

Accountability ecosystems political economy analysis

Palau country study

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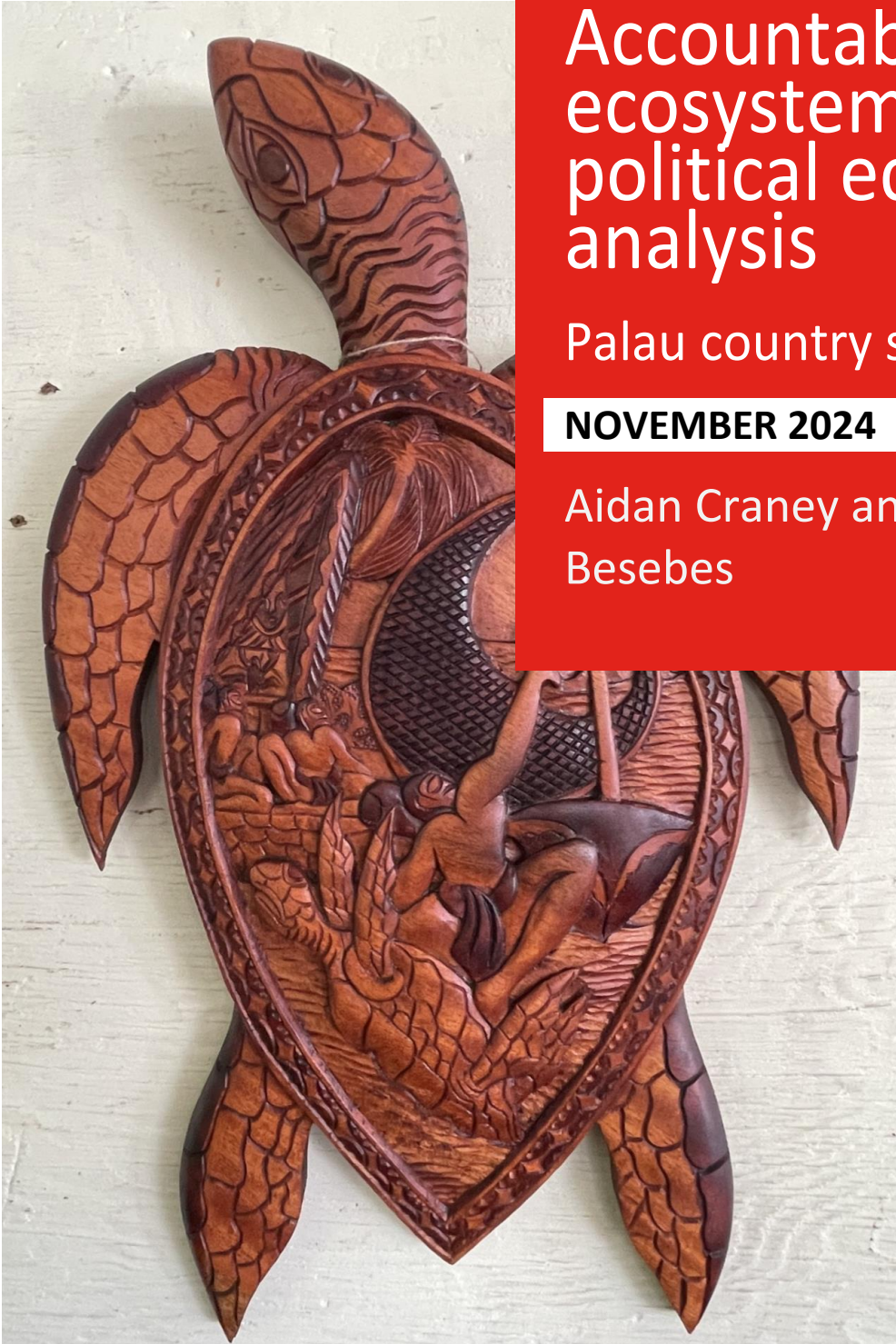


Photo: A traditional Palauan wooden storyboard depicting cultural myths imbued with deep meaning (Artist: Ling Inabo. Photo: Bernadett Besebes)



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The cover image depicts the proverb, '*Metom er a Uel el metom er a Mlai.*' *Metom* means to lose something, the opposite of catch. *Uel* is the turtle and *Mlai* is the canoe. This is based on the legend of Iechaderemai, who was the chief of Ngerchemai village in Koror. One day he went hunting for turtles. When he saw one come up for air, he immediately jumped in the water to catch the turtle. He was not fast enough so the turtle swam away. Belatedly, Iechaderemai realised that his canoe had floated away. Hence, he lost both the turtle and his canoe. The lesson represented is: in anything you do, you must prepare. When you do not, you can lose everything.

Acronyms

BANGO	Belau Association of Non-Government Organisations
COFA	Compact of Free Association
DCLE	Department of Conservation and Law Enforcement, Koror State Government
IOM	International Organisation for Migration
PFM	Public Financial Management
PSC	Public Service Commission
PSO	Public Service Office
NGO	Non-Governmental Organisation
OEK	<i>Olbiil Era Kelulau</i> [Palau National Congress]
OPA	Office of the Public Auditor
OSP	Office of the Special Prosecutor
UNDP	United Nations Development Programme
US(A)	United States (of America)

Executive Summary

Palauan society is complex and multi-layered. It has a proud and vibrant traditional social system that shapes the social roles and responsibilities of individuals within family, clan and village units by markers such as gender, traditional titles and age (Hassall 2009). Palau also has a long and complex history of international engagement compared with other Pacific states. This is influenced by its colonial history, current free association agreement with the United States of America (US), high number of migrant labourers and its geographic positioning closer to Asia than to most other Pacific states. As a result of these influences, accountability in Palau is a dynamic combination of longstanding social norms, formal governance procedures (strongly influenced by the US) and shifting mores shaped by global influences.

Challenges and opportunities in supporting accountability in Palau abound due to the multiple formal and informal, local and foreign influences on power and process. With a small, highly connected population, relationships are fundamental to the everyday functioning of society. This is evident not only in the ubiquity of incidental interactions between residents and leaders – aided by the extremely high proportion of elected politicians to residents – but also in the large number of social groups, and the centrality of traditional kin and clan links to formal politics.

Formal accountability in Palau is strongly shaped by the country's Compact of Free Association (COFA) agreement with, and previous administrative ruling by, the US. This is most evidently displayed in the design of the political system, public service and schooling curriculum, which largely mirror those of the US. At its core, COFA results in Palau designating its national security to the US and receiving financial compensation and visa-free travel and service benefits in return. Perhaps not surprisingly, COFA appears to have impacted formal accountability in Palau such that it is largely outwards-facing and concerned with reporting to the US, rather than inwardly focused on citizen engagement and oversight of decision-making.

Compared to the compliance focus of formal accountability processes, everyday accountability is much more shaped by personal relationships. Despite being a matrilineal society, everyday power in Palau is wielded predominantly by men. Although social closeness means there are abundant opportunities to engage directly with leaders to share opinions, ask questions and hold them to account, cultural reticence to be seen as critical of leaders dissuades such engagement. It is perhaps a result of the social discouragement to critique leaders that accountability practices appear not to be a significant concern to everyday Palauans whose lives do not regularly intersect with governance and international development.

Despite the best efforts of those who work tirelessly for improved accountability and governance standards, there is little upwards social pressure on chiefs and congresspeople. Staff within accountability institutions seek to work cooperatively with individuals and organisations they have oversight of, rather than following a strategy of prosecution and punishment. This approach reflects both the centrality of relationships to Palauan society but also the lax reporting and minimal judicial consequences for impropriety, which means that negligible upwards pressure for accountability from the people is matched by minimal downwards pressure from oversight institutions domestically.

Recommendations for improving accountability focus on building local legitimacy of accountability efforts, as opposed to focusing on capacity for outwards-facing reporting. A clear and obvious first step is to work with existing power systems, including chiefs, elected officials and the influential women's groups that appoint chiefs.

Donors should also seek to promote opportunities to bring civil society together. Despite the concentration of the population in and around Koror, Palau's citizens, residents and communities are often isolated from one another in terms of civic discourse. Convening space for civil society to meet – and including marginalised voices such as those of youth and the massive population of migrant labourers – offers an opportunity to build collective power to realise self-determined change goals. Particular focus should be given to supporting the convening of women, building on the traditional strength of previous Palau Women's Conferences.

Although improved transparency on its own is unlikely to significantly reshape the accountability ecosystem, further efforts to improve accountability might focus on access to timely and accurate information. Noting the high quality but small footprint of Palau's journalists, supporting enhanced regional and global collaborations may provide new skills, perspectives and opportunities for expanding the critical analysis and reach of local media. Improved access to information would also be improved by the availability of formal documentation in local languages other than English and Palauan. Working with existing structures, providing convening power for citizens and residents, and improving access to timely and accurate information all hold potential for supporting everyday accountability in Palau.

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Introduction and methods

Complexities and seeming contradictions provide insights into how accountability and influence are understood and practiced in Palau. For example, although a culturally matrilineal country, women hold few formal customary or elected leadership positions (PacWIP nd). And despite having a strong and assertive sense of independence and self-determination – informed by being a colony of four separate powers between 1885 and 1994¹ – Palau is signatory to a Compact of Free Association (COFA) agreement with the United States of America that grants the US ‘full authority and responsibility for security and defence matters’ (USGAO 2008) among other agreements relating to governance, economic and defence benefits negotiated between the two states (Shuster 2009). Such apparent contradictions in areas of leadership and governance provide important context when exploring the nuances and complexities that shape how accountability and influence are practiced in Palau, both formally and informally.

