damage. The submission then presents the root cause of loss and damage in Haiti: centuries of foreign extraction and exploitation driven by colonization and racist foreign policy. It concludes that considering these root causes, reparations are necessary to address climate injustice in Haiti.

**1. Please describe through concrete examples and stories the impacts of loss and damage from the adverse effects of climate change on the full enjoyment of human rights in your country. Please indicate whether the impact was exceptional or whether an example of many similarly situated cases. Please estimate the number of cases that may be similar in your country.**

Haiti is consistently ranked one of the five countries in the world most harmed by climate disorder.<sup>6</sup> Many of the consequences of climate change go beyond what people can adapt to: Haitians experience significant loss and damage. Loss and damage in Haiti results from extreme weather events, for example hurricanes and severe drought,<sup>7</sup> and the chronic conditions of rising temperatures, sea level rise, and erratic seasons.<sup>8</sup> These environmental and climate harms contribute to malnutrition, increased death rates, and impoverishment. This in turn leads to displacement and migration. Haiti’s most marginalized—including *peyizan*<sup>9</sup> (peasant farmers), rural women, and poor urban communities—are experiencing the worst impacts.

### Displacement and Migration as Loss and Damage

Climate disorder is increasingly displacing *peyizan* in Haiti and fueling out-migration, both because of extreme weather events and due to the impacts of climate disorder on agricultural livelihoods. Displacement and migration are one of many forms of loss and damage Haitian people experience.

Haitian *peyizan* leave their rural communities to go to urban slums and, despite the extreme risks, to other countries. *Katye popilè*, the poor urban communities that swell with displaced farmers, lack the

---

<sup>6</sup> This submission uses the term climate disorder in lieu of climate change. Haitian collaborators critique the term climate change as a misleading description of the environmental changes they experience. They favor the term climate disorder to describe the harmful impacts of the climate crisis and the roots of the climate crisis in a “disordered” international system.

<sup>7</sup> A 2022 study concluded that over 64% of the country is experiencing moderate to very high drought risk conditions. <https://www.sciencedirect.com/science/article/pii/S2212420922006331> at page 12

<sup>8</sup> Rachel B. Kerr et al., *Food, Fibre and Other Ecosystem Products*, in CLIMATE CHANGE 2022: IMPACTS, ADAPTATION AND VULNERABILITY. CONTRIBUTION OF WORKING GROUP II TO THE SIXTH ASSESSMENT REPORT OF THE INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE 713, 717 (H.-O. Pörtner et al. eds., 2022).

<sup>9</sup> *Peyizan* is a term specific to Haiti. *Peyizan* fit within the definition of peasants. After the successful revolt of enslaved people that created Haiti, the first Black republic, the newly freed became *peyizan*. They were landless or owned small plots of land. Although *peyizan* was rarely defined in Haitian law, historian Jean Casimir details how the *peyizan* class emerged in opposition to the small ruling oligarchy, who controlled the land and held a monopoly on political power. Casimir shows how *peyizan* created a social structure that existed outside of the state. See Jean Casimir, *The Haitians: A Decolonial History* (2020) at 102, 120, 126, and 398. See also Franklin Midy, *Les paysans: ‘tout moun se moun,’ RELATIONS* (Feb. 2, 2011), [https:// cjf.qc.ca/revue-relations/publication/article/les-paysans-tout-moun-se-moun](https://cjf.qc.ca/revue-relations/publication/article/les-paysans-tout-moun-se-moun) [[https:// perma.cc/K2L9-N6ZW](https://perma.cc/K2L9-N6ZW)].

infrastructure to withstand the changing climate and severe weather events. Port-au-Prince is one of the largest cities in the world without a centralized sewage system.<sup>10</sup> Residents often have nowhere to go when it floods. Inadequate drainage systems, poorly constructed housing, and the lack of sanitation infrastructure often lead to sewage contamination and trash entering homes during heavy rains.<sup>11</sup> Many Haitian people who migrate to cities are subject to violence and struggle to get by:

## Haitian Migrants Face Racial Discrimination and other Human Rights Violations

As further outlined in response to Question 5, racial discrimination is central to any analysis of loss and damage and climate disorder in Haiti. This is true of migration: Haitian men, women, and children who elect to emigrate face racial discrimination and other rights violations in transit and in receiving countries.<sup>12</sup> In recent years and in response to countries in the region militarizing their borders and intentionally making it difficult for Haitian people to access lawful migration pathways,<sup>13</sup> an increasing number of Haitians have fled Haiti via dangerous and often deadly routes including by boat in attempts to reach the shores of Florida, the Bahamas, or Turks and Caicos, and by foot through the Darien Gap.<sup>14</sup>

Racism, xenophobia, and other forms of discrimination increase the likelihood that Haitian migrants continue to face climate harms after leaving Haiti.<sup>15</sup> Haitian migrants in the Bahamas, for example, disproportionately live in “informal shantytowns” that were particularly hard hit by Hurricane Dorian.<sup>16</sup> In

---

<sup>10</sup> Rebecca Herscher, *You Probably Don't Want To Know About Haiti's Sewage*.

