

The View from Europe
By David Jessop

A dispute with an uncertain outcome

Far from moving towards a resolution, the inter-regional dispute over a Constitutional Court ruling in the Dominican Republic has become polarised, with CARICOM, the Dominican Republic and Haiti taking seemingly entrenched and antagonistic positions.

It had widely been expected that, with the help of Venezuelan mediation, a basis had been agreed on which to begin to address a tense situation that could make stateless large numbers of undocumented individuals mainly of Haitian origin living in the Dominican Republic; the precise number is disputed.

On 21 November, agreement had been reached to prioritise a dialogue between the two states and to de-emphasise the increasingly damaging regional and international debate over the issue. However, this collapsed within days of having been agreed when on 27 November the Dominican government decided to put an end, 'for the time being', to the planned discussions on the basis that Haiti had reneged on its commitment to prioritise dialogue.

On that date the Dominican Minister of the Presidency, Gustavo Montalvo, announced his government's decision not to attend a follow up meeting scheduled for 30 November in Caracas. He did so on the basis that it was felt that Haiti, by actively seeking and agreeing to a strongly worded statement produced by the CARICOM Bureau on 26 November, had effectively broken the word and spirit of what had been agreed with Venezuelan support.

Mr Montalvo said: "We feel that (by doing so) the Haitian government has broken the agreement that we signed last week, in which a process of dialogue was prioritized by the two countries in order to seek solutions for any issues on our common agenda. Haiti has preferred to take another road."

At the CARICOM Bureau meeting, which brought together Trinidad's Prime Minister, Kamla Persad Bissessar; her St Vincent counterpart, Dr Ralph Gonsalves; the President of Haiti, Michel Martelly; plus the CARICOM Secretary General, Irwin la Rocque, it was agreed to defer consideration of the Dominican application for membership of CARICOM, where it currently has observer status.

In a statement, CARICOM condemned 'the abhorrent and discriminatory ruling of September 23, 2013, of the Constitutional Court of the Dominican Republic on nationality which retroactively strips tens of thousands of Dominicans, mostly of Haitian descent, of citizenship rendering them stateless and with no recourse to appeal'.

The CARICOM Bureau also indicated that CARICOM would review its relationship with the Dominican Republic in other fora including CARIFORUM (CARICOM plus the Dominican Republic, a construct largely related to the Economic Partnership Agreement with Europe); CELAC, the new political grouping which brings together all of the nations of the Americas other than the US and Canada; and in the Organization of American States (OAS), which includes all nations of the Americas but in which Cuba does not participate.

Since then, in an effort to try to address the impact of the Constitutional Court ruling which cannot be appealed, President Medina has signed a Decree that establishes the terms and conditions for the legalisation of all foreigners living in the Dominican Republic with irregular status. The measure aims

to simplify and expedite procedures and sets out what foreigners living in the country must demonstrate to regularise their situation. The Medina administration also announced that in the coming weeks it would publish a bill establishing a basis for special naturalisation that will be sent to Congress.

What is less well known is that the Dominican President's position has come under pressure from within from ultra nationalist groups such as the National Network for Defense of Sovereignty which are critical of outsiders seeking to intervene in matters of national sovereignty or touching the Dominican constitution.

That said, the Dominican case was initially not well explained until its Ambassador in Washington provided a detailed commentary separating fact from fiction. While the absence of any detailed rebuttal up to that point may have been because its Foreign Minister had been hospitalised, it enabled international NGOs to capture opinion.

What happens next is far from clear. Although the Dominican Republic has previously suggested that it has no desire to be isolated within the region in which it is located, it is likely that the emotional aspect of the rift will last, even if a basis can be found for a mediated settlement.

This has significant implications for regional integration and in relation to trade agreements with external partners if, for example, the construct of CARIFORUM were to cease, or if achieving any future consensus on hemispheric or international issues were to become hostage to an inter-regional dispute of the kind that has emerged.

The problem is that it is hard to see how CARICOM, having backed Haiti on the basis of morality, will in future be able to repair what was already for almost all but a few trade negotiators, investors and traders, a distant relationship with the Dominican Republic; matters not helped by the fact that the media in the Anglophone and Hispanic Caribbean have little ability to report on the nuance of what is happening in each other's part of the region.

The reality is that few in the Anglophone Caribbean know the Dominican Republic, understand its history, know much about its internal politics, have thought much about what it is to have a land border with the poorest country in the Western Hemisphere, have shown any interest in understanding the Dominican electorate's fears, or even know of the role being played by the Republic's xenophobic ultra-nationalists.

Much the same holds true in reverse. Efforts by the Dominican Republic to improve relations with the countries of CARICOM have been sporadic at best; there is little investment or trade with CARICOM other than in relation to Trinidad; much of the negative thinking about the Anglophone Caribbean from the days of President Balaguer and before remains; and there is a broader, deep rooted culturally based failure to try to understand CARICOM and its history.

This is not to take one side or another, or to minimise the ways in which Haitians have been treated including within their own country, but to attempt to take a longer view and to suggest that this dispute has broader, hard to predict consequences for both the Caribbean and Latin America.

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