Palauan society also has several social and economic factors that shape how accountability is understood and practiced and which differentiate it from other Pacific states. In a region that predominantly consists of children and youth, it not only has the oldest population but one that is ageing (World Bank 2022). Palau is in the highest band in the Pacific for gross domestic product per capita (IMF 2024). And rather than contending with high unemployment, Palau is a destination country for labour migrants, with foreign workers constituting over half of the workforce (Maekawa et al 2022; see also Alegado & Finin 2000). These factors, among others, demonstrate a malleability in Palauan society to adapt to emerging social and economic challenges and opportunities (Nero et al 2000). This adaptability has arguably led to classic developmental gains in terms of economic growth and service provision (Todaro & Smith 2020), yet it also influences the manner in which accountability is understood in Palau. Factors that influence accountability norms and practices include traditional social positioning and hierarchies while simultaneously allowing new understandings and practices of power to emerge – oftentimes more quickly than concomitant formal accountability measures can.

This country report examines how accountability is locally conceptualised and practised in Palau at formal and informal levels of governance. The report is part of a wider research project looking at Pacific understandings and practices of accountability across the North and South Pacific and how these are shaped by particular contextual histories and political-economy realities.² The aim is to start with how accountability is thought about and practiced locally, by Pacific Islanders, and to identify constraints and opportunities for strengthening accountability from this basis. This is in contrast to externally imposed ideas of accountability and how it should be progressed, which have gained little traction despite many years of often well-intended efforts.

The study uses a political economy analysis methodology to examine how structures or contextual features, institutions (formal and informal rules) and the power, agency and interests of individuals combine to create both constraints and opportunities for change in accountability practices. Accountability is thought about as an inherently political concept – as privileging particular interests

¹ Palau was a colony of Spain (1885-1899), Germany (1899-1914), Japan (1914-1945) and the USA (1945-1994).

² Six country studies have been conducted across the Federated States of Micronesia, Kiribati, Palau, Solomon Islands, Tuvalu and Vanuatu.

and excluding others. It is also thought about as an ecosystem. That is, there are a wide range of actors that play varying and interrelated accountability roles – both those formal actors and outsiders we tend to think about first, such as ombudsmen and anti-corruption commissions, but also others such as the Church, customary governance actors, civil society and the media. It is this entire network (or ‘ecosystem’) that shapes what accountability looks like in a given place and thinking more expansively about who is relevant to accountability opens up potentially new avenues for strengthening accountability (see Denney, Nimbtik and Ford, 2023).

In Palau, research was undertaken through a review of relevant academic and grey literature, alongside 13 interviews with 16 respondents³ who are accountability ecosystem actors in the urban region of Koror and the capital of Palau, Ngerulmud, from June to September 2024. In addition, a focus group was held with members of the Belau [Palau] Association of Non-Government Organisations (BANGO) in Koror with a total of 15 participants, including men and women, as well as representatives from the disability community. While diverse and plural views were sought, there may be individuals and communities in Palau that would challenge the narratives given. Analysis involved distilling key themes that emerged across the interviews and focus group discussion.

The remainder of the paper is structured as follows. Section 1 summarises understandings of accountability in Palau. Section 2 details some of the contextual features that shape how accountability is thought about and practiced. Section 3 considers the formal and informal rules that inform how accountability functions (or does not). Section 4 maps the actors, power and interests of the accountability ecosystem in Palau. Finally, section 5 synthesises these political economy elements to identify potential constraints and opportunities for change and sets out recommendations. Throughout, images are used to assist in conveying key points of analysis.

How accountability is understood and practiced in Palau

Accountability in Palau is shaped by a combination of longstanding social norms, formal governance procedures largely mirroring those of the USA (Piazza 2006:114-115) and shifting mores shaped by global influences such as overseas schooling and exposure to migrant domestic help.

The testimonies from the cross-section of Palau’s accountability ecosystem that we spoke with demonstrate that accountability as a concept holds weight in Palauan society, particularly around established social roles. When discussed directly though, ‘accountability’ is most typically connected with formal responsibilities, likely demonstrating the influence of reporting in donor-recipient relationships, most notably with the US through the Compact of Free Association agreement. A dual picture of accountability thus emerges – on the one hand connected to social, relational dynamics that play out in clans and Palau’s many associations, while on the other hand connected to formal processes of accountability that are largely oriented towards external reporting to the US.

³ 12 interviews were conducted with a single interviewee and 1 with 4 interviewees.

An interesting insight into how formal and traditional governance systems interact was offered by Senator Secilil Eldebechel, Chair of the Senate's Judiciary and Governmental Affairs Committee. Although he is one of the presiding officers of the Palau Senate – a position that would confer great status in many other parts of the world – Senator Eldebechel noted that it is social norms, not electoral politics, that dictate leadership status in Palau (Interview, September 2024). Senator Eldebechel is responsible for calling oversight hearings of government agencies, deliberating on bills to become laws and representing Palau on the world stage, but as a clan titleholder of lower rank and a younger age than high-ranking chiefs, he can advise these chiefs but has no direct authority on decision-making in traditional spaces (Interview, September 2024). In this way, the informal rules of custom place limits on the formal role of accountability actors.

In interviews, respondents reflected on accountability in practical terms related to social cohesion, financial management and resource provision. Dirrebrak, Elecita Morei of the NgarMaiberel⁴ commented on accountability as requiring leaders to identify with those they represent and act in their interests, stating: 'Even if you're the leader, it doesn't mean you can lord it over the people' (Interview June 2024). Focused more directly on financial management, Public Auditor Satrunino Tewid offered, 'Accountability is important... because the government is supposed to support the people: it's their money, their resources' (Interview June 2024). Building upon and narrowing the focus from Tewid's comments, president of the Palau Media Council, Kambes Kesolei, reflected on resource and service provision in the health sector as an example of where accountability can be demonstrated and tested. He asserted that accountability is being able to positively respond when asked, 'Does the hospital have medication when you bring a prescription? Is the hospital clean and functional?' (Interview June 2024). Beyond formal understandings and measures of accountability, Senator Eldebechel further noted that accountability is 'a process to demonstrate responsibility in the home or work [or] in society.'

Interviewees also spoke of deficits in formal and informal accountability owing to social closeness. Although clan allegiance is well noted for its influence on formal electoral politics (see Piazza 2006; Veenendaal 2016), disunity in clans is reported as becoming increasingly common (Interview with Ngiraked, Yukiwo Dengokl, June 2024) with factional relationships being privileged over effective governance. In-clan groups mirror other, more formalised, social groups that proliferate throughout Palau and present possibilities not only for factionalism but also for cooperation. Anastacio writes of Palauan culture that, 'Palauans in general are people who avoid solitude,' adding, 'They tend to form organisations, with individuals having membership in more than one' (1998:18). This membership of groups – often formed according to a combination of gender, age and location – continues as a cornerstone of Palauan society today. The prevalence of these groups demonstrates the importance of social cohesion within Palau and offers an avenue for engaging people to share information regarding existing accountability measures, consult on prospective new measures and/or to gain further insights into organic and locally relevant collective action and activity.

⁴ A club of high-ranking women of Koror State.

Contextual features shaping accountability

Three contextual features are identified as fundamental in shaping how accountability is understood and practiced in Palau. The first relates to its highly urbanised, ageing and socially close demography, shaped by connectivity of the two main islands (and, by extension, lack of connectivity to outer islands). The second relates to the global influences on Palauan society, from a history of multiple colonisers between the late-19th and late-20th centuries through to the current Compact of Free Association with the USA. The third relates to Palau's large number of labour migrants in its workforce.

GEOGRAPHY, DEMOGRAPHY AND SOCIAL NETWORKS

Palau has an ageing and highly urbanised population. Unlike most other Pacific states, Palau has a majority adult population, with a birth rate well below replacement levels at 0.85 births per woman (World Bank 2022). Further, Palau's population is disproportionately male, with 1.2 men and boys for every woman and girl (OPS 2022:10). As discussed below, although culturally a matrilineal society, the vast majority of political and traditional leaders are men and they wield the most everyday influence in the country. Young people are typically not only disassociated from decision-making processes and oversight but that there are few pathways to their active engagement. Chair of the Palau Youth Council and current Miss Palau, Dee-Raya Antonio, noted that leaders and senior bureaucrats have limited focus and outreach to youth on issues of social and economic importance (Interview, September 2024). She added that only individuals who pursue politics as a study or career focus, or children of traditional leaders who are training to be their successors, are likely to have any chance of being involved in decision-making spaces (Interview, September 2024).

The majority of Palau's population live in or near to the urban hub of Koror. As of the 2020 census, slightly fewer than two-thirds of people lived in Koror (OPS 2022:10). When the neighbouring state of Airai is included, this figure increases to greater than three-quarters of the population. And it balloons to over 95 percent of the population when inclusive of all of the ten states (including Airai) of the largest island of Babeldaob, which are all connected by road (OPS 2022:10). Fewer than five percent of the nation's residents live in the outer islands that are not connected by road to Koror and Babeldaob (OPS 2022:10).

Connectivity in Palau has increased significantly since completion of the Japan-Palau Friendship Bridge in 2002 (Shuster 2013),⁵ which links Koror and Babeldaob, and the US-financed Compact Road that circumnavigates Babeldaob in 2007 (Shuster 2008). As a result of this connectivity, the majority of Palau's population have physical access to multiple levels of formal leadership, as well as the existing access to village-based traditional leaders. This physical access to one another emphasises already existing social closeness in traditional villages (see Force 1960:34-37) in which clans⁶ each had representation in village decision making that meant people knew multiple leaders in their immediate community. Contemporary social closeness, assisted by high accessibility in Koror and Babeldaob, is

⁵ This bridge replaced the previous Koror-Babeldaob Bridge, which collapsed in 1997.

