

Racism, Statelessness, Sugar, and the Plight of Haitians Living in the Dominican Republic

Abstract

Hardship experienced by Haitians in the Dominican Republic is enabled by race, statelessness, and sugar. This paper explores the complex issue of race and ethnicity on the island of Hispaniola by exploring the historical origins of racial tensions on the island and how these tensions persist and affect life and relations between Dominicans and Haitians today through statelessness and prejudice of recent Dominican laws that have effectively made it illegal to be Haitian or Dominican of Haitian descent in the modern-day Dominican Republic. Sugar created a market for trafficked persons being forced into difficult labor situations in the Dominican Republic and has indirectly forced those same trafficked persons to be daily victims of racial animosity and discriminatory laws. Finally, this paper discusses a number of potential solutions to improving the lives of Haitians in the Dominican Republic including policies that would enable the Dominican Republic to recognize and respect the rights of its people and of Haitians living in the Dominican Republic.

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The Dominican Republic and Haiti share an island, a border, and little else. Each country has its own language, its own culture, and its own sense of cultural and racial identity. That being true, these two countries are inextricably linked both historically and in modern times. As conflicted as the relationship may be between the two former colonies who fought to earn their independence from colonial powers and from each other, it cannot be denied that both countries rely in part on the existence of the other.

Dominican-Haitian relations are complex. They have roots that are hundreds of years old and are tainted with much blood, much sweat, and much hardship. The shared history of these nations is very much evident in how relations between the two manifest themselves today.

In this paper I will examine the plight of Haitians living in the Dominican Republic. While my focus will be largely on modern times, I would be remiss to omit the history of Dominican-Haitian relations and the history of Haitian migration into the Dominican Republic. A history that began long ago, was for a time legal per an agreement between two dictators to buy and sell men, and continues in a less-than-legal form today. This history goes a long way to explaining the establishment and introduction of Haitians harvesting Dominican sugar, in explaining continued Haitian migration into the Dominican Republic, and in examining the racial tensions between Dominican and Haitians.

My central thesis is that the hardship experienced by Haitians in the Dominican Republic is enabled by race, statelessness, and sugar. These three things, compounded by other factors, make the presence of the Haitian sugar cane workers necessary, in the case of sugar, and full of fear, mistreatment, and injustice in the case of race and statelessness.

In this paper I will explore the complex issue of race and ethnicity on the island of Hispaniola. In exploring the historical origins of racial tensions on the island, we will better see how it is that these tensions persist and affect life and relations between Dominicans and Haitians today. I will then look into the contemporary issue of statelessness and prejudice of recent Dominican laws that have effectively made it illegal to be Haitian or Dominican of Haitian descent in the modern-day Dominican Republic. Next, I will discuss sugar and how its very existence and profitability provided an initial and lasting reason for Haitians to migrate to the Dominican Republic. Sugar created a market for trafficked persons being forced into difficult labor situations in the Dominican Republic and has indirectly forced those same trafficked persons to be daily victims of racial animosity and discriminatory laws. Lastly, I will discuss a number of potential solutions to improving the lives of Haitians in the Dominican Republic and ways in which the Dominican Republic can adopt and enact policies that recognize and respect the rights of its people and of Haitians living in the Dominican Republic.

Race

Milat pov se neg, neg rich se milat
A poor mulatto is black, a wealthy black is mulatto

Pigmentocracy

The Haitian people and their Kreyol language make much use of proverbs. The proverbs can be used to explain, rationalize, and make sense of daily occurrences and, too often, injustices encountered in everyday Haitian life. The above proverb goes a long way to explaining “blackness” in Haiti and in the neighboring Dominican Republic, as well. The spectrum between what is considered “white” and what is considered “black” is far

more complex and convoluted than a simple measurement of the amount of melanin in one's skin. Social status and upward social mobility often rely upon an unofficial pigmentocracy¹ that defines social interactions across the island.

Dominicans are proud of their mixed race heritage. Haitians are proud to be black. Dominicans are “a rainbow of blacks and tans and browns”² and reserve the word *negro*, or black, for Haitians - even though 85% of Dominicans have African ancestry.³

Dominicans go to great lengths to avoid defining themselves as black. In the early 1970s, Dominican sociologist Daysi Josefina identified twelve skin colors labeling different pigmentations ranging from *lechoso* or too white, like milk, to *morado* or so black as to be almost purple.⁴ Even today on a Dominican census, people will self-identify as *moreno* (a light brown) or *indio* (a dark brown) and rarely self-identify as *negro*. I hypothesize that Dominicans would never treat other Dominicans in the same way they so egregiously treat Haitians and race and skin color are primary reasons why Dominicans look upon Haitians as ‘lesser’ people. If you want understand the relationship between these two nations and these two peoples sharing the Caribbean island of Hispaniola, you have to understand race.

Free the Slaves co-Founder Kevin Bales suggests that race plays a less substantial role in modern-day or new slavery than in old slavery.⁵ While this may be true as a global trend in modern-day slavery, it is most certainly not the case on the island of Hispaniola. Race is incredibly significant. While both countries on the island have embraced

¹ O’Connell Davidson, Julia. (2005) *Children in the Global Sex Trade*. Cambridge, UK. Polity. 51.

² Henry Louis Gates Jr. (Director). 2011. *Black in Latin America* (Documentary). United States. PBS.

³ Henry Louis Gates Jr. (August 5, 2011). “Dominicans in Denial”. *The Root*. Retrieved November 17, 2012 from www.theroot.com/views/dominicans-denial?page=0,1

⁴ Wucker, Michelle. (1999). *Why the Cocks Fight*. New York, NY. Hill and Wang. 33.

⁵ Bales, Kevin. (2004). *Disposable People: New Slavery in the Global Economy*. University of California Press. 15.

democracy in their politics, it is pigmentocracy that serves as the unwritten law of the land when it comes to social interactions, social classes, social status, and societal norms in regard to race.

