



STATE OF THE AFRICAN DIASPORA PARLIAMENT

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Law on Culture, Ethnocide and Sovereignty

LEGISLATIVE INTENT

In 1919, in the aftermath of the First World War, the famous French poet Paul Valéry wrote: "We civilizations now know that we are mortal. »

And he was right. However, he forgot to say that very often, if civilizations die, it is not by chance, or by accident; it is because they are killed. He also forgot to recognize that Europe has killed, or tried to kill, many civilizations throughout the world. It is the whole process of Colonization for at least 5 centuries, whether in Africa, America, Asia, or Oceania.

Thus, for example, the San, designated as Bushmen by the Europeans, who had been in Southern Africa for at least 44,000 years, were hunted down from the 18th century onwards by the Dutch and by the English, who organized militias (Commandos) to chase them out of their ancestral lands. Today, there are less than 100,000 survivors in total, who have been relegated to the Kalahari Desert, one of the most inhospitable places on the planet. Their civilization is now in great danger of extinction.

Another well-known example is that of the Australian Aborigines. When the first Europeans arrived in Australia, there were about 500 tribes on the continent, and many cultures and languages. Today, only three or four remain. And if the Aborigines, who have been in Australia for about 40,000 years, still survive more or less, their populations are marginalized, plagued by poverty, unemployment, alcoholism, and suicide.

As for the Aztec civilization, it was totally destroyed by the Spaniards. Hernán Cortés and the conquistadors landed in Mexico in 1519. Two years later, they besieged the city of Tenochtitlan and captured the Aztec leader, Cuauhtémoc. They tortured him and dipped his feet in burning oil to

make him tell them where the Aztec treasures were located. He was finally hanged in 1525, and the Aztec Empire disappeared with him. Only ruins remain today.

All these peoples and cultures were destroyed, or almost destroyed by weapons. But to make a people disappear, one does not need to genocide them. Organizing a genocide requires a lot of money and violence: you need to recruit soldiers, finance expeditions by land or sea, have infrastructure and logistics; and, of course, spill blood. But if you want to wipe a people off the face of the earth, there are simpler, cheaper, and « cleaner » ways to do so.

In order to obliterate a nation, you just need to infiltrate and implement mechanisms to eradicate its language, its culture, its religion, its traditions, its knowledge, and its history. Thereby, in one or two generations, you will achieve a result just as effective, if not more so: this is what is called « ethnocide ». In other words, a genocide without bloodshed, a "cultural genocide", a genocide that is « soft », « clean » and almost invisible.

Today, the genocides of the past are often followed by contemporary ethnocides, to complete the work. In Africa, while genocides were implemented by the colonialists, after independence, some governments, encouraged by multinationals, have continued the colonial policy of the past, implementing ethnocides, threatening the survival of indigenous peoples. In general, the aim is not to make these civilizations disappear, but to develop the country sometimes pushes the governments to seize their lands, cut down their forests, and displace the population by force, leaving them abandoned and destitute.

From then on, in some parts of Africa and elsewhere, the policy of development is in fact a policy of ethnocide. While people around the world are mobilizing, and rightly so, to save animal biodiversity and endangered species, there is much less mobilization for the cultural diversity of the human populations, equally endangered and disappearing before our eyes. Active policies must be put in place to redress these colonial, or neo-colonial, crimes. We are probably the last generation that can save these cultures from death and oblivion.

In the African Diaspora, within the context of slavery, a crime against humanity, ethnocide policies were also put in place, from the beginning of the slave trade. Prepared by Minister Jean-Baptiste Colbert, and implemented in the French colonies under Louis XIV from 1685, the Black Code is a very clear case of ethnocide. Article 2 states: "All slaves who will be in our islands will be baptized and instructed in the Catholic, Apostolic, and Roman religion". They must therefore forget their African religions, obviously demonized by the Christian missionaries, and the slaves were of course not allowed to meet and practice their rites or traditions, even to celebrate marriages (Article 16).

Forced to renounce their cultures of origin, some Africans in the Diaspora have thus conceived a form of self-forgetfulness, even self-hatred. This sometimes led surprisingly to grotesque or pathetic statements of black people saying that they are not black, or Afro-descendants saying that they had nothing to do with Africa. Whilst in the French West Indies, the descendants of slaves were taught in school the famous lesson, "our ancestors the Gauls", and many believed it very sincerely. And even in instances where they did not believe it, some adhered to it, hoping thereby to obtain, in the eyes of their masters, a form of recognition, even of social promotion, which they hardly obtained, as the policies of assimilation were most of the time nothing but an illusion.

