



Constitution of the State of the African Diaspora

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PREAMBLE

We, Africans and Afro descendants living outside the African continent,

Aware that the founding fathers of Pan-Africanism, by advocating the humanism and unity of Africa, have, from all places where the history of African men and women could have lead them, laid the foundation of a deep reflection on the return to African roots,

Recalling the heroic struggles of our peoples and countries for political independence, human dignity and economic emancipation of the continent,

Conscious that Africans and Afro-descendants living outside the African continent constitute a community united by common roots and history and their responsibility to history and humanity,

Conscious that, despite the ethnic, linguistic, cultural and religious diversity of the diaspora, Africans and Afro-descendants are eager to build a united and prosperous Pan-African consciousness,

Convinced that the union with respect for this diversity is a guarantee of economic progress and social welfare for our peoples,

Resolved to meet the multifaceted challenges facing our continent and our peoples, wherever they are, in the light of the social, economic and political changes taking place in the world,

Convinced that for the active participation of the black, African or Afro-descendant man and women living outside the African continent, for the blossoming and emergence of the African continent, the union of the diaspora must be translated into an effective and visible institutional existence,

Considering the tireless efforts made by the Representative Council of the Black Associations of France (Le Cran), among others,

To promote solidarity, tolerance between the African, African-European, African-Caribbean populations,

To contribute to the valorization of their talents, their image and their personal and collective development in the economic and cultural field, education, social affairs in Europe, in the EU and in any other UN member state or not,

To work to take into account the African diaspora as an entity inseparable of the actions to be taken by the sons of Africa for the emergence of the continent,

For the establishment of the organs of the Diaspora,

Considering in this respect:

I. The Protocol on Amendments to the Constitutive Act of the African Union, adopted at the 1st Ordinary Session of the Assembly of Heads of State of the Union in Addis Ababa (Ethiopia), on 3 February 2003 and by the 2nd Ordinary Session of the Conference of Heads of State of the Union in Maputo (Mozambique), on July 11, 2003 which states in its Article 3 (q): "to invite and encourage the effective participation of Africans in the diaspora, as an important part of our continent, to the

construction of the African Union ".

II. Decision Ext / EX / CL / Dec.6 (III) of the Third Extraordinary Session of the Executive Board of the AU held in 2003 in South Africa on the implementation of the Diaspora initiative within the framework of the African Union.

III. Decision EX.CL/DEC.221 (VII) of the seventh ordinary session of the Executive Council of June-July 2005 in Sirte, on the definition of the Diaspora.

IV. The decision of the Executive Council of the African Union (Ex CL / 406 (XII) Add.1)
- Executive Council 12th Ordinary Session, 25-29 January 2008, Addis Ababa on the representation of the African diaspora at the sessions of the African Union conference by which the African Union:

1. TAKES NOTE of the proposal of the Republic of Senegal concerning the "Representation of the African Diaspora at the Sessions of the African Union Conference";

2. RECALLS the Protocol on Amendments to the Constitutive Act of the African Union, approved in January 2003 by the First Extraordinary Session of the Conference of Heads of State and Government, held in Addis Ababa in Ethiopia, which stipulates in Article 3 (q)
"Invite and encourage the effective participation of Africans in the diaspora, as an important part of our continent, in the building of the African Union;

3. REAFFIRMS the commitment of the African Union to seek the appropriate means to achieve this objective;

4. REQUESTS the Commission, as part of this process, to conduct a detailed feasibility study on the idea of considering the diaspora as the Sixth Region of Africa and to define the modalities for the participation of the diaspora in the activities of the Union;

5. ALSO REQUESTS the Commission, in cooperation with the Government of the Republic of Senegal, to convene a technical meeting of experts from the AU Member States to discuss the modalities for the participation of the diaspora in the organs of the Union, including the possibility of translating into action the concept of making the diaspora the Sixth Region and reporting to the next sessions of the Executive Council and the Conference.

