

Proposal No: CC-PR-04-73

Assigned to: General Provision

## 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 water will be determined by the customs and traditions of each state.

**Section 4.** A noncitizen, or a corporation ~~not wholly owned by citizens~~ with any noncitizen shareholder, may not acquire title to land or waters in the Federated States of Micronesia. Notwithstanding the provisions of Article IV, the ownership of land and waters in each of the states shall be determined and held pursuant to the laws of the respective states and/or where applicable, pursuant to the customs and traditions of the state or the traditional kingdoms of the state.

### PURPOSE AND INTENT OF AMENDMENT

The proposal keeps ownership from noncitizens, including companies with one noncitizen shareholder. It will allow the states to decide who owns land based on the prerogative of that state pursuant to the laws (constitutions of the state) and/or pursuant to customs and traditions. For example, this proposal will allow FSM citizens who move to Pohnpei to own land in Pohnpei if the customs of traditional kingdoms allow it. As stated by Traditional Leader Iso Nahnken Iriarte, a non-Pohnpeian can become of pwilidak and in becoming so by many years of living in Pohnpei after acquiring right to vote and so forth and if say Nett decides to give to Chuukese, Yapese or Kosrean land pursuant to Nett customs, as confirmed by Iso Salvador, Vice President, then that is up to Nett. That ownership by that FSM citizen shall be valid.

Those already with lands cannot lose lands. The current language attempts to eliminate any due process or equal protection concerns. However, this last concern is suggested by Delegate Nabeyan that it may not be necessary to mention Article IV because committee discussions will show intent that those affected are protected and taken into consideration. This will be discussed further so the language of Article IV is still on here.

Finally as pointed out by Delegate Albert, there is no need to mention the new article being prospective because of the already discussed Article IV protections for due process (no losing of lands already acquired).

Introducer:   
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Delegate Salomon Saimon

Date: 4/4/2022