⁶ *Kebliil* in Palauan.

summarised by Piazza: ‘given the connectedness of the community and size of the population, access to Political leaders was often as simple as going to a local restaurant or bar’ (2006:119).

This social closeness can be both a positive and negative influence on accountability. Citizens have minimal degrees of separation from their leaders meaning that they can directly raise issues but also must maintain cordial relations in a way that may dissuade challenging the behaviours of people with high status. This social closeness is not unusual in the Pacific (see Craney and Tanielu 2024) but is compounded in Palau due to an abundance of both traditional and political leaders.

In contrast to those living in Koror or on Babeldaob, those on outer islands experience significant representative isolation. Furthermore, lack of critical mass outside of Koror means that public sentiment in the city shapes political and bureaucratic discourse that may determine the focus of accountability efforts. Further, because the majority of outer island citizens live in Koror or off-island,⁷ their sociocultural views are shifting rapidly in ways that do not necessarily align with long-held cultural values and ways of living in the outer islands (Interview with Wayne Andrew, September 2024). As Kambes Kesolei noted (Interview, June 2024), such priorities may not align with the wishes of people living outside Koror, which is more socially liberal than the rest of the country. Combined, these factors speak to a focus on formal accountability centred in older men living in or close to Koror. This not only means that the majority of the population are not actively involved in decision-making processes, but suggests they are unlikely to show significant interest in accountability on issues of social and/or economic importance due to the lack of opportunity given for their voices to be heard (see Downs 1957).

COLONISATION, COFA AND FOREIGN INFLUENCE

Although Palau’s Constitution was ratified in 1979, formalising and codifying Palau’s legislative and judicial systems, Palau only achieved independence in 1994, following recurrent colonial rule by Spain from 1885-1899, Germany from 1899-1914, Japan from 1914-1945 and finally the US from 1945-1994. Upon independence in 1994, Palau signed the Compact of Free Association (COFA) with the US. A natural extension of this long and complex colonial history under the power of four separate countries and ongoing close relationship with the US is that accountability practices in Palau have often been focused on formal measures that reflected those of the controlling state. As Piazza (2006:115) notes, the legislative and judicial structures created through COFA were designed to replicate governance standards in the US while being respectful of traditional Palauan leadership and structures. These structures also demand reporting by public servants that mirrors acquittal procedures developed in the USA that are seen as time consuming without resulting in actual improved adherence to process nor effectiveness in oversight practices (Interview with Eunice Akiwo, June 2024). A further consequence of these structures is that formal accountability in Palau can be seen as ‘outwards facing’, whereby reporting is designed to appease foreign interests and expectations of accountability rather than reflect locally created and understood approaches.

As an imposed system that ‘came into existence as a result of colonial interventions’ (Piazza 2006:141), some have argued that the imposition of Western-style democracy has actually minimised existing leadership norms which were more representative and democratic in a local context. Ngiraked, Yukiwo Dengokl, high chief of the state of Airai and member of the Council of Chiefs, summarised: ‘As a Palauan I see some of the negative impacts of the US on our traditional [leadership] system’

⁷ ‘On-island’ is colloquially used to refer to Palauans who are within the geographic boundaries of the country, including in outer islands. By contrast, ‘off-island’ refers to those outside the country at any point in time but with particular reference to those who are living away from Palau for extended periods for work or study.

(Interview, June 2024). Dirrebrak Elecita Morei pointedly questioned, ‘Do we want to live [Western] democratic or do we want to live in more traditional ways?’, before offering, ‘It’s a balance’ (Interview, June 2024).

Staff in the Office of the Special Prosecutor noted specific challenges related to land tenure and the legitimisation of chiefly titles caused by formal judicial processes which sidelined traditional dispute resolution processes (Interview, June 2024; see also Island Times 2022). However, Ngiraked, Yukiwo Dengokl (Interview, June 2024; see also Piazza 2016:135-137) noted that these challenges commenced with foreign dispute resolution approaches brought by Spanish and German colonisers, then extended through Japanese and US influence. In this way it appears that some of the institutions of democracy introduced by foreign powers may have corroded local forms of shared decision-making and community voice. As Piazza writes: ‘one of the impacts of the [imposed] institutional bureaucracies is the marginalisation of traditional leaders, women, elderly, rural and poor’ (2006:141). It is noteworthy that political scientist Wouter Veenendaal has found that even though public trust in elected politicians is relatively high compared with other states with small populations (2013:451), in Palau traditional leaders are viewed more favourably than elected politicians (2013:451; 2016:33), they are seen to be effective mediators in disputes that are not resolved through formal processes (2016:33) and that ‘through their continued influence non-elected leaders are actually perceived to be contributing to good governance and democracy in Palau’ (2016:34).

Further foreign influence can be attributed to Palau’s closeness to mainland and archipelagic east Asia. The distance of Palau to China and Japan is similar as that of Palau to Solomon Islands and roughly half the distance of Palau to Fiji. Culturally, Palau remains much closer to other Pacific societies than to Asia, however it displays a willingness to take advantage of its geographic position particularly through tourism and migrant labour (Finin 2021; Mita 2010),⁸ that is greater than most other Pacific states.

A impact of the COFA agreement on Palauan understandings and practices of accountability are apparent in three key ways. First, the structure of formal accountability institutions reflects norms and processes from the US that have developed over a long period of time (notwithstanding their own colonial influences), rather than locally established approaches to governance. Second, formal accountability is outwards facing, in that it is oriented to meeting the standards of the bilateral agreement rather than those demanded by the constituency. Third, the financial windfall from COFA – coupled with an awareness of Palau’s geostrategic importance to the US in the context of heightened geopolitical competition, likely diminishes the pressure on politicians and senior bureaucrats to ensure robust budgetary decision-making and acquittal processes are followed. They are aware that there is likely to be little fallout from their non-compliance.

LARGE MIGRANT LABOUR FORCE

Palau’s economy is underpinned not only by COFA, tourism and taxation but also a labour force where greater than half of all employees in the private sector are foreign, mostly from the Philippines and Bangladesh (Interview with Senator Kerai Mariur, June 2024; Maekawa et al 2022; Alegado & Finin 2000). Interviewees reported that strong workplace laws exist to support this migrant labour force (Interview with Kambes Kesolei; Interview with Senator Kerai Mariur, June 2024), although exploitation of migrant workers has long been flagged as a concern (see Alegado & Finin 2000). Adding to the picture of real and perceived risk to migrant labourers is that Palau is considered a Tier 2

⁸ It should be noted here that China imposed restrictions on tourists visiting to Palau in 2015 that resulted in a dramatic drop of tourism, which has been attributed to Palau’s continued international recognition of and allegiance to an independent Taiwan (Wesley-Smith & Smith 2021:15; Wu & Lo 2024)

country regarding human trafficking as ‘The Government of Palau does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so’ (USDOS 2023).

Although those interviewed expressed positive sentiments regarding migrant labourers, they also expressed concern that shifts in childrearing associated with having foreign nannies (Interview with Nancy Rengul, June 2024), coupled with the influence of the US school system (Interview with Ngiraked, Yukiwao Dengokl; Dirrebrak Elicita Morei, June 2024) may undermine efforts to maintain and promote Palauan culture and language. Notably, migrant workers do not have voting rights and there are no minimum wages in some industries (USDOS 2024). For accountability, this means that the large low-skilled migrant labour force is left out and as a result their rights, needs and interests are likely not considered within governance in Palau.

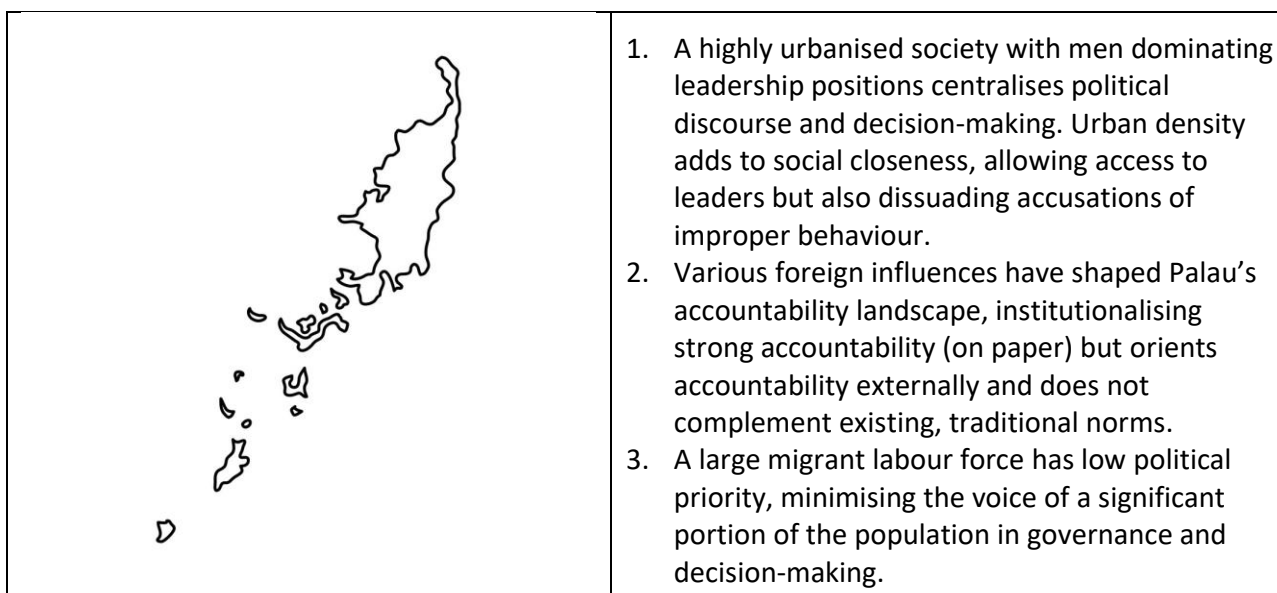


Figure 1 Contextual features shaping accountability in Palau⁹

Formal and informal rules and norms shaping accountability

STATE INSTITUTIONS OF ACCOUNTABILITY

Palau has four main state institutions of accountability: the Ministry of Finance, Office of the Public Auditor (OPA), Office of the Attorney General (OAG) and the Office of the Special Prosecutor (OSP). The Ministry of Finance is responsible for the planning, provision and oversight of public spending. Its mission is to ensure ‘accountability, continuous productivity of government services, and economic growth by promoting policies for, and sound management of, expenditures, revenues, financing, and

⁹ This map does not show the outer islands of Orukei approximately 35 kilometres to the north and Sonsorol and Hatohebei approximately 300 and 500 kilometres to the south, as it is not possible to produce a legible map of Palau that includes them in this format.

human resources' (MoF nd). The Ministry of Finance is meant to receive annual performance reports from all government departments that document allocated funding, acquitted funding and forward needs. According to Senator Kerai Mariur, however, reporting from departments is lax, with some simply copying and pasting information year-on-year without updating and some departments not submitting reports at all (Interview, June 2024). Senator Mariur lamented that there seems to be no negative consequences for failure to produce accurate, up-to-date reports (Interview, June 2024).

