

4/2/2008

Virgin Islands 5th Constitution Convention's Committee on Citizenship
VI Legislature Conference Hall—Frederiksted, St. Croix VI 00840

Good Evening Delegates of the 5th VI Constitution Convention's Committee on Citizenship:

ENUNCIATION

My name is Carl Christopher. Delegate Mr. Kendall Petersen invited and requested that I and Dr. ChenziRa Kahina prepare a joint statement for the 5th VI Constitution Convention Committee on Citizenship that included an address to VI citizenship, native rights and preservation of culture, heritage & environment. This statement is prepared from the perspective of the rights of and provisions for Native Virgin Islanders who are the Afrakan descendants of a majority of the people living and residing in these Virgin Islands during the purchase, transfer, Treaty of Acquisition of 1917 that led to the cessation of these islands ownership of land, people and resources from the sovereign Nation of Denmark to the sovereign Nation of the United States of America. The March 31, 1917 Transfer Act was an act of colonialism in the 20th century. This statement is also being written from the perspective of the international and socio-political reality that the USVI is still considered by the United Nations & its General Assembly as an unincorporated non-self governing territory and colony of the United States of America, as defined in the United Nations Resolution of 1946 and all other updated resolutions and policies designed to eradicate colonialism.

In its wisdom, the US Congress has mandated that "*such constitutions shall— 1) recognize, and be consistent with, the sovereignty of the United States over the Virgin Islands...*" The VI Constitutional Convention Delegates and the People of the Virgin Islands need to recognize that when the founding fathers of the USA were writing the US Constitution they were emerging from a very violent and blood-ridden revolution based on their severance from the sovereign nation of England. Essentially, the opportunities of growth that were afforded to the then 13 colonies that became the initial states of the US had visions and hopes of expansion that included conquering and exploiting land, resources and inhabitants of the Americas. In contrast to this abundance of land, resources and inhabitants afforded to the formulators and drafters of the US Constitution, you Delegates on behalf of the People of the Virgin Islands are engaging in a peaceful process with the development of the VI Constitution and the land, resources and inhabitants inclusive in this document are limited, unique and require special circumstantial civil liberties in this regard.

A point of information should be noted that during a Committee of the Whole meeting on 4.1.08, the President of the 5th Constitution Convention read a letter received from the US Office of the Department of the Interior summarily stating that in the interest of this process being a self-determining and self-governing exercise no funding will be afforded from the US government to the USVI for this constitutional convention's educational process irrespective of what the UN Charter of 1946 and subsequent resolutions dictate in regards to territories and non-self governing entities.

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PREPARATION

To prepare a just, appropriate, and empowering constitution for the people of the USVI, there are some preliminary matters as regards to definition and determination that need to be addressed:

- The first and principally important aspect is: Who are the people of the Virgin Islands that are determined to be a Non Self Governing People, Territory, and colony as an entity?
- How did the people and the land they presently occupy become a Non Self Governing People, Territory, and colony as an entity?
- What treaties and legal documents of sovereign nations molded, shaped, organized, planned, and constructed the present social, political, economical, educational, and cultural structure that has come to be known as the USVI today?
- Who, what, and where are the sovereign colonizing forces that created this unique situation and what are they doing about repairing the damages they have caused?
- What are the national and international rights of the Native Virgin Islanders to pursue, utilize and implement in their rise to recognition of themselves as a self governing country and nation?
- Do the existing culture, values, history, education, and will of the people exist as a vision and goal towards becoming a non-self governing country and nation?

OPENING

Citizenship, Rights, Culture, Heritage, Historical Preservation are important aspects of human rights that are inalienable rights that are to be the civil liberties of all. In the Virgin Islands, these elements of society are customarily neglected and when they arise in legislative, executive or judicial branch affairs—the people of the VI, natives, citizens, residents & visitors alike—are made to suffer.

