



Human Rights Institute  
GEORGETOWN LAW

The submitting organizations the **Bureau des Avocats Internationaux (BAI)** – a Haitian human rights law firm – and the **Institute for Justice and Democracy in Haiti (IJDH)** – BAI’s U.S.-based sister organization and human rights non-profit – advocate to promote justice and accountability for the history of enslavement and colonialism in Haiti, including restitution for the illegal “Independence Debt” coerced by France. Submitting organization **Georgetown University Law Center Human Rights Institute (HRI)** has been working with IJDH since Spring 2024 to conduct legal and factual research regarding Haiti’s claim for restitution for “Debt.” HRI trains Georgetown Law students in human rights law and advocacy, including through a hands-on, year-long Human Rights Advocacy in Action practicum; this year’s practicum project is the aforementioned research and strategic planning in support of Haiti’s restitution claim. We base our input on Haiti-specific reports we deem credible based on our expertise, supplemented by observations made in the course of IJDH and BAI’s work in Haiti and from HRI’s project fieldwork, as well as information from trusted partners and legal scholars.

## I. Introduction

“We cannot talk about sustainable development without reparations, and we cannot talk about reparations without talking about Haiti.”- Gaynel Curry.

BAI, IJDH, and HRI submit this contribution to reaffirm that reparatory justice is foundational to the Programme of Activities for the Second International Decade for People of African Descent. Our recommendations below are strategies to advance the human rights and right to development for People of African Descent, thereby effectively implementing the Programme of Activities, which inherently calls for reparations. The pillars of recognition, justice, and development outlined in the Programme can only be fully realized through reparations, particularly for Haiti, a nation whose history embodies the enduring consequences of enslavement, colonial extraction, and racialized economic subjugation. Addressing these injustices requires concrete reparative action, ensuring that sustainable development is rooted in historical accountability and economic redress.

Reparations for Haiti are not a discretionary or symbolic consideration; they are a legal and moral imperative that directly aligns with the principles enshrined in the Programme of Activities. The Durban Declaration and Programme of Action, reaffirmed as a central framework guiding this Second International Decade in its Programme of Activities, explicitly acknowledges the necessity of reparations for the transatlantic slave trade, colonialism, and their enduring consequences. Haiti, as the first Black republic to liberate itself from the chains of enslavement in 1804, was immediately subjected to economic and diplomatic punishment by the very colonial powers that had built their wealth and power through the transatlantic slave trade.

The punishment was carefully designed and tenaciously applied to prevent Haiti from serving as an example of successful Black liberation and containing the “risk” that Haiti would inspire liberation

struggles in the Caribbean, the United States, and elsewhere. The “Debt” coerced by France was designed to deter other enslaved peoples from seeking freedom: it was an exorbitant sum that took over a century to repay, drained Haiti’s national wealth, and is the root of Haiti’s poverty and instability today. Although Haiti’s example could not be contained forever, and eventually did inspire the liberation of so many Black countries, the “Debt” delayed this progress for decades.

Haiti’s restitution claim is no artifact of history: it has immense power to unlock legal and moral pathways for reparatory claims by other African-descendant communities that continue to endure the economic and social consequences of enslavement and colonialism. For this reason, the countries that enjoy continued preminent influence through power built in the transatlantic slave trade carefully and tenaciously prevent Haiti from advancing its restitution claim. The realization of the Programme of Activities is therefore contingent upon a firm and unequivocal commitment to reparatory justice for Haiti, as the key to unlock reparatory justice that can dismantle the structural inequalities that this decade-long initiative addresses.

