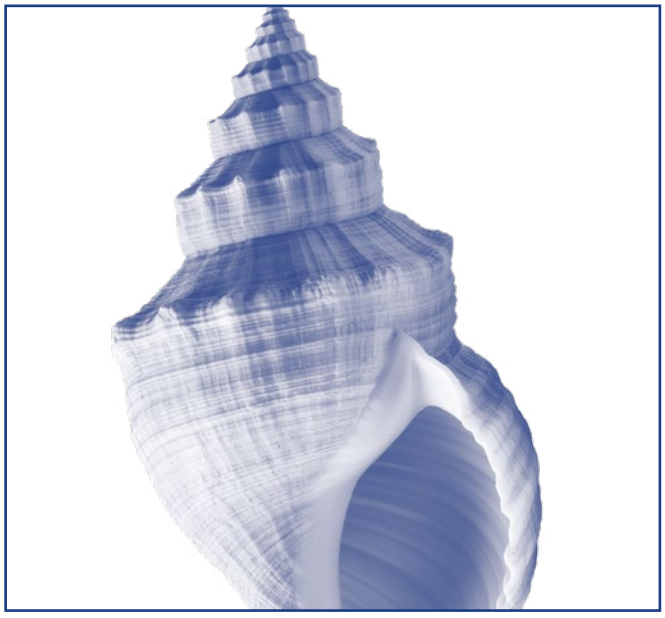
Reparations Primer: What is Haiti Owed?

A SERIES EXPLORING HAITI'S CASE FOR REPARATIONS









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Citadelle Laferrière, Milot, Haiti.
Credit: Adobe Stock

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Introduction

Haitian Freedom

In 1804, Haitian people won their independence[1] from French colonizers, freeing themselves from a violent system of chattel slavery.[2] At the time, Haiti–called French Saint Domingue–was France's most profitable colony.[3] It had been under French rule for much of the 17th century and the entire 18th century, and by the late 1700s it grew more than half the world's coffee and was the world's largest producer of sugar.[4] In overthrowing French rule, Haiti became the only country in the world born of a successful revolution of enslaved people and the world's first Black republic.[5]

The "Independence Ransom"

France refused to recognize Haitian independence and sovereignty and excluded Haiti from international relations and trade–as did other colonizing countries.[6] Haiti's rulers believed that diplomatic recognition would serve their economic and political interests, and negotiated unsuccessfully with France to secure it.[7] In 1825, France brought gunboats to Haiti's shores, threatening to bombard Port-au-Prince, invade, and re-enslave the Haitian people unless the government of Haiti agreed to pay France an "independence ransom." This financial indemnity was designed to punish Haiti and compensate enslavers for lost property, including the people they had enslaved. It was enormous: 150 million francs, almost twice what the United States had paid for the vast Louisiana Territory only 22 years earlier.[8] Haiti's President Jean-Pierre Boyer submitted to this extortion, signing the ordinance of France's King Charles X, which exchanged Haiti's commitment to pay the indemnity for France's formal recognition of the Haitian state. Although many states that subsequently freed themselves from colonial rule in the 19th and 20th centuries assumed some debt at the time of independence, Haiti is the only country where the formerly enslaved were forced to compensate their enslavers.[9]

Knowing that Haiti would be unable to pay,[10] France pressured Haiti to take out loans from designated French banks at high interest rates.[11] For the next century, Haiti's national economy was structured to make payments to French banks rather than to serve Haitians. The ransom also entrenched class divides in Haiti.[12] Elite domination continued, and Haitian *peyizan*[13] bore an unfair proportion of debt payments, through taxes on coffee and other agricultural products and through government neglect of rural development.[14] Foreign powers–most of which built their dominance through enslavement–repeatedly intervened with military,[15] economic,[16] and political force[17] to prop up predatory Haitian elites, who in return allowed these foreign powers to extract resources from Haiti.[18] This oppressive dynamic continues today.

The Consequences of the Ransom and Colonial Exploitation

The impacts–economic, cultural, social, political, and psychological–of the ransom have been devastating and continue to harm Haitian people today. The ransom impoverished Haiti and undermined its sovereignty and political stability. It also made it impossible for Haiti to invest in key infrastructure, including sanitation systems, health systems, schools, and roads. This underdevelopment contributes to Haiti's ongoing vulnerability to weather events, climate harms, earthquakes, and other economic shocks.

The economic damages from Haiti's independence ransom are vast. According to a 2022 investigation by the New York Times, the ransom cost the country at least $21 billion in 2022 dollars–and some economists estimate this amount closer to $115 billion.[19] It trapped Haiti in a cycle of debt from which it didn't escape until it completed repayment in 1947, with the heaviest burden falling on rural *peyizan*. These impacts are not a thing of the past; they shape Haiti's reality today.

$21 billion

According to a 2022 investigation by the New York Times, the ransom cost the country at least $21 billion in 2022 dollars–and some economists estimate this amount closer to $115 billion.

Like many other Caribbean nations, Haiti also has justifiable claims to reparations for the violent exploitation and chattel enslavement (chattel slavery was the legal, political, and economic system of slavery in which people were considered property, or "chattel," for life and were bought and sold without the possibility of freedom) perpetrated by European colonizers.[20] Conditions for African captives transported in chains across the Atlantic were so brutal that approximately half died within a few years of landing in Haiti.[21]

$6 trillion

The Brattle Group, expert economists that calculated harms in the Caribbean related to transatlantic chattel slavery, estimated that France may owe Haiti approximately $6 trillion.

Economists have worked with reparations advocates in countries across the Caribbean to model the financial damages caused by the transatlantic slave trade–the commercial system of forcibly capturing, transporting, buying, and selling African people into enslavement–and chattel enslavement.[22] They have estimated that France may owe Haiti approximately $6 trillion for the harms of chattel enslavement during colonial rule.[23] The specific, calculable demand for restitution from France for the independence ransom provides Haiti with an additional unique basis for reparations and with legal advantages among countries advocating for reparations for colonial harms. Haiti also has claims to reparations due to harms committed by the US government and US corporations during the US occupation.[24]

Haiti, the Exemplary Case for Reparations

Today, Haiti is the exemplary case for reparations for enslavement and colonial harms. Its historic role in emancipation from slavery and its contribution to freedom struggles around the world place it at the forefront of the moral demand for reparations.[25] Haiti can be the key that unlocks the door to broader reparations claims from other postcolonial states.

By strangling Haiti, foreign powers–notably France–limited Haiti's impact as an inspiration for emancipatory struggles everywhere. Foreign powers explicitly used Haiti as an example of what happens to Black people who fight for their freedom.[26] By continuing to be free nonetheless, Haiti was able to inspire the push for freedom elsewhere.[27] Haiti remains a beacon in global struggles for racial justice and decolonization today.

Haitian activists and advocates are committed to recovering the unjust payments Haiti made to France; seeking repair for the harms caused by the independence ransom and for other harms caused by the US government, France, and other foreign actors; and interrogating the oppression and exclusion within Haiti that the independence ransom deepened.



Cap-Haitien burning, 1793; Creative Commons (https://lex.dk/Den_Haitianske_Revolution)

Demanding Reparations Today and in the Past

The Haitian people have long demanded restitution of the independence ransom and reparations. In 2003, President Jean-Bertrand Aristide, having carried out restitution calculations, called for France to pay $21 billion to compensate Haiti for its more than one hundred years of debt repayments.[28] This legal demand was part of a broader campaign that included popular education, music, and art in Haiti and was one factor contributing to US and French support of a coup that overthrew him the following year.[29]

In 2025, Haitian politicians, activists, academics, and allies successfully brought attention to Haiti's case for reparations and restitution once more.[30] As Haiti and the world marked the 200-year anniversary of the indemnity agreement between France and Haiti, the demand for restitution of the independence ransom was highlighted in conferences and debates, popular education videos, and in the French National Assembly and the United Nations.[31] Going forward, advancing Haiti's demand for restitution and reparations will require converting this momentum into transformative change. Haitian advocates see the movement to build a democratic state and the campaign for restitution and reparations as intertwined; a transfer of wealth is necessary for justice and Haiti's aspiration for inclusive democracy.

In order to obtain restitution of the wealth that France extracted through the ransom, Haitians must assemble the modern, moral equivalent of the fleet of warships that France used to extort Haiti in 1825. This fleet must include diplomatic efforts, solidarity organizing, building of popular support, public education, political pressure, cultural mobilization, legal arguments to compel reparations in court, and more. The movement that coordinates this fleet must relentlessly confront the French government with the discrepancy between France's ideals and legal obligations and its refusal to justly respond to Haiti's restitution demand. In 1825, France conditioned Haiti's physical security and continued existence on payment of the ransom; the movement's task today is to condition France's moral legitimacy on the ransom's return.

