

The Replacement of a Native/Anthropological Culture

The **replacement of a native culture with a foreign one**—whether through colonization, occupation, forced assimilation, or demographic engineering, touches on several areas of **international law**, particularly:

- International humanitarian law (laws of war)
- International human rights law
- Indigenous rights law
- Genocide and crimes against humanity law

Below is a structured overview of the key international legal rules that apply.

1. Genocide Law

Convention on the Prevention and Punishment of the Crime of Genocide

This treaty prohibits acts committed with **intent to destroy**, in whole or in part, a national, ethnic, racial, or religious group.

Relevant provisions include:

- Killing members of the group
- Causing serious bodily or mental harm
- Forcibly transferring children
- Imposing measures to prevent births
- Inflicting conditions calculated to bring about destruction

Important distinction:

Cultural destruction alone (“cultural genocide”) was debated during drafting but is not independently defined in the treaty unless tied to destructive intent against the group itself.

2. Occupation Law (During Armed Conflict)

Fourth Geneva Convention

If a territory is under military occupation:

- An occupying power **may not transfer parts of its own civilian population into occupied territory** (Article 49).

- It must respect existing laws and institutions unless absolutely prevented.
- It must protect the civilian population's rights and property.

Demographic replacement during occupation may violate international humanitarian law.

3. Crimes Against Humanity

Rome Statute of the International Criminal Court

The Rome Statute defines crimes against humanity when committed as part of a widespread or systematic attack against civilians.

Potentially relevant acts:

- Deportation or forcible transfer of population
- Persecution against identifiable groups
- Apartheid
- Other inhumane acts causing great suffering

If cultural replacement involves forced removal, coercion, or systemic persecution, it may fall under this framework.

4. Indigenous Peoples' Rights

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

While not a binding treaty, it reflects strong international norms.

It protects:

- Cultural survival and identity
- Land and resource rights
- Free, prior, and informed consent (FPIC)
- Protection against forced assimilation

Article 8 specifically prohibits:

Forced assimilation or destruction of culture.

5. Self-Determination

International Covenant on Civil and Political Rights (ICCPR)

Article 1:

All peoples have the right of self-determination.

Replacing a native culture through coercion may violate this principle if it denies a people the ability to determine their political, cultural, and social development.

6. Prohibition of Forced Assimilation

International human rights law prohibits:

- Denial of language rights
- Suppression of religion
- Forced relocation
- Removal of children from their cultural group

This principle is reinforced through:

- United Nations Human Rights Committee interpretations
 - Regional human rights courts
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Key Legal Distinctions

International law draws important lines between:

Lawful Cultural Change	Unlawful Cultural Replacement
Voluntary migration	Forced deportation
Cultural exchange	Coercive assimilation
Political integration by consent	Demographic engineering
Free religious conversion	Forced suppression of religion

Intent, coercion, force, and discriminatory targeting are the decisive factors.

When Is It Illegal?

Cultural replacement becomes unlawful under international law when it involves:

- **Force or coercion**
 - **Systematic discrimination**
 - **Removal of population**
 - **Settlement transfer during occupation**
 - **Intent to destroy a protected group**
 - **Denial of self-determination**
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