

by Jonathan T. Weisberg

“How Does a Mouse Roar?”

Stuart Beck '71 asks this question as he represents the 20,000 citizens of Palau in the UN.

Stuart Beck's New York office—a corner room with waistline views of midtown skyscrapers—was in a phase of transformation in the fall of 2004. Mementos of his years heading a broadcasting company were giving way to photographs of Palau, a carved wooden storyboard from Palau, and the last month's worth of newspapers from Palau, as the space became the temporary headquarters of the Republic of Palau's mission to the United Nations.

Beck was named Palau's first ambassador and permanent representative to the UN earlier in the year. A one-time litigator and broadcasting executive, Beck is a U.S. citizen, though he has strong ties to the nascent island nation. And while he represents a population that might be considered a mid-sized town in this country, he says, “Palau has the same vote as any other country, and therefore it's an awesome responsibility.”

He presented his credentials to UN Secretary General Kofi Annan on April 14, 2004, and began voting in the General Assembly, meeting with other missions, and working through regional subgroups, such as the Pacific Island Forum, to get Palau's interests a hearing on the world stage.

The massive tide of globalization is changing the lives of people in every country of the world. Thousands of YLS graduates help shape its currents; following are four examples. ▶▶▶

Stuart Beck
Homer Moyer
Elizabeth Andersen
Paul Meyer

This was not the first time Beck had spoken for the people of Palau. In 1977 he was hired by the legislature of Palau to advocate for the country's independence from the United States. He describes the situation he found at the time as a colonial anachronism. "They had a high commissioner," Beck says. "They had a flag, they had a golf course, they lived a nineteenth-century life. It just would no longer withstand scrutiny." He became chief council to the Palau Political Status Commission.

Palau and its more than 300 islands were a part of a larger confederation of islands, called the UN Trust Territory of the Pacific, that had been under Japanese control until World War II, when the United States took over its administration. But Beck says that the Palauan people clearly wanted their own nation. "The Palauans had a referendum in 1976 and voted eighty-eight percent in favor of separation. So it really was going to be hard to deny this." At the same time, the islands' aspirations for independence benefited from Cold War maneuvering, as the Soviet Union accused the U.S. of perpetuating colonialism through its relationship with the islands.

Even as it took steps to free the trust territories, the U.S. pushed to keep Palau part of a larger Federated States of Micronesia, which Beck says would be "like having Poland and Thailand in a country." But the original trusteeship agreement gave Palau the right to petition the UN, and, Beck says, "we were going down to the UN and pounding them," demanding independence.

The U.S. agreed to negotiate separately with Palau. "Now we're in a situation where we're invited to the table to negotiate nationhood for a country that had never thought it was going to be a nation, confronted with not only coming up with that vision, but also having to negotiate with the United States over its terms.... I then realized I was getting in over my head." Beck convinced John Kenneth Galbraith, then an economics professor at Harvard, to help the Palauans draw up an economic development plan, which became valuable in the negotiations with the U.S. When challenged on details of the plan, the Palauan team could respond, "Galbraith says it's what we need."

The country held a constitutional convention, which Beck says was very successful, in part because of the Palauans' political sensitivity. "When you grow up in an island nation with fifteen or twenty thousand people, you learn politics in a way that New Yorkers don't learn politics. Because if you have a run-in with a guy [in New York], you're never going to see him again. In Palau you see him the next day; besides, you're married to his cousin."

Beck finished his work in 1980 by concluding a Compact of



Stuart Beck '71 presents his credentials to UN Secretary General Kofi Annan.

Free Association with the U.S., which gave the U.S. defense and basing rights in Palau in return for monetary payments and access to some U.S. government programs. But there was one problem. The Palauans put a plank in their constitution banning all nuclear weapons and materials. The U.S. refused to begin the Compact of Free Association as long as this provision was enforced, since it would prevent them from running nuclear submarines through Palauan waters.

Beck describes the next fourteen years for the Palauans as a "wandering in the wilderness as a trustee." As they conducted eight referenda, all directed at withdrawing the nuclear ban (and "each referendum more confusing than the last," according to Beck), the first president of Palau was assassinated, and the son of a political leader was framed for the murder. The next elected president shot himself under suspicious circumstances. The Marshall Islands and the Federated States of Micronesia became nations as Palau struggled.

