

Bird Poop and Sovereignty at Bay: The Strange Fate of Navassa Island

IMAGINE a tiny uninhabited islet in the Caribbean — smaller than Manhattan's Central Park — where over two decades ago researchers were astonished to identify more than 650 species, discovering some 500 new insects and spiders, of which nearly a third are endemic. They found new lizard and fish species, and large colonies of seabirds. Navassa Island, 40 miles off the western coast of Haiti, is the longest continually claimed U.S. foreign possession.

But has Navassa ever legitimately belonged to the United States?

Christopher Columbus described it in his journals, joining Navassa to the Spanish Empire until 1697, when Spain conveyed to France the western third of Hispaniola with its adjacent islands. By the late 18th century the French colony St. Dominique exported nearly half

the world's sugar and coffee, produced by 500,000 slaves under such brutal conditions that average life expectancy for landed Africans was six years. The only successful slave revolt in history ensued, entailing the defeat of 50,000 of Napoleon's troops in 1804.

The liberated Africans called the new nation Haiti, honoring the indigenous Taino Indian name meaning "mountainous land." The Tainos numbered hundreds of thousands in 1492. They were totally exterminated by 1540 and replaced by black slaves. Every Haitian constitution in history but one (written under a U.S. Marine Corps occupation from 1915 to 1934) claims the adjacent offshore islands. Starting in 1825, France, Britain, and several other European countries officially recognized Haiti — but not the United States until Abraham Lincoln acted in 1862.

U.S. overseas expansion began with the seizure of Navassa under the 1856 Guano Islands Act. The law asserted

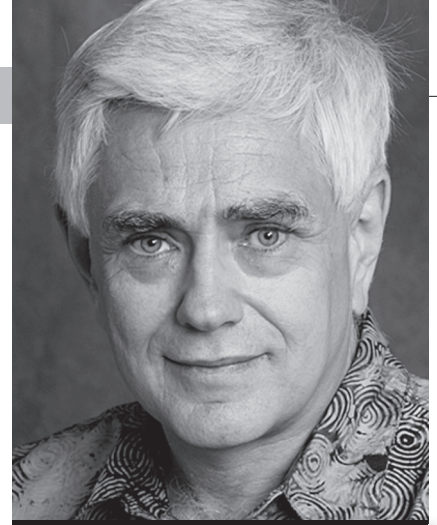
the United States could occupy uninhabited, unclaimed islands with guano deposits anywhere in the world. Guano, the nitrogen-rich feces of seabirds, was then a prized fertilizer commodity. The act was ambiguous: guano islands would "appertain" to the United States, and claims could terminate when guano mining ended.

In 1857 an American sea captain arrogated Navassa under the act, working with a Baltimore company to extract the guano. Haitians had fished around the island for decades, and even built a small chapel there. The Haitian government sent two small vessels to stop the American activities, and the company

appealed to President James Buchanan for help. Buchanan forcefully rushed to defend U.S. rights to bird excrement, sending a warship to threaten the Haitians.

Haiti's commercial agent in the United States, a Boston merchant, wrote to Buchanan's secretary of state, arguing the "perfect legal title" of Haiti's sovereignty over Navassa, noting the 1825 French recognition of the new country and "all of its dependencies." The State Department rebuffed him.

The Baltimore-based Navassa Phosphate Company hired former slave overseers to manage the guano workers. In 1889 abuse bordering on torture of 140 African American contract laborers led to a revolt and the killing of five hated overseers. A U.S. circuit court condemned three to death, and 57 others to prison. On appeal the Supreme Court in *Jones vs. U.S.* (1890) ruled against the defense argument that the United States had no jurisdiction over Navassa. The Court declared "it is not material to inquire, nor is it the province of the Court to determine, whether the executive be right or wrong [in denying Haitian sovereignty]; it is enough to know that in the exercise of



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his constitutional functions he has decided the question."

The company went bankrupt in 1901. The island's administration passed to the U.S. Navy, and later to the Coast Guard until 1996, when the Interior Department took over, designating Navassa in 1999 as a National Wildlife Refuge. Haiti's claim gained Cuba's support in 1958, followed later by Nicaragua, Venezuela, and Ecuador. In 1989 Haitian amateur radio operators briefly occupied the island, setting up a Radio Free Navassa transmitter, and in 1998 a Haitian oceanographer established the Navassa Island Defense Group.

Interior and the National Oceanic and Atmospheric Administration conduct valuable research on Navassa, and have on occasion invited Haitian scientists to participate. So is legal sovereignty a distraction with no real consequence? It's not an edifying sight to behold the world's richest country, wrote historian Ted Widmer in 2007 on the sesquicentennial of the United States' Navassa claim, disputing with the Western Hemisphere's poorest nation ownership of an uninhabitable rock covered with bird droppings. An international trust for research and conservation administered as a condominium by the United States and Haiti might be a solution. In practice, not much would change, but in a world rift by authoritarian rulers aggressively asserting contested territorial claims it would be an important gesture of soft power for the United States.

The guano islet is claimed by Haiti but administered by the United States