V. The declaration of the Heads of State at the end of the AU Summit f 14 (XVIII) add. 3) entitled "RESOLUTION ON THE DIASPORA":

Recalling further the EX decision. CL 406 (X] I) add. 1 by which the Executive Council requests the Commission to conduct a detailed feasibility study on the idea of considering the Diaspora as the 6th region of Africa and to define the modalities of participation of the diaspora in the organs and activities of the diaspora. Union;

Wishing to send a strong signal to all components of the diaspora, and to establish a formal mechanism for consultation between the diaspora and the continent;

Decides to recognize the African diaspora as an effective entity contributing to the economic and social development of the continent and to invite its representatives in quality.

VI. The Decision on "Integration as a Factor of African Renaissance" Doc. Assembly / AU / 14 (XVIII) Add. 4 by which the African Union Conference

"Urges the member states to take the necessary steps to involve the African peoples and the Diaspora in the integration process, the only guarantee of the African renaissance and for the affirmation of Africa in the concert of nations";

VII. The keen interest expressed by His Excellency Mohammed OULD ABDEL AZIZ, President of the Islamic Republic of Mauritania, current Chairperson of the African Union, on December 4, 2014 and, subsequently, the mandate given to Louis-Georges TIN, president of the CRAN, to establish the organs of the Sixth Region of Africa with the assurance of the solicitude of African Heads of State to support this initiative.

Recalling further the statements of the First Conference of Intellectuals of Africa and the Diaspora, held from 06 to 09 October 2004 in Dakar and the second conference which took place from 12 to 14 July 2006 in Salvador de Bahia - Brazil - by which intellectuals from Africa and the Diaspora subscribe to the idea of making the Diaspora the sixth region of the African Union.

VIII Article 20(1) of the African Charter on Human and Peoples Rights Adopted in Nairobi June 27, 1981, which states that “All peoples shall have the right to existence. They shall have the unquestionable and inalienable right to self-determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen.”, and (2) which declares that “Colonized or oppressed peoples shall have the right to free themselves from the bonds of domination by resorting to any means recognized by the international community.”.

IX. The Universal Declaration of Human Rights, that we acknowledge, adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948, and particularly its article 7 that says “all are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.”

X. Article 21 (3) of the same Declaration which states that “The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections (...) “ establishing the importance of people’s self-determination and sovereignty.

We have elaborated this Constitution for the State of the African Diaspora to serve as a founding constitutional text.

The State of the African Diaspora claims the right of self determination based on a common origin, history and culture and seeks to establish sovereignty, regardless of the opinion or recognition of other states or people.

The State of the African Diaspora also embodies the principle of a Popular sovereignty which is the authority of The State and its Government which are created and sustained by the consent of its people, through their elected representatives (Rule by the People), who are the source of all political power.

The State retains its sovereignty, freedom, and independence. It has the full right and power of a State to govern itself without any interference from outside sources or bodies. The State is able to run, trade and commerce freely and frame its foreign policy for the sake of welfare of the people.

TITLE I : THE EXECUTIVE OF THE STATE OF THE AFRICAN DIASPORA

Article 1:

The Executive of the State of the African Diaspora consists of a Government headed by a Prime Minister. He is assisted by two Vice Prime Ministers.

The Executive represents and defends the interests of the State of the African Diaspora among states, international institutions, NGOs, and persons of public or private law.

The Executive is represented by the Prime Minister.

The Prime Minister may sue in the name and on behalf of the State of the African Diaspora.

He may also bring a civil action in the interest of any of the natural persons, members of the African diaspora.

CHAPTER 1: THE PRIME MINISTER OF THE STATE OF THE AFRICAN DIASPORA

Article 2:

The Prime Minister is the exclusive holder of executive power and Head of Government of the State of the African Diaspora. He embodies the unity of the State of the African Diaspora.

It ensures the respect of the Constitution and ensures the continuity of the institutions of State of the African Diaspora. He is the guarantor of the respect of the international engagements.

The Prime Minister animates and coordinates government action.

Article 3:

The Prime Minister appoints the members of the Government and determines their attributions. The Vice Prime Ministers and the Ministers are responsible to the Prime Minister. He puts an end to their duties.

Article 4:

The Prime Minister is the head of the administration. He appoints to civil jobs.

The Prime Minister accredits Ambassadors and Special Envoys to States and International Institutions.

Ambassadors and extraordinary envoys of States and international institutions are accredited to him.

