

STANDING COMMITTEE REPORT NO. 16-71

RE: C.B. NO. 16-01/J&GO

SUBJECT: MICRONESIA CULTURE AND TRADITION DAY

FEBRUARY 12, 2010

The Honorable Isaac V. Figir
Speaker, Sixteenth Congress
Federated States of Micronesia
Third Regular Session, 2010

Dear Mr. Speaker:

Your Committee on Judiciary and Governmental Operations to which was referred C.B. No. 16-01, entitled:

“A BILL FOR AN ACT TO FURTHER AMEND TITLE 1 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS AMENDED, BY AMENDING SECTION 601 THEREOF TO ESTABLISH MICRONESIAN CULTURE AND TRADITIONS DAY AS A NATIONAL HOLIDAY AND FOR OTHER PURPOSES.”,

begs leave to report as follows:

Your Committee held public hearings on December 14 and 15, 2009, in Chuuk State; December 16, 2009, in Yap State; January 14 and 15, 2010, in Kosrae State; and January 28, 2010, in Pohnpei State.

Intent and Purpose

The intent and purpose of C.B. No. 16-01 is to designate March 31 of each year as Federated States of Micronesia's Culture and Tradition National Holiday. Most nations in the world celebrate their culture and tradition as an integral part of their national identity. Inherent in this practice is the celebration of indigenous cultures as well as cultures of non-indigenous people who have become part of newly created nations as a result of colonization.

The FSM is blessed with its own indigenous cultures and traditions even in the face of globalization. We have retained much of our cultural identity through the process of assimilation, and we will continue to withstand continuing foreign influences into the future.

The Bill intends to honor our ancestral heritage as one people, under one Constitution. Like any civilized nation, it is only befitting that a national holiday be dedicated for the whole FSM to celebrate its unique cultures and traditions.

Testimony Summary

Chuuk:

There were two public hearings held in Chuuk. The first hearing was held at the Chuuk State Legislature on December 14, 2009, and the second hearing

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was held at the Governor's compound on December 15, 2009.

Present at the hearings were representatives from the Chuuk Legislature, the Governor's Office, the executive departments, and also members of the private sector.

During the two days of hearings, the Chairman of your Committee, Senator Sitan, first explained the contextual intent and purposes of Bill No. 16-01 in details to the witnesses. He stated that the Bill is for the FSM to have a common national holiday in order to celebrate its proud history of indigenous cultures and traditions. The Bill also intends to unite all the states to celebrate together on the same date in such a celebration. Pohnpei already has a state holiday dedicated to its own cultures and traditions and it would be a good idea for the nation to celebrate the same. Your Committee also explained to the witnesses that one of the benefits of this proposed holiday is for all national employees to have the same day off.

Chairman Sitan's explanation of the Bill was well received by the witness but with a minor suggestion. Mr. Jack Fritz, the Legal Counsel for Chuuk Legislature, expressed his support of the intention and purposes of the Bill. However, he wanted to ensure that the FSM makes a distinction between celebrating FSM's own cultural heritage and celebrating foreign customs that have been adopted by our people.

Questions were also raised as to why March 31 was chosen to be the national holiday. Your Committee responded that the said date can be combined with the Pohnpeian cultural holiday, and as such both Pohnpei and national employees can take the same day off. This will reduce the cost on the National Government when the majority of national employees take off to celebrate the Pohnpeian cultural holiday.

Many of the witnesses supported this proposed holiday so long as it does not clash with any state holidays, and also on the proviso that the FSM Government provide funding for the holiday for the purposes of cultural activities such as the hosting of agricultural fairs and traditional dances. The witnesses stated that well coordinated efforts would be required on the part of the FSM Government to ensure that the said activities are realized for the national holiday.

Yap:

As was the case in Chuuk, two separate public hearings were held in Yap on the same date, December 14, 2009. The first hearing was held at the Yap State Legislature and the other was held in the Governor's compound.

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Present at the hearings were the members of the Yap Legislature, the Governor's office, his subordinates from the other executive departments and members of the public sector. During both hearings Chairman Sitan explained the purposes and intent of the Bill, and waited for responses.

Proponents of the Bill asked that the proposed national holiday be funded, as requested in Chuuk, by the FSM Government. It should not be seen as just another day off for government employees. Furthermore, the proposed national holiday should seriously consider the cultures of the whole FSM in order to deflect the distorted image that the FSM only exists in its geopolitical name.

The Bill should also promote the unity of the FSM people. In addition, each state should also celebrate its own cultural day to complement the national holiday and further to demonstrate to the world that cultural richness abounds in the FSM. It should also encourage the next generation to carry on our proud cultural heritage. For example, Yap has its own cultural day and has many activities indigenous to Yap. The same could also be celebrated in the other states.

However, some of the concerns for the proposed national holiday raised by witnesses related to the date. Witnesses did not want it to clash with the Yap Cultural Day or other holidays. Also the additional costs on the Yap Government for having too many working days off was also mentioned. Another concern was for your Committee to be more specific on the name of the proposed national holiday so it will not be confused with other Micronesian political entities cultural celebrations in the region.

