

Republic of Palau

**TOBACCO
INDUSTRY INTERFERENCE
INDEX 2025**

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Coalition for a Tobacco Free Palau

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Background and Introduction

This is Palau's third report for the Global Tobacco Industry Interference Index which assesses how the government¹ is responding to the tobacco industry's tactics by using the World Health Organization Framework Convention on Tobacco Control (WHO FCTC) Article 5.3 Guidelines.² It provides evidence for the period of April 2023 to March 2025. We have used this report to stimulate discussion among policy makers regarding Palau's national Code of Conduct and steps to be compliant with Article 5.3 guidelines.

The Republic of Palau is a self-governing republic that is affiliated with the US under a Compact of Free Association which became effective on October 1, 1994. The population is 17,614 (2020 Census)³ and a new census will be conducted in 2025. While there are over 340 islands that make up the nation of Palau, only twelve are permanently inhabited. The main island group comprises eleven of the total sixteen Palauan states. Palau ratified the WHO FCTC⁴ on 12 February 2004. The Treaty came into force on 27 February 2005.⁵

Update on tobacco burden data

A summary of mortality data from 2018 – 2022 shows that cardiovascular disease, cancer, respiratory disease, infectious diseases and injury are the top 5 leading causes of death in Palau. A summary of cancer incidence reported from Palau to the Pacific Regional Central Cancer Registry, 2007-2022 show that 59% of cancers in Palau are tobacco related.

In 2023, Palau conducted an [NCD survey](#)⁶ – a total of 1,931 individuals aged 18 years or older participated. Results showed that 20.8% of participants are **current cigarette smokers** (31.9% male, 8.3% female), an increase of 0.4% from 2016. Results also showed that 41.2% of adults **currently chew tobacco with betelnut**, a decrease of 3.2% from 2016.

Based on the available data, as reported in the WHO report on global trends, the average prevalence of current smokeless tobacco use among adults in the world is estimated at 6.3% – 9.0% among males and 3.5% among females⁷.

¹According to the SEATCA methodology, for the purpose of this report the term “government” includes all government institutions such as ministries, state services and institutions and their official representatives and staff, representatives of the Office of the President of Ukraine, and representatives of the Parliament of Ukraine, including MPs, their assistants and other official representatives.

²Framework Convention on Tobacco Control. Guidelines for implementation of FCTC Article 5.3, Geneva 2008, [decision FCTC/COP3(7)] <https://fctc.who.int/publications/m/item/guidelines-for-implementation-of-article-5.3>

³2020 Census of Population and Housing of the Republic of Palau <https://www.palau.gov.pw/wp-content/uploads/2022/09/2020-Census-of-Population-and-Housing.pdf>. A new census is being conducted in 2025.

⁴<https://fctc.who.int/publications/i/item/9241591013>

⁵https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IX-4&chapter=9&clang=en

⁶ Palau Adult Hybrid/Community Health Assessment Survey 2023. <https://www.pihoa.org/wp-content/uploads/2024/03/Palau-Hybrid-Survey-2023-Report-FINAL-ENDORSED.pdf>

⁷ WHO Global Report on Trends in the Prevalence of Tobacco Use 2000–2030 <https://iris.who.int/bitstream/handle/10665/375711/9789240088283-eng.pdf?sequence=1>

Among all adults in Palau, 55.0% reported using any type of tobacco. Any tobacco use is defined as smoking cigarettes, chewing smokeless tobacco, chewing betel nut with tobacco, or using another form of tobacco.

Regarding youth, Palau's 2022 Global Youth Tobacco Survey (GYTS)⁸ revealed that 16.8% of students 13-15 yrs old smoke cigarettes. This is a decrease from 41.3% in 2017 and is attributed in large part to the high rates of e-cigarette use at 45.7%. The survey also revealed that 8.9% use smokeless tobacco. The law prohibiting e-cigarettes came into effect one year after the survey was conducted.

Main tobacco companies

Determining market share continues to be problematic due to data collection challenges. Presently, the Bureau of Customs collects import data on tobacco imports based on weight and the brand names are not required. As a result, only a portion of the import data shows brand names. By calling 3 of Palau's top wholesalers/importers and several small stores in the community, we can report that the top brands selling in Palau (in random order) are Sonoma and USA Gold (ITG), Doral (RJR), Carnival (KT&G), Marlboro (ALTRIA) and LD (JTI).