In 1993, the Palauans succeeded in altering their constitution—but only after lowering the requirement for a change from a three-quarters vote to a majority vote—and the Compact of Free Association went into effect October 1, 1994. Since 1980, Beck had not been directly involved in the affairs, though he still represented Palauans from time to time. He also married Ebiltulik, a woman from Palau, and together they helped Palauan children come to the U.S. for education. Beck worked as a litigator, then founded Granite Broadcasting Corporation in New York City in 1988, and was its president until called on to be Palau's ambassador.

Beck and his family (he and Ebiltulik have four children) go to Palau at least once a year, where they have a

small compound. “My kids are wild for it,” says Beck. “Where else do you go and they’ve got a bat in a cage, a pet bat, a pet monkey?”

The islands of Palau are surrounded by a fringing reef, which not only creates what scuba divers call one of the “Seven Underwater Wonders of the World” but also creates a broad calm sea that can be crossed with a small boat. Above the water are mushroom-shaped islands topped with lush vegetation and lakes filled with stingless jellyfish. Below the surface is the greatest diversity of marine species in the world. “The great days are days of just cruising—‘strolling,’ the Palauans call it,” says Beck. “Camping trips there just involve getting in the boat, because once you’re there the food is there—coconut trees and bananas and papayas and mango. The boys bring their fishing gear.”

What seems suspiciously like paradise also has a long list of challenges. Foremost is the protection of the environment, which Palauans see as an international treasure, as well as the heart of their plans for economic development. Even with the desire to guard all of their reefs and inlets, however, the Palauans don’t have the police power to patrol their borders. “You have boats from other countries coming in to steal their fish, take their giant clams, shark fins, all these odious practices,” says Beck. And global warming, caused by practices in the industrialized world, is a mortal threat, since a small rise in sea levels could wipe out whole islands.

Beck sees his activities at the UN, as well as the opportunities for bilateral and multilateral discussions presented by the opening of a mission in New York, as a way to strengthen Palauans’ ability to protect their environment. Beck has proposed that the UN enforce a moratorium on bottom trawling, a fishing practice that destroys features such as coral on the seafloor, and he’s gotten other nations to stand with him. He’s also studied the ways that UN agencies allocate funds for environmental projects, and convinced the Global Environment Facility to name Palau, the Marshalls, and Micronesia a new underserved subregion, making them eligible for funding for projects such as protecting dugong and sea turtles or regenerating reefs destroyed by bleaching.

While he acknowledges that Palau emerged from colonialism in better condition than many other countries (such as many in Africa), Beck points out Palau’s social and economic challenges. Just by the fact that it’s an island chain, Palau has high fuel costs, difficult transportation and telecommunications, and a limited labor pool. “They’re having a hard time competing. This leads to despair,



addiction, disease, and lower population,” says Beck. He finds allies to work on issues like these in the Pacific Island Forum and the Association of Small Island States.

Beck calls Palau “a little spaceship set off from the rest of the world, growing in its own way.” It doesn’t share a border with any other nation—indeed, it’s

hundreds of miles from its nearest neighbor. But, as the global warming issue demonstrates, in some sense Palau shares a border with every nation. “We’re looking at the sea level rising, caused by guys driving S.U.V.s in the U.S.,” says Beck. Palau has a strong relationship with the U.S., as a former ward and an ally. It is a member of the Coalition of the Willing, and a Palauan Marine was killed in Iraq in September. But it also needs to steer its own way—for instance, by supporting the Kyoto Protocol on greenhouse gas emissions, which the U.S. opposes.

As was the case twenty-five years ago, the UN is the primary forum for Palau to express its views—and now to assert its place as a nation. “It’s in the interest of the world for countries to be a part of the UN,” says Beck. “If there’s a global warming convention and you’re affected by it, you ought to be on that treaty. You ought to raise your voice.” Beck is participating in all the General Assembly’s duties, such as selecting members of the Economic and Social Council and other UN boards, which leads him to consider issues from all over the world and to think about the good of the whole as well as the good of Palau.

“We should all pay much closer attention to the UN,” Beck says. From his direct observation of the functioning of the gargantuan organization, he has come away impressed by how many hard-working, idealistic people work through the UN. “There are units of people who spend their days working on sewage and clean water,” he notes, and adds that this might be a metaphor for what goes on at the UN, in that the UN takes up tasks that many people ignore or find repellent.