The Office of the Public Auditor oversees the public sector and agencies that receive funding from the government. Its approach to auditing is one of cooperation, focusing more on identifying and reporting on weaknesses so that individuals and agencies can correct them (Interview with Satrunino Tewid, June 2024). By taking this educational and cooperative approach, the OPA is similar in its approach to its counterpart in Kiribati (see Craney & Tanielu 2024) and in contrast to more punitive approaches to auditing that are sometimes promoted in public financial management. The OPA has a further remit to be able to audit donor programs but rarely does so due to limited capacity (Interview with Satrunino Tewid, June 2024). Of note, all completed audits are made publicly available and do not need to be tabled in Congress before public release (Interview with Satrunino Tewid, June 2024). If corruption is uncovered it is reported to the Office of the Special Prosecutor, with the two offices freely sharing information (Interview with Satrunino Tewid, June 2024).

The Office of the Attorney General sits within the Ministry of Justice. Its three core functions are to: 1, provide legal services to the executive branch of government; 2, prosecute criminal cases; and 3, act in civil and criminal cases brought by or upon the executive branch of government (see Anilkumar 2023:3).

The Office of the Special Prosecutor is responsible for investigating and prosecuting corruption and criminal impropriety in government and the public service. Its mandate covers the entire civil service, as well as any organisation that receives government funding (Interview with OSP, June 2024). Anyone can anonymously refer a case to the OSP through their website (Interview with OSP, June 2024). The capability of the OSP was demonstrated through the successful prosecution of former governor of Ngiwal state, Ellender Ngirameketii, in 2022 for misconduct (OSP 2022). Ngirameketii was sentenced to time served as a result of failing to attend a scheduled sentencing hearing, plus USD30,000 (Reklai 2022). The prosecution of Ngirameketii, alongside investigations focused on bureaucrats accused of embezzling funds through the Workforce Innovations and Opportunity Act (Ngirudelsang 2024) and continued pursuit of fines from former president Tommy Remengesau Jr (OSP 2023), demonstrates the focus of the Office of the Special Prosecutor on high level political misconduct, rather than lower-level bureaucrats. Despite these cases, the OSP reports anecdotally that corruption has increased in recent years with lenient sentencing fostering an environment that tolerates malfeasance (Interview, June 2024).

CHALLENGES FOR INSTITUTIONS OF ACCOUNTABILITY

In discussions with representatives from the Office of the Public Auditor and Office of the Special Prosecutor, as well as former Chair of the Standing Committee on Ways and Means of Financial Matters, Senator Kerai Mariur, multiple challenges were raised regarding capacity of accountability institutions to conduct their work. At a technical level, it was reported that human resources are constrained by a combination of relatively low salaries for qualified staff, a lack of suitably qualified staff and an oversupply of work. Specific concerns differ from office to office. Satrunino Tewid of OPA reported (Interview, June 2024) that his office has a satisfactory budget but struggles to recruit and retain qualified staff, sharing that a key member of staff was an intern from the University of Hawai'i. In contrast OSP (Interview, June 2024) shared that although they have sufficient funding to undertake

basic tasks and to have some success in prosecutions, to be fully functional they would likely need to double their investigative team and add another prosecutor at least in a part-time capacity. OSP also shared that the current structure of human resource approvals within government means that to promote staff would require reclassifying and readvertising their position publicly at a higher salary level, which acts as a barrier to staff retention (Interview, June 2024).

At a process level, the lack of consequences associated with government departments not submitting accurate and up-to-date annual reports, as detailed above, leads to an environment that implicitly discourages such reporting. Not only does this mean that record keeping for accountability is weak, the Ministry of Finance is also negatively impacted by not being able to rely on reporting for accurate budget forecasting (Interview with Senator Kerai Mariur, June 2024).

At a societal level, social closeness can act as a significant challenge to staff within accountability institutions seeking to investigate or prosecute suspected cases of impropriety. Speaking of the challenges involved in working on accountability in a small community, Senator Eldebechel noted, ‘constituents are either friends or relatives’ (Interview, September 2024). Similarly, Satrunino Tewid bluntly summarised: ‘That’s the cultural challenge – I know the defendant’ (Interview, June 2024). Nonetheless, he shared that in such circumstances he not only feels compelled to take action, as per his role, but to communicate to the alleged perpetrator: ‘It’s my job. You didn’t do your job, so I have to do mine’ (Interview, June 2024). Despite the evidence of commitment to accountability within OPA and OSP currently, challenges of social closeness impacting investigation and prosecution remain a potential barrier to accountable governance.

At the political level, the dependence on US funding as a COFA state means that formal accountability can be oriented towards meeting US reporting requirements. Section 231 of the COFA agreement outlines that ‘The Government of Palau shall ... report annually to the President of the United States and to the Congress of the United States on the implementation of this plan and on its use of the funds [provided]’ (COFA 1988). With interviewees expressing that accountability from politicians and bureaucrats is not a pressing concern for the Palauan citizenry, a focus on reporting compliance – as opposed to meeting community expectations – can be seen as the primary aim of accountability.

CODE OF ETHICS

A Code of Ethics Act applies to all individuals in Palau who nominate for elected office, are elected to office, hold positions as public officials and/or are employed as public servants. The Code includes provision for the establishment of an Ethics Commission to regulate compliance of affected individuals and outlines civic and criminal penalties for those found to have transgressed the Code (OSP 2019).

Notably, the Code does not apply to traditional leaders unless they simultaneously hold a position as noted above. Public Auditor Satrunino Tewid, reports that traditional leaders were included within previous iterations of the Code of Ethics Act prior to its most recent update in 2019 – and that no other mechanism has replaced it for these leaders. He mused that this decision may have been influenced by the need for state legislators to have support of local chiefs, who can influence how their communities vote (Interview, June 2024). In practice, this means that traditional leaders are not held to account by the national Code of Ethics but rather by their own informal customary codes and values.

INTERNAL LEADERSHIP OVERSIGHT MECHANISMS

Alongside the above institutions are measures that political leaders can use for accountability practices internally. Chief among these are Senate standing committees. Standing committees can request

official investigations into specific matters or inquiries to produce timely and relevant information to inform decision-making by Congress. Within the *Olbiil Era Kelulau* (OEK), there are standing committees providing investigation and insight into matters related to government work, foreign affairs, domestic affairs, the economy and the environment.

A further, notable, component of internal oversight mechanisms in Palau are provisions related to ‘sole judge’ decisions. A sole judge decision occurs in the instance of potential conflict between multiple bodies on matters of decision-making, with particular reference to the eligibility of someone to sit as a chief or elected official, placing authority in the original body to have adjudicated on a matter. The sole judge provisions in the Constitution circumvent the risk of the judiciary determining the eligibility and legitimacy of persons to sit in congress, on the Council of Chiefs and also within village councils of chiefs, allowing those bodies to determine such matters internally. In congress, this famously occurred in relation to the disqualification of Camsek Chin due to the senate determining he was a US citizen (Interview with Ngiraked, Yukiwo Dengokl, June 2024; Interview with Senator Secilil Eldebechel, September 2024; Shuster 2009). The sole judge provision also allows the Council of Chiefs to determine internally who will represent a state in the event of disputed titles.

SIZE, SCOPE AND BREADTH OF TRADITIONAL AND ELECTED LEADERS

It is notable that Palau has a very large number of formal leaders across formal and traditional politics. Each of the 16 states has its own government with 10 elected representatives, the national House of Delegates comprises of an elected representative from each state, the Senate contains 13 representatives elected from a nationwide vote,¹⁰ plus a President and Vice President are also directly elected by national vote. As a result, Palau has 191 elected leaders across state governments and its bicameral national congress¹¹ for a population of approximately 18,000 people (DFAT nd; OPS 2022). This density of having an elected politician for roughly every 94 citizens is remarkable globally. Although the high number of elected officials could be seen to lead to better representation of citizens, the social custom of voting along clan lines and social reluctance to criticise leaders appears to mean that the quality of representation and the commitment to accountability of elected politicians is not improved in correlation with their proportionality.