Relations between the two countries have been strained since at least the early 19th century. After gaining their own independence in 1804 and becoming just the second free republic in the Americas, Haiti occupied the Dominican Republic and the entire island of Hispaniola from 1822 to 1843. In 1844, the Dominican Republic reclaimed the eastern two-thirds of the island. To this day, Dominican Independence day is celebrated on February 27, the day in which, in 1844, independence was declared from Haiti. Other Latin American and Caribbean countries celebrate independence from European colonial powers, but even though the Dominican Republic too had to claim independence from Spanish and U.S. occupation, it is liberation from neighboring Haiti that is celebrated each February.⁶

The Haitian occupation of the Dominican Republic for two decades in the 19th century alone though does not explain modern-day relations in the two countries. For that explanation, we must fast forward to the 20th century. Modern race relations and the modern interpretation of Hispaniola's pigmentocracy can largely be attributed to the words and actions of one man.

The Dictator

While the issue of race on the island has its roots in colonial times, when white Europeans brought black Africans across the Atlantic by the boatload, and later when Haiti occupied its neighbor, the issue was reframed and driven deep into the Dominican

⁶ Wucker, Michelle. (1999). *Why the Cocks Fight*. New York, NY. Hill and Wang. 40.

psyche by the country's dictator, Rafael Leonidas Trujillo, who spent 31 years reigning over the Dominican people and infamously discriminating against Haitians.

Trujillo played a pivotal role in increasing racial tension during the thirty-one year period in which he ruled over the country. He feared a "Haitianization" of his country⁷ and went to great measures to prevent this perceived Haitianization. One event stands out above all others in exemplifying his personal sentiments towards Haitian people. From late-September to mid-October of 1937, Trujillo ordered the Dominican army to kill Haitians unable to prove legal status or citizenship in the Dominican Republic.⁸ The order led to a mass slaughter of Haitians in which up to 20,000 men, women, and children were killed.⁹

The events are now more commonly known as the Parsley Massacre. It was given this name because Dominican soldiers were known to carry a sprig of parsley and ask suspected Haitians to pronounce, in Spanish, the word *perejil*, or parsley. A word that was difficult to pronounce for Kreyol-speaking Haitians. The inability to properly pronounce this word implied that one was Haitian and cost many people their lives. The bodies of many slain Haitians were thrown into the Massacre River, which now marks the modern-day northern border between the two countries. A number of dark-skinned Dominicans are also believed to have been murdered in the massacre.¹⁰ Dominicans of the time referred the massacre *El Corte*, or the Harvest, because human beings were being chopped down like the stalks of sugar cane in nearby fields.¹¹

⁷ Id. 54.

⁸ Wooding, Bridget and Moseley-Williams, Richard. (2004). *Needed But Unwanted*. Catholic Institute for International Relations. London. 19.

⁹ Davis, Nick. (October 12, 2012). "The Massacre that Marked Haiti-Dominican Republic Ties." *BBC News*. Retrieved October 13, 2012 from www.bbc.co.uk/news/world-latin-america-19880967

¹⁰ Id.

¹¹ Wucker, Michelle. (1999). *Why the Cocks Fight*. New York, NY. Hill and Wang. 49.

Trujillo was not averse to the idea of all foreigners migrating to the Dominican Republic, he was just averse to and racist towards Haitians specifically. After the Parsley Massacre gained international attention and negatively affected his reputation, Trujillo offered 100,000 visas to Jewish refugees from Hitler's Germany in 1938. Beyond simply doing so as a good deed or even just attempting to mend his reputation internationally, Trujillo hoped to "whiten" the Dominican population.¹² A similar treaty was signed with Japan in 1956 to accept Japanese migrants. It was not all immigrants Trujillo opposed, just those with dark skin from neighboring Haiti.

Perhaps one of the most troubling aspects of Trujillo's aversion towards Haitians was the fact that he himself was of Haitian descent. His maternal grandmother was from Haiti. Trujillo was very conscious about his skin color and used make-up to mask his true complexion.¹³

The obsession with race with which Trujillo governed remains very much in the Dominican psyche to this day. While a long and troubling history before the Era of Trujillo most certainly plays a role in the complex issue of modern-day Dominican-Haitian relations, it is evident that the *antihaitianismo*, or anti-Haitian sentiment, so widely on display in the 21st century Dominican Republic descends from the policies and rhetoric of President Rafael Leonidas Trujillo.

A Concentrated Xenophobia

As detailed above, Trujillo welcomed immigrants to his small Caribbean country, simply not immigrants from neighboring Haiti. The same remains true to this day. The

¹² Id.

¹³ Henry Louis Gates Jr. (Director). 2011. *Black in Latin America* (Documentary). United States. PBS.

Dominican economy has evolved since the late 20th century from one dominated by agriculture to one dominated by the service industry and tourism. Tourists flock to the pristine beaches of the Dominican Republic by the planeload. International businesses and investors, and the dollars and euros they so like to spend, are welcomed with open arms.

The Dominican Republic is a country that has been heavily influenced by American culture, in no small part due to a large population, exceeding one million people¹⁴, of Dominicans and people of Dominican descent living in the United States. Many of these Dominican-Americans and Dominicans living in the United States travel between their U.S. home and the island and import with them many American cultural norms. American fashions are adopted by Dominican youth. American musicians can be heard emanating from radios, telephones, and cellular phones across the country. American words have crept into the Dominican lexicon and many cultural exports from North America and other developed countries have been embraced within the Dominican Republic. This cultural importation goes a long way to showing the Dominican Republic is a country and a people open to and welcoming of foreign people and foreign culture. Indeed, foreign people and foreign culture are ubiquitous throughout the country.

But as in the time of Trujillo, Haitians remain an unwelcome people. The *antihaitianismo* from the Trujillo era continues to manifest itself as a xenophobia concentrated not on foreigners in general but on Haitians specifically.

¹⁴ “The Dominican Population in the United States: Growth and Distribution.” (September 2004). *Migration Policy Institute*. Washington, D.C. 3.

