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## Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

### French Polynesia

### Working paper prepared by the Secretariat

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*Note:* The information in this working paper has been derived from public sources and is extracted from sources published on the Internet, including new information now available on the environmental, ecological, health and other impacts of nuclear testing. Further details are contained in previous working papers, available at [www.un.org/dppa/decolonization/en/documents/workingpapers](http://www.un.org/dppa/decolonization/en/documents/workingpapers).



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### **The Territory at a glance**

*Territory:* French Polynesia is a Non-Self-Governing Territory under the Charter of the United Nations. It is administered by France.

*Representative of the administering Power:* Éric Spitz, High Commissioner of the Republic (since 26 September 2022).

*Geography:* French Polynesia occupies a vast maritime zone in the south Pacific, covering an area of 2.5 million km<sup>2</sup>.

*Land area:* The 118 islands that comprise French Polynesia, grouped in five archipelagos, represent a land area of about 3,500 km<sup>2</sup>.

*Exclusive economic zone:* 5.5 million km<sup>2</sup>.

*Population:* 279,550 (2021 estimate, Statistical Bureau of French Polynesia).

*Life expectancy at birth:* women: 76.3 years; men: 71.5 years (2021).

*Ethnic composition:* Polynesian (65 per cent); “Demis” (mixed race) (16 per cent); persons of Chinese origin (5 per cent); Popâa (white) (12 per cent).

*Languages:* French; Tahitian; Marquesan; Tuamotuan; Mangareva; Austral island languages: Ra’ivavae, Rapa and Rurutu; English; Hakka Chinese; Cantonese; and Vietnamese.

*Capital:* Papeete.

*Head of Government of the Territory:* Moetai Charles Brotherson (since 12 May 2023).

*Main political parties:* The political groupings in the Assembly of French Polynesia are Tavini Huiraatira (38 seats) and Tapura Huiraatira (16 seats). There are also three non-party affiliated representatives in the Assembly.

*Elections:* Territorial elections were held on 16 and 30 April 2023 (first and second rounds, respectively).

*Parliament:* The Assembly of French Polynesia consists of 57 representatives elected for five years by universal suffrage.

*Real gross domestic product per capita:* 2.2 million Pacific francs (2021).

*Unemployment rate:* 9 per cent (2022).

*Economy:* The service sector, which generated 85 per cent of value added in 2019 and employed more than 80 per cent of wage workers in 2022, plays an important role in the economy of French Polynesia. Tourism is the leading source of goods and services exported from the Territory. Nevertheless, aquaculture, in particular black pearl farming, which yields the second most important resource of French Polynesia, remains important. Given the thinness of the market, the economy is structured around large public or private groups, particularly in the energy and retail sectors.

*Monetary unit:* Pacific franc, or CFP franc (1,000 CFP francs = 8.38 euros, at a fixed exchange rate).

*Brief history:* The people of French Polynesia became established as a result of successive waves of migration from the fourth century to the end of the fourteenth century. Europeans first reached French Polynesia in 1521 (Magellan) and started to settle after the arrival of Captain Wallis in 1767. Beginning in the early nineteenth century, the Pomare dynasty extended its influence over both Tahiti and the Tuamotu and Leeward Islands. It signed a protectorate treaty with France in 1842; then, in 1880, King Pomare V granted France sovereignty over the islands that were dependencies of the Tahitian crown, thereby giving rise to the French Establishments in Oceania. The latter became an overseas territory with the creation of the French Union in 1946 and have been referred to as French Polynesia since 1957. The people of French Polynesia reaffirmed their wish to remain a territory of France in a referendum held in 1958. The term “overseas territory” (territoire d’outre-mer) was replaced with “overseas collectivity” (collectivité d’outre-mer) in 2003 following a constitutional review (source: Institut d’Émission d’Outre-mer).

## I. Constitutional, political and legal issues

1. According to the French government portal set up for collectivities, the Constitution of 27 October 1946 classified French Polynesia as an overseas territory (*territoire d'outre-mer*), and that status was maintained by the 1958 Constitution. The constitutional review of 28 March 2003 amended article 74 of the Constitution in relation to overseas territories and replaced the term “overseas territory” (*territoire d'outre-mer*) with the term “overseas collectivity” (*collectivité d'outre-mer*). Legislators were tasked with defining the organizational and operational rules of a collectivity’s institutions and the electoral arrangements of its deliberative assembly. The status of each overseas collectivity was adopted after consultation by its deliberative assembly. The status of French Polynesia was established by Organic Act No. 2004-192 of 27 February 2004, which specified an organization that was different from that under ordinary law and close to an assembly-based parliamentary system. The President of French Polynesia has a representative function, directing the actions of government and administration, and promulgating local “country laws” (*lois du pays*). The Government of French Polynesia, comprising between 7 and 10 ministers, is responsible for conducting the collectivity’s policy. The collectivity’s deliberative body is the Assembly of French Polynesia, which is elected by direct universal suffrage every five years.

