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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 publicly 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/fr/documents/workingpapers](http://www.un.org/dppa/decolonization/fr/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 administering Power:* Dominique Sorain, High Commissioner of the Republic (since 10 July 2019).

*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:* 279,300 (2020 estimate, Statistical Bureau of French Polynesia).

*Life expectancy at birth:* women: 78.5 years; men: 75.1 years (2020).

*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:* Édouard Fritch (since 12 September 2014).

*Main political parties:* The political groupings in the Assembly of French Polynesia are: Tapura Huiraatira (38 seats); Tahoera’a Huiraatira (8 seats); and Tavini Huiraatira (8 seats). There are also three non-party affiliated representatives in the Assembly.

*Elections:* Municipal elections were held in March (first round) and June (second round) 2020.

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

*Gross domestic product per capita:* 2.15 million Pacific francs (2017).

*Unemployment rate:* 12.8 per cent (2020 estimate).

*Economy:* The service sector, which generated 85 per cent of value added in 2017 and employed more than 80 per cent of wage workers in 2020, 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 has 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 2019, 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 constitutes 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. Édouard Fritch was elected President of French Polynesia on 12 September 2014 and re-elected on 18 May 2018.

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 Minister for 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 2021 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 2019 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.

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 French Ministry for Overseas Territories, the service sector, in particular tourism, plays an important role in the economy of French Polynesia. According to the annual report of the Institut d'Émission d'Outre-mer for 2019, the service sector generated 85 per cent of value added in 2017. 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 2020 (25 per cent of total imports). In second place, the other 27 countries of the European Union together represented 17 per cent of the total. Accounting for 14 per cent of the total imports of French Polynesia, China is its third largest supplier, after the United States of America (10 per cent). French Polynesia also maintained sustained trade with countries in Asia. In its own geographical area, New Zealand and Australia accounted for 5 per cent of current transactions as a whole in 2018.

13. According to the Statistical Bureau of French Polynesia, the year 2020 was marked by the COVID-19 pandemic in French Polynesia, which brought the job market to a halt in the second quarter and affected tourism employment thereafter. The Government of the Territory and the State have deployed employment support measures to assist businesses and employees.

14. According to the Institut d'Émission d'Outre-mer, the COVID-19 pandemic has plunged the Polynesian economy into a deep crisis. As early as the first quarter of 2020, the business climate indicator fell sharply and remained below its long-term average for the entire year. The wage employment index in the business sector contracted by 4.4 per cent in 2020. With health restrictions and the suspension of many air services, tourist numbers dropped to 77,000 foreign visitors in 2020, three times less than in 2019. The pearl industry, the second largest export earner in French Polynesia, has been heavily affected by the effects of the health crisis, particularly the scarcity of international flights. Its export revenues decreased by 50 per cent compared to 2019.

15. On 10 March 2021, the President and the Minister of Finance, the Economy and Tourism, responsible for energy, generalized social protection and the coordination of the Territory's governmental action, presented the French Polynesia Recovery Plan 2021–2023. The plan is based on two main areas: supporting the economy and employment in order to limit the negative effects of the health crisis and thus create the conditions for a rapid recovery of activity; and strengthen solidarity with the most vulnerable in order to preserve social equilibrium.

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

16. According to the annual report of the Institut d'Émission d'Outre-mer for 2020, the agriculture of French Polynesia is based on small-scale family farms that practice polyculture. Agricultural production is divided into vegetable products (68 per cent) and animal products (32 per cent). 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 (33 per cent), New Zealand (16 per cent) and the United States (14 per cent).

17. According to the Institut d'Émission d'Outre-mer, revenues generated from raw pearl exports have been steadily declining since 2017. The measures taken to combat the health crisis have had a heavy impact on this already fragile sector. For example,

nearly a month before the lockdown measures were put in place, the decision to suspend work permits for foreigners outside the Territory who had been in China since 30 January 2020 left the farms without most of their seasonal workers. This measure was quickly compounded by the suspension of local and international air traffic, blocking all exports.

18. Thanks to its exclusive economic zone, French Polynesia has considerable fishery potential. Under the impact of the sanitary crisis, Polynesian fishery production decreased by 12 per cent in 2020. The suspension of flights has affected exports of fishery products, which fell by 53 per cent in 2020.

### **C. Industry**

19. According to the annual report of the Institut d'Émission d'Outre-mer for 2020, the industrial sector saw a 2.8 per cent decline in turnover in 2020. Public employment assistance provided during the most difficult months of the health crisis limited the decline in the number of salaried workers to -0.8 per cent over the first nine months of the year 2020.

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

20. According to the French Ministry for 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. Owing to the cancellation by the courts of the management contract signed in 2010, a new call for tenders was issued in November 2019, to be assigned before 2022.

### **E. Tourism**

21. According to the annual report of the Institut d'Émission d'Outre-mer for 2020, 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 has been hit hard by the COVID-19 pandemic. Following the closure of its borders from the end of March to mid-July 2020 and the travel restrictions imposed on its main outbound markets, French Polynesia saw its tourist numbers drop by 68 per cent in 2020. In anticipation of a resumption in tourist visits, initiatives have been put in place to boost domestic tourism.