A Lesser People

With an emerging economy focused on tourism and the service-industry, Haitians living in the Dominican Republic have moved from the countryside to towns and cities. Their visibility in these more urban areas sparks the fears harbored since the days of Trujillo and his right-hand man and successor, Joaquín Balaguer, of a “Haitianization” of the country and brings to the forefront in many people a racial animosity long held dormant.

In the days of Spanish colonization, the Spanish colonizers worked the native Taino population of Hispaniola literally to death in the island’s gold mines. When the Taino population had been eradicated, slaves were brought from Africa to harvest the agriculture riches of the island for the dinner tables of Europe. In both of these cases, the mistreatment and enslavement of the native Tainos and African slaves was justified because the European colonists looked upon these people as less than human. Today, many Dominicans regard Haitians to be crazy or animalistic. They warn their children and visitors to use caution in dealing with Haitian people. Modern-day Dominicans are continuing to practice the colonial precedent of treating Haitians like “lesser people”.¹⁵ The enslaved Tainos made way for the enslaved African and now it is Haitians who are categorized as “lesser people” and mistreated, discriminated against and enslaved in the Dominican Republic. Dominicans would not treat other Dominicans the way they so egregiously treat Haitians.

¹⁵ Wucker, Michelle. (1999). *Why the Cocks Fight*. New York, NY. Hill and Wang. 113.

Statelessness

Tout moun se moun, tout moun pa menm
All people are people but not all people are the same

Legalized Racism

The Dominican Republic has passed laws in the past decade that amount to little more than government-sponsored racism. In 2007, the Dominican government issued Circular 17 and Resolution 12, which effectively eliminate birthright citizenship and are aimed almost exclusively at Haitians and Dominicans of Haitian descent. This means that children born in the Dominican Republic are not granted automatic citizenship and therefore exist in a form of stateless limbo. Without citizenship, a person in the Dominican Republic cannot attend high school, cannot marry, cannot vote, cannot obtain formal employment and are not privy to a number of rights only available to those with legal status. With no chance to obtain documents, an education, or proper employment, these stateless people are forced into a vicious cycle of poverty in which their future children will also have no legal route to obtaining legal citizenship. Cristobal Rodriguez, a Dominican human rights attorney and law professor, sums up the documentation and citizenship laws and the repercussions of them by suggesting, “Here a civil genocide is being committed.”¹⁶

Before 2004, birthright citizenship was recognized in the Dominican constitution and all people born in the country were entitled to citizenship with one exception for children born to people “in transit”, or in the country for less than 10 days.¹⁷ In 2004, the

¹⁶ Phillips, Whitney. (March 2011). “Thousands Find Themselves Stateless in the Dominican Republic.” *Cronkite Borderlands Initiative*. Santo Domingo.

¹⁷ Id.

General Migration Act redefined “in transit” to no longer include those in the country for under 10 days but all people in the country illegally or without proper documentation.¹⁸ On January 26, 2010, the Dominican government further limited and redefined citizenship to be available only to those who could prove that at least one parent was of Dominican nationality. The previous adherence to *jus soli* citizenship, or citizenship determined by place of birth, had been converted to *jus sanguinis* citizenship, or citizenship determined by the nationality of one’s parent or parents.

These redefinitions have serious implications for Haitians entering into the Dominican Republic after January 26, 2010, and for generations of Dominicans of Haitian descent. For Haitians entering after January 2010, there is no path to Dominican citizenship unless a parent is Dominican. For those Haitians and Dominicans of Haitian descent who have been living in the Dominican Republic for years or for generations, their status has now changed. Furthermore, the Dominican government has taken action to not only deny Haitians and Dominicans of Haitian descent citizenship, but has begun to retroactively rescind citizenship and apply the new laws on those who had been in the country before their ratification. This is a direct violation not just of Dominican law but of international human rights law and is succeeding to effectively strip “persons born in the Dominican Republic before the constitutional change, including those who have held Dominican identity documents and Dominican passports in the past, of their nationality.”¹⁹

The Dominican Central Electoral Board issued Circular 17 in March of 2007. The

¹⁸ *Id.*

¹⁹ “Here I Was Born: Stateless Dominicans Seek Recognition”. (March 2012) *The Refugee Voice*. Jesuit Refugee Services/USA. Vol 6 Iss 1. 2.

Circular's stated purpose is to allow government officials to carefully scrutinize identity documents brought forth for renewal or registration. But in fact this has led to the denial by Dominican officials to offer identity documents to thousands of Dominicans of Haitian descent.²⁰ Dominicans of Haitian descent who are legally Dominican per previous laws allowing birthright citizenship are systematically having their citizenship withdrawn. Laws passed in the 2000s, as recently as 2010, are being retroactively enforced on citizens who earned their citizenship before the new laws were in place.

Dominicans of Haitian descent like Milciades Yan are placed in a difficult predicament. Mr. Yan says, "I have a passport and an ID. I got my passport in 2006, and the resolutions changed things for everyone the next year. If I need a copy of my birth certificate or I have to renew my passport, I will have difficulty,"²¹ Additionally, many Dominicans in similar circumstances like those of Mr. Yan were not aware of the retroactive application. They are simply visiting their local courthouse or municipal office in order to get new copies of identity documents and are being told they are, in essence, no longer Dominican.²²

The existence of the new citizenship laws and the retroactive application of them are leaving entire generations of Dominicans of Haitian descent without a country. These people are born in the Dominican Republic to Haitian parents. They are raised in the Dominican Republic. They speak Spanish. And yet the Dominican government does not recognize them as Dominican simply because their parents were born in another country.

²⁰ "Dominican Republic: Dominicans of Haitian Descent Harassed". *Amnesty International*. July 19, 2010.

²¹ "Here I Was Born: Stateless Dominicans Seek Recognition". (March 2012) *The Refugee Voice*. Jesuit Refugee Services/USA. Vol 6 Iss 1. 3.

