

Inputs for WGEPAD’s 35th session on “Principles, Provisions and Pathways to Reparatory Justice for Africans and People of African Descent” from Civil Society Organizations

To support the request by the Working Group of Experts on People of African Descent for inputs in preparation for its 35th session, the undersigned organizations submit a copy (annexed below) of the Eight Point Framework Document for pursuing restitution for the illegal “Independence Debt”¹ extorted by France, put together by Haitian organizations the Bureau des Avocats Internationaux (BAI), Mouvement de Liberté, d’Égalité des Haïtiens pour la Fraternité (MOLEGHAF), Étude et action pour les droits de l’homme (EADH), Sant Karl Levêque (SKL), and Ensemble des Citoyens Compétents à la Recherche de l’Égalité des Droits de l’Homme en Haïti (ECCREDHH), and endorsed by 237 organizations and individuals.

The Framework presents Haiti’s well-established legal right to restitution for the Independence Debt as part of a pathway toward advancing the global reparations movement for all people of African descent. While the restitution claim itself is unique to Haiti, the principles of natural justice and reparations as a right to remedy that underlie Haiti’s claim - and the Framework’s approach - are applicable to that broader pursuit of reparatory justice. The Framework’s assessment of the responsibility of the French government for the Independence Debt and the cumulative impact of the harm the Debt caused to Haiti’s development and sovereignty, on the basis of which it proposes a process for effectuating Haiti’s restitution claim, is therefore relevant to the Working Group’s efforts to put forward a set of common principles and necessary provisions for a global approach to reparatory justice for all People of African Descent.

The Framework was widely circulated at the Third Session of the Permanent Forum on People of African Descent and formally submitted to the Permanent Forum as part of the proceedings. In submitting the Framework to the Forum, IJDH, the BAI, and Haitian partners succeeded in soliciting the Forum’s support for long overdue monetary reparations for Haiti - including as a means of advancing the broader movement for reparations for people of African descent - and for Haitians’ efforts to reclaim their democracy from the former slaveholding powers that continue to undermine Haiti’s sovereignty and stability. During the Session, Forum members emphasized Haiti’s centrality in the broader reparations space, with Forum member Gaynel Curry noting that “we cannot talk about reparations without talking about Haiti.”

The principles and pathway to reparations outlined in the Framework were also reflected in the Report of the Permanent Forum on People of African Descent on its third session,² which acknowledged the links between the Independence Debt, long-standing socio-economic and governance challenges in Haiti, and the country’s current crisis; recognized the strong support for restitution and reparations for Haiti; and recommended steps toward establishing an independent international commission of inquiry on reparatory justice for Haiti. The Report also acknowledged “the unique role of Haiti in the history of anti-colonialism, anti-racism, the abolition of enslavement and the Pan-African and other movements for the human dignity, rights and self-determination of Africans and people of African descent across the world.”

¹ See Catherine Porter, Constant Méheut, Matt Apuzzo, and Selam Gebrekidan, “The Root of Haiti’s Misery: Reparations to Enslavers,” The New York Times, 20 May 2022, available at <https://www.nytimes.com/2022/05/20/world/americas/haiti-history-colonized-france.html>.

² See Report of the Permanent Forum on People of African Descent on its third session, 16 August 2024, available at [A/HRC/57/68](https://www.unhcr.org/refugees-and-returnees/57/68).

The submitting organizations would also like to take this opportunity to bring to the Working Group's attention a series of articles³ published in the University of Miami Inter-American Law Review, which examine the factual and legal basis for Haiti's restitution claim; assess the postures, roles, and responsibilities of the French and U.S. governments for the harm caused to Haitians, contrasting the benefits they derived with the harms inflicted on Haitians; and discuss some of the challenges affecting the pursuit of reparatory justice for Haitians.