Top local wholesalers/importers (as listed in Annex A) include Palau Wholesale (previously PIDC), Palau Trading Company, the Western Caroline Trading Company (WCTC), Shimbros International Incorporated, and Belau Sales Tobacco Company (BSTCO).

Achievements during the reporting period

Noted achievements in tobacco control during the reporting period include a prohibition on the import, distribution, sale, possession and use of electronic cigarettes within the Republic (RPPL 11-27) which came into force on May 29, 2023⁹. This legislation passed with a lot of community support and no industry interference was identified. Although this was reported in the 2023 Index, it was outside the reporting period and thus reported again in 2025.

May 2024 was declared "Tobacco Industry Interference Awareness" month by President Whipps and World No Tobacco Day and President's Day were observed at the end of the month with the theme "Protecting our Youth from the Tobacco Industry". In the same month, progress was also made on a Code of Conduct compliant with Article 5.3.

Of note too was Palau's Voluntary National Report¹⁰ (VNR) submitted to the UN High Level Political Forum in July 2024 which contained several references to implementation of the FCTC and Article 18 in particular.

⁸ WHO Global Youth Tobacco Survey; [https://cdn.who.int/media/docs/default-source/ncds/ncd-surveillance/data-reporting/palau/palau-gyts-2022-factsheet-\(ages-13-15\)-final_508.pdf?sfvrsn=a0f4fbf8_1&download=true](https://cdn.who.int/media/docs/default-source/ncds/ncd-surveillance/data-reporting/palau/palau-gyts-2022-factsheet-(ages-13-15)-final_508.pdf?sfvrsn=a0f4fbf8_1&download=true)

⁹ Island Times March 31, 2023: <https://islandtimes.org/palau-completely-bans-e-cigarettes/>

¹⁰ VNR 2024: <https://hlpf.un.org/sites/default/files/vnrs/2024/VNR%202024%20Palau%20Report.pdf>

Comparison with previous Index

Palau improved the Index score for this report from 39 in 2023 to 34, due in large part to the action taken by several government agencies to work on meeting requirements for a national code of conduct.

May 2024 was declared by Palau's President to be Tobacco Industry Interference Awareness month and in partnership with the Ministry of Health and Human Services (MHHS) Prevention Unit, the CTFP organized a workshop attended by representatives from the Office of the President, the Ministry of Human Resources, Culture, Tourism and Development (MHRCTD), the Ethics Commission and the Office of the Attorney General to discuss Article 5.3 recommendations and how we might best meet our goals and objectives using Palau's Code of Ethics. The workshop generated constructive dialogue among participants, leading to valuable insights and suggestions. It is expected that further progress will be made before the next report.

Methodology

The report is based on a questionnaire developed by the Southeast Asia Tobacco Control Alliance. There are 20 questions based on Article 5.3 guidelines. Information used in this report is obtained from the public domain only. A scoring system is applied to make the assessment. The score ranges from 0 to 5, where 5 indicates the highest level of industry interference, and 1 is low or no interference. Hence the lower the score, the better for the country. The 0 score indicates absence of evidence or not applicable. Where multiple pieces of evidence are found, the score applied reflects an average. The report covers information on incidents from **April 2023** up to **March 2025**, but also includes incidents prior to **2023** that still have relevance today.

Summary of Findings

I INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

No incidence of tobacco industry participation in policy development during the reporting period was identified and no industry representatives have ever been in a COP, INB or COP work group (WG) delegation.

Industry interference in policy making interference has not taken place during the reporting period and one landmark piece of legislation on e-cigarettes passed without incident or interference.

Similarly, while no law or policy exists, no recent evidence could be found of the government allowing or inviting the tobacco industry to sit in any government interagency/multisectoral committee/advisory group body that sets public health policy.

In July 2023, Palau's President issued Executive Order 484¹¹ to "reconstitute the National Coordinating Mechanism (NCM) to facilitate and coordinate the Government of the Republic of Palau's efforts to combat the occurrences and impacts of Non-Communicable Disease in Palau". Development of an explicit Code of Conduct remains a responsibility of the NCM and while drafted, it has not been made official to date.

