



State Of the African Diaspora Parliament

SOADPLLAW 001

THE CODE ON NATIONALITY AND CITIZENSHIP

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LEGISLATIVE INTENT

In the past, Africans all lived in Africa. Their identity and affiliation were not a major problem, as they were linked to their peoples, kingdoms, and traditions. But slavery and colonization opened a cycle of considerable violence and rupture. In this respect, questions of nationality and citizenship were totally disrupted.

The Africans that were deported to the slave colonies were dispersed in different locations, according to the interests of the "merchants", obviously lost all legal and political affiliation with their territories of origin. For the most part, they lost their names, their identity, and often, after several generations, even the memory of the people to whom they belonged. However, they did not acquire alternative citizenship, since they were slaves, and were perceived as "movable property", as stated for example in the Code Noir, promulgated in France. No longer considered human beings, Africans could even less claim any citizenship.

And when, after long and bitter battles, the slaves finally obtained their liberation, they often found themselves in states where they were still dominated by the former slaveholders, as in Brazil, which could eventually grant them nationality, but much less citizenship, insofar as their civil rights, including the right to vote, was regularly contested or impeded, as is still the case in the United States. And in these countries, black voters have very little representation in parliaments, let alone in governments. In other words, Afro-descendants came out of slavery but generally remained in a state of racial domination, not allowing them to fully enjoy their new citizenship.

As for the Africans of the continent, who were massively colonized from the 19th century onwards, they also experienced a clear civic decline. In Algeria, for example, and then in the other French colonies, which were once free, the inhabitants were forced to become individuals with French nationality, which they had never asked for, and with diminished citizenship, facilitating all possible violence: Indeed, they became "natives," governed by the "Code de l'indigénat," which instituted state racism and white supremacy, a system that took the form of apartheid in South Africa: blacks certainly had South African nationality, but they had a citizenship that was practically emptied of any real content.

Another example: under Belgian colonization, the indigenous people were subjected to forced labor and became a workforce without any rights. The Belgian government of today admits that about 10 million Congolese died as a result of colonial violence during the time of King Leopold, not to mention the countless rapes, cut-off hands, and other acts of torture. And when Africans fought to regain sovereignty over their territories, they were harshly repressed, like the Mau Mau of Kenya, more than 100,000 of whom were killed in the 1950s by British armies, and more than 300,000 locked up in camps, not to mention the Hereros and Namas, underwent genocide by the Germans in the early 20th century while trying to defend their land, their rights, their freedoms, their citizenship.

Today, Africans from the continent who try to reach Europe or America find themselves as migrants, often without papers, without rights, and without citizenship. They are oftentimes locked up in camps, in areas of absolute lawlessness, such as those of Ceuta and Melilla, off the coast of Spain, or that of Mória on the island of Lesbos, in Greece. In these conditions, some Africans even become completely without nationality, that is to say stateless. And if, by chance, they finally manage to obtain identity papers, and sometimes even the nationality and citizenship of the "host" countries, if one can speak of the host in this case, they usually find that they remain second-class citizens, being discriminated against in all sectors of activity, in employment, housing, access to education, health, culture, etc., as all national and international reports have shown for over 50 years.

Under these conditions, given this particularly heavy heritage, given the fact that the citizenship of Africans on the continent and in the Diaspora has been for centuries so oppressed, crushed and denied, given the fact that it remains today, precarious, and constantly challenged, it is clear that this bill on nationality and citizenship, is of particular importance, especially since we are here in the framework of SOAD.

Indeed, it is a new nationality and citizenship that is being invented here, linked to a State without borders, which in fact revolutionizes the old categories of national and international law, inherited from the 19th century. The common idea that a state is a nation and a territory is challenged by the very fact that the African Union recognized in 2003 that the Diaspora is the 6th Region of Africa. This means that one can define a region without a territory, and consequently, that one can do the same for a state, in this case, the State of the African Diaspora, which is effectively a state without borders.

