

STANDING COMMITTEE REPORT NO. 15-145

RE: C.B. NO. 15-18/J&GO

SUBJECT: DUAL CITIZENSHIP

SEPTEMBER 26, 2008

The Honorable Isaac V. Figir
Speaker, Fifteenth Congress
Federated States of Micronesia
Fifth Regular Session, 2008

Dear Mr. Speaker:

Your Committee on Judiciary and Governmental Operations, to which was referred C.B. No. 15-18, entitled:

"A BILL FOR AN ACT TO PROPOSE THE REPEAL OF ARTICLE III, SECTION 3 OF THE CONSTITUTION OF THE FEDERATED STATES OF MICRONESIA, FOR THE PURPOSE OF ENABLING CITIZENS OF THE FEDERATED STATES OF MICRONESIA TO RETAIN OR OBTAIN CITIZENSHIP OF ANOTHER STATE WITHOUT BEING REQUIRED TO RELINGUISH CITIZENSHIP OF THE FEDERATED STATES OF MICRONESIA, AND FOR OTHER PURPOSES.",

begs leave to report as follows:

Your Committee notes that C.B. No. 15-18 would initiate the third attempt to place on a referendum a proposed constitutional amendment to provide for dual citizenship. Your Committee reviewed the reasons upon which the prior proposed constitutional amendment were premised and considered the possible reasons that caused the failure to have the prior proposals ratified by the voters.

Your Committee held public hearings in the states and, on September 23, 2008, held a public hearing in the Congress Hearing Room on the subject bill. For the most part, witnesses at the state public hearings support the intent and purpose of the bill.

Similar to the reasons in support of the previous bills on the issue, the overall view is that the prohibition against dual citizenship in our Constitution is inconsistent with the respective states' customary believe and practices in passing on land to children who would otherwise obtain land parcels through customary inheritance should they decide to become citizens of another country upon reaching the age of 18 years. Conversely, the prohibition also forecloses certain promotional opportunities of citizens in the United States military should they decide to retain their FSM citizenship. Moreover, the prohibition strips citizens who would otherwise exercise their right to vote and to

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hold FSM passports should they decide to forfeit their FSM citizenship.

The primary concern against lifting the prohibition concerns the right to own land in the federation. Ours is an oceanic nation with very limited land mass or small islands; hence, land should be diligently protected for the benefit of bona fide citizens now and in the future. To that end, the prohibition reinforces the constitutional provisions limiting ownership of land to citizens only.

Your Committee also considered the fact that prior attempts to amend the Constitution to provide for dual citizenship were not approved by the voters and asked the witnesses at the various hearings as to their views of the reasons for the defeat of the prior proposed amendments. The general consensus was not that the people did not like the prior proposals, but that the public education program for the proposed amendment was not effective in explaining the intent and purpose of the proposals.

Your Committee considered the reasons in support of, and against, the bill and concluded in favor of the bill. Your Committee also considered whether presenting the proposed constitutional amendment at this time is warranted given the fact that recently identical proposals failed to garner sufficient support of the voters. Your Committee concluded in favor of resubmitting the question to the voters sooner than later and suggests that this time the voters should be given sufficient opportunities to learn the advantages and disadvantages of the proposed constitutional amendment.

Based on the foregoing reasons, your Committee on Judiciary and Governmental Operations is in accord with the intent and purpose of C.B. No. 15-18 and recommends its passage on First Reading, and that it be placed on the calendar for Second and Final reading.

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Respectfully submitted,

/s/ Peter Sitan
Peter Sitan, chairman

Fredrico O. Primo, vice chairman

/s/ Tiwiter Aritos
Tiwiter Aritos, member

/s/ Isaac V. Figir
Isaac V. Figir, member

/s/ Dohsis Halbert
Dohsis Halbert, member

/s/ Moses A. Nelson
Moses A. Nelson, member

/s/ Paliknoa K. Welly
Paliknoa K. Welly, member