2. Also according to the French government portal for collectivities, despite its special institutional organization, French Polynesia does not have political autonomy; however, it does enjoy administrative autonomy and is subject to specific legislation. Under the principle of legislative and regulatory specificity, the organic legislative body of each overseas collectivity is tasked with establishing the conditions for applying relevant laws and regulations. Metropolitan law is therefore applicable only when explicitly indicated. Moreover, the Assembly of French Polynesia has recourse to certain categories of Act, in accordance with its competencies in the legal domain, which are known as “country laws” (*lois du pays*). These Acts have a broad scope under the statutory jurisdiction of French Polynesia and can be appealed only to the French Council of State and not to the Administrative Tribunal of French Polynesia. This administrative autonomy entails the sharing of jurisdiction by the French State and French Polynesia. The State has jurisdiction in the areas of sovereignty referred to in article 14 of Organic Act No. 2004-192 and in 37 other areas, such as intercommunal cooperation, police and civil aviation security, which the collectivity has chosen to attribute to the State. For its part, in addition to ordinary jurisdiction, French Polynesia may, subject to monitoring by the State, exercise its jurisdiction in guaranteeing the rights granted throughout the national territory regarding public freedoms (art. 31 of Organic Act No. 2004-192).

3. According to the annual report of the Institut d’Émission d’Outre-mer for 2022, the 2004 reform led to a long period of political instability, which the adoption of two Organic Acts (No. 2007-223 of 21 February 2007, abolishing the electoral rule whereby additional seats were attributed to the party having won the majority of votes; and No. 2007-1720 of 7 December 2007 on introducing motions of no-confidence) failed to remedy; it should be noted that 11 Governments succeeded one another until 2013. In 2011, a new Organic Act (No. 2011-918 of 1 August 2011) on the functioning of the institutions of French Polynesia was adopted to restore stability. That Act modified the electoral process by re-establishing the electoral rule, previously abolished, whereby 19 seats were attributed to the party having won the majority of votes, and by creating a single electoral constituency; it also set a limit on the number of ministers and the possibility of overthrowing the Government. That Act has been implemented since the territorial elections held in May 2013.

4. The institutions of French Polynesia consist of the President, the Government, the Assembly of French Polynesia and the Economic, Social, Environmental and Cultural Council. The role and powers of those institutions are defined by statutory organic law.
5. The President is elected by the Assembly of French Polynesia by secret ballot for a five-year term. He forms the Government by appointing the Vice-President and the ministers, whom he may dismiss, and directs the action of the ministers. The President promulgates country laws and signs the Acts adopted by the Cabinet. The President is the originator of the budget and directs territorial administration. The President's mandate is compatible with that of a deputy, senator and mayor, and it can be terminated by a vote of no confidence by the Assembly, or in the event of the latter's dissolution. Moetai Charles Brotherson was elected President of French Polynesia on 12 May 2023.
6. The Government of French Polynesia serves as the Territory's executive body and conducts its policy. It meets every week through the Cabinet, which has collective and collegiate responsibility for affairs within its jurisdiction. The Government establishes which draft decisions are to be submitted to the Assembly and which enabling measures are needed to implement them. It also has wide-ranging regulatory power. It is consulted on a mandatory basis in areas where the State has jurisdiction, either by the Ministry of the Interior and Overseas Territories, or by the High Commissioner of the Republic, depending on the case in question.
7. The Assembly of French Polynesia, consisting of 57 members elected by direct universal suffrage for five-year terms, debates all issues within the collectivity's jurisdiction, other than those devolved to the Cabinet or to the President of the Government. The Assembly adopts country laws, over which the Council of State exercises jurisdictional control, and the decisions submitted by the Government. It votes on the Territory's budget and accounts and oversees actions taken by the Government. The Government may thus be overthrown by a motion of no confidence and, conversely, the Assembly may be dissolved by a decree of the President of the French Republic, at the request of the local government.
8. The Economic, Social, Environmental and Cultural Council, a consultative body, consists of representatives from professional groupings, labour unions, organizations and associations involved in the economic, social and cultural life of the collectivity. The Council consists of 48 members who are appointed by their peers for a four-year term and are distributed among four colleges. Its president is elected for two years.
9. According to the 2022 Guide to State Services and Institutions in French Polynesia, the High Commissioner of the Republic represents the central Government and each of the ministers. The High Commissioner works closely with the President, the Government and the institutions of French Polynesia, which are in contact with all national stakeholders, in the public interest.
10. In the 2021 edition of its Monitor of the Communes of French Polynesia, the French Development Agency reports that the consequences of the crisis related to the coronavirus disease (COVID-19) pandemic have been at the heart of the communes' concerns. In the short term, and with the exception of the tourist communities immediately affected, the consequences will be more organizational than financial. However, based on economic projections, and according to the same document, the communes will probably be most affected in 2022 and 2023. The 2022 edition of the Monitor, which sets out a financial report on the 2014–2020 term of the 48 Polynesian communes, also highlights the initial contained impacts of the pandemic on commune finances, but notes that these effects will have to be measured over a longer period of time before they can be fully assessed.