Article 5:

The Prime Minister chairs the Council of Ministers. The Council of Ministers deliberates on: the decisions determining the general policy of the State of the African Diaspora ; bills, ordinances and regulatory decrees.

Article 6:

The Prime Minister may, by decree, delegate some of his powers to members of the Government.

Article 7:

The duties of Prime Minister are incompatible with the exercise of any parliamentary mandate, any public office, any professional activity and any function of political party leader.

Article 8:

The Prime Minister is elected for five (5) years by indirect universal suffrage by Parliament. He can only be re-elected once. The candidate for election as Prime Minister must be at least 18 years old.

He must reside in any of the sub-regions of the State of the African Diaspora on a regular basis for the five (5) years preceding the election date.

He must be of high probity and have an identity card or passport from one country of the Diaspora.

Article 9:

The election of the Prime Minister is by an absolute majority of the votes cast.

If this is not obtained, a second round is held fifteen days after the proclamation of the results of the first round. Only the two candidates who have won the highest number of votes in the first round can attend.

The convocation of the electors is made by decree in the Council of Ministers.

The first ballot is held before July 1st in the fifth year of the Prime Minister's term.

Article 10:

If before the first round, after the filing and the validation of the candidatures, one of the candidates dies, the Council of ministers pronounces the postponement of the election.

In the event of the death of one of the two candidates who came first after the first round, the Council of ministers decides to resume all electoral operations.

Article 11:

The powers of the incumbent Prime Minister expire on the date on which the elected Prime Minister takes office, which takes place as soon as the oath is taken.

Within forty-eight hours of the final proclamation of the results, the elected Prime Minister shall take an oath.

The oath formula is:

"In front of the sovereign people of State of the African Diaspora, I solemnly swear on the honor, to respect and defend faithfully the Constitution, to protect the Rights and Freedoms of the citizens of State of the African Diaspora, to conscientiously fulfill the duties of my office in the best interest of the State of the African Diaspora.

May the people withdraw their confidence from me and let me suffer the rigor of the law, if I betray my oath. "

Article 12:

In the event of a vacancy due to death, resignation or absolute impediment, the Prime Minister shall be replaced by the first Vice Prime Minister for a period of forty-five (45) to ninety (90) days during which he organizes the election of a new Prime Minister.

The absolute impediment is immediately recognized by the Council of ministers, approved by the majority of its members.

The Vice Prime Minister, acting as the Prime Minister, performs all the duties of the office of Prime Minister except for the prerogatives of Articles 3 and 4.

CHAPTER II: THE GOVERNMENT OF THE STATE OF THE AFRICAN DIASPORA

Article 13:

The attributions of the members of the Government are determined by the Prime Minister.

The parliamentarian appointed to be a member of the Government may not sit in the Assembly of the State of the African Diaspora during the period of his ministerial functions.

The rules of procedure adopted by the Government determine its functioning and determine the protocol order.

TITLE II : THE PARLIAMENT OF THE STATE OF THE AFRICAN DIASPORA

Article 14:

The Parliament of the State of the African Diaspora is composed of Members of Parliament.

CHAPTER 1: THE PARLIAMENT OF THE STATE OF THE AFRICAN DIASPORA

Article 15:

The Parliament of the State of the African Diaspora holds the legislative power.

The Assembly votes the laws.

These laws specify or supplement the provisions of the Constitution which establish the general principles of them:

- on the proposal of its members under the terms of its rules of procedure.
- by draft laws emanating from the Government of the State of the African Diaspora.
- The Assembly may be consulted by the Government on all matters of general interest, in particular economic, cultural, educational, environmental and social issues.

In these areas it can also on its own initiative, carry out studies and adopt opinions, resolutions and motions which it submits to the Government.

Article 16:

The organic laws determine the fundamental principles of the general organization of Administration and fix:

- the rules relating to the functioning of the institutions, structures and systems envisaged or qualified as such by the Constitution of the State of the African Diaspora.
- The electoral system of the Assembly of the State of the African Diaspora and Regional Assemblies;

The laws to which the Constitution confers the character of organic laws are voted and modified under the following conditions:

- The draft is subject to the deliberation and vote of the Assembly of the State of the African Diaspora only after the expiry of fifteen days after its deposit.
- The text can only be adopted by the Assembly of the State of the African Diaspora by a two-thirds (2/3) majority of its members.