### **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 to 29 per cent in 2018), as part of its sustainable development strategy. According to the Polynesian Energy Monitor, the rate of energy dependence, meaning the proportion of energy that French Polynesia must import for its primary energy consumption, was 94 per cent in 2019.

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. In 2020, the Centre for Hygiene and Public Health rated the piped water as potable in only 10 communes, located in the urban area



of Tahiti or on the islands where tourism is most developed. In order to expand access, the Territory has adopted water safety plans, a programme recommended by the World Health Organization and coordinated by the Pacific Community.

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. According to the Statistical Bureau of French Polynesia, the relative monetary poverty rate was 19.7 per cent in 2009 in the Windward Islands, meaning that one in five households had an income per consumption unit below the poverty line. The poverty rate was higher in Moorea than in Tahiti and, more generally, in rural areas than in urban areas. Also according to the Bureau, in 2009, the Gini coefficient was 0.40, indicating a level of inequality comparable with that of the United States (0.41). This coefficient was close to that of New Caledonia (0.43) and significantly higher than that of metropolitan France (0.29).

26. In a letter dated 20 September 2021 addressed to the United Nations, the President of French Polynesia transmitted the 2021 follow-up report of French Polynesia on the Sustainable Development Goals. The President noted that the report was the result of a process of regional integration of the Territory in the Pacific and allowed for an evaluation of public policies with regard to the Goals. He also noted that, at the domestic level, the preparation of the report would help to raise awareness about that international programme among administrative departments, to promote the need for strengthened management of statistical data and to encourage the public authorities to take greater ownership of the Goals in order to integrate them into the public policies conducted by the Government of the Territory.

#### B. Employment

27. According to the Institut d'Émission d'Outre-mer, employment in French Polynesia is dominated by the service sector. According to the Statistical Bureau of French Polynesia, the unemployment and employment rates in 2020 were 10.5 per cent and 53 per cent, respectively, compared with 12.8 per cent and 52 per cent in 2019. The drop in the unemployment rate from 2019 is largely related to support from public actors. Since April 2020, the Government of the Territory has put in place several measures to support people who lost their jobs or were unable to work during the lockdown period from 20 March to 20 May 2020, whether or not they are employed.

28. In 2020, the average annual workforce reported to the Social Welfare Fund had declined by 2,050 jobs (-3.1 per cent) since 2019, to 64,050 jobs. Brought about by the COVID-19 pandemic and its economic consequences, this decline is the first since 2015. Paid employment declined in September 2021 as a result of the Territory's second population lockdown from 23 August to 20 September 2021. Compared to August 2021, employment held steady in industry and construction and declined in trade, hotels and restaurants and other services.

29. According to Statistical Bureau of French Polynesia, access to the labour market for women and youth remained difficult in 2020. The employment rate for women was 16 percentage points lower than for men (44.9 per cent and 61.1 per cent, respectively). This difference increased by three points from 2019 to 2020. The unemployment rate for men (7.7 per cent) is lower than for women (14 per cent). The average monthly salary for women is 334,400 Pacific francs (full-time equivalent), compared to 333,900 Pacific francs for men (equivalent to \$3.165 and \$3.160, respectively). For the first time, women's average pay equals that of men, while the gender gap was 2.3 per cent in favour of men in 2019.

30. Also according to the Statistical Bureau of French Polynesia, there is a smaller gap between men and women in the rate of precarious employment. Age seems to be the most discriminating criterion. Three out of ten jobs held by 15-to-29-year-olds are considered precarious, compared to half that number for those 30 years and older.

### **C. Education**

31. 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, Labour and the Modernization of Administration, which is responsible for digital technology, not only coordinates the management of schools, but also organizes the different curricula and defines the 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.

32. According to the Institut d'Émission d'Outre-mer, the health crisis has also disrupted the entire school calendar. As the lockdown led to the closure of all schools for two months, teachers, students and their parents had to innovate to ensure the continuity of education. While this period acted as a catalyst for many initiatives, it especially pointed out the inequality of access to computer resources between households. Indeed, in 2019, a study by the Directorate-General of the Digital Economy pointed out that only 62 per cent of Polynesian households owned a computer, and in the Leeward Islands it was only 43 per cent. Based on this observation, the Directorate-General of Education and Teaching and the Vice-Rectorate have launched discussions on the place of new technologies in schools. The first conference on digital education was held in March 2021 and allowed the various actors involved to discuss these issues.

### **D. Health care**

33. 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 health

organization framework of French Polynesia for 2016–2021 enables a better understanding of issues such as the provision of primary health care in the archipelagos, the prevention of obesity and care for older persons. All beneficiaries of the system have been guaranteed the choice of attending physician since January 2020.

34. 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.

35. According to the Statistical Bureau of French Polynesia, 1,636 Polynesians died in 2020, which is 73 more than in 2019. The impact of the COVID-19 pandemic on overall mortality is still difficult to measure. The small size of the population of French Polynesia and, consequently, the high variability of the number of deaths complicate this analysis. The arrival of a large generation at high mortality ages may partly explain this increase. Over the 2016–2020 period, the mortality rate was 563.9 deaths per 100,000 population, which is the highest rate observed since 1984. In women, tumours are the leading cause of premature death.