## **II. The Programme of Activities as a Foundation for Reparatory Justice**

The Programme of Activities would be best fulfilled through efforts for reparatory justice because of its explicit recognition of the obstacles that continue to prevent People of African Descent from fully enjoying their human rights, economic opportunities, and political agency. Many of the Programme’s Activities and Objectives inherently require reparations to be fully realized, but a few particular Activities make this requirement especially clear:

- Activity 1(A) calls for Member States to “remove all obstacles that prevent their enjoyment of all human rights, economic, social, cultural, civil, and political, including the right to development,”<sup>1</sup> which implicates the need for States to dismantle the systemic barriers that have historically and contemporarily disenfranchised People of African Descent. Haiti, as a nation that has borne the brunt of centuries-long economic, political, and racial subjugation, is a primary case for which this Activity would be furthered by reparations.
- Activity 2(A) calls for Member States to:
  - ensure that people of African descent have full access to effective protection and remedies through national tribunals and other state institutions;
  - acknowledge the suffering inflicted upon millions of people as a result of enslavement, the transatlantic slave trade, colonialism, apartheid, genocide, and other atrocities;
  - come together as an international community to honor the memory of victims through measures that facilitate reconciliation and healing; and
  - take appropriate and effective measures to halt and reverse the lasting consequences of enslavement and colonialism all counsel in favor of centering reparatory justice in the Second International Decade.

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<sup>1</sup> A/RES/69/16.

### III. Haiti's Claim for Restitution: The Facts

Haiti's colonial history presents a uniquely persuasive case for reparations, or more specifically, for restitution for the so-called "Independence Debt." After over two centuries of suffering under chattel slavery and barbaric cruelty, Haitians successfully revolted against their enslavers, soundly defeated Napoleon Bonaparte's military, and became an independent nation in 1804.<sup>2</sup> But after twenty years of staunch refusals by France and, for decades longer, the U.S.,<sup>3</sup> to recognize Haiti's independence, France returned in 1825, demanding that Haiti sign a "Royal Ordinance," "agreeing" to pay 150 million francs to the French Crown.<sup>4</sup> This huge sum of money, extorted from Haiti by France at gunpoint in exchange for French recognition of Haiti's sovereignty, included payments for the value of the emancipated Haitians themselves, to compensate French enslavers for their losses. The "Debt" was not simply to punish Haiti for France's defeat; it was meant to serve as a message to other colonies that might have been inspired by Haiti's success and sought Black liberation of their own.

To begin paying the "Debt" – which exceeded 10 years of government revenue for the nascent country – France forced Haiti to borrow from French banks on predatory terms.<sup>5</sup> During the U.S. occupation, the U.S. left Haiti with no choice but to turn to U.S. banks for loans, which also preyed on Haiti's vulnerable financial circumstances.<sup>6</sup> While other countries were investing in their development—and France was using its money from the "Debt" to finance the Eiffel Tower and build up its young banking industry—Haiti was forced to divert all available resources to repayment of this "double debt." In fact, by 1900, Haiti was spending 80% of its national budget on debt repayment.<sup>7</sup> It did not complete payments until the 1940s.<sup>8</sup> By then, over a century of sacrificing investing in education, healthcare and industrial development had pushed Haiti into a cycle of entrenched debt and aid dependence, a cycle with direct causal links to Haiti's current crises.<sup>9</sup>

Unfortunately, the French and U.S. response to recent calls for restitution for Haiti have been the opposite of reparatory, instead tenaciously repressing Haiti's ability to assert its claim. In 2004, when Haiti's democratically-elected President officially called for restitution for the "Debt," and started preparing a claim for submission to the ICJ against France, the U.S., France, and Canada orchestrated a coup, kidnapped and exiled President Aristide, and installed a puppet government that they knew would

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<sup>2</sup> Catherine Porter et al., *The Root of Haiti's Misery: Reparations to Enslavers*, THE N.Y. TIMES (MAY 20, 2022), <https://www.nytimes.com/2022/05/20/world/americas/haiti-history-colonized-france.html>.

<sup>3</sup> The United States did not recognize Haiti's independence until 1862. See U.S. Dept. of State Office of the Historian, *The United States and the Haitian Revolution, 1791-1804*, <https://history.state.gov/milestones/1784-1800/haitian-rev#:~:text=Although%20France%20recognized%20Haitian%20independence,as%20a%20sovereign%2C%20independent%20nation> (last accessed Mar. 14, 2025).

