

Committee on Civil Liberties & Traditions

Proposal No.: CC-PR-4-22

Assigned to: Committee General Provisions

PROPOSAL TO AMEND CONSTITUTION

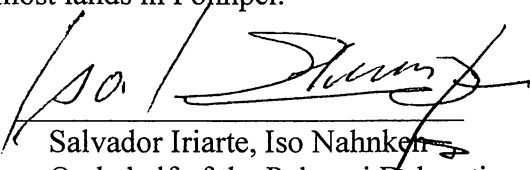
To amend Article XIII, Section 4 of the Constitution of the Federated States of Micronesia to provide that ownership of land and waters shall be controlled by state law.

Section 4. A noncitizen, or a corporation not wholly owned by citizens, may not acquire title to land or waters in Micronesia. Ownership of land and waters in each state shall be held pursuant to the laws and customs and traditions of the respective state. All statutes of the Federated States of Micronesia that provide for ownership of land or waters contrary to the laws and customs and traditions of the respective state shall be null and void one year after the ratification of this amendment.

PURPOSE AND INTENT OF AMENDMENT:

The current language of the Constitution allows the courts to give lands to FSMDB and other non-pwilidak like a Chuukese, Yapese and Kosraeans that is contrary to Pohnpei law (constitution). Banking laws that currently seem to permit this will be nullified. Banks can continue to hold a security interest but the buyer shall be a pwilidak in any auction that follows a foreclosure in the courts. This amendment anticipates an eventual reversal of the ban on sale of land in Pohnpei. It is difficult to police the effectiveness of the ban given the ongoing land transactions. At least, if Pohnpei Constitution allows for the sale of lands, there will be a market for such sales, and unsophisticated people will not get cheated by the rich who are currently buying up most lands in Pohnpei.

Introducer:


Salvador Iriarte, Iso Nahnken
On behalf of the Pohnpei Delegation

Date:

1-14-2020