This Reparations Primer, *What Is Haiti Owed?,* aims to support movement-building by providing key information to people working to advance reparations in Haiti and around the world. It consists of four chapters:



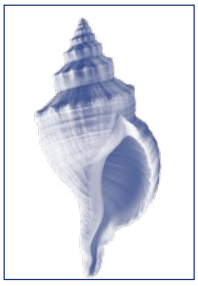
Chapter I: What Are Reparations?

Chapter I discusses the purposes of reparations, including restorative justice, deterrence, redistribution of harm, and transformation. It then presents the global struggle for reparations, naming efforts by CARICOM, the African Union, and movements in the United States.



Chapter II: What Can Reparations Look Like in Practice, Particularly in Haiti?

Chapter II presents the forms of reparations–restitution, compensation, rehabilitation, satisfaction, and guarantees of non-recurrence. It provides an idea of what each form of reparations could look like in Haiti, while underscoring that Haitian people must determine their reparations demands.



Chapter III: The Legal Right to Reparations and Haiti's Claim

Chapter III looks at reparations under international law and Haiti's claims for reparations, focusing on a claim based on the legal theory of unjust enrichment. It explains the necessary steps for establishing a claim for reparations and briefly looks at opportunities and obstacles that Haiti may face.



Chapter IV: Case Studies of Reparations Claims from Other Contexts

Chapter IV includes four case studies that illustrate some of the content in the first three chapters:

- Reparations for Colonial-Era Genocide in Present-Day Namibia
- Reparations for French Enslavement and Colonization in Martinique: Trying and Failing
- Mau Mau Claims: Reparations for Survivors of Torture Under Colonial Rule
- Reparations to the Victims of Torture by the Chicago Police Department



Le Marron Inconnu, "Nèg Mawon"
The statue is regarded as a symbol of Black liberation; commemorating in particular, the rallying cry that sparked the Haitian Revolution and the abolishment of slavery.

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I

What Are Reparations?

In 1804, the Haitian people won their independence from French colonizers.[32] In overthrowing French rule, Haiti became the only country in the world born of a successful revolution of enslaved people and the world's first Black republic.[33] France refused to recognize Haitian independence and sovereignty and excluded Haiti from international relations and trade–as did other colonizing countries.[34] In 1825, France brought gunboats to Haiti's shores. Under threat of invasion and the re-enslavement of the Haitian people, the government of Haiti agreed to pay France an "independence ransom": 150 million francs in exchange for French recognition of the existence of the Haitian state.[35]

For the next century, Haiti's national economy was structured to make payments to French banks rather than to serve Haitians.[36] The devastating impacts of the ransom continue to harm Haitian people today. The ransom undermined Haiti's sovereignty and political stability and impoverished the country, including by making it impossible for Haiti to invest in key infrastructure, such as sanitation systems, health systems, schools, and roads.[37] This underdevelopment contributes to Haiti's inequality and vulnerability to weather events, climate harms, earthquakes, and other political and economic shocks today.[38] The economic damages caused by the ransom are vast. According to a 2022 investigation by the New York Times, the ransom cost the country at least $21 billion in 2022 dollars–and, according to some economists, perhaps as much as $115 billion.[39]

The damage that the independence ransom caused is greater than any monetary figure, however, and extends beyond the Caribbean. By strangling Haiti, foreign powers–namely France and the United States–limited Haiti's impact as an inspiration for emancipatory struggles everywhere.

Today, Haiti is the exemplary case for reparations. Its historic role in emancipation from slavery and its contribution to freedom struggles around the world place Haiti at the forefront of the moral demand for reparations.[40]

What is Haiti Owed? is a five-part Primer on Reparations. It intends to inform and inspire conversations and visions in Haiti and beyond.

Defining Reparations

Reparations are the process and outcome of making amends for a wrong.[41] The term "reparations" can describe a legal right (for example, a court order to pay an individual or halt a damaging project), a moral claim (e.g., the moral responsibility of descendants of enslavers to compensate descendants of the enslaved), or a political project grounded in principles of repair and redistribution (e.g., establishing a truth commission to assess and transform conditions in a given place in the wake of injustice).

Under law, reparations necessitate restoring a victim's situation prior to the harm (e.g., returning land wrongfully taken).[42] When such restoration is not possible–as is the case for Haiti and the independence ransom–the individual or group may be compensated for any injuries suffered.[43] Reparations also require the wrongdoer to cease the wrongful conduct.[44]

Many also argue that reparations should aim to do more than restore the situation before harm occurred. They should aim to transform relationships of injustice–including those that led to the wrongdoing–and improve victims' lives into the future.[45] This "constructive" framing of reparations is discussed in more detail below and encourages us to think about reparations as a broader political project for justice.[46]

EXAMPLES OF REPARATIONS

Caracol Industrial Park: In 2011, hundreds of Haitian farmers lost their land when the Haitian government, with funding from the US government and the Inter-American Development Bank (IDB), constructed the Caracol Industrial Park (CIP).[47] Displaced farmers came together to create the *Kolektif Peyizan Tè Chabè* to seek reparations for their loss of land and livelihood. In 2018, the *Kolektif* reached an agreement with the IDB and Haitian government officials to compensate *Kolektif* members who had lost their land to the construction of the CIP.[48] The agreement provides that the displaced *peyizan* could choose their form of reparations to "restore their livelihoods": a new plot of land (aiming to restore the *peyizan* to his or her position prior to the land seizure); training to start a small business; or financial scholarships to support education in a trade.[49] Although there have been challenges in implementation, these are an important example of reparations due to unjust land taking in Haiti.

Cholera: In 2010, United Nations (UN) peacekeepers recklessly introduced cholera to Haiti through improper disposal of waste at a peacekeeper base.[50] In 2011, victims filed claims with the UN, seeking reparations in the form of an apology from the UN, compensation for victims, and investment in national water and sanitation systems to control the epidemic.[51] The UN denied the claim and continued to deny its responsibility for cholera in Haiti until 2016, when–under pressure from an international campaign led by Haitian

advocates–the UN secretary general issued an apology for the UN's "role" in the outbreak. Though it fell short of a full admission of responsibility, the apology was a breakthrough in cholera victims' struggle for reparations. The UN also committed to a "New Approach": a $400 million package, focused on (1) investments in treating and eradicating cholera and (2) a "package of material assistance" to those communities hardest hit by the epidemic.[52] However, the "New Approach" was never properly funded, and human rights experts agree it falls far short of reparations.[53] Ten years later, cholera is still present in Haiti, and the families of the more than 10,000 Haitians who have died from the epidemic have still not received compensation.



Dumping of sewage from a UN camp into a lake Lahini Pierre, 2011 (Flickr)

Holocaust survivors: Germany has paid billions of dollars in compensation to survivors of the Holocaust and their children. In addition, Germany has provided social services–health, home care, and food–to survivors and has returned stolen property such as art to its original owners or their heirs.[54]

The Purposes of Reparations

Reparations serve a number of purposes.

Restorative Justice: Restorative justice is a process that prioritizes accountability and healing over punishment. It brings together wrongdoers, victims, and community members to work together to address the harm, repair relationships, and promote healing.[55] In this context, reparations aim to promote reconciliation between those who committed a harm and the victims.[56] Reparations programs for victims after a period of dictatorship or civil war often have this type of restorative justice goal.

Deterrence: Reparations can aim to punish and deter wrongdoing.[57]

Redistribution of Harm: Reparations serve to redistribute the costs of wrongdoing and allocate the loss to the right parties.[58] In other words, the wrongdoer is made to pay those who suffered the results of the wrongful actions, rather than the loss staying only with the people who suffered the wrongdoing.