2 INDUSTRY CSR ACTIVITIES

No evidence of corporate social responsibility (CSR) could be found during the reporting period.

Palau hosted 24 countries for the Pacific Mini Games in June/July 2025. The games were declared tobacco and e-cigarette-free, and there was a prohibition on advertising, promotion, and CSR activities by the tobacco industry.

3 BENEFITS TO THE INDUSTRY

There is no evidence of such interaction in the reporting period.

Legislation passed in the reporting period that prohibits the import, distribution, sale, possession, and use of electronic cigarettes within the Republic (RPPL 11-27) and came into force on May 29, 2023. There was no interference by the tobacco industry in passing this legislation.

There has been no change in duty free import duties. A person arriving in the Republic by common carrier may import into Palau free of taxation one of the

¹¹ Executive Order #484 https://drive.google.com/drive/folders/1qGr6m-2Bu_qKBI3NIve-bbdI6mp2FvqL

following: one opened pack of 20 cigarettes; one cigar not exceeding 15 grams (.53 ounces); or up to fifteen (15) grams of loose smoking tobacco, chewing tobacco, or pipe tobacco, in an opened package.¹²

4 UNNECESSARY INTERACTION

No evidence of top-level government officials meeting with or fostering relations with the tobacco companies was found, nor were incidents of government accepting assistance from the tobacco industry on enforcement. No evidence found that the government accepts, supports, endorses, or enters into partnerships or non-binding agreements with the tobacco industry or any entity working to further its interests.

5 TRANSPARENCY

No evidence of meetings with the tobacco industry was found. However, there has been no action on this matter since the 2021 report.

No rules exist for the disclosure or registration of tobacco industry entities, etc. Only licensing for all businesses is required and foreign businesses must also be registered under the Foreign Investment Act.

There are no known tobacco lobbyists in Palau.

6 CONFLICT OF INTEREST

Code of Ethics (33 PNCA §601)¹³ calls for transparency, prohibits conflicts of interests, requires disclosures of potential conflict of interests, mandates financial disclosures, and regulates acceptance and use of contributions by government employees, candidates and public officials. However, it doesn't specifically address the tobacco industry.

Progress was made in May 2024 (declared Tobacco Industry Interference Awareness month) when in partnership with the Ministry of Health and Human Services (MHHS) Prevention Unit, the CTFP organized a workshop attended by representatives from the Office of the President, the Ministry of Human Resources, Culture, Tourism and Development (MHRCTD), the Ethics Commission, and the Office of the Attorney General to discuss Article 5.3 recommendations and how we might best meet our goals and objectives using Palau's Code of Ethics. The workshop generated constructive dialogue among participants, leading to valuable insights and suggestions. More work will follow in 2025.

¹²RPPL 9-15 Fiscal Year 2014 Budget Act. *Pacific Islands Legal Information Institute*: <https://bit.ly/3gLJVwQ>

¹³op. cit. Code of Ethics

7 PREVENTIVE MEASURES

Palau continues to have few preventive measures in place. While promoting openness and access to public information, neither the Open Government Act (1 PNCA §901) or the Administrative Procedures Act (APA) (6 PNCA §101)¹⁴ address or mention the tobacco industry **specifically**. Similarly, the Code of Ethics¹⁵, does not prescribe activities specifically with or by the tobacco industry.

The government does not require the tobacco industry to periodically submit information on tobacco production, manufacture, market share, marketing expenditures, revenues and any other activity, including lobbying, philanthropy, political contributions and all other activities. There is a requirement only for tax purposes to report/declare the type and quantity of imported tobacco products.

There is no government program set up to consistently raise awareness within government departments on policies relating to WHO FCTC Article 5.3 guidelines

However, some progress was made in May 2024 (declared Tobacco Industry Interference Awareness month) when in partnership with the Ministry of Health and Human Services (MHHS) Prevention Unit, the CTFP organized a workshop attended by representatives from the Office of the President, the Ministry of Human Resources, Culture, Tourism and Development (MHRCTD), the Ethics Commission and the Office of the Attorney General to discuss Article 5.3 recommendations and how we might best meet our goals and objectives using Palau's Code of Ethics.

