

TREATY ESTABLISHING
THE ECONOMIC COMMUNITY
OF
STATES, NATIONS, TERRITORIES, AND REALMS
OF THE
AFRICAN DIASPORA SIXTH-REGION

PREAMBLE

The Heads of States and Governments for the contracting States, Nations, Territories, and Realms of the African Diaspora Sixth Region,

CONCLUDING that the system of 'divide and conquer' imposed upon Africans shall not eternally endure, and that the re-unification of Africans on the continent and in the Diaspora is inevitable;

CONSCIOUS of the overriding need to accelerate the establishment of a common framework for peoples and governments of African descent, irrespective of their citizenship and nationality, who are willing to contribute to the development of Africa through the building of the Sixth Region of the African Union;

CONVINCED that meaningful interaction between African regional communities is cornerstone to the process of African integration, thereby rendering the formal establishment of the Sixth Region as the appropriate sphere for building cooperation and renewed fraternalism between Africans on the continent and in the Diaspora;

ACCEPTING the invitation of African heads of state and government who have called for the full participation of the African Diaspora "in the building of the African Union," and who with clarity of purpose amended the Constitutive Act of the African Union to express this mandate;

ANSWERING the clarion call for 'Return' issued by the President of Ghana wherein 2019 has been declared the Year of Return;

APPRECIATIVE of the support by the international community on whose behalf the United Nations declared 2015 - 2024 as the International Decade for People of African Descent;

DETERMINED to establish an enabling framework that reflects the rights and obligations of the willing Diaspora in their effort to support the Constitutive Act of the African Union;

BEARING IN MIND the principles and objectives of the African Economic Community and the role of regional and sub-regional economic groups in the integration of the African family;

INSPIRED by the successful establishment of the African Continental Free Trade Agreement which provides a viable framework for its own expansion vis-à-vis the integration of economic communities of the African Diaspora Sixth Region;

HAVING REGARD to the aspirations of AGENDA 2063 which assures of an African market with free movement of persons, capital, goods and services that is inclusive of Diaspora participation;

RECALLING the various decisions taken by the Executive Council of the AU, EX.CL/Dec.221(VII) and EX.CL/Dec.406(XII) as well as the Assembly decision Assembly/AUDec.443(XIX), all of which speak to the importance of establishing modalities of participation for the Diaspora in AU programmes;

BELIEVING that ultimately the onus is upon the Diaspora itself and those members “who are willing to contribute to the development of the continent” to create their own frameworks for contribution within the African Union;

AWARE of the need to strengthen the protection of African human rights, democracy, and international security both on the continent and abroad;

DEFENDING the right of states and peoples of the African Diaspora to negate and expunge their colonial identities, if they should so chose, while at the same time embracing their African identities;

REMEMBERING the countless millions of Africans in Diaspora over the last five hundred years who dreamed of participating in the development of their own ancestral lands but were deprived of such an opportunity due to barriers and limitations put in place by colonial and neo-colonial frameworks both on the continent and in the Diaspora;

COGNISANT of the five hundred years that separate Africa from her historic Diaspora as well as the inevitable estrangement and alienation that has occurred as a consequence of this forced experience of separation and its lingering psychological legacy;

LEARNING from the successful legacy of the various Maroon territories across the Caribbean and Latin America which were collectively the first Africans to establish sovereignty in the Western hemisphere as well as being amongst the first Africans to return freely back to continental Africa;

CONVINCED of the merit of establishing an effective regime with institutions committed to the enhancement of the economic, social and cultural development of the African Diaspora Sixth Region;

HAVE AGREED AS FOLLOWS:

ARTICLE I

ESTABLISHMENT OF THE ECONOMIC COMMUNITY OF STATES, NATIONS, TERRITORIES, AND REALMS OF THE AFRICAN DIASPORA SIXTH REGION

1. BY THIS TREATY the High Contracting Parties hereby establish among themselves an Economic Community of States, Nations, Territories, and Realms of the African Diaspora Sixth Region, hereinafter referred to as “the Community”.