Finally, your Committee was asked about the reason why March 31 was chosen to be the national holiday as stated in the Bill. The Chairman of your Committee said that since the National Government is based in Pohnpei, March 31 seems to be the logical date to join Pohnpei in the celebration of its harvest season. In addition, all the employees of the National Government can take the same day off.

Kosrae:

The public hearings in Kosrae were held on January 14 and 15, 2010.

The witnesses attending the hearings were members of the Kosrae Legislature, the executive branch and also members of the public.

As in the other states, the Chairman of your Committee Senator Sitan first took the floor in explaining the intention and purposes of the Bill. After

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his presentation, the witnesses asked questions and for clarification before commenting on the merits and demerits of the Bill.

Senator Ilai from the Kosrae Legislature commented on the fact that Kosrae has too many holidays already and was concerned about an additional holiday which will effect the state government. For example, can Kosrae withstand another day off, especially in view of the dwindling funds as well as the workload needed to be completed by the state's employees.

Chairman Saimon of Kosrae's Legislature asked as to where the funding would come from to celebrate the proposed national holiday. State Senator Siba made a suggestion similar to that made by Mr. Fritz of Chuuk. That is the FSM should make a distinction about celebrating FSM cultural heritage from that of foreign customs.

Chairman Sitan noted senator's Siba's suggestion. As in Yap and Chuuk, there were desires expressed by the witnesses for the National Government's involvement by providing funds to make the holiday more meaningful in connection to showcase agricultural activities in each state. Chairman Sitan also reminded the witnesses about the importance of our cultures and traditions as embedded in the National Constitution.

Further merits on the Bill were stated by Speaker Jackson in support of the national holiday: its intention to unify all the Micronesian people to celebrate its traditions and cultural heritage. There was also praise and support of Chairman Sitan's articulating the positive effects of the Bill. However, the only outstanding issue asked about was the date of the holiday. For example, why is March 31 so significant in the designation of the proposed national cultural and traditional holiday?

Chairman Sitan repeated the same explanation about Pohnpei as being the host state of the National Government and the fact that March 31 is already a cultural day for Pohnpei. It is therefore appropriate to have a dual celebration so that both the National and the Pohnpei employees can take the same day off with minimal effects on both governments. Furthermore, March is the harvest season for most of the Micronesian islands where crops are ready to be picked and fish start spawning in the ocean.

Pohnpei:

Two separate public hearings were held in Pohnpei: the first hearing on January 18, 2010, and the second hearing on January 19, 2010.

The witnesses attending the hearings were the Speaker and members of the Pohnpei Legislature, the Governor and his cabinet, representatives from the

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executive branch, and also members of the public.

During both hearings, Chairman Sitan delivered well stated comments in relation to the intent and purposes of the Bill. Your Chairman further explained the benefits of the proposed holiday for both Pohnpei and the National Government. For example, he stated that since Pohnpei is the host state of the National Governments, a dual celebration by both Pohnpei and the National Government employees could be enjoyed on the same date. This would also lessen the stress on the National Government when everyone takes the same day off.

Your Committee was further informed by the witnesses that the idea of having a National Holiday to celebrate Micronesian cultures and traditions is long overdue. The witnesses therefore supported the Bill and look forward to its implementation.

Pohnpei (Palikir):

Your Committee held a public hearing in Pohnpei on January 28, 2010.

Present at the hearing were Mohner Esiel from the Division of Immigration and Labor; Marion Henry, Acting Secretary for Resources and Development, Palsesar Petrus from the President's Office, and Angie Lambert from Department of Finance and Administration.

Chairman Sitan addressed the background and purpose of the Bill, and said that the proposed national cultures and traditions holiday day was well received by the states. Your Committee also heard positive comments from the witnesses in support of the Bill.

For example, the Chief of Immigration, Mohner Esiel, and the Acting Secretary for Resources and Development, Marion Henry, gave their total support for the holiday. They both said that such a day will reassert our existence as a unified nation under one Constitutional system of government and as one people. This confirmed the same sentiments in all the states. It will also renew and reconnect the FSM people to their ancestral heritage.

The issue concerning why March 31 was chosen to be the holiday was also raised by the witnesses. Your Committee again responded that it coincides with the harvest season for agricultural produce and the spawning of fish in many parts of the FSM. In a way it is a season of plenty where all Micronesians should gather together to enjoy the products of their own sweat.

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Committee Discussion

Your Committee deliberated on the Bill in detail after the hearings. In its deliberations, the issue concerning the date of the holiday was extensively discussed to ensure that it is a date that all the stakeholders will support. In the main, your Committee agreed that there should be a national holiday to celebrate the traditions and cultures of the FSM.

Committee Recommendation

Your Committee on Judiciary and Governmental Operations is in accord with the intent and purpose of C.B. No. 16-01 and recommends its passage on First Reading, and that it be placed on the calendar for Second and Final reading in the form attached hereto as C.B. No. 16-01.

Respectfully submitted,

/s/ Peter Sitan
Peter Sitan, chairman

/s/ Fredrico O. Primo
Fredrico O. Primo, member

/s/ Dohsis Halbert
Dohsis Halbert, member

/s/ Roger S. Mori
Roger S. Mori, member

/s/ Setiro Paul
Setiro Paul, member

Isaac V. Figir, member

Paliknoa K. Welly, member