11. On 5 July 2019, the President of the Republic promulgated Organic Act No. 2019-706 amending the Statute of Autonomy of French Polynesia, and Act No. 2019-707 on various institutional arrangements in French Polynesia. Act No. 2019-786 of 26 July 2019 on French Polynesia included, without amendment, the articles of Organic Act No. 2019-707 removed by the Constitutional Council (see [A/AC.109/2021/7](#)).

## **II. Economic conditions**

### **A. General**

12. According to the Ministry of the Interior and Overseas Territories, the economy of French Polynesia is based on the service sector. Market services account for 48 per cent of the economy, including trade. Non-market services make up 35 per cent. The secondary sector, which includes construction and manufacturing, accounts for 10 per cent. According to the annual report of the Institut d'Émission d'Outre-mer for 2022, the service sector generated 85 per cent of value added in 2019. Meanwhile, the primary sector accounted for only 3 per cent of the economy of French Polynesia. France continued to be the leading supplier to French Polynesia in 2021 (20 per cent of total imports). In second place, the other countries of the European Union together represented 15 per cent of the total. Accounting for 14 per cent of the total imports of French Polynesia, China is its third largest supplier. The volume of trade with the countries of the region is low: in 2022, it accounted for 9 per cent of imports (mainly from New Zealand and Australia) and 2 per cent of exports (mainly to New Caledonia and New Zealand).

13. According to the Institut d'Émission d'Outre-mer, the COVID-19 pandemic plunged the Polynesian economy into a deep crisis. According to the Statistical Bureau of French Polynesia, local economic activity strengthened in the fourth quarter of 2021 after a year still marked by the COVID-19 pandemic and its attendant restrictions. The first quarter of 2022 saw a gradual return of tourists and a significant rise in inflation. Despite the arrival of the Omicron variant, the recovery in tourist numbers has contributed significantly to a rebound in the labour market and overall growth in the territorial economy. The pandemic took a heavy toll on tourism, but it regained its place in the Polynesian economy in 2022.

14. In April 2022, the territorial Government presented an assessment of the implementation in 2021 of the French Polynesia Recovery Plan 2021–2023, adopted in 2021 (see [A/AC.109/2022/7](#)). According to the assessment, the plan does not merely fill the gaps left by the pandemic and the economic crisis that followed, but covers a longer trajectory and includes a discussion of the medium and longer terms. The document contains a detailed assessment of each of the three pillars of the plan: protecting the economy and jobs, building resilience and preserving social cohesion.

15. In May 2022, the Statistical Bureau of French Polynesia issued a study on the blue economy that, based on the availability of data, covered the following sectors: maritime transport; yachting and sailboat rental; fishing, pearl farming and aquaculture; and shipbuilding and ship repair. The study notes that in 2019, the blue economy industries of French Polynesia accounted for 5.2 per cent of gross domestic product, an increase of 9 per cent compared with 2015.

### **B. Agriculture, pearl farming, fisheries and aquaculture**

16. According to the annual report of the Institut d'Émission d'Outre-mer for 2022, the agriculture of French Polynesia is based on small-scale family farms that practise

polyculture. Agricultural production is divided into vegetable products (two thirds) and animal products (one third). Since agricultural production is insufficient to cover all the population's food needs, it is supplemented by food imports. In February 2021, the Assembly of French Polynesia adopted "Agriculture" in French Polynesia 2021–2030, a master plan which intends to remedy this dependence. Food imports come mainly from metropolitan France (28 per cent), the United States of America (18 per cent) and New Zealand (15 per cent).

17. According to the Institut d'Émission d'Outre-mer, pearl products (the second most important resource of French Polynesia after tourism) account for over half of export revenues from local products. The reform of pearl farming in 2017, which provided for new governance, oversight of pearl production and trading activities, the introduction of annual production quotas and the end of mandatory pearl quality control, did not have the desired results, especially as the COVID-19 pandemic further exacerbated the difficulties facing the sector. After a significant drop at the onset of COVID-19, the volume of exported raw pearls surpassed pre-pandemic levels, with 16.7 tonnes, up from 8.9 tonnes in 2020 and 10 tonnes in 2019. Nevertheless, the sector remains weakened by the impact of the pandemic. Measures, studies and activities have been initiated to support pearl farming and ensure its long-term sustainability. Work to repatriate and recycle pearl waste continued in 2022, and local training in began to be provided again for pearl grafters.