²² "Stateless in Santo Domingo." (December 16, 2011). *The Economist*. Retrieved September 29, 2012 from www.economist.com/blogs/americasreview/2011/12/dominican-haitian-relations

Many of them have never been to Haiti. Some of them likely do not speak Haitian Kreyol. Even if they personally identify themselves in Dominican, the government disagrees. One Dominican of Haitian descent, Ana Maria Belique, simply wants to be recognized, “We are proud to be of Haitian descent, but we were born here: we are proud Dominicans. I want the government to stop this discriminatory attitude, and for the government to acknowledge the human rights of Dominican citizens affected by these resolutions.”²³

Another interesting component of the issue, as I’ll expand upon later as I explore the Dominican sugar industry, is that thousands upon thousands of Haitians were legally invited by the Dominican government to migrate to the Dominican Republic to work in the sugar cane fields. These laws affect people who legally migrated and/or migrated in accordance with the Dominican government.²⁴

Yean & Bosico

The international community has taken notice of the issue of Statelessness in the Dominican Republic. A 2005 case heard by the Inter-American Court of Human Rights provides a glimmer of hope and one small victory for Dominicans of Haitian descent. The case, *Yean and Bosico vs. Dominican Republic*, ruled in favor of two Dominican girls of Haitian descent, Dilicia Yean and Violeta Bosico, who, in 1997, had been denied birth certificates despite having been born in the Dominican Republic to mother’s with

²³ “Here I Was Born: Stateless Dominicans Seek Recognition”. (March 2012) *The Refugee Voice*. Jesuit Refugee Services/USA. Vol 6 Iss 1. 3.

²⁴ *Id.* 2.

Dominican citizenship.²⁵ The ruling marked “the first time that an international human rights tribunal has unequivocally upheld the international prohibition on racial discrimination in access to nationality”²⁶ and found that “the Dominican Republic discriminatorily applied its nationality and birth registration laws to children of Haitian descent.”²⁷ The IACHR further ruled that “these discriminatory policies and regulations rendered such children interminably stateless and thus unable to access fundamental human rights and freedoms.”²⁸

The Inter-American Court of Human Rights is not the only international body to take notice of the discriminatory legal policies of the Dominican Republic. In an October 2011 visit, Secretary of State Hillary Rodham Clinton had this to say when questioned about the issue:

“I’m well aware that there are very serious concerns about the human rights of Haitians, and in particular those who have been here long enough to be – to have been born here and lived here. And we don’t dispute that every nation has a right, a sovereign right, to establish the laws concerning its border security, concerning its nationality, but we also believe that every nation has an obligation to protect the human rights of migrants. And therefore, there must be a resolution that recognizes those human rights, and we hope that we can encourage the Government of the Dominican Republic to look for ways to resolve these outstanding issues of residency and citizenship.”²⁹

²⁵ Kosinski, Stacie. (2009). “State of Uncertainty: Citizenship, Statelessness and Discrimination in the Dominican Republic.” *B.C. Int’l & Comp. L. Rev.* 377. 383-392.

²⁶ *Id.* 384.

²⁷ *Id.* 386.

²⁸ *Id.*

²⁹ United States Department of State (October 5, 2011). *Remarks by Secretary of State Hillary Rodham Clinton*. Santo Domingo. Retrieved October 16, 2012 from www.state.gov/secretary/rm/2011/10/175566.htm

The United Nations Human Rights Commission has also discussed the topic and in March 2012 urged the Dominican Republic to “abstain from applying the 2004 General Migration Act retroactively and maintain Dominican nationality for person who acquired it at birth”³⁰ and also recommends the Dominican Republic “ensure that all children born within its territory are registered and receive an official birth certificate.”³¹ Whether the Dominican Republic will respond to calls by the international community to reevaluate recent discriminatory laws remains to be seen.

A Lesser of Two Evils

And yet, with all the inevitable racism, the *antihaitianismo*, a potential likelihood of statelessness, Haitians continue to migrate in large numbers to the Dominican Republic. That this migration continues to occur sheds a light on the dire situation modern-day Haitians find themselves in. Haiti is the poorest country in the Western Hemisphere. A low paying job and discrimination in the Dominican Republic are viewed by many as preferable to unemployment and hunger in Haiti. The Haitians crossing Hispaniola’s one international border seek, as do so many immigrants across the globe, a better life and economic opportunity. Haitians migrate elsewhere too³² but the land border with the Dominican Republic is far easier to cross than the bodies of water separating Haiti from any other country.

³⁰ “Dominican Republic: Dominicans of Haitian Descent Harassed”. *Amnesty International*. July 19, 2010.

³¹ *Id.*

³² Romero, Simon and Zarate, Andrea. (February 7, 2012). “Influx of Haitians into the Amazon Prompts Immigration Debate in Brazil”. *New York Times*. Retrieved on November 19, 2012 from <http://www.nytimes.com/2012/02/08/world/americas/brazil-limits-haitian-immigration.html>

Here is a short run-down of the many ills affecting modern-day Haiti. Haiti boasts the world's highest prevalence of HIV infection outside sub-Saharan Africa.³³ In the Western Hemisphere, Haiti ranks among the lowest, or is the lowest, in both health care and education.³⁴ The average life span in 2012 in Haiti is 62.5 years³⁵, compared to 77.44 years in 2012 in the Dominican Republic.³⁶ In 2011, Haiti ranked 158th of 187 countries on the UNDP Human Development Index, the Dominican Republic ranked a full 60 places higher at 98th.³⁷ In January of 2010, a 7.0 magnitude earthquake struck near the Haitian capital of Port-au-Prince, killing an estimated 220,000 people³⁸ and decimating the city and the country's already inadequate infrastructure. In the reconstruction following the earthquake, cholera was reintroduced to the country for the first time since the 1960s and has left thousands dead.³⁹ Poverty, illness, natural disasters, the list simply does not end in Haiti. Former Haitian dictator Jean-Claude "Baby Doc" Duvalier once declared, "It is the destiny of the people of Haiti to suffer."⁴⁰ A glimpse into modern-day Haiti might confirm Baby Doc's belief. In a country as troubled as Haiti is today, it is no wonder why Haitians migrate to the Dominican Republic. But while the plight of modern-day Haiti might explain, at least in part, migration into the Dominican Republic, it does not explain how the migration began historically. The historical precedent for

³³ Skinner, Benjamin. (2008). *A Crime So Monstrous: Face-to-Face With Modern-Day Slavery*. New York, NY. Free Press. 4.