Transformation: Another, more progressive view of reparations is that they can transform structural conditions to create a future situation that is more just, rather than merely cancel out a particular past harm.[59] This approach recognizes that simply returning someone to a situation that preceded a specific wrongful act might not guarantee justice, particularly if that person was experiencing injustice even before the specific harm occurred. A transformative approach to reparations, sometimes also called a "constructive" approach, has the goal of writing the rules to transition from an unjust world to a just one. It aims to alter the unequal relationships between people and institutions, including those which existed before the harm took place, and to challenge power dynamics at a structural level.[60]

VISIONS OF "TRANSFORMATIVE" OR "CONSTRUCTIVE" REPARATIONS

Olúfémi Táíwò is a scholar who has advanced the idea of a "constructive" approach to reparations. In his book *Reconsidering Reparations*, he argues that constructive reparations will involve a number of different types of actions, depending on a given context. He sets out a few ideas of actions that could be part of a constructive reparations agenda, including:

- Redistributing wealth via unconditional cash transfers;
- Canceling sovereign debt and enacting changes to international financial rules that keep Global South countries in debt and trapped in economies that rely on extractivism;
- Ending tax havens that allow elites to hoard wealth, which deepens global inequality;
- Ensuring that communities have control over key resources, including food production.[61]



Monument to the abolition of slavery, Martinique https://pxhere.com/en/photo/1114492

Today's Global Struggle for Reparations for Colonial Harms and Enslavement

The movement for reparations and restitution for Haiti takes place within the context of a broader global reparations movement. Demands for reparations for the transatlantic slave trade, chattel enslavement, and other colonial harms are not new, yet they have gained momentum and prominence in the past five years.

CARICOM

Caribbean countries have long advocated jointly for reparations, including through the CARICOM Reparations Commission. CARICOM is an intergovernmental political and economic organization that brings together Haiti and other Caribbean countries. CARICOM's "Ten Point Plan for Reparations" calls for, among other things, debt cancellation for the region, financial compensation, and formal apologies for slavery and indigenous genocide.[62] CARICOM updated its Ten Point Plan in 2026, and the new version singles Haiti out for its unique harms and its essential leadership. The plan recognizes the "persistent hostility" that Haiti faces, in part due to its "historical reputation as modernity's first Free Republic, and the inspiration for Latin America's liberation movements in the 19th century."[63] The plan later states: "The global reparations movement owes a considerable debt of gratitude to the Haitian nation for paving the way [on reparations]."[64]



CONSTRUCTIVE REPARATIONS: THE CARICOM TEN POINT PLAN

CARICOM's Ten Point Plan for Reparations, adopted in 2014 and updated in 2026, contains demands for "constructive," or transformative, reparations that aim to change the Caribbean's economic and social reality. CARICOM's reparations demands include:

- Cancellation of all national debt owed by CARICOM countries to Europe;
- A development program for Caribbean Indigenous Peoples;
- Funding for health research and the manufacture of pharmaceutical drugs for Black communities;
- The right for descendants of the enslaved to resettle in Africa;
- Infrastructure investment;
- Technology transfer to repair education systems and advance scientific progress in the Caribbean, including by building scientific institutions;
- Reform of the international financial system, including by adopting the "Bridgetown Initiative" proposed by the Barbados government;[65]
- A formal apology from all enslaving nations;
- Restitution of cultural heritage and cultural reconnection to Africa;
- Psychological rehabilitation measures;
- Compensation, including for gender-based violence and assaults on family life.[66]

The African Union

In 2025, the African Union–the intergovernmental organization made up of African countries–declared a "Year of Justice for Africans and People of African Descent Through Reparations" and later a 2026-2036 "Decade on Reparations," stating its commitment to addressing historic injustices, including "the trans-Atlantic slave trade, colonialism, apartheid, and genocide."[67] CARICOM and the African Union are collaborating to advance reparations claims.

The United States

In the United States, demands for reparations by Black Americans gained new momentum following the 2020 racial justice movement that was sparked by the murder of George Floyd. In 2021, a suburb of Chicago began to pay reparations to descendants of Black people who had faced housing discrimination between 1919 and 1969.[68]

Other Efforts

Globally, there have been initiatives to hold the Vatican accountable for the Catholic Church's responsibility for colonialism and chattel enslavement.[69] There have also been initiatives from universities in the United States and the United Kingdom to account for their own implication in chattel enslavement (though many of these initiatives fall short of recognizing a legal responsibility or obligation to make reparations).[70] Within the United Nations, there have been calls for reparations for colonial harms and enslavement from the UN high commissioner for human rights,[71] the UN secretary general,[72] many human rights bodies and experts,[73] and the UN Permanent Forum on People of African Descent, which was established in 2021.[74]

The Path Forward

The global picture is contradictory. The rise of right-wing authoritarianism and overt White supremacy in the United States, Europe, and elsewhere has made the struggle for reparations increasingly difficult. Yet reparations are also unmistakably "back on the agenda,"[75] propelled by growing political, diplomatic, legal, and grassroots mobilization across the globe. While the Haitian movement for reparations and restitution will be stronger if it is connected to movements happening in other countries (with whom it shares many arguments for reparations for enslavement and colonialism), Haiti's case is unique and is the key to unlocking the door to justice around the world.

The next chapter in *What is Haiti Owed?* explores what reparations can look like in practice. It presents the forms of reparations under international human rights law and names some of the forms that reparations may take in Haiti. Chapter II underscores that, ultimately, the Haitian people will decide what reparations means and must consist of for them.



Jean-Jacques Dessalines Statue in front of Cathédrale Notre-Dame du Cap-Haitien. Credit: Adobe Stock



The Tanbou (Drum)
The tanbou or Haitian drum is a symbol of strength and resilience.



II

What Can Reparations Look Like In Practice?

In 1804, the Haitian people won their independence from French colonizers.[76] In overthrowing French rule, Haiti became the only country in the world born of a successful revolution of enslaved people and the world's first Black republic.[77] France refused to recognize Haitian independence and sovereignty and excluded Haiti from international relations and trade–as did other colonizing countries.[78] In 1825, France brought gunboats to Haiti's shores. Under threat of invasion and the re-enslavement of the Haitian people, the government of Haiti agreed to pay France an "independence ransom": 150 million francs in exchange for French recognition of the existence of the Haitian state.[79]

For the next century, Haiti's national economy was structured to make payments to French banks rather than to serve Haitians.[80] The devastating impacts of the ransom continue to harm Haitian people today. The ransom undermined Haiti's sovereignty and political stability and impoverished the country, including by making it impossible for Haiti to invest in key infrastructure, such as sanitation systems, health systems, schools, and roads.[81] This underdevelopment contributes to Haiti's inequality and vulnerability to weather events, climate harms, earthquakes, and other political and economic shocks today.[82] The economic damages caused by the ransom are vast. According to a 2022 investigation by the New York Times, the ransom cost the country at least $21 billion in 2022 dollars–and, according to some economists, perhaps as much as $115 billion.[83]

The damage that the independence ransom caused is greater than any monetary figure, however, and extends beyond the Caribbean. By strangling Haiti, foreign powers–namely France and the United States–limited Haiti's impact as an inspiration for emancipatory struggles everywhere.

Today, Haiti is the exemplary case for reparations. Its historic role in emancipation from slavery and its contribution to freedom struggles around the world place Haiti at the forefront of the moral demand for reparations.[84]

What is Haiti Owed? is a five-part Primer on Reparations. It intends to inform and inspire conversations and visions in Haiti and beyond.

Forms of Reparations

As explored in Chapter I, reparations can include but also go beyond monetary payments. International law has defined five forms of reparations that can help explain what reparations might look like in practice: restitution, compensation, rehabilitation, satisfaction, and guarantees of non-recurrence.[85] Reparations for rights violations frequently include some combination of these five forms.[86] While reparations for Haiti are often spoken about specifically in relation to restitution of the independence ransom, the wrongs done and harms suffered as a result of the ransom can also be a basis for making broader demands for reparations. Furthermore, as mentioned above, Haiti has other arguments for reparations in addition to the ransom, including demands it shares with other countries in the Caribbean and on the African continent, for enslavement, colonial exploitation, and, potentially, for the US occupation.

Haitian people must determine the contents of reparations demands, including how narrow or wide a reparations agenda should be. Below we first define each form of reparations and then give an example of what that form *could* look like in Haiti. This Primer aims to encourage Haitians to reflect, identify collective harms and collective dreams, and, together, make demands.

- **Restitution** means returning the victim of wrongdoing to the circumstances they were in before the violation occurred. For example, restitution includes returning looted or stolen art and reinstating a person in a job from which they were wrongly removed. In many situations, full restitution is impossible, and therefore other forms of reparation are necessary.



EXAMPLE: RESTITUTION

In 1897, British forces invaded Benin City (capital of the Edo State, in present-day Nigeria) and looted more than five thousand "sacred and ceremonial" cultural belongings, including Benin Bronzes.[87] Benin Bronzes are sculptures, including decorated plaques, figures, personal ornaments, and commemorative heads, that were made in the city of Benin by a guild working for the royal court and used for ancestral altars, in rituals honoring ancestors, and as royal regalia.[88] The pillaged artifacts made their way into many European museums and American collections.