Beck acknowledges that the UN shares the problems of any large organization—including inefficiency and individual bad actors—but he says he has little patience for people who attack the UN’s continuing mission. In fact, right after speaking with the *Yale Law Report*, Beck had a meeting scheduled with the Japanese ambassador to discuss Security Council reform. He explains, “There is an initiative under way to add more permanent and nonpermanent members to make the Council more inclusive and to better reflect the true shouldering of burdens around the world.” And Palau’s vote will count.

Homer Moyer '67 (center) at the CEELI Institute dedication in Prague.



Rule of Law in Transition

An initiative co-founded by **Homer Moyer '67** to help foster the rule of law in Eastern Europe has grown far beyond his expectations, and is now run by another YLS graduate.

The Central European and Eurasian Law Initiative, a pro bono project of the ABA, has sent more than 5,000 volunteer lawyers to help train judges, write constitutions, and support organizations that monitor civil rights in thirty-one countries.

CEELI started life as the Central and East European Law Initiative in 1990, and the slight change in name is a sign of the continuous expansion the organization has undergone. Homer Moyer, along with legal scholar Talbot D'Alemberte, originally came up with the idea to provide free legal assistance and advice to the states in Europe that were then transitioning away from Communism. He says CEELI “has grown far beyond our wildest expectations.”

However, three principles that came out of Moyer and D'Alemberte's initial conversations are still the guiding spirit at CEELI today. He describes them as: 1) to be responsive to the requests of the governments and other organizations they work with; 2) to provide advice and expertise, not to insist that the American approach to any problem is the only approach; 3) to be strictly nonprofit, meaning that lawyers who volunteer for the program do so pro bono and do not solicit business in any way.

At first Moyer wasn't even sure that the offer of help would be welcomed. But after a successful exploratory trip to the region, Moyer and D'Alemberte pursued their ideas through the bureaucracies of both the ABA, which ended up sponsoring the initiative, and the State Department, which provided start-up funding. CEELI launched with a jurisdiction of six countries, a staff of one, and a grant of about \$300,000. “It seemed like an immense amount of money to us,” says Moyer.

CEELI volunteers started traveling to Central and Eastern Europe. Moyer himself traveled to Albania for a constitutional workshop. As he explains, much of CEELI's early work centered on writing constitutions and statutes. That shifted after the basic legal framework was established (Albania, for one, approved its constitution in 1998). “Countries began to ask for much more specific help. ‘We need a criminal procedure code. We need to understand how a law in bankruptcy would work.’... The program evolved as the issues in the countries changed.”

At the same time the Soviet Union crumbled, leaving a string of states stretching into the middle of Asia in need of CEELI's expertise, and the program expanded to match. In some countries, CEELI has worked directly with cooperative governments, but it also operates in countries resistant to change. “Central Asia, for example, is a very difficult environment,” says Moyer. “All five of the governments in Central Asia are at this moment quite powerful autocratic

The CEELI Institute in Prague



governments, and the official interest in the kinds of law reform that CEELI would facilitate is pretty low.” But CEELI can also reach out to individual judges and lawyers interested in reform. Moyer recalls one judge from Georgia who attended a seminar on judicial reform, then went home and “held in a very controversial decision that the head of state had overreached and violated the constitution in a particular action.”

Moyer estimates that he has spent between three and five hundred hours a year on CEELI, all of this in addition to his international practice at Miller & Chevalier and writing a book, *The R.A.T. (Real-World Aptitude Test)*. “If you have a big pro bono project like that,” he explains, “it just tends to come on top of other things rather than displace other things.”

Moyer resigned as chair of CEELI in 2002, and is pouring his energies into his role as president of the Friends of the CEELI Institute. The CEELI Institute is a 40,000-square-foot, neo-renaissance-style villa in Prague that CEELI is currently renovating to serve as a facility for graduate training and conferences. So far they have completed the first floor, and the Institute has already hosted hundreds of lawyers and judges for courses of intensive practical training.

Moyer calls his work with CEELI “one of the most satisfying professional experiences that I have had.... It also makes me think differently about issues I deal with in my practice every day. It makes me a better lawyer.”

CEELI has grown from one employee to 365, and currently overseeing them all is executive director **Elizabeth Andersen** ’93.

Andersen took the helm in 2003, and she has guided another expansion of the organization’s goals. “We have in the last year and a half commenced programs in the Middle East,” she says. “We have a presence in Bahrain, Morocco, and Jordan and are also exploring the possibility of working in Algeria.”