<sup>11</sup> Six Children of Cité Soleil, Haiti & SAKALA Community Center for Peaceful Alternatives; Petition and Request for Precautionary Measures to the Inter-American Commission on Human Rights Concerning Violations of the American Convention on Human Rights 12, 22-23 (Feb. 4, 2021); Jaclynn Ashly, *Life on the banks of the Rio Ozama*, NEW FRAME (Sept. 16, 2021), <https://www.newframe.com/long-read-life-on-the-banks-of-the-rio-ozama/>; Rebecca Herscher, *You Probably Don't Want To Know About Haiti's Sewage Problems*, NPR (July 29, 2017), <https://www.npr.org/sections/goatsandsoda/2017/07/29/537945957/you-probably-dont-want-to-know-about-haitis-sewage-problems>.

<sup>12</sup> Homer-Dixon, *Environmental Scarcities and Violent Conflict: Evidence from Cases*, at 10-11; <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G23/073/25/PDF/G2307325.pdf?OpenElement> paras 17-18; Human Rights Watch, *This Hell Was My Only Option: Abuses against Migrants and Asylum Seekers Pushed to Cross the Darien Gap* (Nov. 9, 2023), <https://www.hrw.org/report/2023/11/09/hell-was-my-only-option/abuses-against-migrants-and-asylum-seekers-pushed-cross>.

<sup>13</sup> See Cristián Doña Reveco, *Chile's Welcoming Approach to Immigrants Cools as Numbers Rise*, Migration Policy (May 18, 2022), <https://www.migrationpolicy.org/article/chile-immigrants-rising-numbers> and Apollon and Torres, *Anti-Blackness Knows No Borders and Neither Should Haitian Migrant Rights Advocacy*, NACLA (Sept. 6, 2023), <https://nacla.org/anti-blackness-knows-no-borders-neither-should-haitian-migrant-rights-advocacy>.

<sup>14</sup> *Id.*; Seth Freed Wessler, *The Border where Different Rules Apply*, N.Y. Times (Dec. 6, 2023), <https://www.nytimes.com/2023/12/06/magazine/us-coast-guard-children-detained.html>; Samantha Schmidt, Paulina Villegas, and Hannah Dormido, *Dreams and Deadly Seas*, The Washington Post (July 27, 2023), <https://www.washingtonpost.com/nation/interactive/2023/bahamas-human-smuggling-by-boat/>.

<sup>15</sup> Haitian migrants experience anti-Black racism throughout the Western Hemisphere as encapsulated in horrifying images of the U.S. Border Patrol agents on horseback chasing Haitian migrants attempting to cross the Rio Grande from Mexico in late 2021. See S. PRIYA MORLEY & NICOLE PHILLIPS, *A JOURNEY OF HOPE: HAITIAN WOMEN'S MIGRATION TO TAPACHULA, MEXICO* (2021), <https://cgrs.uchastings.edu/sites/default/files/A-Journey-of-Hope-Haitian-Womens-Migration-to%20-Tapachula.pdf>; S. Priya Morley, *Connecting Race and Empire: What Critical Race Theory Offers Outside the U.S. Legal Context*, UCLA L. REV. (Mar. 29, 2022), <https://www.uclalawreview.org/connecting-race-and-empire-what-critical-race-theory-offers-outside-the-u-s-legal-context/>; Eileen Sullivan & Zolan Kanno-Youngs, *Images of Border Patrol's Treatment of Haitian Migrants Prompt Outrage*, N.Y. Times (Sept. 21, 2021), <https://www.nytimes.com/2021/09/21/us/politics/haitians-border-patrol-photos.html>.