Article 17:

The laws of finance determine the resources and the expenses of the State of the African Diaspora.

The Parliament, on conditions determined by State of the African Diaspora, votes the finance bill.

The Finance Bill aims to provide the revenue necessary to fully cover expenses.

The laws to which the Constitution confers the character of financial laws are voted and modified by the Parliament under the following conditions:

The Parliament of the State of the African Diaspora is seized of the bill of Finances by the Government as of the opening of the session every year.

The draft budget law shall be submitted to the deliberation and vote of the Assembly of the State of the African Diaspora only at the expiration of a period of fifteen days after its deposit.

- the Parliament has forty-five (45) days to vote.

The Finance Bill may only be passed by the Parliament by a majority of its voting members.

Article 18:

The programming laws set the objectives of the economic, environmental and social action of the State of the African Diaspora.

Article 19:

The members of the Parliament are responsible for relaying the voice of their constituents to the administrative and political organs of the State of the African Diaspora.

The deputies of the State of the African Diaspora come from the Regional Assemblies of the Diaspora.

The members of the Parliament also hold the role of local elected representatives in the parliaments of their regional constituency.

An organic law fixes the number of the members of the Assembly of the State of the African Diaspora, the conditions of eligibility, the system of illegitimacy and incompatibilities, the modalities of the poll, the conditions in which it is necessary to organize new elections in case of deputy seat vacancy.

The term of the legislature is five (5) years.

The parliamentary mandate is renewable.

The powers of the Parliament of the State of the African Diaspora expire at the end of the second regular session of the last year of its term.

Elections shall be held at least ten (10) days and not more than fifty days before the expiry of the powers of the Assembly of the State of the African Diaspora.

Article 20 :

The President of the Parliament is elected for the term of the legislature.

The Vice-Presidents and members of the Bureau of the Parliament shall be elected in accordance with the rules of procedure of the State of the African Diaspora.

Article 21 :

The Parliament establishes its rules of procedure.

CHAPTER II: COMMISSIONS

Article 22:

The members of the Parliament meet in thematic commissions. The commissions are as follows:

- Economic Affairs
- Industry, Infrastructure and New Technologies
- Agriculture and Fisheries
- Social Affairs
- Justice and Human Rights
- Culture and Heritage

Article 23:

The members of the Parliament join the Commissions according to the modalities provided for by the rules of procedure of the Assembly of the State of the African Diaspora.

The functioning of the Commissions is governed by the rules of procedure of the Parliament of the State of the African Diaspora.

The Secretaries (2) and Rapporteurs (3) of each Commission are elected to the Commissions in accordance with the rules of procedure of the Parliament.

TITLE III: RELATIONS BETWEEN THE EXECUTIVE AND PARLIAMENT

Article 24:

The Prime Minister has concurrently with the members of the Parliament of the State of the African Diaspora, the initiative of the laws but also opinions, studies, resolution and motions.

He ensures the promulgation of the laws in the fifteen days that is the transmission that is made to him by the President of the Parliament. This period is reduced to five days in case of emergency.

Article 25:

The Prime Minister communicates with the Parliament of the State of the African Diaspora either directly or through messages that can be read by the President of the Parliament.

Article 26:

The Prime Minister may, for the execution of his program, ask the Parliament for authorization to make by ordinance, for a limited time, measures which are normally within the scope of the law.

Article 27:

Members of the Parliament have the right to amend the proposals of laws.

Proposals and amendments tabled by the members of the State of the African Diaspora Assembly shall not be acceptable if their adoption would result in a diminution of public resources or the creation or aggravation of a public office, unless they are accompanied by a proposal to increase revenue or equivalent savings.

Article 28 :

The means of information of the Assembly with regard to government action are the oral question, the written question, the commission of inquiry.

During the duration of an ordinary session the deputies can question the Prime Minister.

The Prime Minister may delegate to Ministers the power to answer questions from Members.

In this circumstance, the Parliament may take a resolution to make recommendations to the Government.