<sup>4</sup> *Id.*

<sup>5</sup> Matt Apuzzo, et al., *How a French Bank Captured Haiti*, THE NEW YORK TIMES, (May 20, 2022), <https://www.nytimes.com/2022/05/20/world/french-banks-haiti-cic.html>.

<sup>6</sup> Selam Gebrekidan, et al., *The Ransom: Invade Haiti, Wall Street Urged. The U.S. Obligated*, THE N.Y. TIMES (May 20, 2022), <https://www.nytimes.com/2022/05/20/world/haiti-wall-street-us-banks.html>.

<sup>7</sup> Richard Kim, *The Nation: Haiti's Recovery, A Repeated Tragedy*, NPR (Jan. 18, 2010), <https://www.npr.org/templates/story/story.php?storyId=122693853>.

<sup>8</sup> Porter, et al.

<sup>9</sup> Constant Meheut et al., *The Ransom: Demanding Reparations, and Ending Up in Exile*, THE N.Y. TIMES (MAY 20, 2022), <https://www.nytimes.com/2022/05/20/world/americas/haiti-aristide-reparations-france.html>.

abandon restitution efforts.<sup>10</sup> In fact, during the next twenty years, not a single Haitian President asked for restitution.

In 2015, French President François Hollande quickly clarified that when he stated publicly that France owed a “debt” to Haiti, he meant only a “moral debt,” not a financial one.<sup>11</sup> On a cultural level, subject matter experts have reported to us a complete lack of French public awareness of France’s colonial history with Haiti; they also reported a general resistance to engage in any discourse related to racial justice.<sup>12</sup> The public-school curriculum contains little to no coverage of the issue,<sup>13</sup> and attempts by civil society members to persuade politicians to add in the history of Haiti and the “debt” to the curriculum have been ignored.

To this day, Haiti still does not have an independent, constitutional, accountable government. The legacy of oppression by colonizing States has continued into present day in the form of governmental interference and forced dependence on foreign aid. And this lack of an independent government benefits the offending States because it ensures there will not be a strong government accountable to the Haitian people to assert Haiti’s claim. The striking injustice of Haiti’s claim, as well as the oppression of Haiti’s ability to assert it by the offending States, demonstrate just how important it is to center reparations—and particularly, restitution for Haiti—in the implementation of the Second International Decade’s Programme of Activities. Without global pressure, it is clear that these States will not be moved to repair these harms on their own.

#### **IV. Restitution for Haiti, Reparations for All**

Haiti’s case for restitution, if successful, has the potential to unlock claims for reparations around the world. The strong claim has unique procedural advantages that can overcome obstacles that have blocked other reparatory justice cases. First, the causal links between what Haiti as a State is facing today and the harms of the “Debt” are particularly clear, strengthening Haiti’s standing, as economists have been able to calculate with relative precision the *minimum* that the Debt likely extracted from Haiti’s economy: \$21 billion<sup>14</sup>; Haiti’s claim also overcomes any judicial concerns about a lack of a clear evidentiary record because of the passage of time. The “Debt” payments were all recorded in writing and preserved in French archives, and historians and economists have been able to track where specific payments landed,<sup>15</sup> which are both part of a clear evidentiary record and support for Haiti’s standing as these payments demonstrate the injury-in-fact, causality, and redressability of the “Debt.” Even though it has been 200 years (this year) since the imposition of the “Debt,” the evidentiary record has not fallen into obscurity because of these meticulous records. If Haiti can use these facts to be successful in seeking restitution, it

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<sup>10</sup> Méheut, et al.

<sup>11</sup> Stephanie Trouillard, *Hollande’s vow to settle ‘debt’ to Haiti sparks confusion*, France 24 (May 5, 2015), <https://www.france24.com/en/20150512-hollande-vow-haiti-debt-france-settle-slavery-confusion>.

<sup>12</sup> Confidential interviews with individuals in Paris, France, Jan. 6-10, 2025. On file with the Human Rights Institute.

<sup>13</sup> *Id.*

<sup>14</sup> *See id.*

<sup>15</sup> *See* Porter, et al.

will open the doors for claims in which the evidentiary record may not be as well-preserved, or the causal links to today's harms are not as well-documented which might otherwise raise standing issues.