Submitting organizations:

1. Institute for Justice and Democracy in Haiti (IJDH)
2. Bureau des Avocats Internationaux (BAI)
3. International Civil Society Working Group for the Permanent Forum on People of African Descent
4. La Troupe Makandal
5. Center for Gender and Refugee Studies (CGRS)
6. Diaspora Community Services
7. Zanmi Lakay
8. Quixote Center
9. Massachusetts Action for Justice
10. Haiti Dream Keeper Archives
11. Reparations United
12. Fundación Cónclave Investigativo de las Ciencias Jurídicas Y Sociales (CIJYS)
13. GOALS Haiti
14. L'ensemble des Citoyens Compétents à Recherche de l'Égalité des Droits de l'Homme en Haïti (ECCREDHH)
15. Reparations4Slavery
16. Incarcerated Nation Network
17. Groupe d'Appui au Développement et à la Démocratie (GRADE)
18. The Haitian Women's Collective (HWC)

³ See University of Miami Inter-American Law Review Vol. 55. No. 1 (December 2023), available at <https://repository.law.miami.edu/umialr/vol55/iss1/>.



Scan to [sign the 8-point framework](#)



Scan to [view signatures](#) as they are added

Operational Eight Point Framework Document for Restitution for Haiti

Haitian civil society organizations the Bureau des Avocats Internationaux (BAI), Mouvement de Liberté, d'Égalité des Haïtiens pour la Fraternité (MOLEGHAF), Étude et action pour les droits de l'homme (EADH), Sant Karl Levêque (SKL), and Ensemble des Citoyens Compétents à la Recherche de l'Égalité des Droits de l'Homme en Haïti (ECCREDHH) have put together this Eight Point Framework Document for pursuing restitution for Haiti in the context of a larger Pan-Africanist reparations movement.

The Document is grounded in Haiti's well-established legal right to restitution for the Independence Debt coerced by France and offers a framework for reparations, including a long-term repayment plan focusing on areas of socio-economic development most impacted by the debt. As of April 17, 2024, the Document has been signed by over 200 Haitian, diaspora, and allied organizations and individuals, with signatures continuing to grow. **We encourage all individuals and organizations to join this effort towards reparatory justice by signing on.**

Premises

- *Haiti's restitution claim is part of the larger reparation movement. Still, it presents its particular historical and legal antecedents established by prior legal and investigative research by renowned scholars and economists, leading to estimates ranging from \$21 billion to \$28 billion (T. Picketty).*
- *Haiti's evolution as a nation-state has been systematically undermined by former colonial powers and their allies – through means of aggressions, embargos, hostile policies, destructive aid packages, and violations of the human rights of its citizens.*
- *The long-term impact of the debt has rerouted Haiti's resources (80% of the state budget by 1900) toward paying the so-called independence debt" to France, preventing its progress in education, health, and economic development, among other areas.*

Sources: Various relevant Haitian and non-Haitian written sources, discussion forums, and conversations with experts discussing restitution for Haiti. Available on demand.

- *French President Francois Hollande, among other French personalities, publicly acknowledged in May 2015 that France owed a “moral debt” to Haiti.*
- *Haiti’s restitution case can also align to a certain extent with specific points raised in other significant reparations movements– and, in this context, will find allies among Pan-Africanist entities such as the African Union or CARICOM.*

On these grounds, the following eight points are being presented to the UN Permanent Forum on People of African Descent to solicit its support in negotiating and implementing them in the context of a larger Pan-Africanist reparations movement:

Eight Point Restitution Claim

1. A Commission on Restitution to Haiti (BCRH), backed by selected international institutions or allies and supported by experts in relevant domains, including academia and international finance, to confirm the final amount of the French debt repayment. The Commission will approach both the French state and the relevant UN institutions.
2. A Mediation and Negotiation Commission to create a framework and mechanism for restitution over the long term (25 to 50 years). The Commission will work with the French State should France accept the claims under Point 1, and determine both monetary and non-monetary investment packages prorated yearly to the restitution amount.* These packages will apply in specific areas where the debt impacted Haiti.
3. Restitution package in development infrastructure (roads, bridges, sanitation).
4. Restitution package in the areas of health and wellness.
5. Restitution package in the areas of education and vocational training.
6. Restitution package in the area of agriculture to redress the depletion of Haiti soil due to abuse extraction before and after the debt.
7. Establishment of bilateral compliance and evaluation mechanisms, internal as well as external, to monitor payments, programs implementation and evaluate impact (Compliance and Evaluation Commission).
8. Strategic collaboration through existing institutions to foster mutual, intentional, and respectful partnership between the Haitian state and the French state.