Beginning in the 1930s, Nigeria began to demand restitution of the Benin Bronzes.[89] In 2002, a number of American and European institutions began to return Benin Bronzes to the Edo people.[90] In 2020 a museum in Germany began to catalogue art that had been looted from 20 countries, held in more than 100 museums around the world. That same year, the Netherlands created a commission on the return of looted objects, advancing ethical justifications for return.[91] In 2022, Nigeria's Commission for Museums and Monuments made a formal request to the Netherlands to return its 119 Benin Bronzes, which it did in 2025.

Today, Benin Bronzes have "immense spiritual, cultural and historical value" to the Edo people and continue to play a role in ceremonies, rites of passage, transmission of knowledge and cultural heritage, connection to ancestors, and identity.[92]



Wikimedia Commons

In Haiti, restitution would likely entail the return of the money Haiti paid as principal and interest to France in exchange for its independence.[93] It could also include payments made to private French–and later American–financial institutions in connection with the loans and other debts Haiti incurred to finance or refinance those obligations.[94]

Because restitution entails returning what was taken, it would likely not extend to compensation for all of the consequences Haiti faced as a result of paying the independence ransom. To be comprehensive, a reparations package for Haiti would need to go beyond restitution and could also aim to address and repair the harms and losses that stemmed from the ransom.[95]

RESTITUTION AND THE INDEPENDENCE RANSOM: DEFINING RESTITUTION

As set out above, restitution is a **form of reparations**. It involves returning to the victim of wrongdoing what was taken from them–for example, by returning an artifact that was stolen. As noted above, it does not extend to paying the victim for all the harms that might have flowed from taking that artifact.

Lawyers also often use the term restitution to refer to a **legal claim**, most often based on the idea of unjust enrichment (for more information, see Chapter III). This definition of restitution concerns the obligation of a person to restore, or return, benefits they have unjustly gained. Such restitution includes even benefits beyond what was actually taken from the victim–for example, interest and profits that have accrued to the wrongdoer.

In the context of Haiti's independence ransom, people talk about **restitution of the independence ransom in a broader sense**, to refer to France's obligation not only to pay back what Haiti directly paid to France–112 million francs, or $560 million in 2022 dollars–but also to pay Haiti for the broader economic loss Haiti suffered as a result of paying the ransom and not being able to invest that money at home instead.[96] Economists' estimates of this damage to the Haitian economy range from $21 billion to $115 billion in 2022 dollars. Technically, the above extends beyond pure restitution, into compensation,[97] which is explained more below.

- **Compensation** means payment provided for "economically assessable" damages that result from the violation. It is thus broader than restitution, which is restoring what was stolen. Compensation can include loss of actual or future earnings, property, and legal or medical costs.[98] It can also include "non-economic" damages that are subjectively determined–for example, payments for the physical or mental suffering experienced.[99]

EXAMPLE: COMPENSATION

From 1954 to 1960, the British government arrested, detained, and tortured roughly 150,000 suspected members of the Mau Mau political movement.[100] The Mau Mau were members of a Kenyan tribe committed to overthrowing British colonial rule.

In 2009, survivors of the Mau Mau uprising brought suit against the British government for crimes committed by the British government against members of the Mau Mau political movement. After a lengthy trial in UK courts, the British government ultimately settled with 5,000 victims of colonial violence against the Mau Mau and agreed to pay £19.9m (about $26.6 million in 2026 US dollars) to survivors as "recognition of the suffering and injustice that took place in Kenya."[101] This settlement is an example of what financial compensation can look like in practice. ***See Chapter IV or more about this case study.***

In the case of Haiti, compensation should include the cost of lost economic development–a lack of infrastructure, insufficient schools, absence of competent health care systems..[102] Scholars and researchers have conducted a detailed assessment and calculation of the financial losses Haiti suffered due to lost economic opportunity from paying the independence ransom and the "double debt" taken on to make the original ransom payments. As discussed above, it is estimated that the ransom cost Haiti at least $21 billion and up to $115 billion in 2022 dollars.[103] Compensation should also consider the human impact of the debt on Haitian life: families must walk to fetch potable water, sometimes for many kilometers; children are forced to move from rural areas to cities to continue beyond primary school; and Haitians regularly die of preventable illness.

- **Rehabilitation** means providing healing services, including medical and mental health care, social services, and legal support.[104] Rehabilitation may also consider measures to restore the dignity and reputation of the victims.[105] The UN Convention Against Torture, an international human rights treaty that prohibits torture and requires reparations for survivors, notes that "[r]ehabilitation... should aim to restore... [the victim's] independence, physical, mental, social and vocational ability; and full inclusion and participation in society."[106]

Rehabilitation in Haiti could take many forms. One complexity, however, is that it is usually framed around injuries to specific individuals who have experienced violations rather than to countries or collectives.

- **Satisfaction** is the least tangible form of reparations, focused on repairing moral damage and addressing victim dignity.[107] Examples of satisfaction include public apologies, truth commissions, efforts to establish the facts of a violation, and memorials to victims. Satisfaction also includes measures to ensure continuing violations cease.[108] It often includes a wrongdoer publicly accepting their responsibility and, at times, sanctions or punishment.[109] It is often used when other forms of reparations (for example, restitution and compensation) are not sufficient to fully repair the harm.[110]

EXAMPLE: TRUTH AND RECONCILIATION AS SATISFACTION

In 1995, the South African government established the Truth and Reconciliation Commission (TRC) to promote reconciliation among South Africans and investigate human rights abuses perpetrated by the state during Apartheid[111], the period of legalized racial segregation and oppression in South Africa.[112] Under the Apartheid regime, the state deprived the majority Black South African population of their civil and political rights. There were frequent violent conflicts between the state and various liberation groups seeking freedom from oppression. Today, Apartheid is recognized as a crime against humanity.[113]

The TRC promoted restorative approaches, meaning that it aimed to facilitate healing and reconciliation, hearing from both victims and perpetrators.[114] The TRC consisted of three committees: the Committee on Human Rights Violations, authorized to take victim testimony; the Amnesty Committee, authorized to grant or deny amnesty to perpetrators who committed human rights abuses; and the Reparation and Rehabilitation Committee, authorized to develop reparations and rehabilitation policy recommendations for the South African government.[115]

Victims: The Committee on Human Rights Violations took testimony of more than 22,000 victims, 2,000 of them at public hearings.[116] Through public hearings, widely broadcast on television and radio, victims testified to the human rights abuses they or loved ones suffered, which included torture, abductions, disappearances, and severe mistreatment by the Apartheid state or by members of various anti-Apartheid movement groups.[117] Victim testimony informed the public as to what occurred during Apartheid and provided an opportunity for victims to face perpetrators and to experience catharsis and healing.[118]

Perpetrators: The TRC established a "truth-for-amnesty" process, allowing individual perpetrators to apply for amnesty for gross human rights abuses they committed between 1960 and 1994, so long as the abuses were "associated with a political objective" and the perpetrators made "full disclosure of all the relevant facts."[119] The Amnesty Committee held public hearings, victims had the right to oppose amnesty for applicants, and both parties had the right to legal representation.[120] The TRC received more than 7,000 amnesty applications, of which at least 849 were granted.[121]

These forms of truth-telling and restoration are examples of satisfaction. In addition, the President's Fund was established under TRC legislation to provide reparations, housing, and educational and healthcare support to victims of human rights abuses during Apartheid. In 2003, a TRC report identified 17,000 victims eligible for a grant of 30,000 South African rand (approximately $1,870 in 2026 US dollars) and subsequently stated that all those who applied and were eligible received the grant.[122] At the time of writing, February 2026, the official TRC website continues to invite TRC-

identified victims to claim their final reparations payment.[123] Some note that progress in other areas of reparations and rehabilitation has been slow.[124]

What we can learn: South Africa's TRC has been hailed as a revolutionary restorative justice process that aided in the peaceful transition from Apartheid to an integrated democracy in South Africa. Critiques of TRC include that the commission fell short in its reparations efforts because they were insufficiently integrated into the new constitution and that the commission's long-term goal of societal transformation has not (yet) been realized, pointing to ongoing inequalities and landholding disparity along racial lines.[125]

Satisfaction, in Haiti's case, could include a public declaration from a court that the independence ransom was unjust and unlawful; truth-telling measures about how banks benefited from the ransom; a public apology from France for extorting the ransom; and apologies from banks and the descendants of enslavers who benefited from ransom payments. Satisfaction can be expansive in scope–Haitians must consider what it looks like to them.

