

Proposal No.: CC-PR-4-43

Assigned to: Committee on Civil Liberties
& Tradition

PROPOSAL TO AMEND CONSTITUTION

To amend Article III, Section 3 of the Constitution of the Federated States of Micronesia to provide for dual citizenship as authorized by Congress.

~~**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.~~

- (a) Congress shall, by statute, identify those countries the citizens of which may hold dual citizenship with the Federated States of Micronesia.
- (b) An individual may hold dual citizenship if at least one parent is a citizen of the Federated States of Micronesia and the individual is a citizen of a country identified by Congress pursuant to subsection (a).
- (c) Dual citizens enjoy all the rights and privileges of citizenship, except a dual citizen may not hold the Office of President.
- (d) Congress shall prescribe by statute the application process for dual citizens.
- (e) This provision shall be retroactive.

PURPOSE AND INTENT OF AMENDMENT:

One's birthplace, the classic criteria of citizenship, is a matter that is not determined by the individual's choice. The intent of this proposed amendment is to enable FSM "citizens" born outside of the FSM to retain or repossess their FSM citizenship, while maintaining their other citizenship. In other words, Dual Citizenship is a mechanism for citizens who were born overseas to maintain their indigenous connectivity to the Micronesian side of their cultural heritage. It is a "preventive diplomacy" in the sense that it seeks to minimize or foreclose the possibility of choosing, by default, their "other" citizenship, thereby giving up the FSM citizenship. By so doing, the proposed amendment seeks to perpetuate the concept of "rewinipos" ("autochthonal/native citizenship" citizenship), a core element in the Micronesian culture and society.

The proposed amendment envisions dual citizenship as a carefully "managed process." The FSM's small size and fragile culture cannot take on broad dual citizenship without careful restraints. There are merits of having some aspects of the process handled by statute, rather than writing it into the Constitution. Specification of nations from which dual citizens may be accepted is an example. In other words, while the principle of dual citizenship should be settled

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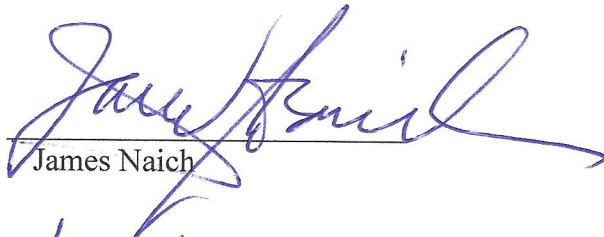
in the Constitution, its proper implementation should be left to statutes, drawing on the mandate of the highest law-making authority and law enforcement authority of the land.

Questions of loyalty are inherent in any situation where there is dualist option. Citizenship may then become a matter of cost-benefit analysis. The alternative costs of giving up one's FSM citizenship cannot be ignored – if one is left with the choice of choosing one citizenship over the other, the renunciation of one citizenship is an unavoidable choice.

Consider also the potential benefits of having “both worlds” combined especially in an increasingly interconnected globalized world. Who says that dual citizenship cannot not be, in the mid-term or long run, a foreign policy tool? It is in dual citizenship where diplomacy and Micronesian culture may dance tango!

To the extent possible, Micronesian citizenship, dual or unitary, must be blood-based; other factors, economic or otherwise, should be taken into consideration as bases for dual citizenship. Blood connectivity to Micronesia is a Micronesian value that should run supreme.

Introducer:


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Date:

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