¹⁴ op. cit. Administrative Procedures Act

¹⁵ op .cit. Code of Ethics

Recommendations

RECOMMENDATION 1 for Government

IMPROVE existing policies or draft new policies or legislation to meet transparency, conflict of interest and preventive measures as outlined in Article 5.3 guidelines with a focus on the following:

- Policies/rules in place requiring that when interactions with the tobacco industry are necessary, that such interactions are conducted transparently
- Government rules in place requiring the disclosure or registration of tobacco industry entities, affiliate organizations and individuals acting on their behalf
- Implement a code of conduct for public officials, prescribing the standards with which they should comply in their dealings with the tobacco industry
- Have in place a policy to disallow the acceptance of all forms of contribution/gifts from the tobacco industry (monetary or otherwise) including offers of assistance, policy drafts, or study visit invitations given or offered to any official or employee of the government or of any semi/quasi-governmental body
- Tobacco industry and those working to further its interests should be required to periodically submit information on tobacco production, manufacture, market share, marketing expenditures, revenues and all other activities not prohibited or not yet prohibited under Article 13 of the Convention.

RECOMMENDATION 2 for Government

RAISE AWARENESS among civil servants about the need to protect public health policies from commercial and other vested interests of the tobacco industry, and the strategies used by the tobacco industry to interfere with the setting and enforcement of public health policies with respect to tobacco control.

RECOMMENDATION 3 for Government

DEVELOP a clear national policy that puts public health over commercial interests, especially tobacco profits by condemning preferential treatment to the tobacco industry and by forbidding partnerships and non-binding or non-enforceable agreements with them. In asserting such a position and policy, Palau government may clearly show clear commitment to Guiding Principle 1 of the WHO FCTC Article 5.3 Guidelines: “There is a fundamental and irreconcilable conflict between the tobacco industry’s interests and public health”.

PALAU

Tobacco Industry Interference Index 2025 Results and Findings

	0	1	2	3	4	5
INDICATOR 1: Level of Industry Participation in Policy-Development						
1. The government ¹⁶ accepts, supports or endorses any offer for assistance by or in collaboration with the tobacco industry or any entity or person working to further its interests . ¹⁷ in setting or implementing public health policies in relation to tobacco control ¹⁸ (Rec 3.4)	0					
No incidents could be found in the reporting period. Legislation prohibiting e-cigarettes passed in the legislature in March 2023 with much support from the community and the legislators and with no interference from the tobacco industry.   ELEVENTH OLBIL ERA KELULAU RPPL No. <u>11-27</u> Seventh Special Session, July 2022 (Passed as HB No. 11-67-7S, HD2, SD2) AN ACT To amend Chapter 17, Title 11 of the Palau National Code to prohibit the importation, distribution, selling, possession, and use of electronic cigarettes within the Republic of Palau, and for other related purposes.						

¹⁶ The term “government” refers to any public official whether or not acting within the scope of authority as long as cloaked with such authority or holding out to another as having such authority

¹⁷ The term, “tobacco industry” includes those representing its interests or working to further its interests, including the State-owned tobacco industry.

¹⁸ “Offer of assistance” may include draft legislation, technical input, recommendations, oversees study tour