Therefore, like any state, the State of the African Diaspora must define the nationality and citizenship of its members, their rights and duties, the conditions of access, as well as the practical modalities related to the identity card. This is the Code of Nationality and Citizenship of the State of the African Diaspora. But as we can see, given the history of African citizenship, which has only been briefly sketched above, the reflection that unfolds here goes beyond the legal or political. It necessarily has a spiritual dimension, insofar as it constitutes a tribute to our dear departed, to render justice to their stolen lives, to their lost citizenship, and in this sense, this bill constitutes a manifest form of reparation, or at the very least, of self-reparation.

Title I: Principles

Article 1: Definition

This code aims to define the principles governing nationality and citizenship of members of the State of the African Diaspora.

Nationality refers to the status of an individual who belongs to a national community, in this case, the State of the African Diaspora.

Citizenship refers to the status of an individual who enjoys the rights generally attached to a national community, in this case, the State of the African Diaspora.

In the State of the African Diaspora, nationality automatically guarantees citizenship, that is, the enjoyment of the civic rights associated with it.

The citizens of this state are free and equal in rights, and distinctions can only be based on public utility. The general principles of citizenship are expressed in the Constitution, which is its sovereign expression.

Article 2: Rights

By virtue of their nationality, nationals of the State of the African Diaspora are citizens who have access to the right to vote for the Members of Parliament of the State of the African Diaspora and, through them, the Prime Minister.

The modalities of this right are expressed in general terms in the constitution, and in more detail in the state's electoral code. Citizens of the State may also be elected to elective positions or appointed to non-elective positions (ministers, ambassadors, staff, and administration).

In addition, citizens may enjoy certain social and economic rights, the list of which will be determined by decree.

Article 3: Duties

Citizens of the State of the African Diaspora must respect the legislation of their State without borders, whether it be laws voted by the Parliament or decrees or codes promulgated by the Executive.

Furthermore, they cannot use the law in force in the State of the Diaspora to disregard the laws of the State in which they reside.

However, if these laws appear to them to be unjust, and in particular if they are racist or colonialist, and therefore in contradiction with the laws and values of the State of the African Diaspora, these citizens may, of course, refer to the State of the African Diaspora, which will seek the ways and means to denounce, condemn and change if possible, the said legislation.

Article 4: Scope of Application

This code applies to citizens of the State of the African Diaspora and to interactions they may have with each other, or with nationals of other countries. It will apply not only in relationships that citizens may have online, but also in territories under the authority of the State of the African Diaspora, in physical locations such as embassies, offices, certain faculties, and a fortiori in the smart cities.

Article 5: Identity card

National belonging is materialized by the national identity card, which is its manifestation and confirmation. The card will be issued digitally and, possibly, physically, for those who wish to do so, at an additional cost. The practical modalities of access to the card, its cost, and the conditions of its issuance will be determined by decree by the government of the State of the African Diaspora.

Article 6: Functions of the identity card

As a symbol of nationality, the national identity card grants rights that express citizenship. It has 3 functions:

- A political function, because it allows to vote, and to designate the representatives of the people, in the Parliament and at the head of the Government. In this sense, it is also an electoral card;

- An economic and social function, as it gives access to a certain number of benefits or reductions, in access to the Chamber of Commerce, to the University, to properties in the smart cities or to other institutions of the State of the Diaspora, provisions that will be established by decree by the State Government;
- A symbolic function, because it creates a link between members of the Pan-African family, which for centuries had been dispersed and separated by crimes and the vagaries of history. In this sense, the identity card is in itself a measure of reparation, or at least of self-repair.

Article 7: Passport

The passport of the State of the African Diaspora is available to all citizens of the State. It is an identity document in itself and allows travel to countries with which the state has a cooperation agreement. The procedures for obtaining the passport will be established by government decree.

Article 8: Functions of the Passport

The passport combines the ordinary functions of an identity card with the ability to travel to the countries where it is recognized under the cooperation agreements signed with the partner countries. The list of countries in question will be established and updated by the government.

Title II: Acquisition and Loss

Police check Report

Article 9: Acquisition

There are several ways to acquire the nationality and citizenship of the State of the African Diaspora (SOAD), as stated in articles 10 to 17.