³⁴ Id. 8.

³⁵ Central Intelligence Agency. (2012). World Factbook: Haiti. Updated November 13, 2012. Retrieved November 15, 2012, from <https://www.cia.gov/library/publications/the-world-factbook/geos/ha.html>

³⁶ Id. World Factbook: Dominican Republic.

³⁷ Human Development Index. (2011) *United Nations Development Programme*. New York, NY. Retrieved on November 19, 2012, from <http://hdr.undp.org/en/>

³⁸ Haiti Earthquake Facts. (n.d.) *Disaster Emergency Committee*. London. Retrieved on November 19, 2012, from <http://www.dec.org.uk/haiti-earthquake-facts-and-figures>

³⁹ Cholera. (February 2012). *Partners in Health*. Boston. Retrieved on November 19, 2012, from <http://www.pih.org/pages/cholera/>

⁴⁰ Skinner, Benjamin. (2008). *A Crime So Monstrous: Face-to-Face With Modern-Day Slavery*. New York, NY. Free Press. 18.

Haitian migration is one that began because of sugar and the migration to harvest the sugar crop continues today.

Sugar

Men anpil chay pa lou
Many hands make the load lighter

Sugar's Influence

Sugar has a long and storied history on the island of Hispaniola. It helped to make Haiti the most prized and profitable of all New World slave colonies – the Pearl of the Antilles. It served for many years in the 20th century as a cash crop in the Dominican Republic. Today, sugar in the Dominican Republic is less profitable than it once was. U.S. policy and quotas dating back to the Sugar Act of 1934 have dictated the profitability and demand for the crop. North American and global trends towards the use of high-fructose corn syrup and other sugar substitutes also greatly effected demand for Caribbean sugar. More relevant to the modern-day sugar industry in the DR was the privatization of the sugar industry in the late 1990s. The government no longer controls the sugar plantations found throughout the country and multi-national corporations and individual land owners have continued the heinous practice of trafficking Haitians across the border to do the physically demanding work of harvesting sugar cane. These workers populate shantytowns called *bateyes*, on which I will expand, that boast very difficult living conditions, high rates of HIV/AIDS infection, low rates of literacy, and constant states of hardship.

Sugar was not always looked upon as a cash crop in the Dominican Republic. In colonial times, the sugar market was dominated by Haiti, Cuba, and Brazil. But in the

1870s the Dominican Republic benefitted from the Ten Years War in Cuba, during which Cuban refugees and sugar cane planters relocated to the Dominican Republic, bringing with them agricultural experience with the crop and, more importantly, the modern technology of the sugar mill. With the help of these Cuban refugees, the Dominican *ingenio*, or sugar mill, was born.⁴¹

The Dominican Republic also benefitted from Haiti's demise as the Pearl of the Antilles and chief exporter of sugar. Following Haiti's independence, many of its once-plentiful fields were destroyed. The country has dealt since its' independence with rampant deforestation issues, which have diminished the quality of the formerly fertile soil. As the Dominican role in the sugar trade grew in the late 19th century, workers had to be brought from neighboring countries to meet the demand. The first *braceros*, or cane cutters, came from islands throughout the Lower Antilles.⁴² These English-speaking migratory workers, referred to as *cocolos*, were seen as more amenable than workers from Cuba or Puerto Rico.⁴³

These *cocolos* from the Lower Antilles served as the primary source of migratory workers through the end of the 19th century. In 1916, the migratory practices began to change as the demand for sugar continues to rise. Not coincidentally, in 1916 the United States began an eight-year occupation of the Dominican Republic and an eighteen-year occupation of Haiti. The United States involved itself in the inner-workings of the sugar industry during these occupations and with more land being used to cultivate sugar came an increased demand for men to harvest it. The United States responded to this demand

⁴¹ Bernier, Barbara L. (2005). "Sugar Cane Slavery: Bateyes in the Dominican Republic." *New England J. Int'l & Comp. L. Rev.* Vol 9 No 1. 32.

⁴² Plant, Roger. (1987). *Sugar and Modern Slavery: A Tale of Two Countries*. London. Zed Books. 16-18.

⁴³ Id.

by seeking cheaper laborers from neighboring Haiti⁴⁴ and beginning around 1920, the dependence on *cocolos* to migrate and harvest Dominican sugar began to wane and workers from neighboring Haiti were recruited to do the work.⁴⁵

A Precedent is Set

The 1920s served a sort of “Golden Age” for sugar production and profit. World sugar prices were reaching record highs⁴⁶ and the U.S. companies wielding great influence over the Dominican sugar cane industry sought to increase production.⁴⁷ To keep up with demand, a large number of cheap laborers from Haiti were brought across the border to do the work. In 1920, when Haitian workers had begun being recruited en masse, there were approximately 28,000 Haitians living in the Dominican Republic.⁴⁸ By 1935, that number had reach approximately 53,000.⁴⁹ By this time, the harvesting of Dominican sugar had become largely reliant on Haitian labor and Dominicans began to look upon the work as beneath them, as “Haitian work, unfit for native sons.”⁵⁰

When the crash of world markets and the onset of the Great Depression in 1929, the price of sugar fell drastically, sugar production was cut, and the Haitian worker was no longer in demand in the Dominican Republic.⁵¹ In 1931, Trujillo took power and

⁴⁴ Bernier, Barbara L. (2005). “Sugar Cane Slavery: Bateyes in the Dominican Republic.” *New England J. Int’l & Comp. L. Rev.* Vol 9 No 1. 32.

⁴⁵ Id.

