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Two months ago, after Juliana Disguise-Pierre, a Dominican national of Haitian descent and the mother of four, appealed for having been deprived by the Dominican Republic’s Junta Central Electoral (JCE) of Dominican identification and voter cards, the country’s Tribunal Constitucional (TC) issued a ruling that has placed that country and Haiti, its Caribbean-island neighbor, at odds.

In its Sept. 25 decision, the TC does not recognize as Dominican citizens persons born as of 1929 of foreign parents "in transit" or with irregular immigration status in the Dominican Republic. The measure overwhelmingly applies to daughters and sons of Haitian nationals, the largest foreign community settled on Dominican soil. Different estimates put the total of Haitian-Dominicans at more than 200,000, while the rest of citizens of foreign descent number some 35,000.

By Dominican official data, immigrants in that Spanish-speaking country on the western two-thirds of the island of Hispaniola number approximately 524,000, some 460,000 of whom come from the neighboring French-speaking Haiti, on the eastern third.

With some 9.7 million people living in extreme poverty—with 78% barely surviving on less than US $2 a day in a dire situation more recently worsened by the devastating, magnitude 7.0 earthquake of January 2010 and the cholera epidemic that broke some nine months later (NotiCen, Nov. 18, 2010) that together claimed more that 8,000 lives—migration to the Dominican Republic is a historic phenomenon (NotiCen, Aug. 9, 2012).

Tribunal says it is following Constitution
The TC claims its ruling is based on the Dominican Constitution. Its Article 18 states, "Dominican citizens are the sons and daughters of a Dominican mother or father," as well as "those enjoying Dominican citizenship before this Constitution went into force."

In the last of its three points, the article points out that citizens are also "persons born on national territory, with the exception of sons and daughters of foreigners who are members of diplomatic and consular legations and of foreigners who are in transit or illegally residing in Dominican territory."

Days after the TC decision, Haitian Foreign Minister Pierre-Richard Casimir and Ambassador to the Dominican Republic Fritz Cinéas—recalled for consultations—met with Dominican Ambassador to Haiti Rubén Silié.

Immediately after the closed-door talks held on Oct. 2 in Port-au-Prince, the Haitian capital, Casimir told a press conference, "We took the diplomatic route because this decision will have consequences for the Haitian diaspora in the Dominican Republic. Its impact will be felt at the social, economic, legal, and political levels, thus the ministry is most concerned."

Also taking part in the briefing, Cinéas explained that, although the ruling is an internal matter of Dominican Republic, "it deeply concerns us, because those affected are also Haitians."
On the Dominican side, Silié said during the press conference that the TC’s ruling "is not a government decision," since the tribunal "is an independent institution."

The same day, Haitian Senate president Simon Dieuseul Desdras issued a written statement saying he would meet 48 hours later with Dominican colleague Reynaldo Pared in an effort to reach a satisfactory solution for both sides to what he described as a potentially "disastrous precedent" for human rights on an international level and "an intolerable threat to diasporas worldwide."

Haitian press reports quoted Desdras as saying that the bilateral talks produced an agreement to set up a Joint Parliamentary Committee as a communications mechanism to find ways to overcome the major crisis in the complex relationship between both countries. Desdras also admitted the TC’s right, as an institution of a sovereign country, to pass the ruling and hinted that the tribunal’s decision could have been pushed by sectors he did not identify.

**Ruling opposed by many in Dominican Republic, internationally**

The ruling has been backed as well as opposed in the Dominican Republic and has been the target of criticism by international organizations and Haitian civil society organizations. On Oct. 3, a dozen civil society groups addressed a letter to Silié, which they delivered during a sit-in outside the Dominican Republic’s diplomatic headquarters in Port-au-Prince.

In the letter, the groups expressed their "deep sadness and outrage" at the ruling and added that, "considering the history of Haitian migration" to the Dominican Republic "and the anti-Haitian discourse constantly maintained by a sector in the Dominican Republic, we know this decision is aimed particularly at the descendants of Haitian immigrants." They pointed out that "the history of the relations between Haiti and the Dominican Republic is marked by moments of solidarity but also by the 1937 massacre."