	0	1	2	3	4	5
2. The government accepts, supports or endorses <u>policies or legislation drafted by or in collaboration with the tobacco industry</u> . (Rec 3.4)	0					
No incidents could be found during the reporting period. Legislation passed in the reporting period that prohibits the import, distribution, sale, possession, and use of electronic cigarettes within the Republic (RPPL 11-27) and came into force on May 29, 2023. There was no interference by the tobacco industry in passing this legislation.						
3. The government allows/invites the tobacco industry to sit in government interagency/ multi-sectoral committee/ advisory group body that sets public health policy. (Rec 4.8)		1				
No such incidents were found during the reporting period. In July 2023, Palau's President issued Executive Order 484 ¹⁹ to "reconstitute the National Coordinating Mechanism (NCM) to facilitate and coordinate the Government of the Republic of Palau's efforts to combat the occurrences and impacts of Non-Communicable Disease in Palau". Development of an explicit Code of Conduct remains a responsibility of the NCM. No person from the tobacco industry is a member of the NCM, nor has any person from the industry been invited to attend meetings.						
4. The government nominates or allows representatives from the tobacco industry (including State-owned) in the delegation to the COP or other subsidiary bodies or accepts their sponsorship for delegates. (i.e. COP 4 & 5, INB 4 5, WG) ²⁰ (Rec 4.9 & 8.3) For non-COP year, follow the previous score of COP year.		1				
No tobacco industry representatives were on any of Palau's delegations from COP1- 10 (see Annex B). For COP 10, Palau's FCTC focal point was the sole delegate. There has never been any tobacco industry representative on Palau's delegations to the COP.						
INDICATOR 2: Industry CSR activities						
5. A. Government agencies or their officials endorse, support, form partnerships with or participates in <u>activities of the tobacco industry described as socially responsible</u> . For example, environmental programs. (Rec 6.2)	0					
B. The government (its agencies and officials) receives CSR contributions ²¹ (monetary or otherwise, including CSR contributions) from the tobacco industry or those working to further its interests (e.g. <u>political, social, financial, educational, community or other contributions</u> (Rec 6.4) including <u>environmental or EPR activities</u> (COP10 Dec). NOTE: exclude enforcement activities as this is covered in another question						

¹⁹ Executive Order #484 https://drive.google.com/drive/folders/1qGr6m-2Bu_qKBI3N1ve-bbd16mp2FvqL

²⁰ Please annex a list since 2009 so that the respondent can quantify the frequency, <http://www.who.int/fctc/cop/en/>

²¹ political, social financial, educations, community, technical expertise or training to counter smuggling or any other forms of contributions

							0	1	2	3	4	5
No evidence of corporate social responsibility (CSR) could be found during the reporting period.												
Palau is hosting the Pacific Mini Games in June/July 2025. A policy for the games to be tobacco and e-cigarette free and including the prohibition of any advertising or promotion or CSR activity has been drafted for implementation.												
INDICATOR 3: Benefits to the Tobacco Industry												
6. The government accommodates requests from the tobacco industry for a longer time frame for implementation or postponement of tobacco control law. (e.g. 180 days is common for PHW, Tax increase can be implemented within 1 month) (Rec 7.1)							0					
No evidence was found that the government accommodated any requests from the tobacco industry for a longer time frame for implementation or postponement of the new legislation regarding e-cigarettes in May 2023.												
7. The government gives privileges, incentives, tax exemptions, subsidies, financial incentives, or benefits to the tobacco industry (Rec 7.3)							0					
No evidence was found that the government gave privileges, incentives, tax exemptions, subsidies, financial incentives, or benefits to the tobacco industry during the reporting period.												
Regarding trade specifically, Palau is not a member of the WTO (World Trade Organization) or Party to the GATT 1994 (General Agreement on Tariffs and Trade), TBT Agreement (Agreement on Technical Barriers to Trade), TRIPS Agreement (Agreement on Trade-Related Aspects of Intellectual Property Rights) or PACER PLUS (Pacific Agreement on Closer Economic Relations).												
In Palau, the de minimis threshold for customs duty and tax is set at \$0, meaning all imported goods are subject to duties and taxes regardless of their value. International travelers may bring one opened pack of cigarettes (up to 20 cigarettes), one cigar not exceeding 15 grams, or up to 15 grams of loose tobacco without incurring customs duties. Any tobacco products exceeding these allowances are subject to excise taxes—\$5.00 per pack of cigarettes and \$294.12 per kilogram for other tobacco products. ^{22 23}												
INDICATOR 4: Forms of Unnecessary Interaction												
8. Top level government officials (such as President/ Prime Minister or Minister ²⁴) meet with/ foster relations with the tobacco companies such as attending social functions and other events sponsored or organized by the tobacco companies or those furthering its interests. (Rec 2.1)							0					

²² Avalara. (n.d.). *De Minimis Threshold Table*. Retrieved April 24, 2025, from <https://www.avalara.com/us/en/learn/cross-border-resources/de-minimis-threshold-table.html>

²³ Pristine Paradise Palau. (n.d.). *Customs*. Retrieved April 24, 2025, from <https://pristineparadisepalau.com/customs/>

