

DECLARATION

ON THE FUNDAMENTAL RIGHTS OF THE CITIZENS OF THE SOVEREIGN STATE OF GOOD HOPE



AFFIRMING that the Khoe-San Nation is equal in dignity and rights to all other peoples in the State of Good Hope. The Khoe-San recognize the rights of all peoples to be different, to consider themselves different and to be respected as such.

AFFIRMING ALSO that the Khoe-San contribute to the diversity and richness of civilization and cultures of State of Good Hope and who constitute a part of the common heritage of humankind.

The Royal House AFFIRM FURTHER that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin, racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust.

REAFFIRMING also that the Khoe-San who are the First nation Indigenous peoples in the State of Good Hope, have the right to exercise their right and be free from discrimination of any kind.

The Khoe-San are CONCERNED that they have been deprived of their human rights and fundamental freedoms, resulting, inter alia, in colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests.

The Royal House RECOGNIZE the urgent need to respect and promote the inherent rights and characteristics of all citizens of the State of Good Hope, especially their rights to their

lands, territories and resources, which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies.

The Khoe-San WELCOME the fact that the First Nation Indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring an end to all forms of discrimination and oppression wherever they occur. The Khoe-San affirm solidarity with all First Nation Indigenous peoples of the world.

The Citizens are CONVINCED that control by them over developments affecting their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs.

The Citizens RECOGNIZE also that respect for Khoe-San traditional knowledge, culture and traditional practices contributes to sustainable and equitable development and proper management of the environment of the State of Good Hope.

The Khoe-San EMPHASIZE the need for demilitarization of their lands and territories. This will contribute to peace, economic and social progress and development, understanding and friendly relations among the people of the State of Good Hope, Foreign Nations and peoples of the world.

The Citizens RECOGNIZE in particular the right of Khoe-San families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children.

The Khoe-San also RECOGNIZE that they have the right freely to determine their relationship with the Citizens of the State of Good Hope under the new constitution and in a spirit of coexistence, mutual benefit and full respect.

The Royal House CONSIDER that treaties, agreements, concessions and other arrangements between the State, private, commercial interests, including public corporations, private multi-national corporations and all other enterprising entities, are properly matters of international concern and global responsibility.

ACKNOWLEDGING that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights affirm the fundamental importance of the right of self-determination of all peoples, may freely determine their political status and may freely pursue their economic, social and cultural development under the State of Good Hope new Constitution.

The Citizens of the State of Good Hope appeal to the United Nations and all members of the international community to comply with and effectively implement all International instruments, in particular those related to human rights, as they apply to First Nation Indigenous Peoples, in consultation and cooperation with the peoples concerned. The process of all consultation shall be strictly regulated by law. The Citizens reserve the right to define the procedures of cooperation and consultation under the authority vested in the Khoe-San Royal House.

EMPHASIZING that the United Nations has an important and continuing role to play in promoting and protecting the rights of all First Nation Indigenous peoples including the Citizens of the State of Good hope.

**The Sovereign State of Good Hope now solemnly
proclaims the following Declaration on the
Fundamental Rights of the Citizens
of The Sovereign State of Good Hope.**



PART I

ARTICLE 1

THE Citizens have the right to the full and effective enjoyment of all human rights and fundamental freedoms recognized in the Charter of the United Nations, the Universal Declaration of human Rights and International Human Rights Law.

ARTICLE 2

Khoe-San individuals and peoples are free and equal to all other individuals and peoples in dignity and rights, and have the right to be free from any kind of adverse discrimination, in particular that based on their indigenous origin or identity.

ARTICLE 3

The Citizens have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development under the State of Good Hope Constitution as well as regional and general international Law.

ARTICLE 4

The Khoe-San have the right to maintain and strengthen their distinct political, economic, social and cultural characteristics, as well as their legal systems, while retaining their right to participate fully, if they choose so, in the political, economic, social and cultural life of the Government. The legal culture of the Khoe-San as well as rules, edicts and decrees of the Khoe-San Royal House shall be fully honoured consistently with the State of Good Hope Constitution and international law.

ARTICLE 5

Every individual citizen has the right to a Nationality.

PART II

ARTICLE 6

THE Citizens have the collective right to live in freedom, peace and security as a distinct people and to full guarantees against genocide or any other act of violence.

In addition, all Citizens have the individual rights to life, physical and mental integrity, liberty and security of person.

ARTICLE 7

The Citizens have the collective and individual right not to be subjected to ethnocide and cultural genocide, including prevention of and redress for:

- Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
- Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
- Any form of population transfer which has the aim or effect of violating or undermining any of their rights;
- Any form of assimilation or integration by other cultures or ways of life imposed on them by legislature, administrative or other measures;
- Any form of propaganda directed against them.

ARTICLE 8

The Citizens have the collective and individual right to maintain and develop their distinct identities and characteristics, the Khoe-San have the right to identify themselves as First Nation Indigenous and to be recognized as such.