The letter referred to the Masacre del Perejil, which took place Oct. 3-8, 1937, and was ordered by Dominican military dictator Rafael Leonidas Trujillo (1930-1961), nicknamed El Jefe, who was a promoter of antihaitianismo, having carried out a policy of ethnic cleansing against Haitian immigrants, even though his maternal grandmother was Haitian.

The massacre, mainly in the northeastern Dominican province of Dajabón along the border with Haiti, claimed some 20,000 to 30,000 Haitian lives—including Dominicans of Haitian descent. It is called del perejil because, under orders from Trujillo, to easily identify—and kill—Haitian immigrants—of African descent, as are most Dominican nationals—soldiers would have them say the word perejil, knowing that Créole-speaking Haitians could not pronounce the soft "r" sound.

In the letter to Silié, the local organizations congratulated "all Dominicans who denounced this decision of the TC and who work for the establishment of harmonious, fair, and solidary relations between the two peoples."

Three days later, Silié was to receive yet another letter, this time from the Haitian Ministère des Affaires Étrangères et des Cultes, addressed to the Dominican Embassy and copied to Haiti’s Embassy in the Dominican Republic.

In the text containing the Haitian government’s position regarding the ruling, the Foreign Ministry warned that the TC’s decision "could put a considerable number of Dominican citizens of Haitian descent in a situation of statelessness."
The ministry "expresses its strong disagreement with the sentence in question, which is in clear violation of international commitments subscribed to by all countries, including the Dominican Republic, in terms of human rights and even some general legal principles generally accepted by all civilized nations," said the document. "This sentence constitutes a bad precedent, not only for the Dominican society but also for all the nations of the American continent and the world in general."

The ministry also said that it "deeply regrets that Haitians and their Dominican descendants, who have contributed significantly to the current progress of the Dominican Republic by their work and sacrifice, are now treated as foreigners in transit."

Also last month, Casimir went on a regional tour, seeking—and obtaining—support for Haiti’s effort to have the Dominican Republic reverse the ruling. The governments of Guyana, Trinidad and Tobago, and Surinam expressed support, the latter two presiding the Caribbean Community (CARICOM) and the Unión de Naciones Suramericanas (UNASUR), respectively.

Reacting to Casimir’s tour, Dominican lawyer Marino Vinicio Castillo, president of the center-right Fuerza Nacional Progresista (FNP)—one of the top-six political parties in that country—called on the Dominican government to "counteract the slanderous international offensive launched by Haitian Foreign Minister Pierre-Richard Casimir."

"The Dominican government must take a more active role internationally facing Haiti’s offensive against the Dominican Republic … the insolent activity of the Haitian Foreign Ministry must have an urgent response from the government, [Dominican] President Danilo Medina, and the Dominican Foreign Ministry," according to Castillo.

Call for sanctions after government accepts TC ruling

By the end of last month, Dominican presidential spokesperson Roberto Rodríguez announced that, after a lengthy meeting of the Consejo Nacional de Migración (CNM), headed by Medina, the government accepted the controversial ruling, based on the independence of the TC.

In a statement following the Oct. 29 meeting, the CNM pointed out that, "despite the ruling, there is a human problem we must solve." It also said that, in 30 days, after measuring the ruling’s impact on both legal and illegal immigrants, it would draw up, in an additional 60 days, a plan for foreigners to legalize their immigration status.

Meanwhile, St. Vincent and the Grenadines Prime Minister Ralph Gonsalves called for economic sanctions to punish the Dominican Republic, as a means to press for reversing the TC’s decision. Gonsalves proposed suspending the country from Petrocaribe, the Venezuelan program dating from 2005 for flexible payment of oil purchases by member countries. He also suggested applying the measure on the Dominican interest in joining CARICOM.