

TRUSTEESHIP AGREEMENT

Under article 6 of the Trusteeship Agreement, the United States is obligated to foster the development of suitable political institutions with the goal of self-government by the inhabitants, and to promote economic, social and educational advancement. Neimes v. Maeda Constr. Co., 1 FSM R. 47, 51 (Truk 1981).

Interpretation of Secretarial Order 3039 as acquiescing in FSM Supreme Court jurisdiction over suits against the Trust Territory does not conflict with any residual United States obligation to oversee activities of the FSM courts pending termination of the Trusteeship Agreement nor does this interpretation imperil any interest the United States government may have in protecting the Trust Territory government against unfair or overreaching actions by the courts of the new constitutional governments. Lonno v. Trust Territory (I), 1 FSM R. 53, 64 (Kos. 1982).

Trusteeship principles call for similarity between the self-government accorded the peoples of the Northern Mariana Islands by the United States, and that granted other parts of the Trust Territory. If the administering authority were to permit those peoples selecting a closer and more dependent relationship with the administering authority a higher degree of autonomy than those seeking other relationships, the dual standard could suggest an effort to discourage self-government and independence of the people within the Trust Territory. Lonno v. Trust Territory (I), 1 FSM R. 53, 67 (Kos. 1982).

The interim nature and limited purpose of the Trust Territory Court, the District Courts and the Community Courts does not suggest that these entities are immune to the restraints imposed upon officials authorized to act by constitutions or statutes approved by citizens of the Federated States of Micronesia or their representatives. To the contrary, respect for constitutional self-government and the Trusteeship Agreement provisions to which they trace their power to act here, mandate that these interim entities act with great restraint, only as necessary to supplement the constitutional courts and until creation of constitutional courts here. In re Iriarte (I), 1 FSM R. 239, 244-45 (Pon. 1983).

The Trust Territory High Court must promote constitutional self-government to satisfy the provisions of the Trusteeship Agreement to which is subject. In re Iriarte (II), 1 FSM R. 255, 268 (Pon. 1983).

The Trusteeship Agreement cannot be given retroactive effect to cover events that took place before it came into force. Alep v. United States, 6 FSM R. 214, 216 (Chk. 1993).

Monetary damages are not legal remedies available to an individual for breach of the Trusteeship Agreement, either through the treaty or as codified. Alep v. United States, 6 FSM R. 214, 217-18 (Chk. 1993).

A U.S. statute requiring aliens to dispose of landholdings within ten years of acquisition never applied in the Trust Territory because the Trust Territory never had the status of a U.S. territory and the U.S. Congress never specifically extended its application to the Trust Territory. Nahnken of Nett v. United States (III), 6 FSM R. 508, 524-25 (Pon. 1994).

The Trusteeship Agreement does not provide individuals with a private cause of action for damages for alleged breach of any of its provisions. Nahnken of Nett v. United States (III), 6 FSM R. 508, 526 (Pon. 1994).

Although the Trusteeship Agreement was a source of individual legal rights, it, standing alone, did not create private rights of action for money damages for bureaucratic abuses attributed to U.S. or Trust Territory officials. Alep v. United States, 7 FSM R. 494, 496 (App. 1996).