18. Thanks to its exclusive economic zone, French Polynesia has considerable fishery potential. Under the impact of the pandemic, Polynesian fishery production decreased by 12 per cent in 2020, but recovered in 2021 and returned to pre-pandemic levels. In 2021, with the easing of transport constraints linked to COVID-19, exports of fishery products, excluding shells, returned to their pre-pandemic level. Polynesian fishery production rose significantly in 2022, thanks to a greater number of domestic and foreign opportunities, against a backdrop of post-pandemic economic recovery.

### **C. Industry**

19. According to the annual report of the Institut d'Émission d'Outre-mer for 2022, the industrial sector saw a 10 per cent increase in turnover in 2022, following a 2.8 per cent decline in 2020. This growth was driven by all subsectors. The development of the industrial sector faces structural constraints, including a small domestic market that limits economies of scale and heavy dependence on imported raw materials and energy products, exacerbated by rising prices in 2022.

### **D. Transport and communications**

20. According to the Ministry of the Interior and Overseas Territories, the port of Papeete is managed by a public enterprise, the Autonomous Port of Papeete. French Polynesia has air connections to most continents. It has one international airport, in Tahiti (Faa'a), owned by the State but managed by a private concessionaire. The concession, awarded in 2010, has been cancelled by the courts three times, in March 2017, October 2021 and October 2022. According to the annual report of the Institut d'Émission d'Outre-mer for 2022, after two years of decline, international air traffic jumped in 2022, increasing by 153 per cent, although it remained 15 per cent below the pre-pandemic level. However, flights to certain destinations served prior to the pandemic have not resumed (Chile and Japan).



## **E. Tourism**

21. According to the annual report of the Institut d'Émission d'Outre-mer for 2022, the tourism industry is the Territory's main export resource. A new tourism strategy for the period 2021–2025 was defined in 2020. The tourism sector, which was hit hard by the COVID-19 pandemic, has regained its place in the economy and now accounts for over 15 per cent of salaried workers and business revenue. In 2022, 218,750 tourists visited French Polynesia, only slightly fewer than in 2019 (236,642) and close to pre-pandemic levels. The United States remains the country of origin of most tourists.

## **F. Environment**

22. According to the Institut d'Émission d'Outre-mer, the Government of the Territory has set a 75 per cent target for the proportion of its renewable energy by 2030 (compared with 30.2 per cent in 2020), as part of its sustainable development strategy. According to the Polynesian Energy Monitor, the rate of energy dependence, meaning the proportion of energy generated by fossil fuels that French Polynesia must import for its primary energy consumption, was 93.9 per cent in 2021.

23. According to the Institut d'Émission d'Outre-mer, the wide demographic disparities and unequal distribution of fresh water in French Polynesia have led to different strategies for managing that resource. Water management is the responsibility of the communes, which have until 31 December 2024 to provide drinking water and a sewerage system to all their constituents. Between 2007 and 2019, the percentage of the population with access to drinking water increased from 13 per cent to 62 per cent. Nevertheless, only 10 of the 48 communes of French Polynesia have a drinking water distribution network.

24. Since the adoption of Organic Act No. 2004-192, responsibility for the collection and treatment (recovery and disposal) of domestic and plant waste, with the exception of toxic waste, has rested with the communes. The General Code of Territorial Units (collectivités territoriales) requires communes to set up an appropriate waste management service. Initially scheduled for the end of 2011, the obligation was postponed to the end of 2019, then to the end of 2024, given the difficulties in implementing the regulation. Lockdowns and reduced activity as a result of the pandemic resulted in less waste and more selective waste sorting.

## **III. Social conditions**

### **A. General**

25. In March 2022, the Statistical Bureau of French Polynesia published the "Territorial Diagnosis 2021" on subjects related to the Sustainable Development Goals, including income inequality, discrimination, gender inequality, health, welfare, education and the development of a sustainable and resilient economy. The territorial diagnosis is one of the prerequisites for the preparation of a convergence plan, as defined by Act No. 2017-256 of 28 February 2017 setting out a programme for real equality for overseas collectivities and establishing other social and economic provisions. The purpose of the convergence plan is to enable the implementation of a long-term convergence strategy with a view to reducing the development gap with metropolitan France over a 10-year period with regard to the 17 Sustainable Development Goals.

26. Implementation of the French Polynesia Innovation Strategy 2030, entitled “Polynesia, Ocean of Innovation”, began on 5 December 2023. The strategy defines the key strategic areas for the sustainable and inclusive development of French Polynesia, for which the strengths of researchers (public operators) and innovators (private, charitable and community organizations) will need to be mobilized, including the development of a sustainable and low-carbon blue economy, the resilience of land and sea, high-quality outputs, the bioeconomy, the promotion of biotechnology, and cultural and eco-tourism.

## **B. Employment**

27. According to the Statistical Bureau of French Polynesia, the unemployment and employment rates in 2022 were 9.0 per cent and 53.8 per cent, respectively, compared with 10.5 per cent and 53 per cent in 2020. The measures put in place in 2020 by the Government of the Territory to support people having difficulty with employment ended in 2022.