⁴⁶ Wucker, Michelle. (1999). *Why the Cocks Fight*. New York, NY. Hill and Wang. 102.

⁴⁷ Id.

⁴⁸ Id.

⁴⁹ Id.

⁵⁰ Id.

⁵¹ Id. 47.

began to deport Haitians living in the Dominican Republic and began using his discriminatory rhetoric and implementing discriminatory policies towards Haitians.⁵²

Trujillo would take on a slightly different tone when, in the 1950s, he began to take personal control over and benefit financially from the Dominican sugar industry, which had been slowly reviving since the Great Depression.⁵³ The Dictator had, over the course of a decade, accumulated 75% of the Dominican sugar mills and had bought or forced many U.S. competitors out of business.⁵⁴ In order to maximize production, Trujillo would have to turn to the Haitian workers he publicly reviled. In 1952, Trujillo and Haiti's President, Paul Magloire, signed a bilateral agreement in which the Dominican Republic bought 16,500 Haitian workers directly from the Haitian government.⁵⁵ In 1957, when Francois "Papa Doc" Duvalier took control of Haiti, the contract was renewed. Duvalier personally profited from the exportation of Haitian workers while Trujillo profited from the exportation of the Dominican sugar harvested by Haitian workers.⁵⁶ The 1961 assassination of Trujillo did not negatively affect the bilateral agreement and his successors continue the practice for decades longer. In the late 1970s, the Haitian government was receiving upwards of \$3 million each year from the Dominican government for migratory cane cutters.⁵⁷

Not until Francois Duvalier's son, Jean-Claude "Baby Doc" Duvalier was forced to leave Haiti did the practice of governments buying and selling men cease. The man elected president in Haiti in 1990, Jean-Bertrand Aristide, publicly denounced the

⁵² Id.

⁵³ Plant, Roger. (1987). *Sugar and Modern Slavery: A Tale of Two Countries*. London. Zed Books. 25.

⁵⁴ Id.

⁵⁵ Bernier, Barbara L. (2005). "Sugar Cane Slavery: Bateyes in the Dominican Republic." *New England J. Int'l & Comp. L. Rev.* Vol 9 No 1. 32.

⁵⁶ Id.

⁵⁷ Wucker, Michelle. (1999). *Why the Cocks Fight*. New York, NY. Hill and Wang. 105.

agreement and criticized the Dominican Republic for its treatment of Haitian workers.⁵⁸

The end of the formal agreement did not mean the end of recruitment of and use of Haitian labor on Dominican sugar cane plantations. It simply meant that Dominican government officials and sugar plantation owners would now have to resort to illegal measures to continue exploiting Haitian laborers.

The above account of the history of sugar production in the Dominican Republic and the agreement between the Dominican and Haitian governments to buy and sell laborers serves to illustrate the precedent set over the course of the 20th century of relying upon Haitian labor to harvest Dominican sugar cane. That precedent of Haitians crossing the border has never stopped and seems unlikely to stop in the near future. The estimate of Haitians living in the Dominican Republic is said to be anywhere from 500,000 to 1,000,000 in a country of just over 10 million.⁵⁹ To this day, Haitian workers make up 90% of the labor force in the Dominican sugar cane industry.⁶⁰

Anba-fil

The end of the formal agreement between the two governments to buy and sell workers did not mean the end of demand for cheap Haitian laborers nor did it mean that Haitian men would no longer be trafficked across the border and into the Dominican Republic. Haitian migration continues today in an illegal and *anba-fil*, or under the wire,

⁵⁸ Bernier, Barbara L. (2005). "Sugar Cane Slavery: Bateyes in the Dominican Republic." *New England J. Int'l & Comp. L. Rev.* Vol 9 No 1. 33-34.

⁵⁹ "Dominican Republic: A Life in Transit – The Plight of Haitian Migrants and Dominicans of Haitian Descent." *Amnesty International*. March 21, 2007. 3.

⁶⁰ *Id.* 12.

in Haitian Kreyol, form.⁶¹ The modern Dominican economy has also led to increased migration by Haitian women and children.

For those migrants who work in the sugar cane fields, a recruitment process exists. Recruiters, or *buscones*, collect potential workers in Haiti months before the sugar cane harvest is set to begin.⁶² Some of the workers choose to migrate, others are forced or coerced, often under false pretenses about the work they will be doing or the conditions in which they will be living. They are brought by the *buscones* across the border and taken directly to the sugar plantations with the intended purpose of cutting cane. This journey often takes place overnight in an attempt to disorient the migrants and not allow them to know the route to the plantation, making an escape less likely.⁶³ It is common practice for plantation or government officials to confiscate and sometimes destroy any identity documents the migrants might have.⁶⁴

For those migrants not being recruited for the sugar cane harvest, the process is less structured. These migrants might cross the border on foot, sometimes paying a guide to assist them or on public transportation.⁶⁵ It is common for bribes to be paid by the *buscones* or by individual migrants to Dominican border patrol in order to cross.⁶⁶ Once across the physical border, undocumented immigrants face the threat of military checkpoints along Dominican highways. Dominican bus drivers often charge an extra fee

⁶¹ Wooding, Bridget and Moseley-Williams, Richard. (2004). *Needed But Unwanted*. Catholic Institute for International Relations. London. 54.

⁶² Id. 54-55.

⁶³ Haney, Bill (Director). (2007). *The Price of Sugar* (Documentary). United States. Uncommon Productions.

⁶⁴ Id.

⁶⁵ Wooding, Bridget and Moseley-Williams, Richard. (2004). *Needed But Unwanted*. Catholic Institute for International Relations. London. 54-55.

⁶⁶ Id.

for undocumented Haitian passengers in order to bribe the officers at these checkpoints.⁶⁷

The Haitian immigrants who successfully cross the border have won just one small battle and have many more ahead of them. One of the battles faced by the sugar cane cutters is daily life in the communities and former work camps where most sugar cane cutters call home.