Fortunately, many Africans in the Diaspora have fought to keep their culture, and first of all their name. We all remember the television series *Roots*, based on the novel by Alex Haley, and in

particular the atrocious scene in which Kunta Kinte, a young Mandingo, is sold to a plantation owner who wanted to rename him « Toby ». Kunta refuses, and is whipped until, haggard and dazed with pain, he whispers the imposed name. The master then concludes: « Here is a good negro ». Under torture, the young Kunta of the fiction ends up saying his name was "Toby". His courage and resistance have inspired many artists, including rappers of the African diaspora, in Europe and elsewhere, who have paid tribute to him in their songs; by expressing their respect for Kunta Kinté, their cultures, and their African origins.

In this regard, quite emblematic is the tirade from *The Tragedy of King Christophe*, composed by Aimé Césaire, one of the founders of negritude, in which the eponymous hero of the play, one of the heroes of the Haitian Revolution, declares:

"Once our names were stolen from us!

Our pride!

Our nobility, they, I say they stole them from us!

Pierre, Paul, Jacques, Toussaint! These are the humiliating stamps with which they obliterated our names of truth.

I myself your king!

Do you feel the pain of a man not knowing what his name is?

To what his name calls him?

Alas, only our mother Africa knows it!

However, even if most of them have lost their name (which is why Malcolm Little once decided to call himself Malcolm X), Africans in the Diaspora never forgot where they came from, and in many places, they have maintained their traditions. For example, they have kept their religions, as evidenced by Haitian voodoo, which originated in Benin, but in a disguised form, under a Catholic guise, resulting in a kind of syncretism. This is also the origin of Candomblé practiced in Brazil, and in countries like Uruguay, Paraguay, Argentina, and Venezuela, a mixture of Christianity and African religions, linked to the cult of the *orixás*.

But Creole culture and language have always been marginalized. For a long time, French authorities refused to allow the Creole language to be taught in schools, even in the French West Indies. However, the societies of these countries, like it or not, are multicultural and have a strong African component. This multicultural character has been recognized in large part of Latin America, from Mexico to Brazil, including Honduras, Guatemala, Colombia, Bolivia, Peru, etc. This multicultural identity, often affirmed in the Constitution, has led to greater recognition of both indigenous peoples and Afro-descendants.

Indigenous Peoples and youth give hope for a better tomorrow as they spearhead decolonization, indigenization, and decolonial methodologies that liberate Indigenous earth and water ethics. As they fight for treaty rights, human rights, and rights of nature, dismantling and moving colonial systems out of the way. They remind us of what it means to be human, and that the western viewpoint of life is not the master narrative. In its smart cities, the State of the African Diaspora shall include public libraries to preserve indigenous knowledge, and promote African indigenous philosophies in all its many facets, from children story-telling by African griots through to science, cosmology, physics, and metaphysics.

In other words, while in many countries cultural policy seems to be a secondary issue, a matter of entertainment only, the State of the African Diaspora intends to affirm and reaffirm that culture is essential, even a matter of survival. Many peoples have disappeared because, even though many

individuals had survived, their culture was dead: they had lost their cultural identity, their language, and their collective consciousness, and ended up dissolving into the mass. A person that does not care about its culture is a zombie people. A people that can easily be subjugated and exploited, of course. In this sense, culture is not a kind of extra soul that we are interested in, if there is some time or money left, it is on the contrary a prerequisite to any collective existence. In this, it is an essential element of sovereignty.

It is what distinguishes us from the animal, in a context where everything has been done to reduce Africans on the continent or in the diaspora to animality. And there is no reason to oppose tradition to modernity. Japan, for example, which is always at the forefront of new technologies, has never given up on Shintoism and Buddhism, the traditions of Japanese gardens, martial arts, sake, sushi, noh, origami, ikebana, etc., and by maintaining its traditions, Japan has obviously strengthened its sovereignty.

The example of the United States is also very revealing. Military battles have not always been a success for the country, as demonstrated by the military operations in Laos, Cuba, Vietnam, Korea, Somalia, Afghanistan, etc. However, through culture, and especially through Hollywood and the movie business, the United States has conquered the whole world. Everyone has seen dozens, even hundreds of American films. Everyone knows American actors, American culture, the American dream, the American way of life, and the products of American industry - and wants to buy them. Even those who hate the United States, rightly or wrongly, probably have American shoes, cars, computers, phones -and perhaps an American vision of the world. In this sense, American culture, the soft power, is the real strength of the United States: it is the power over souls. It is the instrument of their sovereignty in the whole world, whether you like it or not.

As a matter of fact, the State of the African Diaspora is a Popular Sovereignty and has the overriding principle that the authority of the State and its Government are created and sustained by the consent of its people, who are the source of all political power. Popular Sovereignty, being a principle, does not imply any particular political implementation. As Benjamin Franklin stated, "in free governments, the rulers are the servants and the people their superiors and sovereigns".