²⁴ Includes immediate members of the families of the high-level officials

	0	1	2	3	4	5
No evidence of top-level government officials meeting with or fostering relations with the tobacco companies was found.						
9. The government accepts assistance/ offers of assistance from the tobacco industry on enforcement such as conducting raids on tobacco smuggling or enforcing smoke free policies or no sales to minors. (including monetary contribution for these activities) (Rec 4.3)	0					
No evidence was found of government acceptance of assistance/offers of assistance from the tobacco industry on enforcement.						
10. The government accepts, supports, endorses, or enters into partnerships or non-binding agreements with the tobacco industry or any entity working to further its interests . (Rec 3.1) <i>NOTE: This must <u>not</u> involve CSR, enforcement activity, or tobacco control policy development since these are already covered in the previous questions.</i>	0					
There have been no incidents of such activity in the reporting period.						
INDICATOR 5: Transparency						
11. The government does not publicly disclose meetings/ interactions with the tobacco industry in cases where such interactions are strictly necessary for regulation. (Rec 2.2)			2			
No evidence of meetings with the tobacco industry was found. However, there has been no action on this matter since the 2021 report.						
12. The government requires rules for the disclosure or registration of tobacco industry entities, affiliated organizations, and individuals acting on their behalf including lobbyists (Rec 5.3)	1					
Licensing of all businesses is required ²⁵ , and foreign businesses must also be registered under Foreign Investment Act ²⁶ . However, no rules currently exist that are specific to tobacco industry entities, affiliated organizations, and individuals acting on their behalf including lobbyists. There are no known tobacco lobbyists in Palau.						
INDICATOR 6: Conflict of Interest						
13. The government does not prohibit contributions from the tobacco industry or any entity working to further its interests to political parties, candidates, or campaigns or to require full disclosure of such contributions. (Rec 4.11) / Never 5 Yes						5

²⁵Tobacco License application, Bureau of Revenue and Taxation, Ministry of Finance, <https://bit.ly/2QDybBZ>

²⁶Palau Foreign Investment Act: <https://bit.ly/3sYB7q1>

Code of Ethics (33 PNCA §601)²⁷ calls for transparency, prohibits conflicts of interests, requires disclosures of potential conflict of interests, mandates financial disclosures, and regulates acceptance and use of contributions by government employees, candidates and public officials. However, it doesn't specifically address the tobacco industry.

Progress was made in May 2024 (declared Tobacco Industry Interference Awareness month) when in partnership with the Ministry of Health and Human Services (MHHS) Prevention Unit, the CTFP organized a workshop attended by representatives from the Office of the President, the Ministry of Human Resources, Culture, Tourism and Development (MHRCTD), the Ethics Commission, and the Office of the Attorney General to discuss Article 5.3 recommendations and how we might best meet our goals and objectives using Palau's Code of Ethics. The workshop generated constructive dialogue among participants, leading to valuable insights and suggestions. To ensure continuity and further progress, there was a follow-up meeting built upon the outcomes of the initial discussions.

The purpose of the workshops was to raise awareness about tobacco industry interference that poses a threat to implementation of effective tobacco control efforts in Palau and around the world.

Outcomes were; 1) increased understanding of what is tobacco industry interference and Palau's obligation to the WHO FCTC; 2) knowledge of Palau's 2023 TII Index report and results; and 3) agreement in principle to advance Palau's preparedness to reject TII.



Figure 1. Meeting of key government stakeholders to discuss Code of Ethics and compliance with Article 5.3.