Because Haiti unlocked Black liberation in 1804 through its inspirational defeat of its colonizers, focusing on reparations for Haiti can provide the proverbial key to unlock reparations efforts around the globe today.

## V. Current Work to Support Restitution for Haiti

BAI, IJDH, and HRI recognize the vital leadership of Haitians in determining the best path forward to repair, including as outlined in the [Operational Eight-Point Framework](#) – a framework for pursuing restitution for Haiti in the context of a larger Pan-Africanist reparations movement, developed by BAI and IJDH in cooperation with Haitian civil society organizations. In support of these efforts, IJDH and HRI have partnered over the last year to conduct legal and factual research and develop litigation and advocacy strategies to advance Haiti's claim. This project has been the sole focus of HRI's Human Rights Advocacy in Action Practicum, consisting of three faculty members and twelve students, for the 2024-25 academic year. After conducting desk research for the Fall semester, faculty and students traveled to Paris, France, Nassau, Bahamas, and New York City to conduct field research in January 2025. Practicum team members interviewed reparations advocates, other civil society members, subject matter experts, scholars and members of academia, journalists, and other key stakeholders to determine how best to garner international support for Haiti's claim, solidarity with the global reparations movement, and support from policymakers.

This April, HRI's annual [Samuel Dash Conference on Human Rights](#), titled *Truth, Solidary, and Repair: Haiti and the Global Reparations Movement*, will be centered on restitution for Haiti and its connections to the global reparations movement. Experts from around the world will be discussing the underlying facts of Haiti's claim, the legal bases for the claim, the claim's impact on the broader reparations movement, the importance of solidarity with Haiti among those passionate about reparatory justice, and action items to support Haiti's restitution efforts. The Dash Conference is free and open to the public; we encourage all those who are interested to find out more [here](#). We are especially excited that the Dash Conference will take place the week before the fourth session of UN Permanent Forum on People of African Descent, which will feature reparations as one of its four central themes and has as its closing event a discussion on "Haiti's Independence Debt: 200 Years Later."<sup>16</sup>

We are hopeful that the culmination of these efforts will be helpful research and increased support for the Haitian stakeholders at the helm of this work.

## VI. Recommendations

BAI, IJDH, and HRI have the following recommendations to the Secretariat-General for the implementation of the Programme of Activities:

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<sup>16</sup> United Nations Permanent Forum on People of African Descent, *Fourth session of the Permanent Forum on People of African Descent Concept Note*, <https://www.ohchr.org/sites/default/files/documents/issues/racism/forum-people-african-descent/4th-session/2025-04-concept-note-pfpad-4th-session-en.pdf> (last accessed Mar. 12, 2025).

1. Call for Member States to support the restoration of the sovereign, democratic, and accountable government Haiti needs to realize its right to restitution and unlock reparations for other post-colonial States;
2. Recognize that Haitian sovereignty and self-determination are fundamental elements of repair and that reparations cannot be achieved while Haiti is subject to foreign interference and forced reliance on international aid;
3. Support Haitian efforts to reclaim its democracy to create an environment where a reparations plan like the [Operational Eight-Point Framework](#) and related efforts can be effectively implemented;
4. Recommend to Member States that they center reparations and reparatory justice as a fundamental requirement of realizing many of the Objectives and Activities outlined in the Programme of Activities;
5. Center restitution for Haiti for the so-called “Independence Debt” as a key component of realizing those same Objectives and Activities;
6. Encourage the declassification and public release of colonial records by States and private entities detailing economic crimes against Haiti to ensure transparency and historical accountability;
7. Encourage Member States to publicly support Haiti’s claim for restitution and stand in solidarity with Haiti;
8. Encourage open conversations across and within cultures about race and racial justice issues, recognizing that reparations are a global effort that are hampered by cultural taboos against discussing racial justice;
9. Center Haitian voices as thought leaders on reparatory justice and as subject matter experts on the needs of Haiti and Haitians, and on how restitution for Haiti can unlock reparations for other States.