- *“When you take away a people’s land, you take away their nation. You take away their birthright. You might as well take a woman’s womb and tell her, ‘Go ahead and have some more children.’ It’s impossible. No land. No nation.” (Dr. John Henrik Clarke—Who Betrayed the African World Revolution & Other Speeches—p.31)*

“Some people say that a people’s history and culture is insignificant, but when they have to deal with religious and political matters they have to do it within the bounds and perimeters of the legal and spiritual documents that govern their civil and religious values.” According to our understanding, the motivating and enabling “relevant” law that has initiated the writing and passage of this 5th VI Constitution is based on federal and public law 94-584 passed on October 21, 1976 by US Congress as a framework for self-government. Despite unsuccessful VI Constitutional Conventions in 1977-78 & 1980-81 in concert with VI Status Commissions legislative actions from 1980 -1991, on October 29, 2004 the former Governor Charles Turnbull signed into law Act 6688 which was amended to Act 6820 to initiate the election for a new VI Constitutional Convention that was charged to compose a 5th Constitutional document for passage to the US President, US Congress and upon approval to the People of the Virgin Islands. However, the US Congress has never mentioned its’ obligations to the UN Charter of 1946 that states that as a sovereign nation it should be doing and enacting all it can to assist the people of the VI to become a self-governing entity and cease from being a non-self governing territory with unincorporated status with the USA. This is the case with many other ratified and unratified UN resolutions that may be of benefit to the VI.

It is important that the Delegates of the 5th Constitutional Convention proactively acquire:

- A full and comprehensive understanding of what is a non-self governing territory as defined by the UN Resolution;
- An understanding of who are the governed and who are the governors within a non-self governing territory;
- A more clear definition from US Congress in regards to PL94-584 what is meant by “*a framework for self-government*” to insure federal compliance with the constitution draft;
- Comprehensive education, in concert with the people of the VI, in regards to the historical and chronological evolution of how the VI came into being as a non-self governing territory; and
- A deeper awareness & legal interpretation of the people’s rights to preserve their unique identity, limited land & environment resources, history and culture.

Based on this education process, within this 5th constitutional document, the identity of the people affected and impacted by this non-self governing post-colonial status needs to be defined.

IMPLEMENTATION

Brief History of Who Are the People of the Virgin Islands

The People of the VI need to define and determine without any external influence, threat or fear who they are based on their unique historical and cultural roots. The name Virgin Islands is a name imposed on these islands and its’ inhabitants by sovereign nations from the time of the Spanish-Portuguese explorer Christopher Columbus representing the King & Queen of Spain along with other names imposed upon it from the Kingdom of Denmark calling it the Danish West Indies to the latest name of the United States Virgin Islands as granted by the current sovereign colonizing nation the United States of America. According to historical documentation, the indigenous people who occupied these islands (*Arawaks/Carib/Taino*) called the isle of St. Croix “*AyAy*” and these Native Ameridian cultures/ethnic entities had other self-determined names for these islands.

In 2008, what we know as the Virgin Islands has come into being based on specific political, economical and social ambition and stimulation by members of European sovereign nations that originally were searching for shorter trade and shipping routes to the east in their quest for economic dominion of gold, spices, labor resources and eventually world dominion. In fact:

- The initial impact of chattel slavery to these islands was dominated by religious edicts & treaties institutionalized by its’ authorities (*Treaty of Tordesillas of 1494; Pope Leo X’s Papal Bull of 1514*);
- The sovereign nations proclaimed and implemented edicts that defined and determined the destiny of the sovereign nations’ actions to civilize the “heathen” nations and transform the less civilized and unconverted inhabitants of these islands;
- Based on the endeavors of these sovereign nations, and the founding of vast new, fertile and natural resource enriched lands, these sovereign nations colonized and exploited these lands and their inhabitants for their own socio-economic and politico-religious development;
- These sovereign nations and entities are the ones who would then label and define the lands and the people who occupied and would come to occupy them; and

- They not only defined and labeled these new lands, but they also made the laws, policies and related documentation that would govern the relationships of these colonies and their inhabitants with their sovereign masters—even into the 21st century.