²⁷op. cit. Code of Ethics

	0	1	2	3	4	5
14. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)	0					
No incidents were found. The tobacco industry does not have much of a presence in Palau.						
15. <u>Current government officials</u> and relatives hold positions in the tobacco business including consultancy positions. (Rec 4.5, 4.8, 4.10)		1				
Although such a conflict was reported in 2021 and 2023, no documented evidence was found for this report.						
INDICATOR 7: Preventive Measures SCORING for this section: 1. Yes, 2. Yes but partial only, 3. Policy/ Program being developed 4. Committed to develop such a policy/ program 5. None						
16. The government has put in place a procedure for disclosing the records of the interaction (such as agenda, attendees, minutes and outcome) with the tobacco industry and its representatives. (Rec 5.1)				3		
The Open Government Act (1 PNCA §901) and the Administrative Procedures Act (APA) (6 PNCA §101)²⁸ promote openness and access to public information and facilitating the involvement of the public and stakeholder in the policy review process. However, both are self-regulating and like a shortfall of the Code of Ethics, do not prescribe activities specifically with or by the tobacco industry. The Open Government Act²⁹, specifically states that “<i>It is the intent of this Act: that the actions of the government be conducted openly, that all deliberations be transparent, and that all public government documents be open for public inspection.</i> <i>...in providing for an open government and open access to the documents of the government the law shall be liberally interpreted, and that the provisions providing for exceptions to the open meeting requirements and open records requirements the law shall be strictly interpreted against closed meetings and the non-disclosure of records”.</i> According to Article 5.3 guidelines a more specific code focusing on limiting interaction with the tobacco industry to only when strictly necessary is needed.						
17. The government has formulated, adopted or implemented a code of conduct for public officials, prescribing the standards with which they should comply in their dealings with the tobacco industry. (Rec 4.2); <i>Yes – for whole of government code; Yes but partial if only MOH</i>				3		
Code of Ethics (33 PNCA §601) ³⁰ calls for transparency, prohibits conflicts of interests, requires disclosures of potential conflict of interests, mandates financial disclosures, and						

²⁸op. cit. Administrative Procedures Act

²⁹op. cit. Open Government Act

³⁰op. cit. Code of Ethics

	0	1	2	3	4	5
regulates acceptance and use of contributions by government employees, candidates, and public officials. However, it doesn't specifically address the tobacco industry.						
Progress was made in May 2024 (declared Tobacco Industry Interference Awareness month) when in partnership with the Ministry of Health and Human Services (MHHS) Prevention Unit, the CTFP organized a workshop attended by representatives from the Office of the President, the Ministry of Human Resources, Culture, Tourism and Development (MHRCTD), the Ethics Commission and the Office of the Attorney General to discuss Article 5.3 recommendations and how we might best meet our goals and objectives using Palau's Code of Ethics. All participating agencies were agreeable to work toward compliance with Article 5.3. (see response Q13).						
18. The government requires the tobacco industry to periodically submit information on tobacco production, manufacture, market share, marketing expenditures, revenues and any other activity, including lobbying, philanthropy, political contributions and all other TAPS activities such as CSR or EPR (COP10), as well as on tobacco industry entities, affiliated organizations and individuals acting on their behalf, and tobacco industry funded groups and their research and marketing activities (Rec 5.2, 5.3, and COP9 and I0 Decision)						5
Tobacco excise tax is based on the weight of tobacco per tax legislation (RPPL 9-15) ³¹ . Customs also require that quantity and CIF information be provided while license requirements are spelled out in tobacco control legislation (PNC Title II, Chapter 17) ³² . No requirements exist that mandate the tobacco industry to periodically submit information on tobacco production, manufacture, market share, marketing expenditures, revenues, and any other activity, including lobbying, philanthropy, political contributions, and all other activities.						
19. The government has a program / system/ plan to consistently ³³ raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec I.1, I.2)						5
While there are ad hoc presentations and information via social media, there is nothing set up to <u>consistently</u> raise awareness within government departments on policies relating to WHO FCTC Article 5.3.						

³¹ op. cit. RPPL 9-15 Tax legislation

³² op. cit. Palau National Code, Title II, Chapter 17

³³ For purposes of this question, "consistently" means: a. Each time the FCTC is discussed, 5.3 is explained. AND b. Whenever the opportunity arises such when the tobacco industry intervention is discovered or reported.



Figure 2 President Surangel Whipps Jr. with Minister of Health & Human Services Mr. Gaafar Uherbelau at President's Press conference signing Proclamation No. 24-368 "Declaring May as Tobacco Industry Interference Awareness Month and May 31 as World No Tobacco Day" (2024).



Figure 3. Coalition for a Tobacco Free Palau members at WNTD 5 K walk/run.