Alongside those elected to formal politics are representatives within Palau’s traditional chiefly system. At the apex of this system is the Council of Chiefs, comprising the highest chiefs from each state (Veenendaal 2016:32). Below the Council, each village has a chief and representation in local *bai* (decision-making houses) from each clan of the village, typically numbering between 7 and 10 leaders (Force 1960:34-37; see also Veenendaal 2016:31). Informed by its matrilineal basis, village chiefs and heads of clans are appointed by councils of women elders known as *Ourrot* (Anastacio 1998:17; Veenendaal 2016:31; Interview with Ngiraked, Yukiwo Dengokl, June 2024). The high number of traditional and elected leaders contributes to the social closeness of Palauan society, with the majority of citizens having multiple formal and traditional leaders that they can be in direct contact with or whom they may be able to influence through other social connections.

WOMEN’S REPRESENTATION IN FORMAL LEADERSHIP

Despite the prominence of women in the selection, and potential removal, of chiefs, in everyday practice their power and influence is lower than that of male leaders. 42 women hold office across

¹⁰ This will increase to 15 representatives from the November 2024 election on the recommendation of the Congressional Reapportionment Commission (Reklai 2024).

¹¹ The congress is known as *Olbiil Era Kelulau* (OEK; literally, ‘House of whispered decisions’).

both state and national parliaments (IOM 2023), despite the nearly 200 elected parliamentarians in the country. At village level, male chiefs have a female counterpart, the *Klderaol*, however these counterparts have less direct everyday power than male chiefs (Interview with Ngiraked, Yukiwo Dengokl, June 2024). Palauan academics, Juliana Anastacio (1998:19-20) and Millicent Mei-Ling Piazza (2006:117), have posited that women's everyday power and influence in Palau has decreased since the US assumed administration of Palau. This is because boys were educated to a higher level from this period due to girls being removed from school once their education reached a standard sufficient for them to perform their familial village duties. Lower education resulted in lower status employment and, flowing from this, fewer opportunities to pursue political office as a result of lesser public recognition than that of high status and highly accomplished men (Anastacio 1998:20).

Although their formal presence in leadership may be limited, women and women's groups are still seen as a political force in Palau. Piazza (2006:118-119) writes of gatherings of the Palauan Women's Conferences, emanating from meetings first formally held by women in Palau 1955, as forums where women could discuss social issues and use their collective weight to influence policy changes. More recently, the NgaraMaiberel demonstrated their influence by engaging in a protest march in response to plans to allow missile testing from a sea plane ramp, with their action proving pressure enough to convince elected officials to change their plans (Interview with Dirrebrak, Elecita Morei, June 2024). Recognising the capacity for further collective influence from women and women's groups in politics, there is some appetite to increase women's political representation, as shared by Dirrebrak, Elecita Morei of the NgaraMaiberel, who expressed: 'There should be more women in elected parliament,' and that, 'I wish there was a league of women voters' (Interview, June 2024). Such increased direct engagement in civic discourse and decision-making offers a potential pathway to strengthened social accountability.

CLAN ALLEGIANCE IN POLITICAL SUPPORT, LACK OF POLITICAL PARTIES AND MINIMISATION OF PUBLIC POLITICAL DISCOURSE

One of the hallmarks of Palauan politics is a lack of party machinery. Politicians may nominally belong to a political party but Veenendaal (2016:29) notes that Palau is among six Pacific states¹² that have 'never experienced the establishment of formalized, stable and enduring political parties.' As Senator Kerai Mariur offered: 'In Palau, there's no Democrats and Republicans' (Interview, June 2024).

One reason proffered as to the lack of political parties is that the greatest driver for political support in Palau remains clan and kin connections. As Piazza (2006:117) found when discussing what drives voting intentions amongst Palauans: 'people interviewed described a persistent mentality about voting conventions that reflect votes cast according to familial or clan ties rather than on political platform.' This is not a unique situation, with Jayaweera and Morioka (2008:19) finding similar patterns in other parts of the Pacific.

An impact of voting along clan and kin connections is that politicians can avoid articulating a policy-based and/or ideologically informed platform. Voters are most likely to elect politicians based on their personality and personal connections, and politicians prioritise shoring up support within their clans by focusing on hyperlocal issues and even engaging in acts of patronage (Veenendaal 2016:33). As Veenendaal (2016:33) notes, this means that 'substantive considerations only play a secondary role' in political decision-making. As a result, political discussions and decision-making are most likely to occur within and be informed by small in-group communities (Veenendaal 2016:33). This has the dual impact

¹² The others are the Federated States of Micronesia, Kiribati, Nauru, the Republic of Marshall Islands and Tuvalu.

on accountability of stymieing an environment where public political debate and discourse is open and encouraged, as well as making it difficult for citizens to hold politicians to policy and/or ideological positions that they campaigned upon. As Nancy Rengul, Principal of Belau Modekngei School reflected, ‘When it’s campaign time we [politicians] use these juicy words... When it’s over we don’t use them... People in Congress are not responsible’ (Interview, June 2024).

LACK OF PUBLIC OVERSIGHT OF DECISION MAKING

A lack of transparency and oversight in decision making processes through a limited mediascape was highlighted as a challenge for accountability of leaders to citizens. The media landscape in Palau is very small, with only two newspapers (each published twice weekly) conducting original political analysis.¹³ Across the two papers, there are fewer than five journalists operating in the country at any one time (Interview with Kambes Kesolei, June 2024). This compounds existing challenges of citizens having limited knowledge of procedures and institutions that support and enforce accountability, as well as pathways for reporting suspected corruption or malfeasance (Interview with Jennifer Olgeriil, June 2024). Notably, the Palau Media Council (PMC) adopted a Code of Conduct for journalists in 2023 targeted at accountability, aiming to assist journalists ‘to be more aware of the impact of corruption and how to prevent corrupt practices’ (UNODC 2023).

Kambes Kesolei, president of the Palau Media Council, reports that most contemporary public discourse occurs through social media and without detailed and expert journalism to guide public debates, misinformation and confusion easily spreads. This assertion was echoed by Chair of the Palau Youth Council, Dee-Raya Antonio, who noted that youth both on-island and off-island are equally informed about issues in Palau due to the reach of social media (Interview, September 2024). Kesolei noted that social media is not by nature a negative influence on public discourse, citing its ability to preserve and promote culture and the growth he has witnessed in youth interest in using social media to better understand the actions of their elected leaders (Interview, June 2024). However, he cautioned that as the influence of social media grows and the information flowing from social media increases, its role must be considered as a key component within Palau’s accountability ecosystem.

Despite challenges to robust public oversight in Palau, there are strong foundations for improving accountability to and from citizens. The 2014 Open Government Act means that government officials must annually table financial disclosure statements,¹⁴ the public has right of access to official documents and requests for official documents must be responded to within ten days (Interview with Kambes Kesolei, June 2024). Kesolei also reported that successive governments have had a respectful and responsive relationship with media for over a decade¹⁵, including through conducting regular presidential press conferences¹⁶ where the president can make public statements but will also answer questions from the press corps (Interview, June 2024). Further, Freedom House (2024) records Palau as being in the top decile of rankings for its *Freedom in the World* project that tracks political rights and civil liberties. This indicates that although there are gaps in the public’s ability to hold leaders accountable, issues related to corruption and censorship have not taken deep root in the country.

¹³ There are also three television providers and four radio stations, but none engage in independent political analysis.

¹⁴ Although Public Auditor, Satrunino Tewid, noted that such reporting fell behind due to the COVID-19 pandemic and is yet to catch up (Interview, June 2024).

¹⁵ Although it should be noted that tensions occasionally occur between the media and the political class, as evidenced by a lawsuit for defamation lodged by the family company owned by the current president’s family against the local newspaper, the Islands Times, in the lead up to the 2024 presidential election (PINA 2024).

¹⁶ Weekly under former president Tommy Remengesau Jr and fortnightly under current president Surangel Whipps Jr.

PROLIFERATION OF FRONT BUSINESSES

A significant yet largely hidden issue within Palau is the proliferation of ‘front businesses’: businesses registered in the name of one Palauan citizen but actually owned and operated by foreign citizens. This practice has been widespread and occurring for decades (see Carlile 2000; Piazza 2006; Shuster 2007). It is largely due to the difficulty of starting a business in Palau if you are not a citizen (Interview with OSP, June 2024; Piazza 2006:88), combined with the two-way financial benefit to those to whom the business is registered receiving a cut of profits and the profit without paperwork to the foreign owner (Piazza 2006:88). Staff from the Office of the Special Prosecutor stated that, ‘It’s culturally acceptable to be a front’ (Interview, June 2024). Jennifer Olgeriil, Director of the Department of Conservation and Law Enforcement for the Koror State Government, which is responsible for overseeing the management and practices of businesses operating in the Rock Island Southern Lagoon – one of only 39 sites recognised worldwide by UNESCO for both natural and cultural values – reflected that the prevalence of front businesses makes the oversight component of the work of her team more difficult, adding, ‘I have people come and try to bribe me’ (Interview, June 2024).

Staff from the Office of the Special Prosecutor suggested that the practice of front businesses in Palau is so widespread that politicians and high-level public officials are likely among those lending their names to front businesses (Interview, June 2024). They suggested that these political connections may stymie pressure to crack down on the practice. Further remarking of the Foreign Investment Board, which is responsible for monitoring foreign-owned businesses, they noted a lack of human resource capacity as a further constraint (Interview with OSP, June 2024). These practices indicate that even when paper measures of accountability in Palau appear robust, they may be lacking in enforcement as they serve the interests of a large number of people, particularly those who are well-connected and influential. The perceived involvement of politicians further suggests that the social closeness that influences electoral politics undermines the power of accountability systems and institutions.