28. According to the Statistical Bureau of French Polynesia, in 2022, the employment-related gender gap narrowed. The employment rate for men remains 13 percentage points higher, at 60.3 per cent, compared with 47.4 per cent for women. In metropolitan France, the gap is just 6 percentage points, with men more likely to be employed. The employment rate for men rose by 0.3 points, while for women it increased by 1.4 points. The unemployment rate for men remains lower than for women, at 7.3 per cent, compared with 11.1 per cent for women, and is similar to the male unemployment rate in metropolitan France (8.0 per cent in 2021). The unemployment rate for women decreased further, by 1.4 points, while the male unemployment rate rose by 0.3 points. The proportion of economically inactive women not wishing to work has stabilized at 36.5 per cent for the first time, following steady growth since 2018. The proportion of inactive men rose further, to 27.5 per cent, 9 points below the figure for women. According to the Statistical Bureau of French Polynesia, the proportion of jobs considered precarious (short-term contracts, internships and involuntary self-employment) fell by 0.8 percentage points, to 15.5 per cent of all jobs. The proportion of women in precarious employment (13.7 per cent) has decreased more than it has for men (16.9 per cent).

## **C. Education**

29. Since the adoption of the 2004 law on the Territory’s autonomous status, French Polynesia has had jurisdiction over the organization of education. The Ministry of Education and Higher Learning not only coordinates the management of schools, but also organizes the different curricula and defines school programmes. However, the French State retains responsibility for public education, the awarding of national diplomas and the administration of higher education. This interconnection requires close collaboration, which is defined in the Convention on Education between French Polynesia and the State dated 29 September 2016. French Polynesia has 228 primary schools (including pre-primary and special-needs schools) and 62 secondary schools. The State nevertheless guarantees the national equivalency of the diplomas awarded. Moreover, French Polynesia has total jurisdiction in terms of educational activities. French Polynesia offers a varied educational system, with establishments dedicated to all subjects. The University of French Polynesia is a public scientific, cultural and vocational establishment. Established in 1987 and autonomous since 1999, this young university has been a major hub of higher education and research activities for over 30 years.

## D. Health care

30. According to the Institut d'Émission d'Outre-mer, French Polynesia has full authority over health issues. The health policy has several objectives, including improvement of the governance of the health and medical welfare system, the quality of the health system, coverage for health and social needs, and prevention. The 2016–2025 Strategic Health Plan, which outlined the organization and geographic distribution of health-care provision under the health policy, is implemented through five-year health organization frameworks. All beneficiaries of the system have been guaranteed the choice of attending physician since January 2020.

31. Care is provided by both the public sector, which provides medical coverage for all the archipelagos, and the private sector, which is focused on Tahiti. Medical evacuations to Tahiti or out of the Territory (metropolitan France or New Zealand), are organized for conditions that cannot be treated locally.

32. With regard to the health impact of nuclear tests, Act No. 2010-2 of 5 January 2010 on the recognition and compensation of victims of nuclear tests, known as the Morin Act, resulted in questions about the concept of negligible risk in relation to victim compensation. The reference to negligible risk was removed in the Act concerning real equality for overseas collectivities and establishing other social and economic provisions, thus enabling a larger number of victims to receive compensation. Under article 113 of that same Act, a commission, half of whose members were to be parliamentarians, while the other half were to be qualified individuals, was instituted in order to propose measures to ensure that compensation was paid only to people whose illness had been caused by the nuclear tests, and to make recommendations to the Government of France. That commission was established under Decree No. 2017-1592 of 21 November 2017 and formed on 28 May 2018, and is chaired by Lana Tetuanui, Senator of French Polynesia. The commission's members visited French Polynesia in October 2018 and submitted their report to the Prime Minister of France on 20 November 2018 (see [A/AC.109/2019/7](#)).

33. An amendment to the 2019 finance bill was submitted by the same Senator on 30 November 2018, introducing several changes proposed by the commission in its report (see [A/AC.109/2019/7](#)). The amendment provides that the presumption of causality between the illness developed and the exposure to atomic radiation produced by French nuclear tests may be reversed if it is established that the claimant did not receive an effective dose (external exposure and internal contamination) in excess of the permissible dose limit for the general public set out in the radiation protection rules established in article L1333-2 of the Public Health Code, currently 1 millisievert per year (directive of the European Atomic Energy Community and article R1333-1 of the Public Health Code). The deadlines for beneficiaries of deceased persons to file claims were extended to three years following death for persons who died after the promulgation of Act No. 2018-1317 of 28 December 2018 on financing for 2019, and to 31 December 2021 for persons who died before the date of promulgation of that Act. The deadline for the reconsideration of denials issued by the Committee for the Compensation of Nuclear Test Victims on the basis of the former criterion of negligible risk was extended to 31 December 2020.