ARTICLE 9

The Citizens, collectively and individually, have the right to their identity in accordance with the traditions and customs of their community or nation. No disadvantage of any may rise from the exercise of such a right.

ARTICLE 10

The Citizens shall not be forcibly removed from their lands or territories. No relocation shall take place without the free and informed consent of the people expressed through procedures duly enacted by the authority of the Khoe-San Royal House. No person may be removed without full consultation and full compensation as a result of such removal. The Khoe-San Royal house shall ensure that these rights are protected.

ARTICLE 11

The Citizens have the right to special protection and security in periods of armed conflict.

The Citizens call upon the State of Good Hope to observe international standards, in particular the Fourth Geneva Convention of 1949, for the protection of civilian populations in circumstances of emergency and armed conflict:

- Recruit Citizens individuals against their will into armed forces and, in particular, for use against other indigenous peoples;
- Recruit children into armed forces under any circumstances; Force individuals to abandon their lands, territories or means of subsistence, or relocate them in special centers for military purposes;
- Force individuals to work for military purposes under any discriminatory conditions.



PART III

ARTICLE 12

The Citizens have the right to practice and revitalize their cultural traditions and customs. This include the right to maintain, protect and develop the past, present and future

manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature, as well as the right to the restitution of cultural, intellectual, religious and spiritual property taken without their free and informed consent or in violation of their laws, traditions and customs.

ARTICLE 13

The Citizens have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of ceremonial objects; and have the right to repatriation of human remains.

The Khoe-San Royal House shall take effective measures, in conjunction with Khoe-San peoples concerned, to ensure that indigenous sacred places, including burial sites, be preserved, respected and protected.

ARTICLE 14

The Citizens have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

The Khoe-San Royal House shall take effective measures, whenever any right of the First Nation Indigenous peoples may be threatened, to ensure this right is protected and also to ensure that they can understand and be understood in political, legal and administrative proceedings, when necessary through the provision of interpretation or by other appropriate means.

PART IV

ARTICLE 15

All children have the right to all levels and forms of education of the Government. All Khoe-San also have this right and the right to establish and control their education systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

All children living outside their communities have the right to be provided access to education in their own culture and language.

The Khoe-San Royal House, in cooperation with the State of Good hope, shall take effective measures to provide appropriate resources for these purposes.

ARTICLE 16

The Citizens have the right to have the dignity and diversity of their cultures, traditions, histories and aspirations appropriately reflected in all forms of education and public information.

The Khoe-San Royal House shall take effective measures, in consultation with Khoe-San peoples, to eliminate prejudice and discrimination and to promote tolerance, understanding and good relations among First Nation Indigenous Peoples and all segment of society.

ARTICLE 17

The Khoe-San have the right to establish their own media in their own language. They also have the right to equal access to all forms of non-indigenous media.

ARTICLE 18

The Khoe-San Royal House shall take effective measures to ensure that state-owned media duly reflect First Nation Indigenous cultural diversity and values.

The Citizens have the right to enjoy fully all rights established under International Labour Legislation.

Citizens individuals have the right not to be subjected to any discriminatory conditions of labour, employment or salary.



PART V

ARTICLE 19

The Citizens have the right to participate fully, if they so choose, at all levels of decision-making in matters which may affect their rights, lives and destinies through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own decision-making institutions.

ARTICLE 20

The Khoe-San have the right to participate, if they so choose, through procedures determined by them, in devising legislative or administrative measures that may affect them.

The Khoe-San Royal House shall obtain the free and informed consent of the peoples concerned before adopting and implementing such measures.

ARTICLE 21

The Citizens have the right to maintain and develop their political, economic and social systems, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and economic activities. When the Khoi-San have been deprived of their means of subsistence and development, they are entitled to just and fair compensation.

ARTICLE 22

The Citizens have the right to special measures for the immediate, effective and continuing improvement of their economic and social conditions, including in the arrears of employment, vocational training and retraining, housing, sanitation, health and social security. Particular attention shall be paid to the right and special needs of First Nation Indigenous elders, women, youth, children and disabled persons.

ARTICLE 23

The Khoe-San and the Khoe-San Royal House, have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to determine and develop all health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

ARTICLE 24

The Khoe-San have the right to their traditional medicines and health practices, including the right to the protection of vital medicinal plants, animals and minerals.

They also have the right to access, without any discrimination, to all medical institutions, health services and medical care.

PART VI

ARTICLE 25

The Khoe-San have the right to maintain and strengthen their distinctive spiritual and material relationship with the lands, territories, waters and coastal seas and other resources which they have traditionally owned or otherwise occupied or used, and to uphold their responsibilities to future generations in this regard.

ARTICLE 26

The Citizens have the right to own, develop, control and use the lands and territories, including the total environment of the lands, air, waters, coastal seas, sea-ice, flora and fauna and other resources which they have traditionally owned or otherwise occupied or used. This includes the right to the full recognition of their laws, traditions, and customs, land-tenure systems and institutions for the development and management of resources, and the right to effective measures by government to prevent any interference with, alienation of or encroachment upon these rights.