Figure 4. The theme for WNTD 2024 was "Protecting Youth from Tobacco Industry Interference"

	0	1	2	3	4	5
20. The government has put in place a policy to disallow the acceptance of all forms of contributions/ gifts from the tobacco industry (monetary or otherwise) including offers of assistance, policy drafts, or study visit invitations given or offered to the government, its agencies, officials and their relatives. (4.10)				3		
Code of Ethics (33 PNCA §601)³⁴ calls for transparency, prohibits conflicts of interests, requires disclosures of potential conflict of interests, mandates financial disclosures, and regulates acceptance and use of contributions by government employees, candidates, and public officials. However, it doesn't address dealing specifically with the tobacco industry. Amendments to the Tobacco Control Act have been drafted that will address this issue but have not yet been submitted to the legislature.						
TOTAL	30					

ADDITIONAL QUESTIONS
<i>Based on COP9 and COP10 Decisions highlighting Article 5.3 recommendations</i>
A. LIABILITY: Government has adopted or enforced mandatory penalties for the tobacco industry in case it provided false or misleading information (Rec 5.4) [5.4 Parties should impose mandatory penalties on the tobacco industry in case of the provision of false or misleading information in accordance with national law.]
Evidence RPPL 5-31³⁵ was enacted in 1999 “To authorize the Republic of Palau to bring a direct legal action for recovery of damages for the costs and expenses incurred or as may be incurred for the health care needs of the People of Palau caused by an inherently harmful or defective product”. To date, there has been no incident where the tobacco industry has been penalized under this legislation.

³⁴op. cit. Code of Ethics

³⁵ Palau Community College Library: See

<https://docs.google.com/document/d/1xvOfWtTuNmKF1b12bib7I34tDHIGjOI1/edit?tab=t.0>

Annex A: Sources of Information

	TOP LOCAL TOBACCO COMPANIES/DISTRIBUTORS	MARKET SHARE	BRANDS	SOURCE
1	Palau Wholesale (formerly PIDC)			Bureau of Customs & Border Protection
2	Western Caroline Trading Company (WCTC)			Bureau of Customs & Border Protection
3	Palau Trading Co			Bureau of Customs & Border Protection
4	Shimbros International Incorporated			Bureau of Customs & Border Protection
5	Belau Sales Tobacco Co (BSTCO)			Bureau of Customs & Border Protection

	TOP MEDIA/ NEWSPAPERS	URL
1	Tia Belau	https://www.tiabelaunews.com/ https://www.facebook.com/tiabelau/ print copy is 2x/week
2	Island Times	https://islandtimes.org/ https://www.facebook.com/islandtimespw/ Print copy is 2x/week
3	Echo Paradise/EPFM/EPAM (Public & Government Service) Radio: FM 87.9 AM 1584 TV: Channel 1	Social Media: https://www.facebook.com/divisionofmedia
4	TMC Palau TV: Channel 38	Social Media: https://www.facebook.com/talungabmediacompany TMC Palau YouTube Channel
5	Palau Wave Radio/Television Radio: FM 89.9 TV: Channel 24	Social Media https://www.facebook.com https://palauwaveradio.com Palau Wave Productions YouTube Channel

Annex B – Question 4

List of attendees to the COPs 1- 9 and INB sessions <http://www.who.int/fctc/en/>

COP 1	Dr. C.T. Otto, Chairman, Committee on Health, the Senate, OEK
COP 2	Dr. C. Otto, Chairman, Committee on Health and Education
COP 3	Dr. C. Otto, Senator
COP 4	Dr. Stevenson Kuartei, Minister of Health, Dr. Caleb Otto
COP 5	Dr. C. Otto Dr. Stevenson Kuartei, Minister of Health John Tarkong, Jr., Chief Tax Roman Oseked, Sr. TC Focal Point
COP 6	Mr. Kambes Kesolei
COP 7	Mrs. E. Temengil, Chief, Division of Behavioral Health, MOH Mr. O. Kesolei, CTFP
COP 8	Ms E.J. Temengil Chief, Division of Behavioral Health, MOH
COP 9	Ms. Candace Koshiba, Program Manager/FCTC National Focal Point, Ministry of Health & Human Services
COP 10	Ms. Candace Koshiba, Program Manager/FCTC National Focal Point, Ministry of Health & Human Services
INB 1	Dr C.T. Otto, Senator, National Congress (OEK)
INB 2	none
INB 3	none
INB 4	none