‘ACCOUNTABILITY’ EFFORTS LARGELY DRIVEN BY OUTSIDERS

Multiple research participants reflected on the impact of the international donor community – particularly the US as Palau’s COFA partner and largest donor¹⁷ – in driving discourse related to formal accountability. For example, Jennifer Olgeriil, Director of the Department of Conservation and Law Enforcement, noted that accountability is often demanded by foreign donors and NGOs but not driven or demanded by Palau (Interview, June 2024). Eunice Akiwo, Director of the Bureau of Domestic Affairs, noted that donor reporting can be an administrative burden that is not considered in her job description, nor seemingly considered when imposed by donors (Interview, June 2024).

Further to this, participants problematised the role of donors in actually supporting accountability in practice. Akiwo also remarked upon duplication of development projects and programs, giving an example of being involved in multiple public financial management projects with UNDP (Interview, June 2024). This demonstrates a lack of accountable reporting mechanisms within and across donor agencies. Senator Kerai Mariur further noted that sometimes donor agencies can promote interventions that are unsustainable and unaffordable, citing financial difficulties that Palau had faced in repaying an Asian Development Bank loan to complete a sewer project between Koror and Airai (Interview, June 2024; see also Island Times 2023). These testimonies suggest that accountability practices are not a significant concern to everyday Palauans whose lives do not regularly intersect with

¹⁷ Approximately one-third of Palau’s GDP is aid funding. The USA is by far the largest donor, providing almost twice as much aid funding as the only other major donor in Japan (see Lowy Institute 2024).

governance and international development. Moreover, donor agencies need to better consider the impact of their reporting processes on implementing agency staff, and better coordinate their efforts to ensure the suitability and sustainability of interventions.

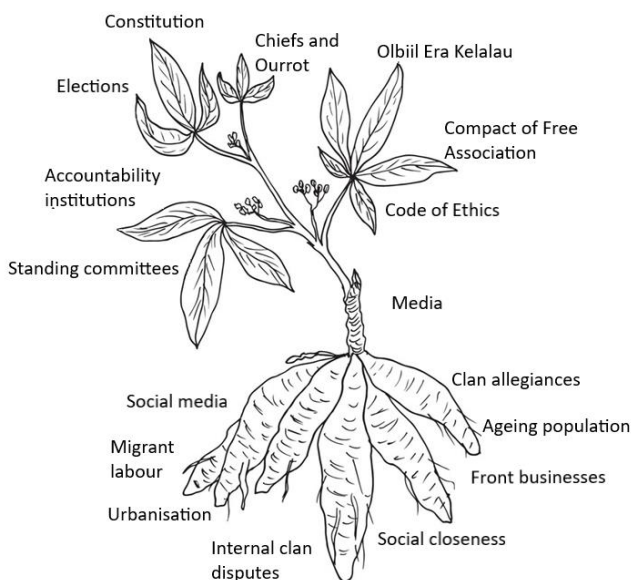


Figure 2 Palau’s formal and informal ‘accountability casava plant’¹⁸

People, power, interests and relationships shaping accountability

Ten broad groups of actors were identified as contributing directly or indirectly to Palau’s accountability ecosystem. These are: parliament, government bodies and legislation,¹⁹ government-established accountability entities, the judicial system, traditional leadership settings, religious groups, civil society, bilateral and multilateral institutions, media, business and the citizenry. Theoretically, the accountability links are quite straightforward, with elected officials answerable to the citizenry while being independently overseen by the integrity institutions, key sector ministries reporting to the parliament, with business and civil society providing outside influence on parliament and the citizenry, while donors offer technical and financial resources to various actors to support accountability processes and outcomes. Unsurprisingly, there is significant diversity within these actor groups, as well as complexity in the relationships between them. The range of actors in Palau that play accountability functions at various levels are summarised below in Table 2.

¹⁸ The leaves of the casava plant indicate the visible and formal factors influencing power and accountability in Palau. The roots of the casava plant indicate the unseen and informal factors that everyday influence power and accountability.

¹⁹ Including both national and state governments and their machinery.

	Actors	Roles	Power relationships
Parliament, Government Bodies and Legislation	Office of the President	Directly elected head of state.	Strong influence over the public service and Executive. Influenced by political counterparts, voters and foreign donors.
	National government	Majority coalition of elected politicians democratically voted to lead national policy and planning.	Strong influence over the public service. Some influence over President. Some influence over state governments (through budget provisions). Influenced by voters, media and foreign donors.
	Olbiil Era Kelulau [Palau National Congress]	OEK is the bicameral national legislature of Palau. The House of Delegates is considered the lower house, with 1 member elected to represent each of the 16 states. The Senate is considered the upper house, with members elected by the general population. Among others, the OEK has the power to enact laws including the annual budget; levy taxes, borrow money on credit; provide oversight government agencies' activities including performance, budget and expenditures.	OEK wields influence through enacting laws, levying taxes, overseeing government agencies' activities and other practices of government The Senate holds significant power in approving and removing presidential appointments including the Special Prosecutor, Public Auditor, and members of Boards and Commissions. Members of each house are accountable to the public through elections, although this is strongly influenced by clan affiliations. Members are also answerable to accountability institutions, although this is complicated by Senatorial power over appointments, limited human resourcing of institutions and minimal judicial enforcement.
	State government	Majority coalition of elected politicians democratically voted to lead state-level policy and planning.	Strong influence over state-level public servants. Influenced by national government, voters and traditional leaders and groups.
	State Governors	Serve as head of state for each state in which they are elected. Have the authority to enforce state laws.	Strong influence in approving and enforcing laws. Greater social closeness between state politicians and constituents compared with national politicians creates scope for strong upwards accountability to voters, however this is challenged by social customs that discourage criticism of chiefs and elected leaders.

	Ministry of Finance	Responsible for the development of fiscal and economic policies, oversight of government investments, and the management of government revenue and expenditure.	Strong influence over public service. Influenced by President and national government.
	Bureau of Human Resources	Responsible for compliance of public service to processes aligned with efficiency and effective government operations.	
	Bureau of Domestic Affairs	Responsible for providing access and information on grants and technical assistances available to government agencies and state governments to ensure optimal performance.	Two-way influence over and with public service and state governments. Also influenced by President and national government.
Government -Established Entities of Palau	Attorney General	Responsible for providing legal advice to all agencies under the executive branch and managing civil cases filed on behalf of or against the executive branch.	Two-way influence over and with accountability institutions including the Special Prosecutor and Public Auditor. Influenced by President and national government.
	Special Prosecutor	Responsible for investigating and prosecuting suspected malfeasance by elected or appointed officials and employees of the national government and state governments.	Paper influence over officials and public servants, although this is sparingly applied due to limited human capacity. Two-way influence over and with accountability institutions including the Attorney General and Public Auditor. Influenced by President and national government.
	Public Auditor	Responsible for compliance of public service to processes aligned with accurate and appropriate acquittal of public funds.	Some influence over officials and public servants, although this is hampered by breakdowns in public service reporting. Influenced by President and national government.
Judicial system	Supreme Court	Highest judicial body, split into Trial and Appellate Divisions. Cases in Trial Division are overseen by a single justice, while cases in the Appellate division are overseen by three justices.	Paramount influence over judicial system. Positions are appointed through the President but maintain independence of office.
	Court of Common Pleas	Responsible for hearing criminal and civil cases where the amount claimed or disputed is USD10,000 or less.	Independent judicial bodies sitting below the Supreme Court.
	Land Court	Responsible for hearing cases related to adjudication of title to land or any interest in land.	

Traditional leadership settings	Council of Chiefs	Convening body of traditional chiefs from each of the 16 states. Council advises the President on matters concerning traditional laws, customs and the Constitution. Members must be accepted as a chief in a traditional manner and recognised by the traditional council of chiefs of his state. Members may not hold a concurrent position in OEK or Cabinet.	<p>Strong influence within and over communities and clans.</p> <p>Some influence over and with President and OEK.</p> <p>Customarily answerable to their community and serve at the appointment of <i>Ourrot</i>, however their authority is rarely challenged.</p>
	Village chiefs	Responsible for village level decision-making and resource management. Within their own clans, the chiefs serve as the repository of clan history and relations and serve as mediators when issues arise in the clan.	<p>Strong influence within and over village and clans.</p> <p>Often create a symbiotic relationship with politicians, based in clan allegiance and, occasionally, patronage.</p> <p>Customarily answerable to their community and serve at the appointment of <i>Ourrot</i>, however their authority is rarely challenged.</p> <p>Disputes related to chiefly legitimacy are reportedly growing amid clan disputes.</p>
	<i>Ourrot</i>	Elder females of a clan who have performed important duties to the clan and family. Responsible for appointing and removing chiefs, among other duties.	<p>Strong paper influence over chiefs, although this is rarely wielded.</p> <p>Some two-way influence with and over village and chiefs.</p>
Religious groups	Church Leaders (Christian)	Lead church services and perform pastoral duties.	Strong influence within the church and community as moral compasses.
	<i>Modekngei</i> Leaders	Responsible for maintaining the knowledge and oral history of this indigenous religion.	Two-way influence with and over religious observers, particularly wielded through administration of Belau Modekngei School.
Civil society groups	Belau Association of Non-Government Organisations	Peak body for NGOs.	<p>Strongly influenced by donor community.</p> <p>Strong influence over civil society.</p> <p>N.B.: Clans are also registering as NGOs to access various grants.</p>
	Women's groups	State, village and hamlet-level groups for younger, middle-aged and high-ranking women.	Influence within community demonstrated through service, such as preparing foods for state or community events.