- **Guarantees of non-recurrence** mean that the harm must not only stop but also not occur again in the future. Often, guarantees of non-recurrence involve transforming institutions or removing control over essential governmental functions from the perpetrators of wrongdoing. Guaranteeing civilian control over military forces or strengthening the independence of the judiciary, for example, may support a guarantee of non-recurrence of government abuses of rights.[126] Another purpose of guarantees of non-recurrence is to repair the relationship between victim and wrongdoer, by restoring confidence or trust to the relationship.[127]

In the case of the independence ransom and ongoing colonial harms, a *true* guarantee of non-recurrence may require a fundamental restructuring of international politics and economics. In Haiti's case, guarantees of non-recurrence could include systemic change–for example, changes in international financial institution policy towards Haiti to prevent unjust foreign debt in the future and a foreign policy that respects and promotes Haitian sovereignty. Such transformation of global power structures could contribute to a more just world.

In practice, an effective reparations package often involves a mix of restitution, compensation, rehabilitation, satisfaction, and guarantees of non-recurrence, as in the case study below from Chicago or the CARICOM Ten Point Plan discussed above. There is no one formula for reparations. In Haiti, a set of concrete demands for restitution and reparations will ultimately need to be developed and agreed upon by the Haitian people.

EXAMPLE: COMPREHENSIVE REPARATIONS FOR CHICAGO POLICE TORTURE

One example of comprehensive reparations–meaning reparations that take various forms such as compensation, satisfaction, and rehabilitation–are the Chicago police torture victim reparations.

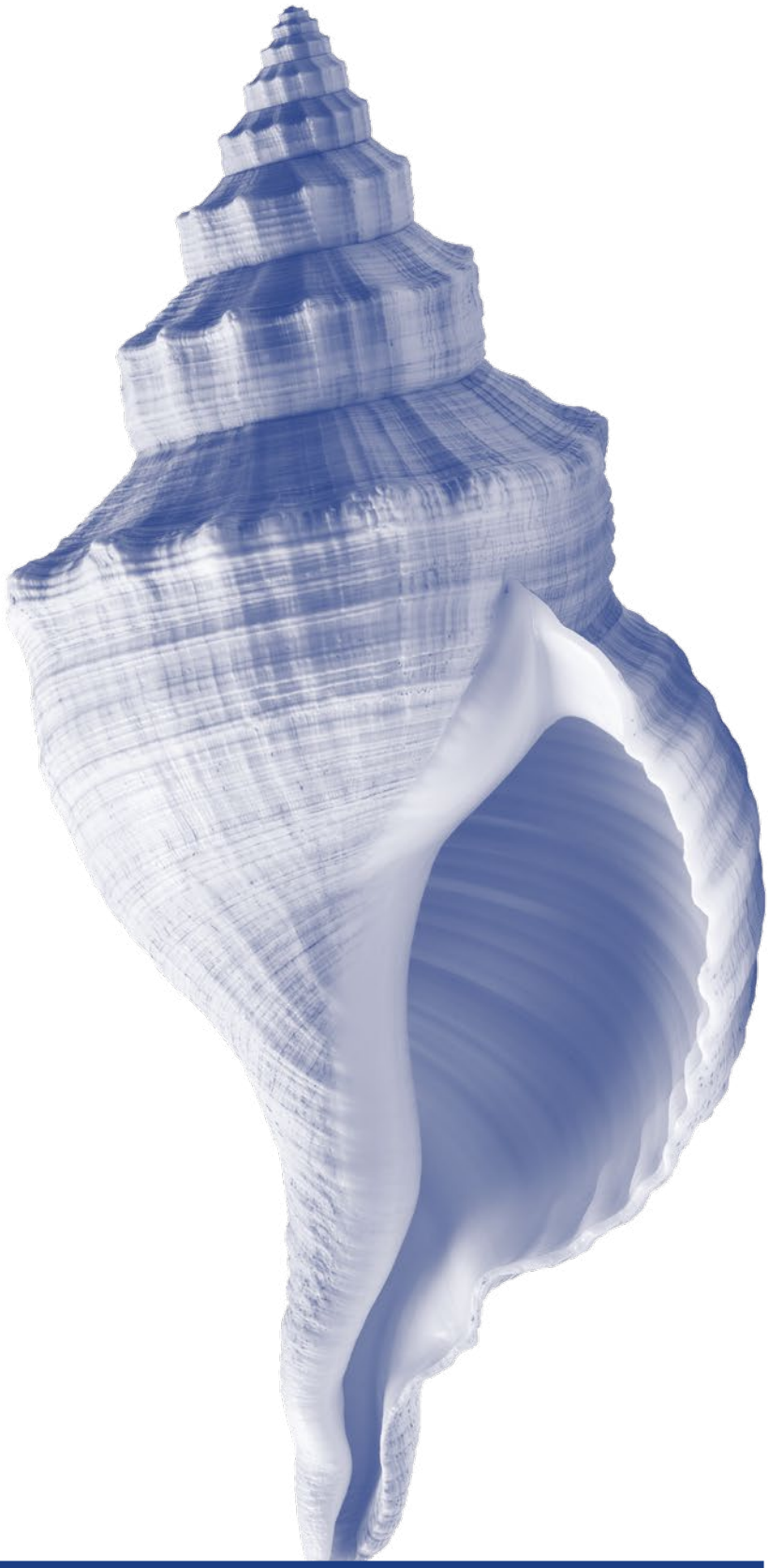
Between 1972 and 1991, the Chicago Police Department (CPD), in the United States tortured approximately 125 people, predominantly Black men, and forced them to confess to crimes that they did not commit. In 2011, 20 of these men remained falsely imprisoned, and the city of Chicago had not made any reparations.[128]

In 2015, after decades of community organizing, the city of Chicago approved a reparations package for the victims of CPD torture. The reparations offered were an expansive example of what reparations can look like. They included financial compensation (a $5.5 million reparations fund to pay up to $100,000 to each eligible torture survivor still alive); a public apology from the mayor (an example of satisfaction that may also support rehabilitation); free college education for survivors and their families, the implementation of a history curriculum, and the establishment of a permanent public memorial (examples of satisfaction that may also help achieve non-recurrence); and counseling services to police torture survivors and family members, job placement assistance, and access to social services (examples of rehabilitation measures).[129] ***See Chapter IV for more about this case study.***

This chapter has introduced what reparations can look like in practice. Chapter III considers the right to reparations under law. It provides an overview of Haiti's legal claim for reparations and discusses the challenges of–and possible power in–pursuing legal claims.



Port-au-Prince Haiti. Credit: Beto Hektor, Adobe Stock



The Conch

A symbol of liberty, enslaved Haitians blew the shell of the conch more than 200 years ago to signal the call for freedom and organize rebellions.



III

The Legal Right to Reparations

In 1804, the Haitian people won their independence from French colonizers.[130] In overthrowing French rule, Haiti became the only country in the world born of a successful revolution of enslaved people and the world's first Black republic.[131] France refused to recognize Haitian independence and sovereignty and excluded Haiti from international relations and trade–as did other colonizing countries.[132] In 1825, France brought gunboats to Haiti's shores. Under threat of invasion and the re-enslavement of the Haitian people, the government of Haiti agreed to pay France an "independence ransom": 150 million francs in exchange for French recognition of the existence of the Haitian state.[133]

For the next century, Haiti's national economy was structured to make payments to French banks rather than to serve Haitians.[134] The devastating impacts of the ransom continue to harm Haitian people today. The ransom undermined Haiti's sovereignty and political stability and impoverished the country, including by making it impossible for Haiti to invest in key infrastructure, such as sanitation systems, health systems, schools, and roads.[135] This underdevelopment contributes to Haiti's inequality and vulnerability to weather events, climate harms, earthquakes, and other political and economic shocks today.[136] The economic damages caused by the ransom are vast. According to a 2022 investigation by the New York Times, the ransom cost the country at least $21 billion in 2022 dollars–and, according to some economists, perhaps as much as $115 billion.[137]

The damage that the independence ransom caused is greater than any monetary figure, however, and extends beyond the Caribbean. By strangling Haiti, foreign powers–namely France and the United States–limited Haiti's impact as an inspiration for emancipatory struggles everywhere.

Today, Haiti is the exemplary case for reparations. Its historic role in emancipation from slavery and its contribution to freedom struggles around the world place Haiti at the forefront of the moral demand for reparations.[138]

What is Haiti Owed? is a five-part Primer on Reparations. It intends to inform and inspire conversations and visions in Haiti and beyond.