ARTICLE II
MEMBERSHIP

1. Membership of the Economic Community shall be open to:
 - A) States
 - i) Federative Republic of Brazil
 - ii) Commonwealth of Dominica
 - iii) Republic of Guyana
 - iv) Republic of Haiti
 - v) Republic of Suriname
 - vi) Republic of Trinidad and Tobago
 - B) Governments
 - i) Government of Antigua and Barbuda
 - ii) Government of the African Diaspora
 - iii) Government of Bahamas
 - iv) Government of Barbados
 - v) Government of Cayman Islands
 - vi) Government of Grenada
 - vii) Government of Guadeloupe
 - viii) Government of Jamaica
 - ix) Government of Martinique
 - x) Government of Montserrat
 - xi) Government of Saint Kitts and Nevis
 - xii) Government of Saint Lucia
 - xiii) Government of Saint Vincent and Grenadines
 - xiv) Government of Turks and Caicos
 - C) African Territories and Realms
 - i) Quilombos of Brazil
 - ii) San Basilio de Palenque, Colombia
 - iii) Maroons of Jamaica
 - a) Moore Town Maroons
 - b) Accompong Maroons
 - c) Scott's Hall/Kushite Maroons
 - d) Charles' Town Maroons
 - iv) Maroons of Suriname
 - D) Nations of the African Diaspora
2. The Authority may admit any 'nation' of the African Diaspora.
3. The Authority may admit any state not referred to under paragraphs A, B, or C of this Article, should the demographics of the state change to such that the majority of people in the population self-identify as being of African descent, and the state is willing to assume the obligations stipulated in this Treaty.

ARTICLE III
OBJECTIVES

1. The objective of the Community is to establish, unify, consolidate, and organise the Sixth Region of the African Union through the promotion of integration amongst its members;
2. Enabling the establishment of social-political-economic frameworks of cooperation between members of the Sixth Region amongst themselves as well as between continental Africans, thereby promoting collective economic stability and raising the living standards of its people;
3. Advancing African Diaspora political dialogue and social policies in areas of culture, education, energy, human security, and ultimately serve as a formidable catalyst of integration between Africa and the Diaspora.
4. By means of strategic progression over measurable stages, the community shall achieve the above stated objectives via:
 - a) the promotion of cooperative development in projects of agriculture and food security, industry, communications, energy, trade and finance, education, culture, science, technology, health, natural resources;
 - b) the strengthening amongst Members of political dialogue to ensure a framework for agreement that will reinforce African Diaspora integration and participation of the Sixth Region in the international arena;
 - c) the consolidation of African identity through the general recognition of diversity and the promotion of cultural diversity and expression;
 - d) embracing the historic knowledge and wisdom of the community populace in order to strengthen their identities;
 - e) the promotion of greater understanding among its peoples and the advancement of their cultural, social, economic, and technological development;
 - f) the removal, between the Members, of any obstacles to the free movement of goods and services, persons, capital, and the right of residence;
 - g) the establishment of an economic union through the creation of monetary union;
 - h) the provision of a fund for joint co-operation and infrastructure development;
5. Any other strategies that the Members may decide upon for the purposes of attaining these collective objectives.

ARTICLE IV
PRINCIPLES

The High Contracting Parties, determined to manifest the objectives stated in Article 3 of this Treaty, declare their adherence to the following principles:

- i) commitment to solidarity, fraternalism and non-aggression between Members;
- ii) equality and inter-dependence of the Members;
- iii) economic accountability and popular participation in development;
- iv) recognition and observance of community rules and principles;
- v) irrevocable commitment to the Sixth Region as part of Africa;
- vi) flexibility with special and differential treatment;

ARTICLE V
UNDERTAKINGS

1. Each Member undertakes to pursue all necessary measures requisite for the attainment of the objectives of the Community, and to resist any and all external forces that may seek to hinder the attainment of the said objectives;
2. Each Member shall use its own conventions and procedures, be they traditional methods or constitutional, to ensure the enactment of the provisions of this Treaty;
3. Each Member undertakes to honour its obligations under this Treaty and to adhere to the decisions of the Community;

ARTICLE VI
ORGANS

1. There shall be established a Community Authority (hereinafter referred to as "the Authority") which shall be the principal organ of the Community, and upon which each Member shall be represented.
2. There shall be established a House of Chiefs (hereinafter referred to as "The House") which shall give guidance and exercise super-ordinate power in the prevention of neo-colonialism within the Community.

ARTICLE VII
THE AUTHORITY COMPOSITION

1. The Authority shall consist of Heads of State or Heads of Government or Heads of Territories or any duly appointed Minister thereof, so that one representative is designated by each Member.