34. In February 2021, the National Institute of Health and Medical Research (INSERM) published a document entitled “Nuclear testing and health: consequences in French Polynesia”. The objective of this collective appraisal, requested by the Ministry of Defence, was to assess available international scientific knowledge in order to ascertain the impact of the atmospheric nuclear tests conducted by France in French Polynesia on the health of the general population and former civilian and military workers. In order to explore the possible relationship between certain

pathologies and exposure to ionizing radiation, particularly at low doses, a multidisciplinary group of experts specializing in sociology, public health, epidemiology, dosimetry, radiobiology and genetics analysed the available international scientific knowledge on the damage to health from the atmospheric nuclear tests carried out by different countries, including France. It also looked at the health effects caused by other types of exposure to ionizing radiation, as well as the underlying biological mechanisms and retrospective methods for estimating the doses received. Following this analysis, the group of experts proposed avenues for research, health surveillance and scientific monitoring in order to improve assessment and monitoring of the health impact from nuclear testing in French Polynesia.

35. In a press release on the publication of the collective appraisal, INSERM indicated that the researchers considered that the link between pathologies and those nuclear tests was difficult to demonstrate in the Polynesian population. Several measures were proposed in the expert report to allow for a better understanding of the risks, and the established damage to health from ionizing radiation was recalled. Given the paucity of epidemiological studies specific to French Polynesia, the analysis was extended to available data on the health damage from atmospheric nuclear tests conducted by other countries, including the United States, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics. The group of experts completed this work by studying the health damage caused by other types of exposure to ionizing radiation and made several recommendations (see [A/AC.109/2022/7](#)).

36. During the last videoconference of the Advisory Committee for monitoring the consequences of nuclear testing, held on 23 February 2021, the President of French Polynesia recalled that the Committee was important for Polynesians because it was the only legally constituted round table to talk about the nuclear question. He also reiterated his request to the State to support French Polynesia in a sincere and loyal search for the truth, which alone could lead to the restoration of justice and, thus, confidence.

37. In its assessment of radioactivity monitoring in French Polynesia in 2019 and 2020, published in December 2021, the Institut de radioprotection et de sûreté nucléaire (IRSN) noted that the levels of radioactivity measured in various environmental media in 2019 and 2020 were in line with previous years, remaining at a level considered very low. This residual radioactivity is mainly attributable to caesium-137. Radiological monitoring of the environment has been carried out by the IRSN environmental survey laboratory since 1962 in French Polynesia, outside the nuclear test sites of Mururoa and Fangataufa. Since 1966, the annual report corresponding to the radiological monitoring of the environment has been transmitted by the Ministry for Europe and Foreign Affairs to the United Nations Scientific Committee on the Effects of Atomic Radiation. Since the end of 2020, the results of the measurements in French Polynesia have been included on the website of the national network for environmental radioactivity measurements in order to make them available to the public.

38. In its 2020 report on its activities, published in March 2021, the Committee for the Compensation of Nuclear Test Victims referred to the amendments to the Morin Act over the previous 10 years: the condition relating to place of residence or stay was extended throughout French Polynesia in 2013; and the conditions for reversing the presumption of causality (link between disease referred to and exposure to atomic radiation produced by nuclear tests) underwent two significant amendments, in 2017 and 2018. The report also notes that since the entry into force of Act No. 2020-734 of 17 June 2020, the 1-millisievert annual dose limit (see para. 33) has once again applied to all applications filed with the Committee, regardless of the filing date.

39. In its 2021 activity report, the Committee for Compensation notes that with 217 new claims filed, 2021 was the third highest year for claims, after 2010 and 2011 (406 and 268 cases, respectively). The total cumulative number of cases registered between January 2010 and 31 December 2021 is 1,954, including 576 cases for claimants living in French Polynesia. In 2021, nearly 8 out of 10 claims were filed by applicants who had resided or stayed in French Polynesia. In its report, the Committee notes that since 2018 and the implementation of the 1-millisievert annual dose rule (see para. 33), by 2021 around one half of applications for recognition as nuclear test victims were accepted. The Committee also notes that for the population residing in French Polynesia, 96 per cent of the applications for recognition as nuclear test victims that were accepted were made in or after 2018, while the remaining 4 per cent of favourable decisions were made between 2010 and 2017. In 2021, the Committee made 126 offers of compensation to recognized victims. The law provides for full compensation for persons whose right to compensation has been recognized, taking into account the full extent of harm suffered by the victim. A total of 611 victims have been compensated for damages and related costs since the establishment of the Committee.