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***Negotiated approach:** Basic concept: A long-term repayment package over 30-50 years that will include a dual combination of phased disbursements of funds to the state of Haiti and the provision of impact financing programs that will result in national socio-economic and macro-infrastructure projects.

Sources: Various relevant Haitian and non-Haitian written sources, discussion forums, and conversations with experts discussing restitution for Haiti. Available on demand.

Document-Cadre Opérationnelle de Restitution pour Haïti en Huit Points

Prémisses

- *La demande de restitution d'Haïti fait partie d'un mouvement de réparation plus vaste, mais présente ses antécédents historiques et juridiques particuliers établis par des recherches juridiques et d'investigation antérieures menées par des universitaires et des économistes renommés, conduisant à des estimations allant de 21 à 28 milliards de dollars (T. Picketty).*
- *L'évolution d'Haïti en tant qu'État-nation a été systématiquement et définitivement minée par les anciennes puissances coloniales et leurs alliés – par le biais d'agressions, d'embargos, de politiques hostiles et de violations des droits humains de ses citoyens.*
- *L'impact à long terme des dettes a réorienté les ressources d'Haïti (80 % du budget de l'État en 1900) vers le paiement de la « dette d'indépendance » envers la France, empêchant son développement dans les domaines de l'éducation, de la santé et du développement économique, entre autres domaines.*
- *Le président français François Hollande, parmi d'autres personnalités françaises, a reconnu publiquement en mai 2015 que la France avait une « dette morale » envers Haïti – un aveu qui confirme encore davantage cette affirmation.*
- *Le dossier de restitution d'Haïti peut également s'aligner dans une certaine mesure sur des points spécifiques soulevés dans d'autres mouvements de réparation importants – et, dans ce contexte, trouvera des alliés parmi les entités panafricanistes telles que l'Union africaine ou la CARICOM.*

Pour ces raisons, les huit points suivants sont présentés à l'Instance permanente des Nations Unies sur les personnes d'ascendance africaine pour solliciter son soutien dans leur négociation et leur mise en œuvre :

Demande de Restitution en Huit Points

1. Une Commission de restitution à Haïti (BCRH), soutenue par des institutions internationales sélectionnées ou des alliés et soutenue par des experts dans les domaines concernés, notamment le monde universitaire et la finance internationale, pour confirmer le montant final du remboursement de la dette française. La Commission s'adressera à la fois à l'État français et aux instances appropriées de l'ONU.
2. Une Commission de médiation et de négociation pour créer un cadre et un mécanisme de restitution sur le long terme (25 à 50 ans). La Commission travaillera avec l'État français si la France accepte les demandes visées au point 1 et déterminera les enveloppes d'investissement monétaires et non monétaires au prorata annuel du

Sources: Various relevant Haitian and non-Haitian written sources, discussion forums, and conversations with experts discussing restitution for Haiti. Available on demand.

montant de la restitution.* Ces mesures s'appliqueront dans des domaines spécifiques où la dette a touché Haïti.

3. Programme de restitution dans le domaine des infrastructures de développement (routes, ponts, assainissement).
4. Forfait de restitution dans les domaines de la santé et du bien-être.
5. Programme de restitution dans l'éducation et de la formation professionnelle.
6. Programme de restitution dans le domaine de l'agriculture pour remédier à l'épuisement du sol haïtien dû aux abus d'extraction avant et après la dette.
7. Mise en place de mécanismes bilatéraux de conformité et d'évaluation, internes et externes, pour surveiller les paiements, la mise en œuvre des programmes et évaluer l'impact (Commission de conformité et d'évaluation).
8. Collaboration stratégique à travers les institutions existantes pour favoriser un partenariat mutuel, intentionnel et respectueux entre l'État haïtien et l'État français.

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***Approche négociée** : Concept de base : Un programme de remboursement à long terme sur 30 à 50 ans qui comprendra une double combinaison de décaissements progressifs de fonds en faveur de l'État d'Haïti et la fourniture de programmes de financement à impact qui se traduiront par des améliorations socio-économiques et projets de macro-infrastructures.