2. Any Member of the Authority may designate, when necessary, an alternate to represent him/her at any meeting of the Authority where the Minister designate is unable to attend.

ARTICLE VIII
AUTHORITY FUNCTIONS & POWERS

1. The primary responsibility of the Authority shall be to determine the policy of the Community.
2. The Authority may establish as many additional institutions as deemed necessary for the achievement of the objectives of the Community.
3. The Authority may issue directives to the Council of a general or specified nature as it relates to Council policies to be pursued and the institutions of the Community for the achievement of the objectives of this Treaty.
4. The Authority shall determine treaties and other such relations between the Community and other international organisations and states.
5. The Authority may regulate its own procedure and may decide to admit at its deliberations observers, and representatives of non-Member states or other entities.
6. The Authority may consult with a plurality of entities and organisations, and may establish such mechanisms as it deems necessary.

ARTICLE IX
VOTING

1. Each Member represented on the Authority shall have one vote.
2. Decisions and recommendations of the Authority shall be made by consensus.
 - i) a decision shall be binding upon each Member
 - ii) a recommendation shall have no binding force
3. Abstentions shall not be construed as impairing the validity of decisions or recommendations of the Authority provided that not less than two-thirds of its Members have voted in favour.

ARTICLE X
HOUSE OF CHIEFS COMPOSITION

1. The House shall be comprised of permanent representatives from the Diaspora community of Chiefs/Monarchs, the number of which shall not exceed 99.

2. The House shall be Headed by one permanent Paramount Chief, and four permanent deputy-Paramount Chiefs.

ARTICLE XI
CHIEF FUNCTIONS AND POWERS

1. The House of Chiefs is concerned with the integrity and protection of African identity, and shall contemplate risk issues of foreign hegemony (cultural, economic, and social) within the Sixth Region and across the continent.
2. The House shall review policies under consideration by the Authority and/or the Council, and the House may make recommendations for changes to such policies based upon the dynamics of African identity and foreign hegemony.
3. The House may veto any policy of the Authority wherein it deems undue foreign hegemony will occur as a direct consequence of the implementation of such policy.
4. The House shall participate in the official representation of the Community both alongside and independently of the Secretariat.
5. The House shall determine its own modus operandi.

ARTICLE XII
VOTING

1. Each Chief will be entitled to one vote.
2. In the event of a vote to veto a policy, a two thirds majority of Chiefs must be attained.
3. When voting to veto a policy, a Chief may not exercise their vote by means of proxy.
4. Voting on recommendations submitted to the authority requires the general consensus of a simple majority.

ARTICLE XIII
COMMUNITY INSTITUTIONS

1. The administrative institutions of the Community shall be:
 - a) The Council of Ministers
 - b) The Secretariat
2. The Authority may establish any other institutions deemed necessary to attain its goals and objectives.

ARTICLE XIV
GOVERNMENTAL INSTITUTIONS

1. The Institutions of the Government of the African Diaspora shall be:
 - a) Council for the Restitution of Colonial Treasures
 - b) International Brigades of the African Diaspora
 - c) African Diaspora Parliament
 - d) Council for Land Policies
 - e) African Diaspora Bank
 - f) International Agency for Internships
 - g) Investment Funds for the “Country Products”
 - h) Digital University for Africa
 - i) Council for the Pan-African Satellite
 - j) Council for the Pan-African Games
2. The institutions of the Government shall be established under the auspices and instruments of the Government and are extraneous to this Treaty.
3. The Government may establish any other institutions it deems necessary in the execution of its duties and the attainment of its goals and objectives.

ARTICLE XV
THE COUNCIL

1. The Council shall consist of Ministers designated by the Members.
2. It shall be responsible for the functioning and development of the Community, including:
 - a) to make recommendations and resolutions to the Authority
 - b) take decisions and give opinions in accordance with the provisions of this treaty;
 - c) the coordination of positions on central themes of Diaspora integration;
 - d) to develop and promote political dialogue and agreement on topics of African Diaspora relations;
 - e) implement directives for the coordination and harmonization of policies towards economic integration;
 - f) prepare and adopt its rules of procedures;
 - g) perform all functions and powers delegated to it by the Authority.
3. The Council works on the behalf of the Authority and receives its directives from the Ministers of the Authority.

