



Trusteeship Council

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COMMUNICATION FROM MR. STUART J. BECK CONCERNING THE  
TRUST TERRITORY OF THE PACIFIC ISLANDS

(Circulated in accordance with rule 24 of the rules  
of procedure of the Trusteeship Council)

STUART J. BECK  
Attorney at Law  
660 Madison Avenue  
New York, N.Y. 10021

29 December 1982

The Secretary  
Trusteeship Council  
United Nations  
New York, N.Y. 10017

Dear Sir,

Enclosed for the attention of the Trusteeship Council is a copy of my letter to the Hon. Fred M. Zeder. Please treat it as a written petition and circulate it as a Trusteeship Council document.

Thank you for your co-operation. If you have any questions or comments, please communicate with me at your convenience.

Very truly yours,

(Signed) Stuart J. BECK

Enclosure

Enclosure

22 December 1982

The Hon. Fred M. Zeder II  
The President's Personal Representative  
for Micronesian Status Negotiations  
Suite 3356  
18th and C Streets, N.W.  
Washington, D.C. 20240

Dear Mr. Ambassador:

I am an attorney and was extensively involved in the negotiation of the compact of free association as counsel to the Palau Political Status Commission from 1977 through 31 December 1979. I am now counsel to the Governor of Airai, the Hon. Roman Tmetuchl. This is by way of background only since I write this letter as a private citizen of the United States.

I have had an opportunity to review the official ballot for the plebiscite on the compact of free association to be held in Palau. I have also reviewed the compact of free association and its subsidiary agreements.

The plebiscite ballot asks the voters at question (B):

"(B) Do you approve the agreement under Section 314 of the Compact which places restrictions and conditions on the United States with respect to radioactive, chemical and biological materials?"

I am most concerned that the ballot misrepresents the manner in which the Agreement Between the Government of the United States and Government of Palau regarding Radioactive, Chemical and Biological Substances (the "Agreement") alters section 314 of the compact. In truth and in substance the Agreement does not, as the ballot states, place "restrictions and conditions" on the United States. It amplifies and expands the ability of the United States to site radioactive materials, including weapons, in Palau.

For example, under section 314(b) of the compact, the United States is prohibited from storing in Palau any radioactive materials or toxic chemical materials intended for weapons use,

"other than for transit or overflight purposes or during time of a national emergency declared by the President of the United States, a state of war declared by the Congress of the United States or as necessary to defend against an actual or impending armed attack on the United States, Palau, the Marshall Islands or the Federated States of Micronesia"

Compact, § 314(b).

Under article IV, section 4 of the Agreement, the United States is given the additional authority to permit the presence of nuclear weapons in Palau "during a time of other military necessity as determined by the Government of the United States". I am certain that you will agree with me that in this most important respect the Agreement significantly expands and does not restrict or condition the siting of nuclear weapons in Palau.

The ballot is therefore misleading. In their Constitution, the Palauan people have spoken quite clearly to the issue of nuclear presence in their homeland. One effect of the forthcoming plebiscite may be the negation of the Palauan Constitution's prohibition on the placement of nuclear weapons in Palau's territory. If the Palauans are to suspend their Constitution, they have the right to do so in an honest electoral process and by means of a fairly worded ballot. It is inconsistent with American principles of fairness and justice to taint the electoral process in Palau with a ballot which does not maximize independent voting. It is inimical to American principles to disseminate a ballot which will not adduce from the Palauan electorate an informed choice on the question of nuclear presence.

Indeed, it seems to me that the language of ballot proposition (B) is so misleading that the Palauan electorate may believe that their vote in the affirmative will limit nuclear presence when, in fact, it accomplishes quite the contrary result. I cannot imagine that it is the desire or intention of the United States Government to participate in what may be made to appear to be a trick, and I therefore suggest that you amend the ballot to clarify its effect.

Very truly yours,

(Signed) Stuart J. BECK

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