<sup>16</sup> Migration patterns within and from Haiti include *peyiizan* farmers moving from rural areas to urban centers and *peyiizan* and other Haitians migrating to the Dominican Republic and across the sea in search of opportunities and security. Since the 2010 earthquake, Haitians have migrated not only to the Dominican Republic, Canada, and the United States—destination countries with long histories of Haitian migration—but throughout the Americas, with large Haitian migrant populations now based in

the aftermath of Dorian, xenophobia towards Haitians became more acute, and the Bahamian Government prioritized deportations to Haiti.<sup>17</sup> Several years later, the remaining residents of these shantytowns continue to be targeted, as the Bahamian government has started bulldozing the shantytowns, fulfilling its vow in February 2023 to “root out unauthorized shantytowns and deport more undocumented immigrants.”<sup>18</sup>

Although there is substantial anecdotal evidence of climate harms contributing to migration, there is little systematic data on the link between climate disorder and migration in Haiti. In the country’s Northwest, *Sosyete Kiltirèl Jen Ayisyen* (SOKIJA) has started to engage community members in interviews and focus group discussions about the relationship between climate disorder and migration. SOKIJA members note that migration is taboo; decisions to migrate are often kept secret, in part due to the large amount of money a family must accumulate to fund the emigration effort, and people who are returned to Haiti experience shame. SOKIJA priorities include valorizing Haitian culture, creating economic opportunities for rural peoples to remain in rural communities, and encouraging safe spaces for dialogue about migration. Supporting such participatory research efforts, ensuring that Haitian migrants are recognized as climate migrants in the context of any emerging legal protections, and increasing efforts to combat racial injustice in migration policy are essential to addressing the human rights impacts of climate related migration on Haitian people.

#### **4. Please identify and share examples of promising practices and critical challenges in the promotion, protection, and fulfilment of the full enjoyment of human rights in the context of loss and damage, including examples that highlight multilateral cooperation and approaches, at global and regional levels, including equity-based approaches and solutions.**

As communities on the frontline of climate impacts, Haitian people experiment with ways to adapt and cope with climate disorder.

#### **Climate and Migration Monitoring**

In the absence of government support and institutional data, Haitian organizations have begun to collect qualitative data about climate harms. One example is the *Obsevatwa Dwa Latè* – the Land Rights Observatory (Obsevatwa), organized by Action pour la Reforestation et la Defense de l’Environnement (Action for Reforestation and Defense of the Environment, AREDE). AREDE is a community-based organization promoting environmental justice, inclusive development, and farmers’ rights in the Northeast of Haiti.<sup>19</sup> The Obsevatwa is working with communities under mining permit and at risk of land grabbing in the Northeast of Haiti to map community assets, for example water points, sacred sites, and other

---

Brazil, Chile, and Mexico. Stefan Alscher, *Environmental Degradation and Migration on Hispaniola Island*, 49 INTERNATIONAL MIGRATION 166 (2011); <https://www.openglobalrights.org/haitian-migration-through-the-western-hemisphere-a-racial-injustice-analysis/>

<sup>17</sup>Cristina Baussan, Leticia Duarte, Ottavia Spaggiari, and Sarah Stillman, *When Climate Change and Xenophobia Collide*, The New Yorker (Feb. 16, 2021), <https://www.newyorker.com/news/dispatch/when-climate-change-and-xenophobia-collide>; Rachel Knowles, *Haitian Migrants, Devastated by Dorian, Face Deportation From Bahamas*, N.Y. TIMES (Oct. 10, 2019), <https://www.nytimes.com/2019/10/10/world/americas/haiti-bahamas-dorian-deport.html>.

<sup>18</sup>Schmidt, Paulina Villegas, and Hannah Dormido, *Dreams and Deadly Seas*, The Washington Post (July 27, 2023), <https://www.washingtonpost.com/nation/interactive/2023/bahamas-human-smuggling-by-boat/>

<sup>19</sup> AREDE’s coordinator, Castin Milostene, was essential in organizing farmers displaced by the Caracol Industrial Park to secure a landmark settlement from the InterAmerican Development Bank in 2019. AREDE also monitors and resists pervasive land grabbing of peasants’ land.

places of value, and to organize residents to document land ownership, land use, and perceptions of land value. In addition, the Obsevatwa is collecting quantitative data about rainfall, temperature, and drought to measure their impact on key crop production.

## **Mining Free Haiti**

A coalition of social movements have organized in resistance for over a decade to keep Haiti free of industrial metal mining. The [movement](#) is about land rights, peasants' rights, and Haitian self-determination. It is also about preventing further vulnerability to climate change. In recent years El Salvador and Honduras have banned metal mining, concluding that it is not an appropriate economic activity, and that keeping small, densely populated, environmentally fragile countries mining free is an essential component of climate justice. Haitian communities have organized to do the same.