ARTICLE XVI
THE SECRETARIAT

1. The Secretariat shall be headed by the Secretary-General.

2. The elected Prime Minister of the Government of the African Diaspora shall be ex-officio designated as Secretary-General.
3. The Secretary-General shall represent the Community in the exercise of its legal personality, and shall have at its disposal all powers given to the Office of the Prime Minister for the Government of the African Diaspora.
4. Each Member shall respect the international character of the responsibilities of the Secretariat and shall not attempt to unduly influence the Office in the discharge of its responsibilities.

Its duties shall include:

- a) To propose initiatives and oversee the implementation of the directives of the organs of the community;
- b) To prepare and submit the Annual Report and the respective reports to the corresponding organs of the Community;
- c) To function as the central depository of Agreements and arrange for their respective publication;
- d) To prepare the draft Annual Budget for the consideration of the Council of Ministers;
- e) To coordinate with other institutions on African integration;
- f) To formalize all the legal acts necessary for the proper administration and management of the Secretary-General;

ARTICLE XVII *DECISION MAKING*

1. Decisions of the Community on substantive issues may be agreed by consensus.
2. The legislative acts manifesting from the organs of the Community shall be binding on the Members, pursuant to the respective internal procedures of each Member.
3. Abstention by a Member eligible to vote shall not prevent the adoption of decisions.

ARTICLE XVIII *CREATION OF PROGRAMMES AND INSTITUTIONS*

1. Any Member may submit for consideration by the Community a proposal for the creation of new common institutions, organisations and programmes to be adopted collectively.
2. Programmes, institutions and organisations in which Members participate prior to the entry into force of this Treaty may be considered as Sixth Region programmes, institutions or organisations, in harmony with the objectives of this Treaty and in accordance with the procedures outlined in this article:

- a) Programmes shall be submitted to the Secretary-General and forwarded to the Council of Ministers and, subsequently to the Authority for approval.
- b) Once a proposal is approved by the Authority, any Member can begin to implement it in a manner that is open to eventual inclusion of other Members, with periodical reports of its implementation presented to the Secretary-General.
- c) In the case of institutions, organisations and programmes which are newly created, any Member may participate as an observer, or exempt itself from participating fully or partially.

ARTICLE XIX
ASSOCIATE INSTITUTIONS & STATES

The following institutions shall be recognized a-priori as Associate Institutions of the Community:

- i)
 - a) Caribbean Community (CARICOM)
 - b) Community of Latin American and Caribbean States
 - c) Economic Community of West African States (ECOWAS)
 - d) Arab Maghreb Union (UMA)
 - e) Common Market for Eastern and Southern Africa (COMESA)
 - f) Community of Sahel-Saharan States (CEN-SAD)
 - g) East African Community (EAC)
 - h) Economic Community of Central African States (ECCAS)
 - i) Southern African Development Community (SADC)
 - j) Intergovernmental Authority on Development (IGAD)
 - k) West Indies Associated States Council of Minister
- ii) The Community may also establish associate relations with institutions belonging to any Member State of the institutions listed above in 1(i) of this Article.

2. The Community shall seek to establish such relations with its Associate Institutions as will promote the achievement of its objectives.

3. Any Member State of the African Union may independently become an Associate State of the Community.

ARTICLE XX
POLITICAL DIALOGUE

1. Political dialogue amongst the Members shall be based upon harmony and mutual respect, with a view towards bolstering economic stability and supporting the promotion of African economy, identity, and culture.

2. Members shall reinforce the process of agreement building and consensus as it relates African identity and economy on the international stage, and shall

promote initiatives that affirm the identity of the region as a dynamic part of Africa globally.

ARTICLE XXI
THIRD PARTY RELATIONS

1. The Community shall engage in African themes of regional or international interest, and shall seek to consolidate cooperation with other African groups, regional groups, states and other entities.
2. The Office of the Secretariat, with support from the Council, is responsible for engaging in the implementation of such activities.

ARTICLE XXII
CITIZEN PARTICIPATION

1. The full participation of citizens in the process of African Sixth Region integration is cornerstone to all the activities of the Community, and shall be promoted by means of dialogue and pluralistic interaction with various social agents with a view to establishing effective channels of information exchange, consultation, and participation.
2. The Members and organs of the Community shall promote innovative mechanisms and spaces to encourage the discussion of various issues, and establish a framework that allows the proposals submitted by African civil society to be adapted.