This is why the State of the African Diaspora intends to defend Pan-African cultures by presenting on this day, in its Parliament, a bill entitled "Culture, Ethnocide and Sovereignty". It aims to give the citizens of Africa and the Diaspora the legal and political means to protect Pan-African cultures, and even to promote them. In a context where all these cultures have been threatened and attacked for so long, and some of them still are, this is a real work of reparation, or at least of self-repair.

1) Title I: Definition and Principles

Article 1: Sovereignty

Is regarded as sovereignty the ability of a State or a community to govern by itself.

Some States exercise *formal Sovereignty*, since they are no longer colonies, but in fact, *real Sovereignty* is totally or partially held by others, by those who have a military base in the territory, who hold the debt, or who impose their culture.

Article 2: Ethnocide

According to UNESCO (San José Declaration, 1981), « ethnocide means denying the members of an ethnic group, collectively or individually, the right to use and transmit their own culture. This is a massive form of human rights violation. »

An ethnocide is not only a cultural issue; it is an issue of Sovereignty, and in fact, for any people, State, or community, a matter of life or death.

Article 2.1: Ethnocide vs Genocide

According to the Rome Statute, adopted by the International Criminal Court (1998, article 6), « the crime of genocide means any of the following, committed with intent to destroy, in whole or in part, a national, ethnical, or racial group as such :

- (a) The killing of members of the group ;
- (b) Murder of members of the group ;
- (c) Causing serious bodily or mental harm to members of the group;
- (d) Intentionally subjecting the group to conditions of life calculated to bring about its physical destruction in whole or in part;
- (e) Measures to prevent births within the group;
- (f) Forced transfer of children from the group to another group ».

The dialectic between genocide and ethnocide is complex and reversible. Sometimes ethnocide precedes genocide and facilitates it; sometimes it takes place during the genocide and reinforces it; sometimes it takes place after genocide and aims to complement it. Sometimes there is ethnocide without genocide, which does not make it any less of a crime. But it is almost impossible to organize a genocide without committing also, at the same time, an ethnocide.

Article 2.2: Ethnocide vs Act of Ethnocide

While ethnocide refers to the systemic process of eradicating a culture, or trying to do so, any action that contributes to the overall system of ethnocide is considered an *act of ethnocide*, whether or not the individuals committing these acts are aware of the system in which they are taking place.

Article 2.3: Ethnocide and « Civilisation »

Ethnocide is any process of "civilization" imposed by one people on another people, meaning to partially or totally replace the original culture. As a matter of fact, in the colonial vocabulary, the word "civilization" has often been used to hide the policies of ethnocide and genocide. This is in fact tyranny, and it is the opposite of real civilization.

Article 2.4: Ethnocide and « Education »

Is regarded as ethnocide a process that « educates » children to ignore or despise their own cultural heritage. It is in fact the opposite of real education.

Article 2.5: Ethnocide and « Assimilation »

Is regarded as ethnocide any policy aimed at assimilating one people into another. Giving an ethnic minority equal rights is a good and necessary thing. But equal rights have nothing to do with cultural assimilation. To demand that ethnic minorities assimilate into the culture of the dominant group is in fact ethnocide and is the opposite of equal rights.

In some countries, this forced Assimilation is presented as a form of « Universalism », when in fact it is « Uniformalism », aimed at forcing ethnic minorities to give up their cultural identity and adopt the traditions of the dominant group. This fake « Universalism » is in fact real Supremacism. This again is ethnocide in disguise.

Article 2.6: Ethnocide and Demonization

Ethnocide is any policy aimed at demonizing a religion.

In Africa or in the Diaspora, in the past or even today, certain religions such as voodoo, rastafarianism, or traditional cults, have been demonized or at least heavily stigmatized, especially when these religions were practiced by socially dominated groups. This also is ethnocide.

Article 2.7: Ethnocide, Cultural Appropriation, and Cultural Expropriation

Is regarded as cultural appropriation the use of tangible or intangible elements of one culture by members of another culture.

Cultural appropriation is even more unacceptable when this appropriation can generate political or commercial benefits for the thief, without any form of recognition of and redistribution to the victims.

Cultural appropriation can become cultural expropriation when an entity takes ownership of a cultural resource while preventing the original people from using it. This can happen when, for instance, a multinational, not only steals the knowledge related to a medicinal plant, but also patents it, or when soldiers or scholars of one country steal cultural or religious goods belonging to another people.

Cultural Appropriation and Cultural Expropriation also are acts of ethnocide.

Article 2.8: Ethnocide and Land grabbing

Is regarded as an act of ethnocide, not just theft, any attempt to seize, occupy or grab land traditionally occupied by a people.

It is what happened when the Europeans decided to organize the division of Africa at the infamous Berlin Conference in 1885. This was a land-grabbing operation not on the scale of a district, a province, or a country, but on the scale of a continent, something quite unique in world history. In itself, this Conference was a massive program of ethnocide, a preamble to many genocides.

