

## *Chapter 22*

# US-AFFILIATED PACIFIC ISLANDS JURISDICTIONS

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This chapter covers the Pacific islands jurisdictions that are affiliated with the United States: the Territory of Guam, the Commonwealth of the Northern Marianas Islands (CNMI), the Republic of Palau, the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI) and American Samoa.

## US affiliation status

Counsel considering product liability claims arising in any of the United States-affiliated Pacific islands jurisdictions should give careful attention to the political and legal history of the relevant jurisdiction.

American Samoa and Guam are territories of the United States. American Samoa originally came under US control in 1899, through a tripartite agreement among the United States, Germany and Great Britain, who were then the dominant powers in the Samoan islands. In 1900 and 1904, Samoan chiefs executed Deeds of Cession of the islands to the United States, which Deeds were accepted and ratified by the US Congress in 1929. Guam was ceded by Spain to the United States under the 1899 Treaty of Paris, which resolved the Spanish-American War of 1898. In the decades after those respective cessions, there were various United States and local political and legal events relevant to each territory's current status. Both American Samoa and Guam now enjoy substantial rights of self-governance over their own domestic affairs, though neither acting unilaterally and without US consent could terminate its territorial status. The two territories have distinctly different political and legal systems. One difference, for example, is that American Samoan law recognizes hereditary chiefly titles and ancestral common land ownership. Another interesting

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