ARTICLE XXIII
SOCIAL AND CULTURAL AFFAIRS

1. Members undertake to cooperate with a mandate to mobilize the various sections of the populace and ensuring their meaningful integration and involvement in the social development of the Sixth Region.
2. Members undertake to:
 - i) encourage the promotion, by all means possible, of various forms of cultural exchange;
 - ii) develop, promote, and establish structures and mechanisms for the production of social interaction amongst the Diaspora across all geographic spaces of the Sixth Region.

ARTICLE XXIV
OBSERVER STATES

1. States in the Americas, the Caribbean, Europe and Asia that have substantive African-Diaspora populations but do not have an African Head of State may request participation as Observer States to the Community and may be admitted with the approval of the Authority.

2. The rights and obligations of the Associate Nations, Realms, Territories and States shall be regulated by the Council.

ARTICLE XXV
DISPUTE SETTLEMENT

Any dispute concerning the interpretation or application of this Treaty shall be determined by the House of Chiefs.

ARTICLE XXVI
LEGAL CAPACITY

1. The Community shall have full juridical personality.
2. In any legal proceedings the Community shall be represented by the Secretary General of the Secretariat.
3. The Community may enter into agreement with Member States, non-Member States and International Organisations.

ARTICLE XXVII
SIGNATURE

This Treaty shall be open for signature on the fifteenth day of July 2019, by any State, Territory, or Realm mentioned in Paragraph 1(A), (B), (C) of Article 2 of this Treaty, and by any Nation of the African Diaspora.

ARTICLE XXVIII
RATIFICATION

1. This Treaty and any amendments thereto shall be subject to ratification by the contracting Members in accordance with their respective procedures.
2. Instruments of ratification shall be deposited with the Secretariat which shall transmit certified copies to the House of Chiefs.

ARTICLE XXIX
NEO-COLONIAL INTERVENTION

1. No Member shall accept coercion by any African or foreign power to withdraw its participation from the community.
2. There shall be a thirty-six month moratorium on the publication of Members who have ratified the Treaty.
3. No Organ of the Community may publicly disclose Member ratification of the Treaty during the moratorium period.

ARTICLE XXX
ENTRY INTO FORCE

This Treaty shall enter into force on the first day of August 2019, if instruments of ratification have been previously deposited in accordance with Article XXVIII of this Treaty by the States, Governments, Territories and Realms mentioned in Article 2 paragraph 1(A), (B), and (C), or by any Nation of the African Diaspora, and if not, then at any such time on which the fourth instrument of ratification has been so deposited.

ARTICLE XXXI
REGISTRATION

This Treaty and any amendments thereto shall be registered with the Chairman of the African Union.

ARTICLE XXXII
AMENDMENTS

1. Upon a decision of the Authority, this Treaty may be amended by the Contracting parties.
2. Notwithstanding paragraph 1 hereof, no amendments may be made to the Treaty prior to July 1st, 2022.

ARTICLE XXXIII
WITHDRAWAL

1. A Member may withdraw from the community by giving notice in writing to the Secretariat, and the Secretariat shall promptly notify the House of Chiefs.
2. Such withdrawal shall take effect 12 months after notice is received by the Secretariat.
3. A Member so withdrawing undertakes not to impede in the activities of any organizations of civil society that participates in the Community.

ARTICLE XXXIV
NEGOTIATION AND CONCLUSION OF AGREEMENTS

The Authority may designate any institution of the Community to carry out negotiations.

ARTICLE XXXV
ACCESSION TO THE TREATY

1. Any African State, Nation, Territory or Realm of the Sixth Region may apply to the Authority to become a member of the community, upon which application admission cannot be denied.
2. Terms and conditions of Membership may be stipulated by the Authority, whereas admission shall take effect from the date in which the appropriate instrument of accession is deposited with the Secretariat.

ARTICLE XXXVI
ASSOCIATE MEMBERSHIP

Any African State, Nation, Territory, or Realm of the Sixth Region may apply for associate membership of the Community, for which the Authority shall determine the terms and conditions whereby the applicant may be associated with the Community.

ARTICLE XXXVII
HEADQUARTERS

The official headquarters for the Community shall be within the Maroon States, Territories and Realms on the Island of Jamaica, West Indies, where the depository for the instruments of ratification shall be duly stored.

Signed in the Kushite Maroon Town on the first day of August 2019, in the English original.