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Thesis Prospectus

Overview

In the eyes of many outside observers, including the U.S. Department of State, the International Organization for Migration and others, one of the most pressing human rights issues in the Dominican Republic today is that of “functional” statelessness, primarily among the country’s undocumented population of nearly 10%.¹ A majority of this population are immigrants or the descendents of immigrants from Haiti, the Dominican Republic’s much poorer and more crowded neighbor, with whom it shares a long, contentious history. My primary concern is over those who are born on Dominican soil but do not have the necessary legal standing or paperwork to claim Dominican citizenship. Neither do these people, many of whom have never been to the Haiti of their parents or grandparents, have the means to achieve citizenship there. This means potentially hundreds of thousands with no practical access to the benefits of citizenship in a modern state: freedoms of movement, work, education, etc.²

Research Question and Hypothesis

As important as the effects of statelessness are, the main question guiding my thesis research is on the opposite end: What are the roots of statelessness in the Dominican Republic? Based on preliminary research and my experiences there, the most promising potential culprits are the increasingly strict citizenship laws of the past decade, coupled with the failures of civil institutions, both Dominican and Haitian, to provide the documentation necessary for citizenship. I will attempt to determine how and to what degree each of these aspects is responsible for statelessness and, on a deeper level, discern how Dominican conceptions of national identity form the basis for each.

¹ *2010 Human Rights Report: Dominican Republic*. Rep. Bureau of Democracy, Human Rights, and Labor. U.S. Department of State, 8 Apr. 2011. Web. 12 Sept. 2012.

² Fieser, Ezra. "Dominican Republic Denies Birthright Citizenship to Children of Illegal Immigrants." *Global Post*. N.p., 9 May 2011. Web. 12 Sept. 2012.

Structure

Instead of following a linear cause-and-effect structure, I find it more useful here to construct my ideas—and plan to construct my thesis—beginning with the effect (statelessness) and working backward to determine the causes. I will first define statelessness according to existing scholarship, and establish its reality in the modern Dominican context. Next, I will attempt to identify the primary level of cause, namely the changes in citizenship law apparent in the most recent Dominican Constitutions and relevant legislation, and the concurrent issues of the civil registry. Finally, I seek to determine, through examination of historical trends and the language of the law and national leaders, the aspects of Dominican identity which ultimately drive the process of exclusion of Haitians and “Haitian-ness.”

Methodology

For my primary research, I will examine the changing language used in relevant legislation and in the Dominican constitutions of 1994, 2002, and 2010, and from court cases, both domestic and international, including 2005’s *Yean y Bosico vs. República Dominicana*, tried in the Inter-American Court for Human Rights. I will investigate statements made by government officials on relevant legislation and issues to try to determine intent and gain a sense of the role of identity within the law. As necessary I will also consult national census and survey records for clues into levels of statelessness, immigration and other demographic information, using data from UN and NGO sources to corroborate, supplement, and possibly challenge Dominican sources.

Secondary sources will be used to establish existing definitions of statelessness and citizenship theory, and also as a look into the opposing viewpoints of Dominican leaders and members of the international human rights and academic communities. Books, news and journal articles will include those explicitly linked to the issues at hand (e.g. analyses of *Yean y Bosico*) but also those which delve into larger issues of Dominican identity, political history, and the country’s relationship with Haiti and Haitian immigrants.