	Palau Youth Council	Peak body representing youth interests to government, donors and regional organisations.	Somewhat influenced by government, donors and regional bodies. Minimal influence exhibited outside of direct requests from organisations for their involvement in discrete issues.
Bilateral and multilateral relationships	USA	Provide funding and technical assistance and hold authority over security through Compact of Free Association.	Strong influence over security and policy development. Minimally influenced by or accountable to citizens and parliament.
	International financial institutions	Provide funding and technical assistance to the government in support of developmental objectives.	Strong influence in policy development, wielded through provision of grants.
	United Nations agencies	Provide funding and technical assistance to the government in support of developmental objectives.	Perceived to be minimally influenced by or accountable to citizens and parliament.
	CROP agencies	Provide technical, administrative, legal, logistical, policy and programming support and oversight to member states through various bodies.	Strong influence in policy development, wielded through provision of grants.
	Bilateral donors (excl. USA)	Bilateral development, defence, diplomatic and trade relationship.	Perceived to be minimally influenced by or accountable to citizens and parliament.
Media	National newspapers	Report on national social and economic affairs.	Widely viewed as independent of government influence.
Business	Small, medium and large businesses	Income generation from trade, supply, hospitality and tourism.	Some influence over politicians and chiefs through financial support.
	Front businesses	Businesses registered under a local name but owned and sometimes operate by foreign entities.	Strong hidden influence over government.
Citizens and residents	All citizens	Direct accountability through electoral representation but few other levers to demand more accountable governance.	Social closeness results in opportunities for strong direct influence over politicians, however this is curtailed by social customs that discourage criticism of chiefs and elected leaders.
	Migrant labourers	Wage workers primarily in hospitality, retail and domestic services.	Minimal influence in politics and society, although reported as having good employment and social protections.

Table 1: Accountability actors in Palau

Another way to understand the relationship between power and commitment to accountability in Palau is demonstrated in the matrix presented below (Figure 3). This matrix was created in consultation with BANGO members and adapted to reflect the combined feedback of interviews. The axes depict perceptions of relative power and commitment to accountability. Not all actors (or actor groups) represented in Table 1 are captured in the stakeholder map below due to poorness of fit, such as with the absence of the judicial system.

A summary of the power-accountability relationships displayed in Figure 3 include that politicians and traditional leaders that wield the greatest everyday influence are reported as having less commitment to accountability to all other actors except the business community. Notably the Council of Chiefs (and clan leaders, who have less power) is seen as having greater commitment to accountability than other leaders. Government accountability entities were seen as having the strongest commitment to accountability but being restricted in their influence due to resourcing constraints and the role of congress in providing resources and approving appointments. Donors were seen to have relatively strong commitment to accountability, although this is tempered by their predilection to focus on accountability as understood and applied in their spheres and not necessarily reflecting Palauan concepts and practices. The US, as primary donor and COFA partner, is singled out as having greater power than other donors. Besides the business community, participants also highlighted that some foreign investments, particularly those that must adhere to environmental legislation, also have limited commitment to accountability, however their influence is curtailed through the power of and support for environmental legislation and its enforcement.

Interestingly, in the civil society space, women's groups were reported as having both greater commitment to accountability and slightly greater power than traditional men's clubs. Youth groups were seen as having a similar commitment to accountability as women's groups but with less power. Churches and the media were both noted as being positively associated with commitment to accountability but having limited everyday influence. Unsurprisingly, migrant labourers were viewed as having minimal power.

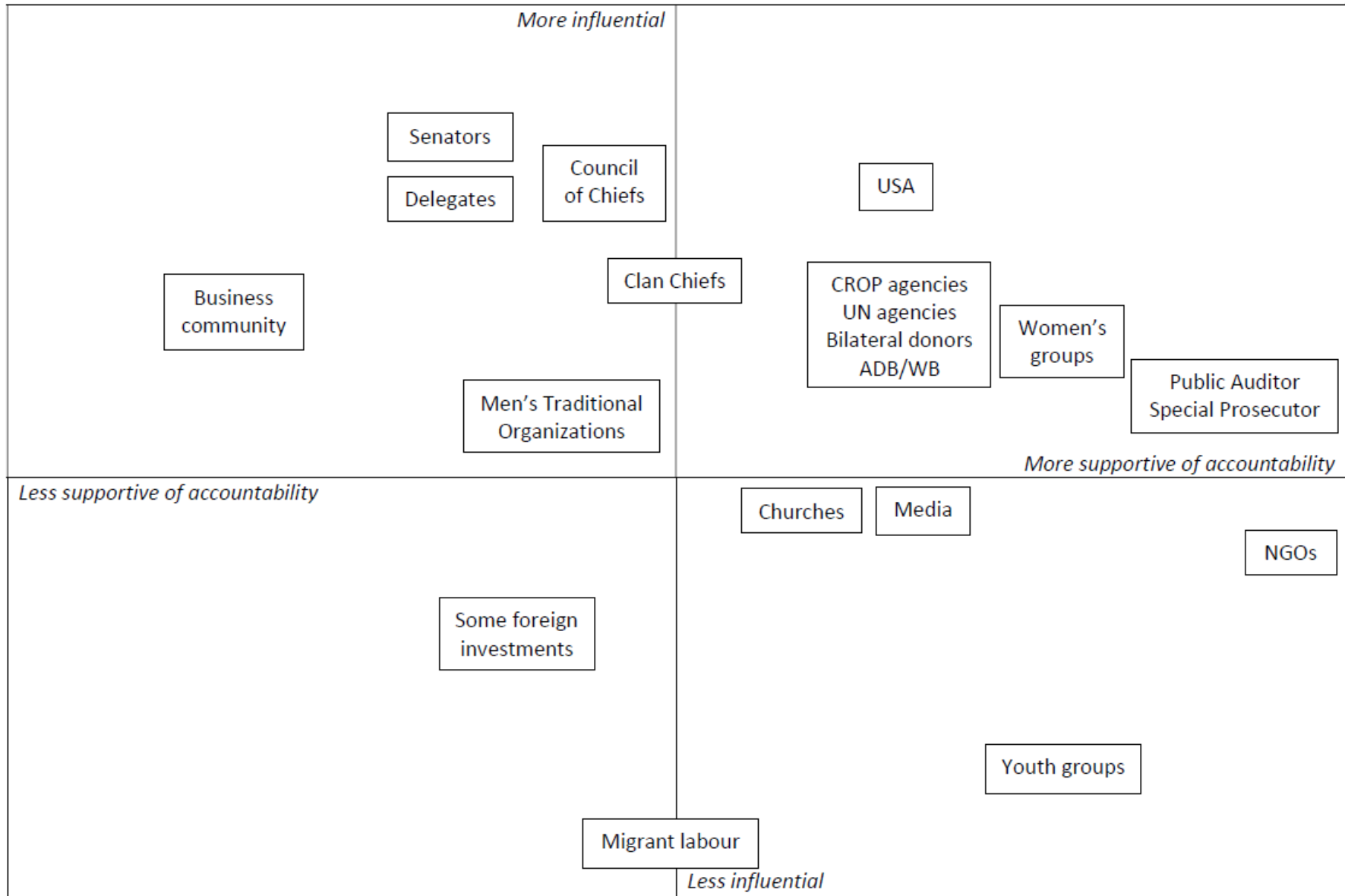


Figure 3: Palau accountability ecosystem stakeholder map

Synthesis: Opportunities and constraints in Palau's accountability ecosystem

Accountability in Palau faces a range of constraints and opportunities. Reliance on US COFA funding orients accountability outwards and the influx of funds does little to cultivate a sense of responsible governance spending. Unlike in many other Pacific Island States, funding is not widely seen as a constraint, with accountability institutions more commonly indicating human resources are the primary capacity challenge. The social closeness of Palau emerges as both a constraint and an opportunity for accountability but will require identifying uniquely Palauan approaches. Widespread social groups offer opportunities for forms of social accountability, with women's groups particularly active. At the same time, however, social fragmentation and hyper-localism limit the ability of groups across society to collaborate and organise. This is all the more so for the most marginalised groups, such as labour migrants, who are not represented in governance or accountability discussions.

GOVERNMENT AUTONOMY AND ACCOUNTABILITY IS DILUTED BY COFA

The guaranteed income provided by the Compact of Free Association over what is so far a 30-year period²⁰ serves to reduce not just the budgetary burden on Palau's government, but also diminishes public pressure on the government to spend tax earnings efficiently and effectively. Having a locked-in financial windfall means that Palau's citizens may not feel it is as important to have robust scrutiny over the economic decision making and practices of politicians. It also potentially makes patronage through gifting more palatable to citizens who can justify receipt of goods through a cultural lens in the knowledge that there are far greater sums of money guaranteed to the government (see Veenendaal 2016:33). Further, by having free movement for Palauan citizens to the USA, there is arguably a disincentive to creating and sustaining a socioeconomic environment that is friendly to entrepreneurial citizens. Although there are undeniable benefits to the finances and services associated with COFA, it is open to question whether it also distorts lines of accountability, undermines Palauan democracy by security decision making being conferred on a foreign government and provides a 'release valve' for citizens to leave the country who might otherwise be leading advocates for progress.

Interestingly, in discussions with representatives of accountability institutions, it was reported that funding is not a significant constraint to their work. Rather, recruitment and retention of qualified staff is their greatest capacity challenge (Interview with OPA, June 2024; Interview with Satrunino Tewid, June 2024). Palauans with requisite skills and qualifications to work for accountability institutions are

²⁰ This funding was front-loaded, such that approximately half of the funding was provided from the USA in the first three years with a gradual decrease following (Shuster 2009) but is in the process of increasing again (Interview with Senator Kerai Mariur, June 2024).

more likely to seek well-paying employment opportunities in the US than to remain on-island to secure one of the few reasonably well-paying jobs in Palau's accountability ecosystem.