Today, the vast majority of the people of the Virgin Islands are:

- Primarily descendants of captured, sold, bought and enslaved people primarily of West Afrakan regions;
- Secondly direct descendants of the respective sovereign nations that participated and benefited in the enslavement plantation industry and commerce institutions;
- In minor aspects, descendants of the Indigenous Native Ameridian populations that historically resided in these islands (*Arawak, Carib, Taino & others*); and
- In increasing aspects, a combination/blend of Afrakan (*Mande, Bambara, Ga, Akwamu, Amina, Twi, Yoruba, Ibo, Dogon, Burkinabe, Fulani & many others*), European (*Jewish, Irish, Danish, Dutch, Scottish, Portuguese, Germans, Belgians, Italian, Maltese, British, French, Spanish & many others*), Native Ameridian/Indigenous (*Arawak, Carib, Tainos, Boriquen & many others*) cultural heritage and ethnicity

Essentially, before the European sovereign nations invaded and conquered “the new world” and Afraka, the inhabitants of those areas had their own systems of self-governance and sovereignty amongst themselves. Therefore, if in fact the writing of the VI Constitution is an act for the framework of self-government for the VI territory, then the People of the Virgin Islands need to determine and name themselves. This is mentioned because since 1493, the names of these islands and its’ inhabitants have been determined and defined by colonial sovereign nations.

Identification of Native Citizens of the “Virgin Islands”

Since one of the main purposes of writing a VI Constitution is a step towards self-governance, it is important that we identify the people who are defined as the non-self governing people of the territory of the Virgin Islands or simply put—who are the colonized subjects of the sovereign nation of the United States of America. Some historical notes relative to this concept are:

- Before 1917, it was the Kingdom of Denmark who proclaimed and enacted laws on who could become a citizen of the then Danish West Indies;
- In 1917, for international, strategic, political and economic reasons (*3.31.1917*), the USA entered and finalized an agreement to purchase the then Danish West Indies from the sovereign Kingdom of Denmark;
- When this treaty and international real estate transaction was completed, there was legal documentation that distinguished, identified and defined who the citizens of Denmark were along with those of other sovereign nations;
- The Treaty of Acquisition of 1917 document defined and made a distinction regarding who were Danish West Indian natives along with the “inhabitants” of these territories being transferred from one sovereign nation to another. In that distinction it was clear that those natives and inhabitants who were descendants of the enslaved Afrakans and who were the majority of the populace at that time were the non-self-governing people and newly colonized people and subjects by the USA.

Hence, these non-self governing people and their descendants, many of which are here today, as well as those of enslaved Afrakan descendants who have been born in the Virgin Islands and who were subjects of sovereign nations are the ones that deserve to have the privilege of Native Virgin Islands rights included within the constitutional document. The reason they are entitled

to unique and special provisions are because they represent the ones who were colonized that did not have the opportunity to define and determine their destiny as a people and a self-governed entity as defined by the UN's multiple resolutions which addressed human rights, self-determination and self-governance. *The exclusion of legal language defining a Native Virgin Islander and a Citizen of the Virgin Islands represents external interference with the People of the Virgin Islands' inalienable rights & quest for self-determination and self-governance.*

When one looks at the US Constitution there are rights and provisions that people are entitled to as native and citizens born of the USA. Some points for VI Delegates to review include:

- There are certain provisions that are granted to and institutional provisions made for the indigenous Native Americans;
- The revised and draft constitutional documents of American Samoa, Guam and even the British Virgin Island has legal language addressing native and/or indigenous human and cultural rights;
- The unique problem and issue of Native Virgin Islanders is not one that was orchestrated or designed by Native Virgin Islanders; however, it was imposed upon them by the nature of being a non-self-governing territory to this late period of time;
- The unique situation in the VI territory is that persons who have been granted permanent residence and have become naturalized US citizens, irrespective of birth place or commitment to the future of the VI, are all controlled by the US federal government and that citizenship is to the US and not to the VI; and
- In the VI, this situation clearly indicates that the VI has become a vehicle and entity for the US government to dictate and mandate who can become a citizen in the USVI and the extent of the rights, powers and influence these new citizens may be afforded above and beyond those deserving of native rights which impacts upon this draft VI constitution.

One of the main reasons that this unique Native Citizen Right needs to be inclusive in the VI Constitutional document is because it is the humanitarian and right thing to do to protect the interests of the displaced, disenfranchised and disinherited descendants of enslaved Afrakans.