Article 3: Scope

Aimed at destroying cultures, the policies of ethnocide may be deployed in one or several of the following areas :

- a) Language
- b) History
- c) Traditions
- d) Arts
- e) Sciences
- f) Spirituality
- g) Land

Title II: Sanctions

Article 4: Sanctions within SOAD

If any citizen of SOAD who commits an act of ethnocide, the matter may be referred to the Court of Justice of the State of the African Diaspora.

The accused may be brought before the Court of Justice, accompanied by one defendant if he or she wishes. After an investigation and an adversarial debate, he or she will be convicted or exonerated.

If the facts are proven, his or her citizenship, and all related rights, may be partially or totally suspended for a limited period of time, or permanently withdrawn, depending on the judge's decision.

The Court can also decide on a penalty of deprivation of nationality, depending on the gravity of the acts committed. In addition to that, the Court may also include community service as a form of remedy.

The Court reserves the right to bring the facts to the attention of other judicial authorities.

Article 5: Sanctions Outside of SOAD

If a person or entity outside the State of the African Diaspora commits an act of ethnocide, the matter may be referred to the Court of Justice of the State of the African Diaspora.

At the same time, the Government can take up the case with a view to exploring political or diplomatic avenues to put a stop to the acts in progress.

Title III: Promotion of Pan-African Cultures

Article 6: Promotion within SOAD

Article 6. 1: Language

In order to promote Pan-African cultures, the State of the African Diaspora shall adopt several official languages. In addition to English, French, Spanish, Portuguese, and Arabic; Swahili, Yoruba and Haitian Creole are also recognized as official languages. Depending on the circumstances, government officials may choose to communicate in any of these languages.

Article 6.2: National Days

In order to promote Pan-African history, the State of the African Diaspora shall confirm the decree adopting several National Days that are celebrated every year:

- 17 Jan, Patrice Lumumba Day
- 7 April, Toussaint Louverture Day
- 25 May, Africa Liberation Day
- 1 July, International Day of the African Diaspora, SOAD National Day
- 31 July, Panafrikan Women Day
- 17 August, Marcus Garvey Day
- 23 August, International Day of Remembrance of the Slave Trade and its Abolition
- 21 September, Kwame Nkrumah Day
- 19 October, Nanny Day
- 5 November, Carlota Day
- 20 November, Zumbi and Dandara day

These celebrations or commemorations can be done in cooperation with other States or other entities.

Article 6.3: University of the State of the African Diaspora

The University of the State of the African Diaspora (USOAD) shall contribute to the promotion of Pan-African cultures in its different faculties, such as history, language, literature, arts, science, engineering, etc.

Article 6.4: Marcus Garvey Digital Library

The State of the African Diaspora shall create the Marcus Garvey Digital Library, the purpose of which will be to promote Pan-African books and knowledge.

Article 6.5: Research Agency

The State of the African Diaspora shall create a Research Agency about the history of slavery and its ongoing impact and consequences on global inequities.

Article 6.6: Traditional Medicine

The State of the African Diaspora shall include and promote traditional medicine, and all the hospitals created by SOAD shall contribute to this objective in one way or another.

Article 7: Promotion out of SOAD

Article 7.1: Restitution

The State of the African Diaspora shall make all its efforts to work on the restitution of artifacts and human remains, stolen during Colonization, as decided in the « Code on Restitution, or Rather Reconquest », adopted in the SOAD Parliament on January 22, 2022.

Article 7.2: Digital Slave Route

The State of the African Diaspora shall create the Digital Slave Route, a mechanism that will provide a digital presence of all the historical sites related to the slave trade.

Article 7.3: Twinning of Cities

The State of the African Diaspora shall create and implement twinings of cities, a process that will create political, economic, and cultural connections between cities of Africa and the Diaspora, in a process of decentralized cooperation.

Article 7.4: Organisation of Creolophone Countries

The State of the African Diaspora shall create an Inter-Governmental Organisation including all the Creolophone countries that are interested, to promote the Creole Languages and Cultures in the world.

Article 7.5: Organisation of Africanophone Countries

The State of the African Diaspora shall create an Inter-Governmental Organisation including all the countries that are willing to protect and promote African languages.

Article 7.6: International Indigenous Sovereign Treaty

The State of the African Diaspora shall establish an International Indigenous Sovereign Treaty, to strengthen the sovereignty of indigenous nations and create an alliance between different nations.

Article 7.7: Organisation of the Pan-African Olympic Games

The State of the African Diaspora shall create the Pan-African Olympic Games, a regular event that will promote all kinds of sports in Africa and the Diaspora, but also Pan-African games such as capoeira, street dances, drums, awale, etc.