Article 29:

The members of the Government have access to the Commissions of the State of the African Diaspora. They are heard at the request of the Commissions.

They can be assisted by government advisors.

TITLE IV: COOPERATION, TREATIES AND INTERNATIONAL AGREEMENTS

Article 30:

The Prime Minister signs treaties and international agreements.

Treaties or Agreements of international organizations, which modify the internal laws of the State of the African Region, can only be ratified following a law.

Article 31:

Treaties or Agreements regularly ratified have, from their publication, a higher authority than that of the laws, subject, for each Treaty or Agreement, to its application by the other party.

TITLE V: THE CONSTITUTIONAL REVIEW

Article 32:

The initiative of the revision of the Constitution belongs concurrently to the Prime Minister and members of the Parliament.

The bill or draft law revising the Constitution is tabled before the Parliament of the State of the African Diaspora.

To be taken into consideration, the draft or the revision proposal must be voted by an absolute majority by the voting members of the Parliament.

Article 33:

No review procedure may be initiated or continued where it has affected the integrity of the State of the African Diaspora.

TITLE VI: THE COURT OF JUSTICE OF THE STATE OF THE AFRICAN DIASPORA

Article 34 :

One of the organs of the State of the African Diaspora is the Court of the State of the African Diaspora. It has the following mandate: settle when possible or decide through formal decisions or disputes related to racism, racial discrimination, among individuals, among individuals and companies, states or mixed, but also colonialism, neo-colonialism, war crimes or crimes against humanity.

Article 35 :

The methods will be negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, and issuing decisions. The use of each method above is not mandatory and fall under the discretion of the Juges.

Article 36 :

The Court jurisdiction will come from signing an Optional Clause of the State of the African Diaspora, general conventions and special bipartiste treaties.

Article 37 :

The Court shall have 7 juges, preferably representing all the world regions and the gender balance. The Juges will have a mandate of 3 years, renewable once, and will be chosen among Diaspora descents with a bachelor in law, recognized legal knowledge and good standard ethical and moral reputation.

The candidates will be submitted by the Minister of Justice to approval by the Prime Minister which may decide to listen to a not binding Parliament opinion.

TITLE VII - CODE OF CONDUCT

Article 38 :

A code of conduct is also included in the Constitution. It shall be respected by all the members of the State.

TITLE VIII : TRANSITIONAL AND FINAL PROVISIONS

CHAPTER 1: MANDATE OF THE PRIME MINISTER

Article 39 :

The Prime Minister in office on the date of the promulgation of this Constitution has full power under the conditions of this Constitution and forms the Government.

Its term of office runs from the adoption and promulgation of this Constitution up to 2023. At the end of this transitional period of five (5) years, the position of Prime Minister is subject to election.

The Prime Minister of the transitional period may be a candidate in accordance with the provisions of this constitution and the organic laws in force.

CHAPTER II: THE ESTABLISHMENT OF THE INSTITUTIONS OF THE STATE OF THE AFRICAN DIASPORA AND OTHER PROVISIONS.

Article 40 :

The Prime Minister and the Government of the State of the African Diaspora will make any effort to install the various institutions of the State of the African Diaspora as soon as possible.

Pending the establishment of the Parliament, the powers of this Assembly are held by the Government of the State of the African Diaspora.

Article 41 :

The Prime Minister, for the functioning of the institutions of State of the African Diaspora, will take the relevant provisions, by decree or by any other act within its competence, to endow the State with the African diaspora from a bank account and the necessary banking instruments.

The Prime Minister is the authorizing officer of the budget.

The Minister of Economy executes the general budget of the State of the African Diaspora.

Article 42 :

The seat of the State of the African diaspora is located at Gemma House, 39 Lilestone Street, City of Westminster, London NW8 8SS United Kingdom. The Prime Minister, for the functioning of the institutions of the State of the African Diaspora, will take the necessary provisions, by decree or by any other act within its competence, to sign all conventions to make the seat legally viable and operationally functional.

TITLE IX : ENTRY INTO FORCE OF THE CONSTITUTION

Article 43 :

This Constitution comes into force on the day of its promulgation by the Prime Minister.

1st July 2018

Dr Louis-Georges Tin
State of the African Diaspora
Prime Minister