- There is only a limited amount of land and natural resources within the VI territory;
- In order for the native people and their descendants and those that have truly committed themselves to the cause of the preservation of the multi-generational and multi-cultural vision and purpose of the People of the Virgin Islands, the Virgin Islands Native Citizenship Right should include preservation and cultural controls of how the land is distributed & utilized in concert with the rights that immigrants to the territory have which currently supersede those of the indigenous/native citizens of the VI;
- The Delegates and the People of the VI need to be aware of all the legal documents, treaties, resolutions, policies and related documents that have created this colonial non-self-governing situation that has existed for the past 4 to 5 centuries which has culminated into what we are currently experiencing in 2008. The main reason this is mentioned is because some of the sovereign nations and major institutions that participated in the bringing these issues to fruition are still in existence.

These issues need to be revisited from a humanistic, sensitive and compassionate approach for the benefit of the People of the Virgin Islands.

The experience of enslaved Afrakans during the discovery and exploitation of the new world by sovereign nations, many of which still exist, has had a very strong spiritual, psychological,

social, economical, cultural, political and educational impact on people of Afrakan and its descendants. As such, it is important for us to:

- Know as Afrakan descendants of enslaved Afrakans that our history and cultural roots did not begin in the Afrakan Holocaust of the Enslaved Experience;
- Our history began thousands of years before the European, Arab and Afrakan enslavers imposed a “new world order” with their inhumane adventures of chattel slavery of human beings that still affects the People of the VI’s quest self-governance & self-determination;
- The people of the Virgin Islands ancestry and historical ties to Afraka, in its’ positive and humane context, needs to be included within the language in the VI Constitutional document and not only limited to our biological ties to Danish or other ancestry;
- Utilize all the means available such as the UN Declaration of Human Rights, Resolutions to Self-Governance, and related documents that are particular to the Virgin Islands to insure that we liberate ourselves from the yoke of colonialism and become a genuine self-governing entity/nation free to associate with other self-governing and sovereign nations of the world.

Preservation of Culture, Land & Environment of the “Virgin Islands”

Culture of a People

- *“A people without their culture and history are like a tree without roots that will wither and die.”—Words of Marcus Mosiah Garvey*

The culture of the people of the Virgin Islands has developed into a unique form and perspective of human life. The main roots of this culture is still based on the Afrakan traditional customs and mores that have been preserved throughout the centuries from pre-enslavement to colonial times into the present diasporic experience we have today. Our ways, mannerisms, customs, traditions, values and mores are very much in common with present day traditional Afrakan value systems that are basically rooted in a natural respect for the Creator (*Supreme Being*), Creation (*Nature*) and respect to all living things inclusive of the environment, our ancestors, elders, ourselves, our youth and the yet unborn. Rights to spiritual fellowship/worship for all Virgin Islanders needs to integral to the VI Constitutional document.

Our cultural roots stretch back to Afraka where we as a human family developed over multiple millennia with a strong respect for family, community and the land. The way we cultivate the land, the foods we prepare and eat, the traditional customs we use for hunting, fishing, gathering and building our dwellings, the clothes we like, our spiritual perspectives and practices, our views of life, our social hierarchy, the way we educate, train and share knowledge with one another, our unique way of playing music, dancing and expressing our cultural arts and much more are all reflected in our cultural roots from Afraka. It is noted and acknowledged that there are influences from European, Indigenous/Native Ameridian and continental American cultural traditions. However, the bulk of our VI cultural roots is grounded within and stems from traditional pre-enslavement Afrakan rhythms, practices and outlooks of life.

Essentially, we need to:

- *Transform and change* our educational system to reflect the positive education of ourselves and children in regards to the significant global contributions of Afrakans to world development and society before the European/Arab enslavement experience from past to present;

- *Teach our children* about the great men and women who contributed to world civilization within the VI, the Caribbean and historically as it impacted on the VI;
- *Reconnect with our families* in Afraka from whom we were sold, bought and torn away from to insure that we may heal the wounds and the hurt that still exists between us;
- *Recognize the importance of sharing* with our children for 7 generations to know the rich history, heritage, culture and contributions that Afraka has made to humanity;
- *Share* with them and let them know that thousands of years before Europeans entered the human history experience that Afrakans had developed high standards of civilization and culture based on the harmony of the earth, humans, animals, plants and minerals, the heavenly bodies and most of all the respect of the Creator and the natural order of things;
- *Let the children know and our elders* remember that long ago we learned through the inspiration from the Creator and Nature the arts and sciences of agriculture, astronomy, mathematics, medicine/healing, anatomy & physiology, architecture and engineering, civil governance, martial arts and defensive sciences, spiritual systems for human development and refinement;
- *Remember* that the arts and sciences of writing, drawing, surveying, designing, composing, planning and related crafts were developed by our ancestors thousands of years before the Europeans, Asiatics (*Oriental/Arabs*) invaded our homeland and began destroying our civilizations;
- *Let our children know and our elders* remember the truth that our ancestors were traveling by well-crafted ships and other forms of transport globally in a more peaceful and caring manner while trading and engaging in commerce with other indigenous cultures and civilizations before the Afrakan Holocaust Enslavement Experience; and
- *Instill in our children and have our elders* remember the importance of knowing the truth about ourselves as a people and our contributions to religious systems, civil sciences, educational institutions and related life sciences.