40. In the same report, the Committee for Compensation notes that the entry into force of article 179 of the Finance Act No. 2021-1900 of 30 December 2021 amended article 1 of the Morin Act with respect to the time limits given for filing a claim. The new time limits are based on the date of death of the person for whom the claim is filed. A compensation claim may be filed for a deceased person by his or her beneficiaries (including children, spouse, cohabitant, or partner bound by a civil solidarity pact), until 31 December 2024 if he or she died before 30 December 2018, or until 31 December of the sixth year following the death, if he or she died after 30 December 2018. Where a claim has been denied before the effective date of the Act of 28 February 2017, the claimant or the claimant's estate, if he or she is deceased, may reapply for compensation before 31 December 2024.

41. In its 2022 activity report, the Committee for Compensation notes that of the 328 new claims filed in 2022, 239 concerned residents of French Polynesia. The proportion of claims filed by or on behalf of residents of French Polynesia has increased by 20 percentage points, to 73 per cent, compared with 53 per cent in 2020. In 2022, the Committee made 172 offers of compensation to recognized victims, of which 89 were made to Polynesians and 83 to people from metropolitan France. For the first time, the number of offers made to Polynesians exceeded the number made to people from metropolitan France. In its report, the Committee notes the Constitutional Council's decision No. 2021-955 QPC dated 10 December 2021, in which it declared that article 57 of Act No. 2020-734 of 17 June 2020 was contrary to the Constitution. That article specifies that claims must be examined in the light of the 2018 Act, namely on the basis of the 1 millisievert rule (see paras. 33 and 38), regardless of the date the claims were submitted to the Committee. Claims filed before 31 December 2018 must be considered in accordance with article 113 of the 2017 Act concerning real equality for overseas collectivities and establishing other social and economic provisions (reversal of the presumption of causality if a person's condition is the exclusive result of a cause unrelated to atomic radiation). However, the repeal of article 57 is not retroactive and only applies going forward, that is to say to cases in progress as at 11 December 2021, on which no final decision has been taken.

42. A new methodology to be followed by the Committee for Compensation when it investigates compensation claims and makes decisions was adopted on 22 June 2020. That methodology specifies the conditions under which the right to recognition as victims of French nuclear tests is assessed by the Committee and establishes offers of compensation when that right has been recognized. When the offer has been accepted, the amount corresponding to the total compensation for damages is paid to

the victim or to his or her heirs in accordance with the rules of inheritance (see [A/AC.109/2022/7](#)).

43. A round table on the nuclear issue was held in Paris on 1 and 2 July 2021. It was given the name “Reko Tika”, which means “the right word” in the Polynesian language Pa’umotu.

44. In a letter dated 7 July 2021 addressed to the President of French Polynesia, the Prime Minister of France presented the results of the round table and the commitments of the French Government that had resulted from it. The contents of the letter were shared by the President of French Polynesia at a press conference held on 12 July 2021. In his letter, the Prime Minister announced several practical measures that had resulted from the round table. The first measure concerns the question of opening the archives, while the second concerns the essential question of the effects of nuclear testing on health, which cannot be denied, as the Prime Minister stated in his letter. It is essential to have increased awareness and knowledge of the mechanisms involved in the appearance and development of radiation-induced illnesses. On the subject of compensation for victims of nuclear testing, the Prime Minister recalled that the principle was simple and clear and that it must be applied: the State has created a right to compensation for victims of nuclear testing and it has a duty to allow all those who consider themselves victims to submit a file to the Committee for Compensation. It was decided to set up a team with medical and administrative skills that would be able to visit Polynesians to inform them of their rights and help them to assess their health situation and put together their case file, if necessary.

45. During his visit to the Territory from 24 to 27 July 2021, the President of the French Republic indicated that France owed French Polynesia a debt of gratitude for the nuclear tests and that he and the Polynesians wanted truth and transparency in that area.

46. An interministerial commission in charge of opening the nuclear test archives was set up on 5 October 2021. French Polynesia is represented on this commission by two qualified persons.

47. In September 2022, the Minister of Education of French Polynesia opened the first working group of the 2022–2023 school year, dedicated to teaching about the nuclear question in the Territory’s elementary and junior high schools. The purpose of this multidisciplinary working group is to provide students with a curriculum on the nuclear question that enables them to develop their own thinking about these events and to promote the work that has been done on this subject.

## **IV. Relations with international organizations and partners**

48. French Polynesia has been an associate member of the Economic and Social Commission for Asia and the Pacific since 1992 and a full member of the Pacific Islands Forum since September 2016. It is a member of the Pacific Community and the Pacific Regional Environment Programme, and a participating territory in the Western and Central Pacific Fisheries Commission and the Polynesian Leaders Group. French Polynesia is also a member of other regional bodies, including the Oceania Customs Organization and the Pacific Power Association.

49. The President of French Polynesia took part in the fifty-second Pacific Islands Forum, held in Rarotonga (Cook Islands) from 6 to 10 November 2023. During the thematic dialogues with the many partners of the Forum, the President spoke on behalf of the Forum on the theme of strengthening cybersecurity. The President also chaired the twelfth meeting of the Polynesian Leaders Group, held on 6 November

2023 in the Cook Islands, and took part in the opening ceremony of the eighth French Polynesia Blue Economy Forum, held on 16 and 17 November 2023 in Papeete.