Regardless of the ways how people have acquired nationality and citizenship of SOAD, the rights and duties are the same.

Article 10: Nationality by descent

Nationality by descent refers to people living outside continental Africa that obtained it through legal and administrative documents proven clearly, they are of African descent. In this case, the people that can show that one of their parents, grandparents, or great-grandparents had an African nationality, are eligible for citizenship in SOAD.

For Example:

- a) That ancestor were African, i.e. had the nationality of one of the African countries, from Algeria to Zimbabwe,
- b) This ascendant is actually their ascendant, as proven by the family records they hold, or any other relevant document.

Article 11: Nationality by declaration

Nationality by declaration refers to nationality obtained through a declaration of the person's honor. Indeed, in the case of members of the Diaspora whose ancestors were deported from Africa, there is generally no paperwork to prove the genealogical link with Africa. Similarly, some undocumented or even stateless migrants may find it impossible to legally prove their link to Africa.

In this case, they can make a declaration on their honor in writing, to confirm the existence of this link. The declaration, dated and signed, could be written according to the model below (Annex 1).

The candidate will send a copy of their photo identification and another document signed by an authority (doctor, police, teacher, notary, spiritual leader, attorney, etc) confirming who they are.

Article 12: Nationals from the Continent

Nationality is also available to Africans living on the continent, on the basis of their national identity card of the country where they reside, or any other equivalent document. They will be able to vote for their deputies, who also sit in the Parliament of the State of the African Diaspora.

Article 13: Nationality by family link

Nationality is also available to spouses, partners, or children of citizens of the State of the African Diaspora, regardless of their origin. All they have to do is demonstrate the family link they have with the reference individual.

Article 14: Nationality by design

Nationality and Citizenship are also accessible to persons who, without having a genealogical link with Africa, intend to establish today and in the future links with Africa and the Diaspora that appear in their activities or in any project. They must then present these activities and projects to justify obtaining nationality.

This nomination shall be decided and granted by the Prime Minister or by his representatives, mandated by him.

Article 15: Honorary Citizenship

Personalities who, through their career and actions, have greatly contributed to the development of Africa, the Diaspora, or the State of the African Diaspora may be declared honorary citizens. This nomination shall be decided and granted by the Prime Minister or by his representatives, mandated by him.

Article 16: Multiple Nationalities

The State of the African Diaspora shall allow multiple nationalities. An individual who already holds the nationality of one or more other countries may also acquire that of the State of the African Diaspora. If, however, their country of origin does not allow dual citizenship, it is up to that individual to consider and deal with the legal consequences that may result from their decision.

Article 17: Royal Citizenship

The State of the African Diaspora has signed cooperation agreements with many African kingdoms. Therefore, citizens of the state may also become members of these kingdoms, and benefit from the welcome extended by traditional leaders, according to royal customs.

Article 18: Sanctions

Persons who violate the Constitution, laws or regulations of the State may be sanctioned according to the procedures provided for this purpose, which may affect their citizenship or even their nationality temporarily or permanently.

Depending on the seriousness of the offenses, the sanctions may include temporary or permanent suspension of civil rights, or even loss of nationality.

The sanctions will be pronounced by the leaders of the Parliament (the President and the Vice-Presidents) when the offenses have been committed in the exercise of parliamentary functions. Otherwise, they may be pronounced by the Court of Justice, under the conditions provided for by law.

Commission report - Penal code

Article 19: Creation of the National Agency for Identification and Passport Processing

A National Agency for Identity Documents shall be established to process applications for identity cards and passports. It will be under the dual authority of the Prime Minister and the Minister of the Interior. Its purpose is to examine the applications, accept them, reject them if necessary, and issue the documents in question.

Submitted application for identity papers and passports is by no means automatic approval. It is assessed on a case-by-case basis by the agents in charge of this mission.

Article 20: Appeal

If a request is rejected, the applicant may appeal by writing to the Prime Minister's office, who will re-examine it and give a final decision.