Land & Respect for the Environment & People of the Virgin Islands

"The land is not given to us by the ancestors; but is loaned to us by the children; so that we may care for it and make it a better place for the children." Ancestral Kenyan Proverb

The People of the Virgin Islands need laws, policies and permanent documents that reclaim and set aside land for the purposes of food production and sustenance along with socio-economic growth and development. There needs to be a legal agreement established and policies in place that preserves select land tracts for future generations with sacred intent that are beneficial to the People of the Virgin Islands to insure that the onset of increasing displacement is reduced significantly. This includes the preservation of land and sacred heritage sites for the people of the Virgin Islands who have the inalienable and human right to land, liberty and pursuits of happiness. Essentially, we need:

- *Our youth to know and our elders to remember* that we are the descendants of a long lineage of powerful and wise people who knew how to build their own homes, build & govern their own nations, provide food for themselves, and mine/manufacture their own resources into valuable arts, crafts and artifacts for self adornment, social and religious uses;
- *Our people to know* that collectively we had a love and respect for the cultivation and nurturing of the land along with the caring of animals;

- *To reawaken, recommit and expand this aspect of our humanity* to insure that we may restore our ability to provide food for ourselves along with other resources needed to improve our collective growth and development as a self-governed nation/entity; and
- *To know* that the sacred and secular commitment to the land by Virgin Islanders of the past *and even some in the present* included the positive, assertive, liberating, sacred caretaking and stewardship of our lands, homes, community and nations.

When we study and learn about the relationship and natural affinities our ancestors had with their environment, it is understood that they had a high moral standard of stewardship and husbandry for the environment. They collectively lived by the principal of respecting nature and the environment. We need to live again more in balance and harmony with the natural elements of our earth and universe. We need to insure the development of technology that is more harmonious with our earth instead of developing technologies that are destructive and designed for selfish gains without respect for future generations. Therefore, we need to enact policies and laws that protect rights to the land and environment for more than 7 generations.

CLOSING

The VI Constitution of 2008 needs to include clear laws & language with humanistic intent that:

- Defines & outlines the goals, vision and objectives of the people of the Virgin Islands becoming a self-governing Nation of the Virgin Islands or a name chosen by the people;
- Revisit and cautiously revise *Article 3: Citizenship of the 4th VI Constitutional Proposed Draft* to protect the civil liberties and special provisions of Native Virgin Islanders in accordance with US/Denmark Treaties, Laws & Policies and UN Charters & Resolutions;
- Exercises the rights to control, monitor and preserve our land and seas, for food, shelter, recreation and our children's future;
- Institutionalizes the unique rights and policies of education, historical & cultural preservation of the VI;
- Incorporates laws and policies that respect Afrakan culture, ancestry, civilization and history of Virgin Islanders;
- Incorporates relevant Human and Natural Rights to Self-Government laws and policies in accordance with UN resolution 1514 and other relevant resolutions;
- Provides opportunities for free association with international entities and nations as they are beneficial to the People of the Virgin Islands; and
- Revisiting *Article 10: Protection of Culture & Environment of the 4th VI Constitutional Proposed Draft* to include a clause that expresses and protects our VI history, culture and education inclusive of our direct Afrakan historical roots and ancestry with the truthful and millennia-long history of Afrakan contributions to world civilization.

"Dis is only de cattah; de bundle is yet to come..."

Respectfully Yours in Culture, Truth & Reciprocity,

Carl F. Christopher & Dr. ChenziRa Kahina

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