Andersen says CEELI deals with a lot of the same issues in the Middle East as in Eastern Europe, but the cultural and

political context is different. For instance, “There are obvious challenges relating to the rights of women in both regions. But I would say it’s a more acute issue in the Middle East.”

In addition, a lot of CEELI’s current projects focus on grass roots efforts at legal reform, such as working on curricular reform in law schools, assisting human rights monitoring groups, and giving young lawyers human rights advocacy training. Says Andersen, “You can’t just get the laws right, or get the constitution right.... It’s a first step, but then what’s critically important is to work on implementation. We’re most successful where we really tackle the problem at every step along the way.”

Managing such pervasive efforts in twenty-two countries makes for a demanding job. “What helps the most is if I get on a plane and travel to the countries where we’re working. Then by necessity I delve into the details and get to participate in some of the programs myself,” says Andersen. And in her first year at CEELI, she has made it to nine countries.

Andersen says that the CEELI Institute adds a new dimension, because it allows CEELI to train lawyers away from “the distractions or the pressures of their home environment.” For instance, the Institute held a conference for Iraqi judges on basic principles of democratic justice, even while the security situation in Iraq made work there impossibly dangerous.

Andersen says that in some ways CEELI’s new mandate to work in countries central to the battle against terrorism is as important as its original mission. “We are standing for what is best about the American legal profession in an environment where there is a lot of misunderstanding and misperception of the United States.”



CEELI Executive Director Elizabeth Andersen ’93

“If you’re a minister of health and you’re used to getting disease outbreak reports two months late, you don’t actually have to do anything,” says Paul Meyer. “Now all of a sudden you get a text message saying, ‘Three minutes ago, four different clinics reported cholera.’ You’ve actually got to respond.”



Saving the World at a Profit

Paul Meyer '98 started a business with a social mission.

Is Voxiva Inc. a high-tech company? It provides information management systems for public health initiatives, and its founder, Paul Meyer, was named a “technology pioneer” by MIT. But Voxiva’s strength is creating solutions that work with legacy systems, such as rotary phones, rather than creating a new “whiz-bang technology,” according to Meyer.

As Meyer sees it, Voxiva’s ingenuity comes in how it solves practical problems. The challenge that Voxiva began with was how to get information about public health threats to the right people at the right time. Says Meyer, “There are many, many organizations... that have basically the same fundamental problem, which is that they’ve got this network of people spread out all over a country, out into rural areas. They need to collect information from them. They need to interact with them.... We said... ‘Let’s think about how we can solve that problem leveraging what’s there.’ And if people have broadband internet connections, great, they can use those. But if someone’s got to walk five kilometers to a pay phone in a village, that’s okay too.”

The company’s first project was in Peru, where they installed a disease outbreak monitoring system for the Ministry of Health that allowed health workers to call in reports through a voice-based system or to enter information by computer. Their work in Peru garnered awards and additional contracts. Voxiva has recently deployed systems in India, Iraq, and Africa, including the information system for

the national HIV/AIDS program of Rwanda, which tracks drug distribution, allows clinics quick access to lab results, and helps monitor patients.

After creating the information system, Voxiva helps implement it, which Meyer says is just as important (they currently have about fifty employees in Peru, for example). “If you’re a minister of health and you’re used to getting disease outbreak reports two months late, you don’t actually have to do anything,” says Meyer. “Now all of a sudden you get a text message saying, ‘Three minutes ago, four different clinics reported cholera.’ You’ve actually got to respond.”

Meyer sums up Voxiva as “a hybrid between a software company, a telecom services provider, a healthcare consulting firm, an international development NGO, and a think tank.”

Meyer has a history of developing practical-minded solutions—and developing companies. After law school, he helped launch a nonprofit in South America, then developed software applications to help reunite families in the midst of refugee crises, which were deployed first in Guinea and then in Kosovo. While in Kosovo, Meyer noticed that the communications infrastructure was degraded, so that humanitarian agencies were each bringing in their own systems. He thought new wireless Internet technology would be a better solution—and founded what became the region’s largest Internet service provider.

One might ask another question about Voxiva: Is it a corporation or a social venture?

Meyer sees no conflict between profit motive and humanitarian impulses, aiming to “serve both masters.” He adds, “What traditionally has been a very sharp separation between the public sector and the private sector is starting to disintegrate.” Meyer contrasts Voxiva with many other socially responsible companies by pointing out that Voxiva is “at its core focused on solving big public problems”—so that the company’s financial success and humanitarian success are one and the same. ■