ARTICLE 27

The Citizens have the right to the restitution of the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, occupied, used or damaged without their free and informed consent. Where this is not possible, they have the right to fair and just compensation. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status.

ARTICLE 28

The Khoe-San have the right to the conservation, restoration, and protection of the total environment and the productive capacity of their lands, territories and resources, as well as to assistance for this purpose from the State and through International cooperation. Military activities shall not take place in the lands and territories of the First Nation Indigenous Peoples, unless otherwise freely agreed upon by the peoples concerned.

The State shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands and territories of First Nation Indigenous Peoples.

The Khoe-San Royal House also shall take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of First Nation Indigenous Peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

ARTICLE 29

The Citizens are entitled to the recognition of the full ownership, control and protection of their cultural and intellectual property.

The Citizens have the right to special measures to control, develop and protect their sciences, technologies and cultural manifestations, including human and other genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs and visual and performing arts.

ARTICLE 30

The Royal House have the right to determine and develop priorities and strategies for the development or use of their lands, territories and other resources, including the right to require that the State obtain their free and informed consent prior to the approval of any project affecting their lands, territories and other resources, particularly in the connection with the development, utilization or exploitation of mineral, water or other resources.

Pursuant to agreement with the Khoe-San Royal house, just and fair compensation shall be provided for any such activities and measurements taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.



PART VII

ARTICLE 31

The Citizens, as a specific form of exercising their right to self-determination, have the right to autonomy or self-Government in matters relating to their internal and local affairs, including culture, religion, education, information, media, health, housing, employment, social welfare, economic activities, land and resources management, environment and entry by non-members, as well as ways and means for financing these autonomous functions.

ARTICLE 32

The Khoe-San have the collective right to determine their own citizenship in accordance with their customs and traditions.

First Nation Indigenous citizenship does not impair the right of Khoe-San individuals to obtain citizenship of the State of Good Hope in which they live.

The Khoe-San have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

ARTICLE 33

The Citizens have the right to promote, develop and maintain their institutional structures and their distinctive juridical customs, traditions, procedures and practices, in accordance with internationally recognized human rights standards.

ARTICLE 34

The Citizens, acting through their legitimate representatives in the Khoe-San Royal House, have the collective right to determine the responsibilities of individuals to their communities.

ARTICLE 35

The Citizens, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with other peoples across borders. The Khoe-San Royal House shall take effective measures to ensure the exercise and implementation of this right.

ARTICLE 36

In order to protect the patrimony of the Khoe-San Nation for this generation and the generations to come, it is solemnly declared that the sovereignty over the land of the Khoe-San belongs to the Khoe-San Nation now and to the generations to come. All consultations affecting any rights contained in this Declaration must be performed through the authority of the Khoe-San Royal house. Any agreement, contract, conveyance, sale, concession, license or any form of agreement or understanding made shall be committed to writing and must in every particular conform to the rights declared in this instrument.

Such document shall be a public record and available to the Khoe-San Royal house and to any citizen upon request. Any agreement or understanding generated from any prior consultation at any time must now be renegotiated and involve a new consultation to ensure that such agreement or understanding is fully consistent with all the rights declared in this instrument.

First nation Indigenous Peoples have the right to recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with the State or their successors, according to their original spirit and intent, and to have the State honour and respect such treaties, agreements and other constructive arrangements. Conflict and disputes which cannot otherwise be settled should be submitted to competent international bodies agreed to by all parties concerned.

PART VIII

ARTICLE 37

The Citizens appeal to the State to take effective and appropriate measures, in full consultation with the Khoe-San Royal house, to give full effect to the provisions of this Declaration. The rights recognized herein shall be adopted and included in National

legislation in such manner that First Nation Indigenous peoples can avail themselves of such rights in practice.

ARTICLE 38

The Citizens have the right to have access to adequate financial and technical assistance, from the State and through international cooperation, to pursue freely their political, economic, social, cultural and spiritual development and for the enjoyment of the rights and freedoms recognized in this Declaration.

ARTICLE 39

The Citizens have the right to have access to and prompt decision through mutually acceptable and fair procedures for the resolution of conflict and disputes with states, as well as to effectively remedies for all infringements of their individual and collective rights. Such a decision shall take into consideration the customs, traditions, rules and legal systems of the Citizen.

ARTICLE 40

The Khoe-San Royal House shall be fully committed to the rights contained in this Declaration and shall work effectively locally, nationally, regionally and globally to secure them for the Citizens.

PART IX

ARTICLE 41

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the Citizens.

ARTICLE 42

All the rights and freedoms recognized herein are equally guaranteed to male and female Citizens.

ARTICLE 43

Nothing in this Declaration may be construed as diminishing or extinguishing existing or future rights that the Citizens may have or acquire.