Establishing a Legal Claim for Reparations

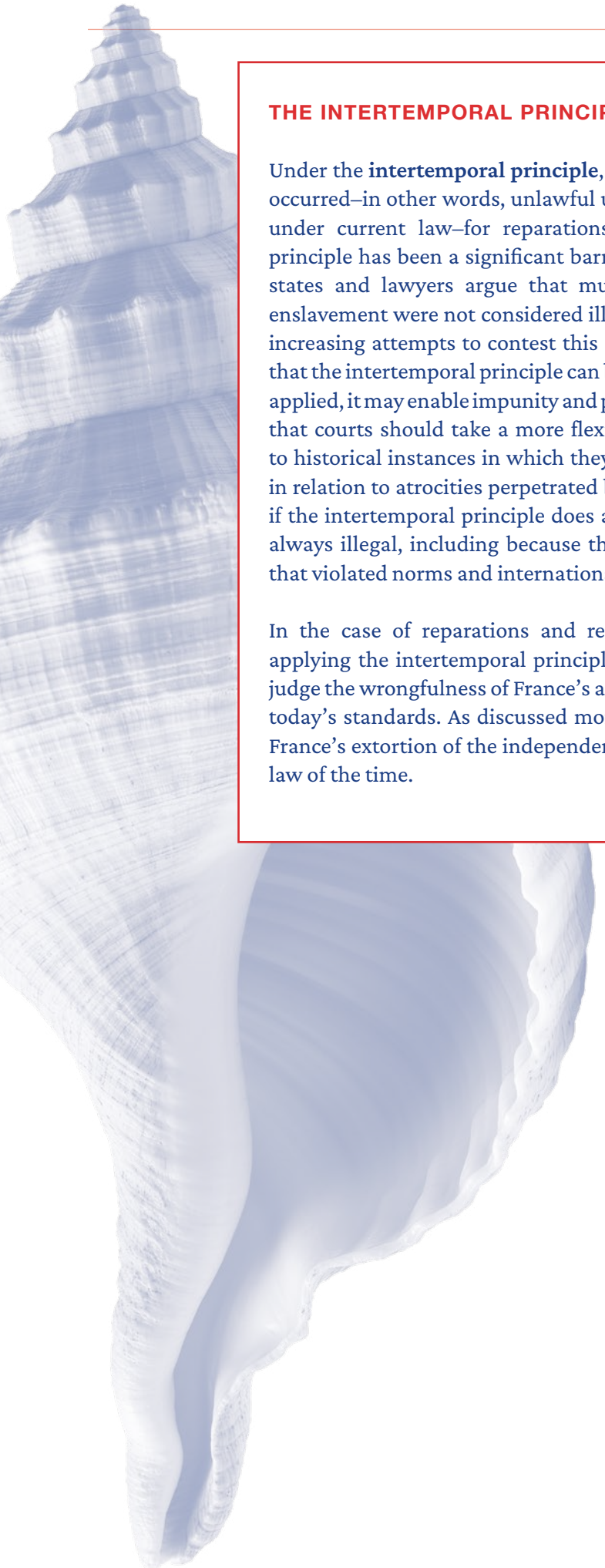
The right to reparations is a key principle of law and element of access to justice.[139] Access to justice means being able to seek and obtain fair remedies for legal issues.[140] Legal pathways for reparations for enslavement, the independence ransom, and other colonial harms are limited, but they also have material and symbolic importance. Even when a party–in this case, Haitians–loses a claim in court, legal arguments can generate public attention, help bolster movements, and create political pressure.

To establish a legal right to reparations, a person or party must generally establish the following:

- There was a **wrongful act** under the law, committed by the party from whom reparations are claimed. The act cannot simply be morally wrong; it must be legally wrongful. One challenge is that legal systems generally require the act to have been wrongful according to the law that existed at the time the act was committed–not according to current legal standards;[141] and

- There was a **cognizable harm,** meaning a harm that the law can recognize. This broad description can include physical and psychological damage, destruction of property, loss of land or natural resources, and harms that are harder to calculate, such as loss of cultural practices and rituals due to displacement by a wrongful act;[142] and

- There is a **causal link** between the wrongful act and the harm suffered.[143] There must be evidence that shows the wrongful act of the wrongdoer (the party from whom reparations are being claimed) contributed to the harm and damage suffered. Establishing causation can be challenging when the harms suffered are far removed in time or geographic space from the wrongful conduct, as is the case when trying to prove that a harm being suffered today is the result of colonial wrongdoing.



THE INTERTEMPORAL PRINCIPLE

Under the **intertemporal principle**, an act must have been unlawful when it occurred–in other words, unlawful under the law of the time and not merely under current law–for reparations to be available.[144] The intertemporal principle has been a significant barrier to reparations: many former colonial states and lawyers argue that much of the violence of colonialism and enslavement were not considered illegal under the law of the time. There are increasing attempts to contest this argument. Advocates and scholars argue that the intertemporal principle can be a further source of injustice because, as applied, it may enable impunity and prevent justice for horrific acts. They argue that courts should take a more flexible approach to the principle and point to historical instances in which they did so–for instance, after World War II, in relation to atrocities perpetrated by the Nazis.[145] They also argue that even if the intertemporal principle does apply, slavery and colonial violence were always illegal, including because they constituted crimes against humanity that violated norms and international law at the time.[146]

In the case of reparations and restitution of the independence ransom, applying the intertemporal principle would mean that a court would likely judge the wrongfulness of France's actions by the law of the 1800s rather than today's standards. As discussed more below, there are good arguments that France's extortion of the independence ransom was unlawful even under the law of the time.

Haiti's Legal Claims for Reparations

Haiti has multiple possible legal claims for reparations due to wrongful acts during and after French colonization. Some of these claims come from history that Haiti shares with other countries in the Caribbean. For example, through CARICOM, countries across the Caribbean are seeking reparations for the violent exploitation of chattel enslavement and colonialism, based at least partly on the argument that **chattel enslavement was illegal under international law and therefore legally wrongful** even at the time it was committed.[147]

Haiti also has a unique claim for restitution and reparations related to the independence ransom and, specifically, a legal claim that **France's extortion of the independence ransom constituted unjust enrichment at Haiti's expense**. The rest of this section summarizes that claim.

Unjust Enrichment

In order to establish unjust enrichment, it is necessary to show that:

- France was enriched;
- The enrichment happened at Haiti's expense; and
- The enrichment, in this case through the independence ransom, was unjust (to show that there was a **wrongful act**).[148]

For unjust enrichment, the **causation** required to be shown is that France was enriched at Haiti's expense, which can be demonstrated clearly by the documented payments Haiti made to France, and that this enrichment happened because of something legally **unjust.**

Because it is fairly simple to show both that France was enriched and that the enrichment happened at Haiti's expense, the core part of bringing an unjust enrichment claim for the independence ransom is showing that the independence ransom payments were legally "unjust."

What makes a transfer "unjust" according to the law is a subject of much debate. Because of the intertemporal principle discussed above, Haiti would likely need to show that the independence ransom was "unjust" not by today's law but by the law of the time–most likely, the law of 1825.[149] One argument that the agreement to pay the independence ransom was unjust is that the Haitian state entered into the agreement because of a severe threat. A threat so severe that it makes a free choice about whether to enter into an agreement impossible creates a legal circumstance known as **duress**. Agreements entered into under duress are generally not valid.[150]

To show that the agreement was entered into under duress, Haiti could point to the fact that the agreement was signed under the direct threat of reinvasion by the French navy. Fourteen gunboats armed with 528 cannons were docked off the coast

of Haiti. The French representative, the Baron de Mackau, had made clear that France was not open to negotiating and would impose a complete economic blockade that would starve the Haitian people.[151] Moreover, lurking behind the threat of reinvasion and starvation was another violent threat: reoccupation by France likely meant the re-enslavement of the Haitian people.[152] Re-enslavement would have led to a total surrender of social, economic, spiritual, and physical liberty. It would also likely have been illegal under even the racist law of the time.[153] French threats of re-enslavement constituted a threat to the very personhood, life, and liberty of the Haitian people. On this basis, it can be argued that the agreement was signed under a threat so severe it amounted to duress–and that the agreement was therefore invalid.

If the agreement under which the independence ransom was paid was invalid at the time it was signed because of duress, then there was no legally valid basis for France to enrich itself through indemnity payments at Haiti's expense, and that enrichment was therefore **unjust** and must be returned (restituted) to Haiti.