The Batey

batey: [bät-ay]

(noun)

a small town located within the confines of a sugar plantation. Its' simple dwellings and barracks lodge the workers who labor in the sugar fields and their families.⁶⁸

While I have explained the migration of the Haitian sugar cane workers, I have not delved into their living conditions or the treatment they receive once in the Dominican Republic. The communities called *bateyes* found throughout the Dominican Republic are communities developed by in the mid-1960s by the Dominican government and sugar cane companies to house the migratory Haitian sugar cane cutters. These company-owned villages were deemed necessary to deter the perceived “Haitianization” of the country and to allow the sugar cane companies to keep close tabs on Haitian workers.⁶⁹ These communities were essentially work camps featuring deplorable living conditions. The *bateyes* had no running water, no electricity, and no bathrooms. The housing consisted of little more than wooden barracks or small shanty structures in which

⁶⁷ Id.

⁶⁸ Carmen Ballvé & Eduardo Miyar (Director). 2010. *Batey Mosquito* (Documentary). United States. Hodge Podge Productions.

⁶⁹ “The Origin of the Dominican Batey”. *Children of the Nations*. May 1, 2012. Retrieved November 2, 2012 from <http://www.cotni.org/articles/the-origin-of-the-dominican-batey>

entire families and extended families resided.⁷⁰ In these communities the workers were not allowed to leave except to cut sugar cane. Armed guards from the sugar companies kept close watch on the inhabitants of the *batey*, threatening violence or deportation upon any who dare to leave.⁷¹ The daily wage of the worker was enough to perhaps buy one meal each day and little else. Even though the Haitian government received compensation in selling these men, the money did not trickle down into the worker's hands. The *bateyes* of the past were communities in which daily life was a struggle. Modern day *bateyes* have not improved by much.

Any change and development seen in the *bateyes* over the years is likely to be attributed to NGOs and organizations made aware of their existence. Until 1999, the *bateyes* were not fully incorporated by the Dominican state.⁷² Before then, the *bateyes* remained property of the sugar companies and the sugar companies, not the government, were in charge of providing any infrastructure or services.⁷³ It is estimated that more than 400 *bateyes* exist today and are home to more than 500,000 residents – or approximately 7% of the Dominican population.⁷⁴ Even today, fifty years after some of the first *batey* settlements were devised, there is little infrastructure and few services available in these communities. Latrines or proper sanitation facilities are rare. As is potable water. Electricity is infrequent, prone to long outages, or completely nonexistent.⁷⁵ The communities are generally located deep in the sugar cane fields and are connected to highways or larger towns only through dirt roads and seas of sugar cane. Schools and

⁷⁰ Id.

⁷¹ Id.

⁷² Wooding, Bridget and Moseley-Williams, Richard. (2004). *Needed But Unwanted*. Catholic Institute for International Relations. London. 41.

⁷³ Id.

⁷⁴ “The Origin of the Dominican Batey”. *Children of the Nations*. May 1, 2012. Retrieved November 2, 2012 from <http://www.cotni.org/articles/the-origin-of-the-dominican-batey>

⁷⁵ Id.

healthcare facilities are rare and, even when they exist, they are inadequate to meet the community's needs. Many of the facilities available were constructed by local or, more likely, international NGOs as the *batey* inhabitants are generally the last in a long line to receive any government assistance.⁷⁶

Harvesting sugar cane is an arduous task and, for many *batey* residents, it is the only job they have ever known. Dominican historian Frank Moya Pons quantified the labor performed by the *braceros*. He estimates the typical workday to be 11.48 hours and the average work week to be 6.4 days.⁷⁷ For their toil, the workers receive approximately \$4 US for each ton of cane they cut. Even then, it is commonplace for the *pesadores*, or men who weigh the cane, to purposefully underestimate the weight.⁷⁸ Moya Pons further estimates that 20% of cane cutters are seriously injured on the job each year and that the Dominican government acknowledges that 85% of all injuries in the workplace in the country happen in the cane fields.⁷⁹ What Moya Pons does not quantify are the sheer volumes of limbs that have been lost while harvesting sugar cane, the endless gallons of sweat produced during each twelve-hour day under the hot Caribbean sun, the nights passed with hunger due to low, unfair wages or illnesses suffered due to lack of access to health care and basic medicine.

The *bateyes* are the poorest communities in the Dominican Republic and boast the highest levels of HIV infection and of illiteracy. The levels of education are too often low and the prevalence of illness is too often high. They were once developed with the purpose of temporarily housing migratory workers, but when workers stopped migrating,

⁷⁶ Id.

⁷⁷ Wucker, Michelle. (1999). *Why the Cocks Fight*. New York, NY. Hill and Wang. 95.

⁷⁸ Wooding, Bridget and Moseley-Williams, Richard. (2004). *Needed But Unwanted*. Catholic Institute for International Relations. London. 39.

⁷⁹ Wucker, Michelle. (1999). *Why the Cocks Fight*. New York, NY. Hill and Wang. 95.

or were injured on the job, or started a family, or lacked the proper documentation to travel, or any combination of these things and many more, the temporary settlements became permanent settlements. Communities in which people call home. The inhabitants of these communities are trapped in vicious cycles of hardship, poverty, hard labor, and now statelessness, and have very few places to turn.

No Exit

Many Dominicans might query: Why don't these people simply leave if life is so difficult? Why come here at all? Why they come is, in most cases, the same reason anyone migrates – the pursuit of a better life and economic opportunity. Why they don't leave is a somewhat more complex question. Where might they leave too? Many Haitians have called the Dominican Republic home for much of their life and countless Dominicans of Haitian descent were born in the Dominican Republic. Many of them have never so much as visited Haiti. Some of them might not speak Kreyol. Their families and social networks live in the Dominican Republic. Where would they leave to? And even if they did want to leave, even if they had family in Haiti to return to, not having identity documents creates a sense of fear that might deter one from leaving. The same sense of fear that deters sugar cane cutters from reporting their mistreatment to the authorities. The same sense of fear that deters victims of hate crimes from reporting them. When alerting the authorities of your very existence puts you at risk for arrest and/or deportation, the authorities become something to avoid.