EXISTING SOCIAL CLOSENESS AND LEADERSHIP NETWORKS PROVIDE OPENINGS AND BARRIERS TO PUBLIC OVERSIGHT AND REPORTING

Citizens having multiple traditional and elected leaders within one degree of separation brings significant scope for direct accountability within Palau. Being able to appeal directly to a decision maker with whom one shares a personal (and possibly kin, clan or other) relationship is considerably more accessible than navigating anonymous administrative avenues. Wayne Andrew, Director of OneReef Micronesia and former State Delegate for the outer island state of Hatohobei in the eighth sitting of the OEK, shared that social closeness in the small population of Hatohobei contributed positively to social accountability through the community seeking to work collectively and avoid social conflict (Interview, September 2024). As Piazza (2006:119) notes, the social closeness of Palau is such that interactions between citizens and their leaders often happen organically. This not only increases the opportunities for citizens to exert pressure on their leaders to be accountable, but also provides leaders with opportunities to update citizens on their actions, including any challenges that may be perceived as lacking in accountability.

The flip side of social closeness, as discussed above, is that it may in fact inhibit citizens and residents from demanding accountability of their leaders due to fears of social rupture or individual reprisal. Relationships between citizens and leaders are not confined to the individuals holding those roles: they may also be siblings, schoolmates, colleagues, former romantic partners and beyond. As Special Prosecutor, Tamara Hutzler, stated: 'Palau is so small and everybody is related' (Interview, June 2024). Multiple research participants indicated that this element of social closeness makes citizens less likely to call for accountability than if there was greater distance between them and their leaders.

WOMEN AND WOMEN'S COLLECTIVES HAVE (SOMEWHAT UNREALISED) POWER

Palau is replete with well-established social groups that congregate based on demographic indicators such as age, gender and geographic location. Among the most prominent of these are women's groups, which exist in all states and at multiple levels within states, such as those for elder, high-ranked women and those for other women of a community. The example of the NgaraMaiberel of Koror State marching against the use of the Meyuns sea plane ramp for missile testing (Interview with Dirrebrak Elicita Morei, June 2024), suggests that these groups are more than simply spaces for women to socialise – they can also prove to be powerful sources of advocacy and collective action. Drawing on the role of village women in being able to appoint and remove chiefs, Anastacio notes that 'Female organisations are as likely to exert social control over the villages as their male counterparts' (1998:18). Noting the ability of women's groups to influence at the level of local village and formal politics opens up significant possibilities for supporting locally led changemaking in Palau.

FRAGMENTATION ACROSS SOCIAL NETWORKS WEAKENS COLLECTIVE ENDEAVOUR

While social groups are active, the ability of social networks, such as women's groups, to engage in advocacy is impeded by the isolated nature of most such groups. With membership largely defined by demographics including geography, there is little cross-group collaboration and engagement. This fragmentation mirrors that of the layers of politics and decision making in Palau, where there is no

forum for chiefs, politicians and the citizenry to meet and discuss issues of social, political and economic importance. As such, the work of chiefs is often focused on the hyperlocal, while the work of politicians is focused on their direct constituencies. By not having a medium through which to meet, deliberate and make decisions, individuals and small groups have difficulty identifying issues of common cause and interest on which they can work together.

For migrant labourers, the challenges of fragmentation and isolation are even greater. Despite making up a significant proportion of Palau's residents, these workers have no formal organising body. The diversity of sectors – mostly low paid and viewed as low skilled – that they work across and the different ethnic backgrounds that they come from further restrict their ability to coalesce, share common experiences and grievances, and exert collective pressure for improved accountability.

MEDIA LANDSCAPE LACKS QUANTITY THAT WILL IMPROVE PUBLIC INFORMATION QUALITY

Palau has a very small media sector. The limited number of journalists results in a lack of analysis of decision making and politics at village, state and national levels. Although the OEK facilitates the open sharing of documents, analysis relies on the generalised knowledge of Palau's journalists in the absence of journalists with detailed and specialist knowledge in individual areas, such as health, education and the environment. As a result, there is limited independent critical analysis or oversight of politics and leaders. This weakness within the media means that citizens are not getting access to high quality, critical reporting which could be used to hold leaders to account.

Recommendations

The following recommendations are proposed to inform ways forward to improve understanding and practices of accountability in Palau. These recommendations focus on building accountability structures that have legitimacy within Palauan society, rather than being narrowly focused on technical reporting. An emphasis on compliance that prioritises accountability from a top-down, donor-to-beneficiary perspective would focus on matters such as improving reporting capacity and compliance in the public service. While this would have positive implications in terms of improving accountability, it would be outwards-facing and thus unlikely to lead to improved governance for Palau.

WORK WITH LEADERS IN EXISTING SYSTEMS

Palau has traditional leaders for every clan, village and state and elected leaders at state and national levels. On top of this, women's groups and particularly *Ourot* have strong moral authority. Although the sheer number of traditional and political leaders can be seen as a challenge to achieving collective commitment to robust accountability measures, the existing systems of leadership provide ready-made settings to work within. Donors have the potential to engage leaders at multiple levels, discretely and collectively, to design and implement locally appropriate accountability mechanisms at a range of levels of governance. This can include working with any one or combination of the Council of Chiefs, Olbiil Era Kelulau, state governments, women's and men's groups, villages and/or clans. Working with established leaders and leadership systems increases the likelihood of social support for locally developed accountability measures due to existing legitimacy.

PROVIDE FORA FOR CIVIL SOCIETY TO CONVENE

Challenges of fragmentation and isolation of citizens, residents and their communities are best addressed through the gathering of these different groups. Donors can utilise their strength in cooperating with broad swathes of society to bring together disparate groups. The Belau Association of Non-Government Organisations also holds promise as an existing peak body that brings together representatives of different issues, suggesting that BANGO could be both a good partner for donors working on accountability as well as offer insights into how to convene groups of common interest in Palau. Donor involvement in bringing together civil society could also result in intentional inclusion of marginalised demographics in Palau, such as youth and foreign labourers.

SUPPORT SPECIFIC CONVENINGS FOR WOMEN

Despite being a matrilineal society, multiple research participants noted that women's everyday individual and collective power in Palau is minimal. Both women and men interviewed noted that strong women and women's groups help promote social accountability in a manner that reflects Palauan culture and values. Piazza (2006:118-119) has already noted the power that emanated from past Palau Women's Conferences, demonstrating the capacity to work with this forum and support the creation of others of a similar nature. Supporting the work of the Palau Women's Conference and similar forums could help Palauan women determine their own strategies for addressing the issues they see as priorities.

SUPPORT REGIONAL AND INTERNATIONAL MEDIA RELATIONSHIPS WITH THE PALAU MEDIA COUNCIL

The quality of journalism produced in Palau is of a standard that belies the small footprint of critical and analytical media. The skills and reach of the Palau Media Council could be supported via regular and ongoing engagement with foreign and regional media. This could include support for training, mentoring and attendance at regional media events. Having a larger field of journalists and/or receiving assistance from Pacific colleagues who have specialised knowledge may assist in sharing timely and accurate information with the Palauan public. Although not a formal member, the Palau Media Council has an existing relationship with the Pacific Island News Association, which may offer an avenue for improved specialisation and collaboration. Given Palau's geographic location, supporting network building does not need to be limited to Pacific media organisations but could also include networks in Asia, Australia and capitalise on COFA through enhanced connection with US media. Further focus could be given to developing and promoting new journalistic talent in Palau.

SUPPORT LOCAL STAFF TO LEAD INITIATIVES AND TRAIN FOREIGN ADVISORS ON LOCAL WAYS OF BEING, KNOWING AND DOING

Donor agencies should support local staff to take the lead in designing, implementing, managing and monitoring accountability-focused interventions – ideally in collaboration with local communities and organisations – given that they are steeped in and regularly cross the boundaries between formal and customary knowledge and practices. Complementary to this, foreign staff working on accountability should focus on building their local knowledge through direct person-to-person engagement and relationship building, including in the outer islands of Palau. By engaging directly with members of the public, increased understanding of the processes of formal accountability mechanisms can be acquired by citizens and residents and a deeper knowledge of the informal norms that influence the accountability ecosystem in practice can be acquired by foreign staff. Further synthesising 'local' and

'foreign' knowledge of how accountability is understood and practiced will help achieve more meaningful accountability approaches tailored to the needs and specificities of Palau.

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Interviews

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3	Helenda	Oimei	F	Office of the Special Prosecutor
4	Jennifer	Olgeriil	F	Director, DCLE
5	Joram	Madlutk	M	Office of the Special Prosecutor
6	Kambes	Kesolei	M	Chair, Palau Media Council
7	Kerai	Mariur	M	Vice President of the Senate
8	Klerang	Reched	F	Office of the Special Prosecutor
9	Nancy	Renguul	F	Principal, Belau Modekngai School
10	Satrunino	Tewid	M	Public Auditor
11	Tamara	Hutzler	F	Interim Special Prosecutor
e	Yukiwo	Dengokl	M	Chief of Airai State, Council of Chiefs
13	Secilil	Eldebechel	M	Floor Leader of the Senate
14	Dee-Raya	Antonio	F	Chair, Palau Youth Council
15	Wayne	Andrew	M	Director, OneReef Micronesia
16	Undisclosed			Bilateral donor agency representative

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1	Sayuri	Okada
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ACKNOWLEDGEMENT OF COUNTRY

La Trobe University acknowledges that our campuses are located on the lands of many traditional custodians in Australia.

We recognise their ongoing connection to the land and value their unique contribution to the University and wider Australian society.

We are committed to providing opportunities for Indigenous Australians, both as individuals and communities through teaching and learning, research and community partnerships across all of our campuses.

La Trobe University pays our respect to Indigenous Elders, past, present and emerging and will continue to incorporate Indigenous knowledge systems and protocols as part of our ongoing strategic and operational business.

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