Legal Obstacles

There are also a number of legal obstacles to an unjust enrichment claim. These obstacles would need to be overcome in order for a court even to be willing to make a decision on the substance of an unjust enrichment claim. These include:

- **The passage of time:** Courts are often unwilling to hear legal cases about events that happened a long time ago. Sometimes countries pass specific laws called **statutes of limitations** that set the maximum amount of time for bringing a legal case after an event occurred.[154] Even if there is no statute of limitations, courts may decide too much time has passed for the case to be brought. The passage of time was an obstacle to efforts by the *Mouvement International pour les Reparations* in Guadeloupe and Martinique to bring claims against France related to enslavement. ***See Chapter IV for more about this case.***

- **The right to bring the claim (standing):** In order for a court to hear a case, the person bringing it must prove they have a right to raise the relevant legal issues in that case.[155] In a case for unjust enrichment between Haiti and France, it is possible that it would have to be the Haitian state that brings the legal case.[156]

- **Which court can hear the claim (jurisdiction):** In order for a legal case to move forward, it has to be brought before a court that is empowered to hear that case, which, in legal terms, is often referred to as the court "having jurisdiction." More research is needed to determine which court might have jurisdiction to hear a case against France related to unjust enrichment.[157]

Scholars and advocates have criticized the legal obstacles to securing reparations for enslavement and colonialism, pointing out that international law itself played an important role in facilitating enslavement and colonialism and that international law must be transformed and "decolonized" to no longer entrench inequality and racial injustice.[158]

Despite these obstacles and limits, a legal claim for unjust enrichment could be a powerful tool to galvanize the movement and put political pressure on France and other actors, such as the banks and other financial institutions that also profited from the ransom.

The amount France extracted through the independence ransom was determined less by the economic details of its calculation than by the power of its warships. In the same way, calculating the damages Haiti has suffered will not, on its own, determine the reparations Haiti receives. That outcome will also depend on the power the Haitian reparations movement can build, together with the growing global movement for reparations, to press France to provide repair.

The final chapter of *What is Haiti Owed?* is a series of four case studies on reparations. The case studies illustrate much of the content of the preceding chapters. All four show how movements have used the law to advance their demands for reparations, regardless of whether their claims have succeeded.



Aerial View of Cap-Haitien, Haiti.
Credit: Adobe Stock



The Palm Tree

Found on the Haitian flag and coat of arms, the palm tree is a powerful national symbol of independence, freedom, and resilience.

IV

Case Studies of Reparations Claims from Other Contexts

01

CASE STUDY 01:

Reparations for Colonial-era Genocide in Present-Day Namibia

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CASE STUDY 02:

Reparations for French Enslavement and Colonization in Martinique: Trying and Failing

03

CASE STUDY 03:

The Mau Mau Claims: Reparations for Survivors of Torture Under Colonial Rule

04

CASE STUDY 04:

Reparations to the Victims of Torture by the Chicago Police Department

In 1804, the Haitian people won their independence from French colonizers.[159] In overthrowing French rule, Haiti became the only country in the world born of a successful revolution of enslaved people and the world's first Black republic.[160] France refused to recognize Haitian independence and sovereignty and excluded Haiti from international relations and trade–as did other colonizing countries.[161] In 1825, France brought gunboats to Haiti's shores. Under threat of invasion and the re-enslavement of the Haitian people, the government of Haiti agreed to pay France an "independence ransom": 150 million francs in exchange for French recognition of the existence of the Haitian state.[162]

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The case studies in this final chapter can provide insights, lessons, and inspirations from other movements around the world that have fought for reparations.

01

CASE STUDY 01

Reparations for Colonial-era Genocide in Present-Day Namibia

Between 1904 and 1908, German forces murdered tens of thousands of the Ovaherero and Nama people in what is now Namibia, in their effort to quell an uprising against colonial rule.[168] German colonial authorities violently seized thousands of square miles of the Indigenous tribes' lands.[169] They established and operated five camps in which they experimented on, terrorized, and killed their Indigenous captives. Although the term did not exist at the time, these were concentration camps, and this is recognized as the first genocide of the 20th century.[170]

In 2021, the German government officially acknowledged the slaughter of the Ovaherero and Nama peoples as a genocidal act, apologized, and agreed to provide €1.1 billion to fund Namibian projects and aid programs over a thirty-year period.[171] The effort to demand reparations, the legal action that descendants took, and the subsequent political negotiations are considered a strong example of reparations for colonial harms. That said, as of March 2026, Germany has not issued any payments. Further, as outlined below, Germany took notable steps to avoid setting any legal precedent or creating legal obligation for compensation and reparations.[172]

WHAT WAS THE LEGAL EFFORT FOR REPARATIONS?

In 2001, nearly 100 years after the genocide, members of the Ovaherero tribe brought a claim for damages (monetary compensation) in the US District Court for the District of New Jersey against a German corporation, Woermann Line (also known as Deutsche Afrika-Linien, or "Woermann") for enslavement and crimes against humanity[173] during the German occupation from 1890 through 1915. The district court dismissed the claim. In 2007, the Third Circuit heard the case, concluding that the plaintiffs did not have a cause of action under the Alien Tort Statute.

In 2015, Namibian leaders, lawyers, and advocates delivered a petition[174] signed by more than 2,000 German public figures, including members of Germany's national parliament,[175] to the German president. German advocates put pressure on their government to confront their colonial past.

In 2017, a group of members of the Ovaherero and Nama peoples brought legal action in US courts, this time against the German state, seeking reparations.[176] To bring a case in US courts (to establish **jurisdiction**), the plaintiffs had to show that their harm had ties to the United States: human remains had been transported to the American Museum of Natural History; original records of the genocide sat in the New York Public Library; and money generated from seized land and goods was used to purchase several properties in New York City.[177] Germany objected to court proceedings taking place in the United States, and the courts dismissed the complaint, arguing that they were not the right venue to hear the case.

WHAT TYPES OF REPARATIONS WERE SOUGHT?

The plaintiffs sought a formal apology (satisfaction) and compensation for the enslavement and genocide of the Ovaherero and Nama peoples and the theft of their lands. They also asked that the court recognize their legal right to participate in political negotiations occurring between the governments of Germany and Namibia around the issue (satisfaction) and that it issue an injunction preventing Germany from excluding them from these negotiations.[178]

WHAT WAS THE RESULT?

Sustained public attention to the genocide spurred Germany to come to the table. In 2021, Germany apologized and initiated negotiations with Namibia.[179] Germany later committed to funding $1.1 billion for Namibian projects and aid programs over a thirty-year period.[180] The Ovaherero and Nama tribes rejected this Joint Declaration between Namibia and Germany, asserting that they were not meaningfully consulted and that the compensation provided was merely bilateral aid–which does not include admission of fault or liability and which was determined solely by the German government–and not true reparations.

In 2023, representatives of the Ovaherero Traditional Authority, the Nama Traditional Leaders Association, and the Landless Peoples Movement filed a petition to review and set aside the Joint Declaration on the grounds that it violated the Namibian Constitution. They argued that it constituted continued colonialism not reparations.[181]

The agreement remains unsigned as of March 2026; negotiations continue.

The Ovaherero and Nama reparations have been hailed as a victory and a strong example of reparations for colonial harms. There is also critique, including that:

- Germany has described the funds as "grants" and avoided recognizing any legal obligation to provide reparations. Germany has recognized a "moral, historical, and political obligation" but not a legal one;[182]
- Both German and Namibian officials failed to listen to the direct descendants of the exterminated Indigenous peoples, who rejected the financial offer directly in public statements;[183] and
- The agreement did not include direct payouts to the individuals or communities who are the descendants of the exterminated peoples.

WHAT CAN WE LEARN?

Although the litigation in this case was legally unsuccessful, it helped support political and diplomatic negotiations for reparations. Germany's effort to frame its payments to Namibia as "grants" rather than reparations is also important to note. Refusing to name something as reparations can weaken the precedent the case creates for future reparations efforts. Hypothetical future diplomatic negotiations for reparations to Haiti might also have to grapple with this resistance. This case also demonstrates the ways in which affected communities and individuals can be excluded from political negotiations between governments.



02

CASE STUDY 02

Reparations for French Enslavement and Colonization in Martinique: Trying and Failing

The *Mouvement International pour les Reparations* (International Movement for Reparations, or "MIR") advocates for recognition, reparations, and reconciliation for descendants of enslaved people in Martinique and Guadeloupe.[184]

WHAT WAS THE LEGAL EFFORT FOR REPARATIONS?

