

Proposal No.: CC-PR-4-33

Assigned to: Committee on Civil Liberties & Traditions

PROPOSAL TO AMEND CONSTITUTION

To remove Section 3 of Article III of the Constitution of the Federated States which will remove the requirement that a citizen of the FSM who is recognized as a citizen of another nation must within 3 years of his 18th birthday register his intent to remain a citizen of the FSM and renounce his citizenship of another nation.

~~Section 3. A citizen of the Federated States of Micronesia who is recognized as a citizen of another nation shall, within 3 years of his 18th birthday, or within 3 years of the effective date of this Constitution, whichever is later, register his intent to remain a citizen of the Federated States and renounce his citizenship of another nation. If he fails to comply with this Section, he becomes a national of the Federated States of Micronesia.~~

PURPOSE AND INTENT OF AMENDMENT:

The purpose of this amendment is to allow FSM citizens to have dual or additional citizenship along with their FSM citizenship. By eliminating the prohibition on dual citizenship it effectively allows FSM citizens to be citizens of other countries. This provision does not change the requirements to obtain FSM citizenship in the first instance. The same qualifications will be required, which is primarily birth to an FSM citizen. This amendment would not affect the requirements for naturalization of citizenship, nor make it easier for non-FSM citizens to obtain FSM citizenship.

At this point in time there are significant numbers of FSM citizens who live overseas. The FSM government has failed to provide any clear mechanism regarding the maintenance of citizenship and many persons may inadvertently lose their citizenship in the FSM under the current constitutional provision which prohibits dual citizenship. The U.S. provides automatic citizenship upon birth in the U.S., and many FSM citizens have given birth in the U.S. There is currently no easy alternative to maintain FSM citizenship and the U.S., including the U.S. Embassy in Pohnpei, is specifically unhelpful in assisting FSM citizens to either renounce their U.S. citizenship or simply not accept U.S. citizenship in order to maintain FSM citizenship under the current provisions of the Constitution.

Further, due to the inactions of our own government there is not a clear cut process to request and maintain FSM citizenship, even prior to the age of 21. Technically under the current provision anyone who is a citizen of another nation after the age of 21 would automatically lose their FSM citizenship. However, the implementation of this provision is haphazard at best.

These facts are starting to affect every day life in the FSM. Without a clear definition or enforcement of these citizenship issues, there are many questions of who actually owns land in the FSM. Further, the purpose of the Constitutional Convention is to allow voters to vote on these provisions. At the current time though, it is unclear who even has the right to vote as an FSM citizen, and there is simply no mechanism in place to determine this issue.

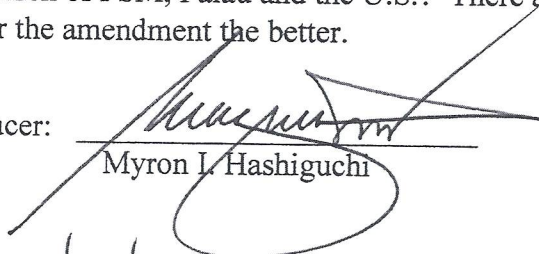
The reasons for this amendment though should not depend solely on the negative issues.

Currently in the world, it appears most nations allow dual or multiple citizenship. Many FSM citizens live and work in the U.S. which would be the most common country for our citizens to have dual citizenship. Many FSM citizens are members of the U.S. military. To appropriately advance in the military also requires adoption of U.S. citizenship. Our citizens should not be penalized by the loss of FSM citizenship as a result. Many business owners have children who were born or reside in the U.S. As time passes, even if those children return, which is desirable for the nation, they may be unable to take over their own family's businesses or own their family's land. These disruptions can only harm our economy.

Land ownership is also a key issue. Land is of utmost importance to the FSM and its citizens. Again this amendment will not create more potential FSM citizens, but it will potentially not deprive persons of their land rights. Right now if land is to be transferred and it was inherited by three brothers, can one brother say I can transfer the land by myself because my other two brothers have U.S. citizenship? What happens if the two brothers are married to FSM citizens and have their own children? Why do we want to encourage such litigation? The FSM and the states have never addressed these issues and they could tear the country apart.

Further, this amendment does not limit dual citizenship to any particular country. Other proposed amendments seek to limit the nations to which dual citizenship could apply. Once again the lack of any guidelines would doom such amendments. The world is a much smaller place now. Many families are a mix of island nations such as Palau or RMI. Under these other proposals dual citizenship would not apply to these children. Further, it is not necessarily true or common that someone may only have two citizenships. What would happen if someone could be a citizen of FSM, Palau and the U.S.? There are no clear answers and it is believed the simpler the amendment the better.

Introducer:


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Date:

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