Dokiman-Kad Restitisyon Uit Pwen Operasyonèl

Premis

- *Reklamasyon restitisyon dèt Ayiti a se yon pati nan pi gwo mouvman reparasyon an, e li gen antesedan istorik ak legal ki baze sou rechèch legal ak investigasyon plizyè entelektyèl ak ekonomis deranon, ki pèmèt estimasyon ki varye ant \$21 milya ak \$28 milya (T. Picketty).*
- *Ansyen pisans kolonyal yo ak alye yo te sistematikman afebli evolisyon Ayiti kòm yon eta nasyon – atravè agresyon, anbago, politik ostil, pake èd restriktif, ak vyolasyon dwa moun sitwayen li.*
- *Konsekans alontèm dèt la te redirije resous Ayiti (80% bidjè leta a nan 1900) pou peye sa yo rele “dèt endepandans” la bay Lafrans, sa ki pral anpeche pwogrè peyi a nan edikasyon, sante, ak devlopman ekonomik, pami lòt domèn.*
- *Prezidan franse Francois Hollande, pami lòt pèsonalite franse yo, te rekonèt piblikman an me 2015 ke Lafrans te dwe yon “dèt moral” pou Ayiti.*
- *Ka restitisyon Ayiti a kapab tour antre a yon sèten pwen ak kesyon espesifik nan lòt gwo mouvman reparasyon – epi, nan kontèks sa a, li pral jwenn alye nan mitan antite Pan-Afriken tankou Inyon Afriken oswa CARICOM.*

Sou baz sa yo, uit pwen sa yo soumè bay Fowòm Pèmanan Nasyonzini sou Moun ki Desandan Afriken an pou mande sipò li nan negosyasyon ak aplikasyon yo, nan kontèks yon pi gwo mouvman reparasyon pan-afrikanis:

Reklamasyon Restitisyon an uit Pwen

1. Yon Komisyon pou Restitisyon an Ayiti (KRA), ki gen sipò yon seleksyon enstitisyon entènasyonal oswa alye, e ki pral travay ak ekspè nan domèn enpòtan, tankou nan sektè akademik ak finans entènasyonal, pou konfime kantite final ranbousman dèt franse a. Komisyon an pral apwoche tou ni eta franse, ni enstitisyon Nasyonzini ki konsène yo.
2. Yon Komisyon Medyasyon ak Negosyasyon pou kreye yon kad ak mekanis pou restitisyon alontèm (25 a 50 ane). Komisyon an pral travay ak Eta franse a si Lafrans aksepte reklamasyon anba Pwen 1 yo, epi detèmine pakè investisman monetè ak non-monetè, ki pwopòsyonèl chak ane ak kantite restitisyon an.* Pake sa yo pral aplike nan domèn espesifik kote dèt la te afekte Ayiti.
3. Pake restitisyon nan devlopman enfrastrikti (wout, pon, sanitasyon).
4. Pake restitisyon nan domèn sante ak byennèt.
5. Pake restitisyon nan domèn edikasyon ak fòmasyon pwofesyonèl.

Sources: Various relevant Haitian and non-Haitian written sources, discussion forums, and conversations with experts discussing restitution for Haiti. Available on demand.

6. Pake restitasyon nan domèn agrikilti pou repare dega nan tè Ayiti a akòz abi ekstraksyon anvan ak apre dèt la.
7. Kreyasyon yon komite konfòmite bilateral ak mekanis evalyasyon, entèn osi byen ke ekstèn, pou kontwole peman yo, aplikasyon pwogram yo ak evalye enpak (Komisyon Konfòmite ak Evalyasyon).
8. Kolaborasyon estratejik atravè enstitisyon ki egziste deja pou ankouraje patenarya egalitè, entansyonèl ak respè ant Leta ayisyen ak Leta fransè.

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***Apwòch negosye:** Konsèp debaz: Yon pake ranbousman alontèm sou 30-50 ane ki pral gen ladan yon konbinezon de debousman pwogresif bay leta Ayiti ak pwovizyon pwogram finansman a enpak ki pral pèmèt pwojè sosyo-ekonomik ak pwojè macro-enfrastrikti.