MIR has brought legal actions in Guadeloupe and Martinique–both "overseas departments" of France–based on Taubira Law, a 2001 French law that recognized the slave trade and slavery as crimes against humanity.[185] MIR claimed that France is obligated to provide **compensation** to the descendants of enslaved people. Its lawsuits also sought elements of satisfaction and rehabilitation, demanding that France create a **foundation memorializing the legacy** of colonial enslavement and conduct an **investigation to identify the extent of damages legally owed** to the descendants of enslaved people.[186]

WHAT WAS THE RESULT?

The courts that heard the case, including the *Cour de cassation* (the French court of last resort for civil and criminal proceedings), all ultimately denied the complaints, on two major grounds:

- The **intertemporal principle,** which dictates that historical conduct–in this case, enslavement–must be judged by the laws in place at the time rather than the laws of today. Scholars and activists rebuke this principle, as discussed in Chapter III. To counter intertemporality, MIR relied on the Taubira Law. However, the courts found that the Taubira Law was passed as a strictly declarative or symbolic law and did not provide a legal pathway to demand reparations for descendants of enslaved peoples;[187] and

- The **statute of limitations,** a law that prevents cases being heard too long after the conduct in question happened (also introduced in Chapter III). The courts found that time had run out to bring the claim, concluding that the statute of limitations had begun to run either in 1848, following the formal abolishment of the slave trade, or, at the very latest, in 1950 and 1964, when the international community officially recognized the existence of crimes against humanity under international law and when France incorporated that acknowledgment into its civil legal system.[188] The courts found that unless the plaintiffs could show that they had been prevented from bringing this case in the decades since 1950, the period of time for bringing the case had elapsed. The Taubira Law was unable to circumvent the statute of limitations.[189]

Some lawyers have speculated that an unnamed consideration was the large amount of money that France would have been obligated to pay–and that the decision was thus largely political.[190] The plaintiffs appealed, and, in 2020, the European Court of Human Rights went on to name the Martinique claim admissible. Further status of the case is unknown at the time of writing.

WHAT CAN WE LEARN?

This case clearly demonstrates the barriers that the intertemporal principle and the statute of limitations create to bringing successful litigation. The Taubira Law, which recognizes that slavery "constitute[s] a crime against humanity,"[191] also provides some insight into how legislation can relate to historical harms. The law began to form after a large, silent march by advocates. The initial draft included a provision on reparations; however, this provision was ultimately removed, reportedly to gain consensus. The law does state that school curricula and research projects will give slavery the "significant" place it deserves and that cooperation between written archives and oral and archaeological knowledge will be promoted. While courts have found it to be merely a declarative or symbolic law,[192] those bringing cases under this law have stressed that this case has compelled judges to consider historical harms.

03

CASE STUDY 03

The Mau Mau Claims: Reparations for Survivors of Torture Under Colonial Rule

The Mau Mau reparations case against the United Kingdom for colonial crimes is one of the few that have been successful in court, resulting in monetary compensation for Kenyan Mau Mau survivors of torture. The case concerns crimes committed by the British colonial government against the Mau Mau movement in Kenya between 1952 and 1960.[193] In response to colonial resistance, known as the Mau Mau Rebellion, the British arrested and detained more than 150,000 suspected members of the Mau Mau rebellion without trial.[194] Those arrested were held in concentration camps and subjected to arbitrary killings, torture, severe physical assault, and other extreme acts of inhuman and degrading treatment.[195]

WHAT WAS THE LEGAL EFFORT FOR REPARATIONS?

In 2009, Mau Mau individuals brought a case against the UK government on behalf of a limited number of survivors–those who possessed direct evidence–of this British torture and detention.[196]

The case was litigated in UK courts. The number of claimants expanded from five to 5,000 after further historical research identified additional survivors. Claimants sought **monetary compensation.** The UK government attempted to argue that the case was barred by the statute of limitations.[197] The claimants were able to overcome the statue of limitations, however, when it came to light, after the case began, that the UK government had maintained extensive detailed evidence of the imprisonment and torture of identifiable Mau Mau victims[198] and that it had actively concealed many records to prevent accountability.[199]

WHAT WAS THE RESULT?

The UK ultimately settled out of court with 5,000 people, paying £19.9 million in **compensation** (about $26.6 million in 2026 dollars), and issuing an **apology** and agreeing to finance a **memorial** in Kenya to the victims of colonial-era torture, both elements of **satisfaction.**[200]

WHAT CAN WE LEARN?

This case is an example of reparations being won through the courts. It also demonstrates the importance of strong documentary evidence, which is a challenge in many reparations cases. Notably, a UK court dismissed another case brought in 2018, which attempted to bring claims for an additional 40,000 survivors. The evidence of torture for these plaintiffs was not as concrete as in the initial case that came before it, and the judge ruled that too much time had passed to bring the case (i.e., the statute of limitations had expired).[201]

04

CASE STUDY 04

Reparations to the Victims of Torture by the Chicago Police Department

This case shows how US citizens used community organizing, legal, and legislative strategies to seek accountability and reparations for torture committed by the Chicago Police Department (CPD). Between 1972 and 1991, more than 125 people, predominantly Black men, were tortured by the CPD, under the supervision of Commander Jon Burge. The CPD systematically kidnapped and tortured individuals in order to produce confessions to crimes they had not committed.[202]

WHAT WAS THE LEGAL EFFORT FOR REPARATIONS?

Beginning in the 1980s, groups began calling for investigations into the use of torture by the CPD and demonstrating in front of Chicago City Hall. In the 1990s, the organizing expanded, and death row inmates (imprisoned people sentenced to the death penalty), including wrongfully accused individuals, brought further attention. A coalition of lawyers, activists, and organizations called Black People Agaist Police Torture formed to present the case of torture as a human rights issue to the international community.[203] The coalition presented the case for accountability and reparations to the Inter-American Commission for Human Rights (IACHR), a regional human rights body for the Americas and the Caribbean, and to the UN Commission Against Torture, the body responsible for overseeing implementation of the UN Convention Against Torture.[204]

WHAT WAS THE RESULT?

The IACHR held a hearing, featuring testimony from a survivor. The UN Commission on Torture issued a finding calling for prosecution and conviction of Jon Burge and for the US government to investigate the cases of torture.[205] However, even after the UN commission's finding, twenty-two survivors remained imprisoned, and the majority of survivors who had been released were not offered financial compensation or rehabilitation.[206] Political and community organizing continued, eventually winning a true reparations package.

WHAT TYPES OF REPARATIONS WERE ORDERED?

After decades of organizing, in May 2015, the city of Chicago approved a municipal reparations package, which had been introduced to the city council two years prior.[207] The package was an expansive example of what reparations can look like:

- financial **compensation** (a $5.5 million reparations fund to pay up to $100,000 to each eligible Burge torture survivor still alive);
- **rehabilitation**, including the provision of counseling services to police torture survivors and family members at a dedicated facility on the South Side of Chicago, job placement assistance, and access to social services;
- a public apology from the mayor, the implementation of a history curriculum, and the establishment of a permanent public memorial (examples of **satisfaction** and **guarantees of non-recurrence**).[208]

There has been relatively high compliance with the reparations package. Students across Chicago are learning about Jon Burge in schools,[209] the city has paid out millions of dollars in settlements and reparations distributions to police torture survivors,[210] and it has established a center for victims of police violence in Englewood, a South Side neighborhood.[211] In December 2025, Mayor Brandon Johnson approved the sale of land in Chicago's Washington Park to serve as the location of the memorial, which will include a 22-foot wall featuring names of victims.

WHAT CAN WE LEARN?

This case provides insights into some of the strategies that can help obtain reparations, including how international human rights bodies can be used. It is also an example of the breadth of measures that can be ordered as part of a reparations package, including combinations of financial compensation, rehabilitation, satisfaction, and forward-looking changes aimed at non-recurrence.

The case studies above offer important lessons from past and ongoing efforts to secure reparations. But the universe of movements and strategic advocacy from which Haitians can draw tactical inspiration is far broader. The US Civil Rights Movement, the anti-Apartheid struggle in South Africa, and contemporary movements for political and social change all offer lessons for Haitian advocates, activists, and allies. One lesson that emerges across these struggles is that transformative movements require organization, creativity, persistence, and the capacity to adapt in the face of setbacks. Social change takes time; it requires a broad and diverse constituency, sustained pressure, deep collaboration, and a range of strategies in the fleet for justice. The cases above illuminate both the barriers reparations movements confront and the opportunities they can create. They also underscore the importance of documenting injustice while imagining something beyond it; movements must rigorously establish the harms that demand repair while boldly articulating the transformation they seek.

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