A component of the Haitian migrant issue that many Dominicans so often seem to forget is that the Dominican government purchased and brought over Haitian laborers for

decades. Many of these men stayed in the Dominican Republic and created lives for themselves. They started families. And now those families who have spent their lives in the Dominican Republic are at risk of having their citizenship revoked. Discriminatory laws passed in Santo Domingo affect countless lives of people in the *bateyes* and Dominicans of Haitian descent living across the country.

A Changing Economy, A Changing Migration

As the Dominican Republic continues to evolve from an agriculture-based economy to a service-based and tourism-based economy, so too do migration purposes evolve. The Haitians and Dominicans of Haitian descent so pervasive in the rural areas of the country are now flocking to urban areas in search of work. Men seek labor-intensive jobs in construction. Women seek work in textile factories or in the homes of middle-upper class Dominicans as maids or nannies and, far too often, seek work in the flourishing sex trade of a Caribbean tourist destination.⁸⁰ They peddle goods on the street, work odd jobs, and do what they must to get by. Their increased visibility in these urban areas only subjects them to further racism and exacerbates Dominican fears of the “Haitianization” of their country and compounds upon the xenophobia already widespread throughout the country.

Even though the work for Haitian migrants is no longer wholly focused on sugar, it was sugar that brought over many of their ancestors. It was sugar that set the precedent for migration. It was sugar that first informed Haitians of potential prosperity in the Dominican Republic and offered a reprieve from hardship in Haiti. For many, it is still

⁸⁰ “The Origin of the Dominican Batey”. *Children of the Nations*. May 1, 2012. Retrieved November 2, 2012 from <http://www.cotni.org/articles/the-origin-of-the-dominican-batey>

sugar that brings them over. For others, it is the hope of a better life and economic opportunity that is hard to come by in modern-day Haiti. Whether or not a better life or economic opportunity are found, racism is inevitable and statelessness is likely. So long as sugar cane grows in the Dominican Republic, Haitians will migrate to harvest it. And so long as Haitians migrate for the harvest or in search of a better life, they will endure discrimination. The cycle continues.

What Can Be Done?

Wóch nan dlo pa konn doulé wóch nan soley.

The stone in the water does not know the pain of the stone in the sun.

Solutions

Reversing generations and centuries of racial tension is not something that can be accomplished quickly. The Dominican government though can deal more immediately with regard to the issues of statelessness and issues dealing with migratory sugar cane cutters. I propose the following six steps that can be taken to assist in alleviating some of the contemporary problems faced by migratory Haitian workers and Dominicans of Haitian descent living in the Dominican Republic. These steps cannot and will not be taken until Dominican authorities have the will to take them. The continuation of local Dominican organizations, local and international NGOs, and actors such as the United Nations Human Rights Commission or the United States Secretary of State will force the Dominican government to acknowledge the issues and act upon them.

1. **The Dominican Republic should immediately revoke Circular 17 and Resolution 12.** It is in the Dominican Republic's best interest to reinstate birthright citizenship and to disallow the retroactive removal of citizenship. Scores of undocumented, uneducated, unemployable people living in the Dominican Republic will only increase already high levels of poverty and crime in the country. Ensuring that countless individuals will exist in a form of statelessness does nothing to benefit Dominican society, the Dominican economy, or Dominican sovereignty.
2. **The Dominican government should write and enforce laws that condemn acts of discrimination, racism, or xenophobia.** Using the legal system to enforce these laws and to demonstrate to the people that crimes based on race and ethnicity will not be tolerated is one small way to assuaging the racial tension that exists in the country.
3. **Sugar conglomerates must either employ Dominican laborers or create a temporary guest worker program in which Haitian laborers are offered the same rights, wages, and protections as Dominican workers.** A guest worker program would encourage actual migration between the two countries by Haitian workers and not the one-way immigration from Haiti to the Dominican Republic that is more common today. It could also formalize the migration process for cane cutting and decrease the need to illegally cross the border and place oneself in danger of physical harm, at risk of deportation, and at the mercy of border guards seeking bribes. The sugar conglomerates are undoubtedly making a profit and can afford to compensate Haitian laborers with the same wages they would offer to

Dominican laborers.

4. **The Dominican Republic, the multitude of international NGOs operating in Haiti, and the United States should assist the Haitian government in creating a program that provides Haitians and Dominicans of Haitian descent with Haitian identity documents.** Until the Dominican Republic has revoked Circular 17 and Resolution 12, one of the few forms of relief available to Haitians living in the Dominican Republic and undocumented Dominicans of Haitian descent is the ability to obtain legal documentation from Haiti. Obtaining this documentation would at least mean that these people are not stateless and could be used in conjunction with Solution #6, described below, by individuals petitioning in the future to obtain the Dominican citizenship they deserve. Having documentation from any country is better than having no documentation at all and until these people are legally able to obtain Dominican documentation, Haitian documentation is the only alternative.
5. **The Dominican government should invest in infrastructure programs in the bateyes. And promote and encourage local organizations working in Dominican-Haitian relations.** The programs and local organizations can assist the marginalized and stateless peoples living in these communities while advocating for their needs to the Dominican government and informing the Dominican public of the hardships these people face. Raising awareness of the issue can only serve to encourage Dominican people, as well as others in the international community, to pressure the Dominican authorities to change their stance on the laws negatively affecting these stateless people.

6. **The Dominican Republic should introduce an act akin to the current U.S. DREAM Act and create a system in which Haitians and Dominicans of Haitian descent who have resided in the Dominican Republic for an extended period of time and have been upstanding members of society can have a path to citizenship.** Creating a program like this would allow the Dominican government to avoid offering blanket amnesty to all foreigners living in the country. It would offer a path to citizenship for those who have resided for most or all of their lives in the Dominican Republic. It would further offer a path to citizenship to those men who were brought to cut sugar cane per a formal agreement between the Dominican and Haitian governments and their families.

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