## **Popular Education**

Haitian organizations that are informed about climate disorder emphasize the need for popular education; more Haitian people must be aware of the root causes of climate disorder, and what they can do to adapt. Popular education is about teaching and learning through local experience and vernacular, and adding knowledge to that which people already possess. A popular education approach requires that actors first recognize and reify the knowledge that Haitian people hold as those living the effects of climate disorder. Then, they can add knowledge and collaborate to build the path forward.

Haitian organizations must be at the center of climate adaptation and resilience efforts in Haiti. However, they are not in and of themselves sufficient to achieve climate justice. Lack of government capacity and accountability and vastly insufficient resources present critical challenges to protecting human rights in the context of loss and damage. Each of these challenges are rooted in the racial injustice that have shaped Haiti's climate vulnerability. As discussed in Question 5, reparations provide a promising approach to addressing these challenges.

**5. Please provide specific recommendations, if possible, on how to address the critical challenges that have been identified, including actions to be taken at country, regional, and global levels, as well as by different groups of stakeholders, Governments, development agencies, financing institutions, and others.**

Haiti is an exemplary case for climate reparation, because the country is experiencing not only severe loss and damage but profound climate *injustice*. Haiti has contributed 0.003% to the world's greenhouse gas emissions and yet, as this submission emphasizes, is among the countries most harmed by global warming and climate change.<sup>20</sup> Reparations provide a means to redistribute these resources and shift the political and economic systems that have created the climate crisis.

## **Haiti's Constructed Climate Vulnerability: Racism and the Independence Debt**

Haiti's climate vulnerability and the loss and damage it experiences is not only a product of geographic location: Haiti's economic, political, and environmental reality has been shaped by centuries of racism,

---

<sup>20</sup> Hannah Ritchie, *Who has contributed most to global CO2 Emissions?* OUR WORLD IN DATA (Oct. 1, 2019), <https://ourworldindata.org/contributed-most-global-co2>. Historical cumulative emissions in Hispaniola are around 823.94 million tons of CO2 (2020 figures) relative to over 1.5 trillion historical global emissions.

extraction, and neocolonial policies, spanning from colonization through today. The most consequential act of racist foreign policy is Haiti's independence debt. The debt impoverished Haiti and prevented critical development such as roads, water and sanitation systems, and health facilities. The absence of infrastructure makes Haitian people more vulnerable to climate harms.

Haiti claimed its independence in 1804, becoming the only country in the world born of a successful revolution of enslaved people.<sup>21</sup> For more than a century following its independence, Haiti was diplomatically and economically punished by France, the United States, and other states for fear that it would inspire revolts by enslaved people in other countries.<sup>22</sup> Under extreme pressure, in 1825 Haiti agreed to pay France an independence debt that economists estimate cost the country between \$21 to \$115 billion in present day dollars.<sup>23</sup> The debt compensated France's "material losses" including the ownership of enslaved people, in return for diplomatic recognition.<sup>24</sup> To put the enormity of this sum in context, Haiti's total GDP in 2021 was \$20.9 billion.<sup>25</sup> The debt, which Haiti only finished paying in 1947, strangled the country's economic growth and inhibited investment in infrastructure essential to climate resilience, such as sewage and water systems.<sup>26</sup> The debt also contributed to deforestation, as Haiti chopped down and exported for sale some of its most valuable trees, including mahogany.<sup>27</sup> Some economists estimate that if the debt payments had remained in Haiti, the country would have grown economically at comparable rates to neighboring countries in Latin America.<sup>28</sup>

The systematic impoverishment of Haiti has environmental consequences. It contributes to the government's inability to lessen the consequences of climate disorder, and the population's struggle to adequately adapt to a changing climate.<sup>29</sup> Further, foreign intervention and policy in the 20th and 21st centuries has undermined rural agriculture, contributed to unplanned urbanization, and propped up political leaders—including dictators—who prioritized foreign corporate profit over sustainable development and Haitian people's basic needs.

## Reparations

Reparations are a project of redress for an egregious injustice. They are means to redistribute essential resources and to construct a better future, including through "change in policies and institutions that have perpetuated harm,"<sup>30</sup> shifting the costs of building that better world to those who have "inherited the

---

<sup>21</sup> BYEN KONTE MAL KALKILE? at 24.