## **V. Consideration by the United Nations**

### **A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples**

50. The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples considered the question of French Polynesia at its 4th and 10th meetings, held on 12 and 23 June 2023, pursuant to General Assembly resolution [77/139](#). At the 4th meeting, the delegate for international, European and Pacific affairs of French Polynesia made a statement and the Special Committee heard a petitioner (see [A/AC.109/2023/SR.4](#)). At its 10th meeting, the Special Committee adopted draft resolution [A/AC.109/2023/L.24](#) without a vote (see [A/AC.109/2023/SR.10](#)).

### **B. Special Political and Decolonization Committee (Fourth Committee)**

51. At its 3rd meeting, held on 3 October 2023, on the basis of a decision taken at that same meeting, the Special Political and Decolonization Committee heard a statement on the question of French Polynesia by the President of French Polynesia, Moetai Charles Brotherson. At the same meeting, on the basis of a decision taken at its 2nd meeting, the Fourth Committee heard 40 petitioners on the question of French Polynesia. At the same meeting, statements were made by the representatives of France, Fiji and Solomon Islands (see [A/C.4/78/SR.3](#)). The representative of Papua New Guinea made a statement at the 6th meeting (see [A/C.4/78/SR.6](#)).

52. At its 9th meeting, held on 11 October 2023, the Fourth Committee adopted, without a vote, draft resolution IX, entitled “Question of French Polynesia”, contained in the report of the Special Committee for 2023.

### **C. Action taken by the General Assembly**

53. On 7 December 2023, the General Assembly adopted, without a vote, resolution [78/91](#), based on the report of the Special Committee transmitted to the Assembly and its subsequent consideration by the Fourth Committee (see [A/78/429](#)). In that resolution, the General Assembly:

(a) Reaffirmed the inalienable right of the people of French Polynesia to self-determination, in conformity with the Charter of the United Nations and with General Assembly resolution [1514 \(XV\)](#), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

(b) Also reaffirmed that it was ultimately for the people of French Polynesia to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection called upon the administering Power, in cooperation with the Government of the Territory and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of French Polynesia of their right to self-determination in conformity with the legitimate political status options, based on the

principles clearly defined in Assembly resolution 1541 (XV) and other relevant resolutions and decisions;

(c) Recalled the previously made calls for the delisting of the Territory, and took note of the statement made by the representative of the President of the Territory in June 2023 that the Territorial government fully supports a proper decolonization process and self-determination process under the scrutiny of the United Nations;

(d) Reaffirmed, in that regard, General Assembly resolution 67/265, which provided for the reinscription of French Polynesia on the list of Non-Self-Governing Territories, and took careful note of an independent self-governance assessment of the Territory, presented to the Special Political and Decolonization Committee (Fourth Committee) on 4 October 2016, that the Territory did not meet the full measure of self-government;

(e) Called upon the administering Power to participate in and cooperate fully with the work of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in order to implement the provisions of Article 73 *e* of the Charter and the Declaration and in order to advise the Special Committee on the implementation of the provisions under Article 73 *b* of the Charter on efforts to promote self-government in French Polynesia, and encouraged the administering Power to facilitate visiting and special missions to the Territory;

(f) Also called upon the administering Power to facilitate a visiting mission to the Territory, and requested the Chair of the Special Committee to take all the steps necessary to that end;

(g) Regretted that the administering Power had not responded to the request to submit information on French Polynesia under Article 73 *e* of the Charter since the reinscription of the Territory by the General Assembly in 2013;

(h) Reaffirmed that an obligation existed on the part of the administering Power to transmit information under Chapter XI of the Charter, and requested the administering Power to transmit to the Secretary-General such information on French Polynesia as called for under the Charter;

(i) Urged the administering Power to ensure the permanent sovereignty of the people of French Polynesia over their natural resources, including marine resources and undersea minerals, in accordance with the relevant resolutions of the General Assembly;

(j) Took note of the efforts made by the administering Power concerning the recognition and compensation of victims of nuclear tests, and in that regard encouraged the administering Power to take steps to this effect;

(k) Reiterated its request to the Secretary-General to provide continuous updates on the environmental, ecological, health and other impacts of the 30-year period of nuclear testing in French Polynesia, in follow-up to the report of the Secretary-General on the matter, prepared pursuant to paragraph 7 of General Assembly resolution 71/120;

(l) Called upon the administering Power to initiate a dialogue with the new Government of French Polynesia in order to facilitate rapid progress towards a fair and effective self-determination process, under which the terms and timelines for an act of self-determination would be agreed;

(m) Requested the Special Committee to continue to examine the question of the Non-Self-Governing Territory of French Polynesia and to report thereon to the General Assembly at its seventy-ninth session.



## Annex

## Map of French Polynesia

