

STANDING COMMITTEE REPORT NO. 13-88

RE: C.R. NO. 13-06/JGO/J

SUBJECT: U.N. CONVENTION

OCTOBER 30, 2003

The Honorable Peter M. Christian
Speaker, Thirteenth Congress
Federated States of Micronesia
Second Regular Session, 2003

Dear Mr. Speaker:

Your Committee on Judiciary and Governmental Operations, to which was jointly referred C.R. No. 13-06, entitled:

"A RESOLUTION ACCEDING TO THE UNITED NATIONS CONVENTION AGAINST
TRANSNATIONAL ORGANIZED CRIME.",

begs leave to report as follows:

The intent and purpose of the resolution are expressed in its title.

Information provided by the Department of Justice indicates that the subject Convention was adopted by the United Nations at the fifty-fifth session of the U.N. General Assembly, and that, as of September, 2003, 53 countries have ratified, accepted, approved or acceded to the Convention. C.R. No. 13-06, which was transmitted to the Congress by Presidential Communication No. 13-8, would enable the FSM to formally accede to the Convention.

According to the Department of Justice, under the Convention, Governments would be required to:

1. criminalize offenses committed by organized crime groups, including corruption and corporate or company offenses;
2. crack down on money-laundering and the proceeds of crime;
3. speed up and widen the reaches of extradition;
4. protect witnesses testifying against criminal groups;
5. tighten cooperation to seek out and prosecute suspects;
6. boost prevention of organized crime at the national and international levels; and
7. develop a series of protocols containing measures to combat

STANDING COMMITTEE REPORT NO. 13-88

RE: C.R. NO. 13-06/JGO/J

SUBJECT: U.N. CONVENTION

OCTOBER 30, 2003

specific acts of transnational organized crime.

The FSM has already enacted legislation concerning items 2 and 5. See P.L. No. 11-72, as amended, at sec. 84-172 ("Money Laundering and Proceeds of Crime"), and P.L. No. 11-71, as amended ("Mutual Assistance in Criminal Matters Act of 2000"). According to Justice, there may be some need for amendments to these existing laws. New legislation will definitely be required to address the remaining items. A description of the key provisions of the Convention is attached as Exhibit A.

Your committee agrees that the fight against transnational crimes goes "hand-in-hand" with the fight against international terrorism. Promoting international cooperation in that fight is a worthy goal. Whether or not this Convention will, in fact, do that remains to be seen. Nonetheless, your committee recommends accession. Before accession, however, one issue that should be addressed by the Department of Foreign Affairs and by your Committee on External Affairs is whether there is any need to "reserve" on any particular provisions of the Convention.

Your Committee on Judiciary and Governmental Operations is somewhat concerned about Article 35 of the Convention, which concerns the procedure for settlement of disputes over the interpretation or application of the Convention. It requires disputes that cannot be settled through the parties' "negotiation" to be submitted to "arbitration" and then to the International Court of Justice. Your committee believes that a "reservation" with respect to paragraph 2 of Article 35 may be in order. However, because your committee believes such matters to be within the purview of the President and the Departments of Justice and Foreign Affairs, your committee will defer to a review by your Committee on External Affairs concerning the need for such reservation and any related amendment to C.R. No. 13-06.

With these thoughts in mind, your Committee on Judiciary and Governmental Operations, in concurrence with your Committee on External Affairs, is in accord with the intent and purpose of C.R. No. 13-06 and recommends its adoption in the form attached hereto as C.R. No. 13-06, C.D.1.

STANDING COMMITTEE REPORT NO. 13-88

RE: C.R. NO. 13-06/JGO/J

SUBJECT: U.N. CONVENTION

OCTOBER 30, 2003

Respectfully submitted,

/s/ Dohsis Halbert
Dohsis Halbert, chairman

/s/ Roosevelt D. Kansou
Roosevelt D. Kansou, vice
chairman

/s/ Alik L. Alik
Alik L. Alik, member

/s/ Henry C. Asugar
Henry C. Asugar, member

Peter M. Christian, member

/s/ Jack Fritz
Jack Fritz, member

Ramon Peyal, member