<sup>22</sup> BYEN KONTE MAL KALKILE? at 24.

<sup>23</sup> Catherine Porter et al., *The Ransom, The Root of Haiti's Misery: Reparations to Enslavers*, N.Y. TIMES, (May 20, 2022), <https://www.nytimes.com/2022/05/20/world/americas/haiti-history-colonized-france.html>.

<sup>24</sup> BYEN KONTE MAL KALKILE? at 24

<sup>25</sup> <https://data.worldbank.org/indicator/NY.GDP.MKTP.CD?locations=HT>

<sup>26</sup> See Porter et al., *The Ransom, The Root of Haiti's Misery: Reparations to Enslavers*, N.Y. TIMES, (May 20, 2022), <https://www.nytimes.com/2022/05/20/world/americas/haiti-history-colonized-france.html>.

<sup>27</sup> M.R. O'Connor, *One of the Most Repeated Facts about Haiti is a Lie*, VICE (Oct. 2016), <https://www.vice.com/en/article/43qy9n/one-of-the-most-repeated-facts-about-deforestation-in-haiti-is-a-lie>

<sup>28</sup> Porter et al., *The Ransom, The Root of Haiti's Misery: Reparations to Enslavers*, N.Y. TIMES, (May 20, 2022), <https://www.nytimes.com/2022/05/20/world/americas/haiti-history-colonized-france.html>.

<sup>29</sup> Bhawan Singh & Marc Cohen, Oxfam, *Climate Change Resilience: The Case of Haiti*, Oxfam Research Report 18 (Oxfam Mar. 2014), <http://www.oxfam.org/sites/www.oxfam.org/files/rr-climate-change-resilience-haiti-260314-en.pdf>; United Nations Development Programme (UNDP), Bureau for Crisis Prevention and Recovery (BCPR), *Climate Risk Management for Water and Agriculture in the Dominican Republic: Focus on the Yaque del Sur Basin* (2014), [https://www.iisd.org/system/files/publications/crm\\_dom\\_republic.pdf](https://www.iisd.org/system/files/publications/crm_dom_republic.pdf).

<sup>30</sup> Olúfẹ̀mí O. Táíwò & Beba Cibralic, *The Case for Climate Reparations*, FOREIGN POL'Y (Oct. 10, 2020), <https://foreignpolicy.com/2020/10/10/case-for-climate-reparations-crisis-migration-refugees-inequality/>.

moral liabilities of past injustices.”<sup>31</sup> They are also an opportunity for those most affected by climate harms, people who have long been excluded from the economic and political conversations that determine global climate policy, to participate in a constructive project for change. Reparations can include a wide array of measures and policy prescriptions, including the right for those harmed by climate disorder to migrate.

Reparations demands are not only moral claims, but legal ones. To name just one legal rationale for reparations to Haiti, the prohibition on racial discrimination is a peremptory norm of human rights law. States breach their human rights obligations when they fail to adopt measures to prevent, diminish, and eliminate racial discrimination. Where necessary, States must also take concrete measures to realize substantive racial equality.<sup>32</sup> Applying these obligations, the former United Nations Special Rapporteur on Racism has argued that Global North states owe reparations under international human rights law for environmental and climate harms because the disproportionate climate harm to Black and brown people is connected to colonization and enslavement—and their persistent impacts—and to enduring structural racism. The ways in which racism has constructed Haiti’s climate vulnerability and shaped Haitians’ experiences of loss and damage makes Haiti an exemplary case for reparations on this basis.

Importantly, while demands for loss and damage funding have at times been intertwined with reparations, their equation is inaccurate. Unlike loss and damage, reparations flow from legal obligation and aim to uphold the rights of those who were wronged. Further, reparations require the wrongdoing that caused climate disorder to cease. Climate reparations is a broader demand: it can take various forms including structural policy shifts aimed at non-recurrence. Indeed, it is the failure of the current UNFCCC climate policymaking framework—including loss and damage funding as currently conceived—to respond to the critical challenges facing Haiti that make climate reparations necessary.

---

<sup>31</sup> <https://global.oup.com/academic/product/reconsidering-reparations-9780197508893?cc=us&lang=en&>

<sup>32</sup> E. Tendayi Achiume (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance), *Ecological crisis, climate justice and racial justice*, U.N. Doc. A/77/549 (Oct. 25, 2022).

<https://www.ohchr.org/en/documents/thematic-reports/a77549-report-special-rapporteur-contemporary-forms-racism-racial>