36. Beginning in August 2021, French Polynesia experienced a second wave of COVID-19 accompanied by an explosion in the number of cases and deaths. According to the High Commissioner of the Republic, the Territory has seen an unprecedented deterioration in the health situation despite all the efforts undertaken and the strong containment measures adopted since 30 July 2021 to limit social gatherings, including the imposition of a curfew and a Sunday lockdown and the regulation of inter-island exchanges. A second lockdown was put in place from 20 August 2021. Health-care capacities have been bolstered by reserve medical personnel, health-care volunteers and fire fighters from metropolitan France and New Caledonia.

37. During his speech on 15 November 2021, the High Commissioner announced the lifting of the state of health emergency in French Polynesia, decided by the President of the Republic, thus putting an end to certain restrictions, such as the curfew and the lockdown for the islands where they were still in force. The President of the Territory, who also spoke at the event, emphasized the importance of vaccination, indicating that the Territory could no longer afford, either financially or morally, to deal with a new wave of the same magnitude as the previous one. He added that in order to give freedom to everyone, a “health pass” would be deployed as that solution, already applied in many countries around the world, was the best way to avoid a new lockdown.

38. 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 Act No. 2017-256 of 28 February 2017 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](#)).

39. 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.

40. 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.

41. 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: atomic bombings, nuclear accidents, occupational exposure of nuclear workers and medical exposure.

42. According to INSERM, the group of experts made several recommendations. It recommended improving the collection of health data by consolidating the French Polynesian cancer registry and creating others for cardiovascular diseases and congenital anomalies. It also proposed ways to refine the estimated doses received by local populations and by the civilian and military personnel who participated in the tests. Lastly, it recalled the importance of continuing to follow international scientific research, including on the effects of low doses of ionizing radiation, in particular on certain cancers not yet recognized as being radiation-induced, as well as on cardiovascular diseases and on offspring.

43. During the 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.

44. 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 of 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.

45. In its 2020 report on its activities, published in March 2021, the Committee for the Compensation of Nuclear Test Victims refers to the amendments to the Morin Act over the past 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 following Act No. 2020-734 of 17 June 2020, the 1-millisievert annual dose limit (see para. 39) once again applies to all applications filed with the Committee, regardless of the filing date.

46. In the same report, the Committee refers to a sharp increase in the rate of acceptance of claims. For example, whereas from 2010 to 2017 only 11 claims were accepted from claimants residing in French Polynesia, 186 were accepted between 2018 and 2020. The acceptance rate has risen to nearly 50 per cent. The Committee also mentions a large increase in the number of cases processed since 2018. For the population residing in French Polynesia, 94 per cent of the applications for recognition as nuclear test victims that were accepted were made between 2018 and 2020, while the remaining 6 per cent of favourable decisions were made between 2010 and 2017. The Committee noted that it was to be hoped that the presumptive claims regime was now stabilized.

47. 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. In order to ensure the most comprehensive compensation possible, the Committee has introduced two new types of harm into its methodology: disturbances in living conditions (the appearance of upheavals in daily life suffered by the victim or his or her close circle) and “exceptional permanent harm”, which is inherent to cancers. The latter makes it possible to take better account of the victim’s perception of an atypical harm that is directly related to the permanent functional deficit, given the “particular resonance” for certain victims in view of their individual characters, the

circumstances or the nature of the harmful event. It takes into account the severity and progression of the illness. The harm is to be compensated according to three levels of severity (medium, significant and very significant).

48. Decision No. 2020-2, concerning authorization to close incomplete files after unsuccessful outreach to claimants, was published by the Committee for Compensation on 21 September 2020 and rescinded by Decision No. 2021-1 of 28 September 2021.

49. During a meeting with the President of the French Republic on 30 March 2021, the President of French Polynesia addressed the nuclear issue. The President of the Territory recalled that in the 10 years since 2010, many steps had been taken towards compensation and reparation, but that the compensation and reparation policy that had been put in place had proven to be inadequate. In that regard, the President of the Republic proposed that a high-level round table on the nuclear issue be held in Paris.

50. This round table was held in Paris on 1 and 2 July 2021. The delegation of French Polynesia was composed of representatives of political and civil institutions and was officially appointed on 12 May by the Cabinet. It was given the name “Reko Tika”, which means “the right word” in the Polynesian language Pa‘umotu.

51. 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 file, if necessary.

52. 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.

53. 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.

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

54. 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.

## **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**

55. The representative of the Government of the Territory delivered a statement at the Caribbean regional seminar on the implementation of the Fourth International Decade for the Eradication of Colonialism, held in the parish of Saint John, Dominica, from 25 to 27 August 2021.

56. 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 3rd and 7th meetings held on 14 and 24 June 2021, pursuant to General Assembly resolution [75/112](#). At the 3rd meeting, the delegate for international affairs of French Polynesia made a statement and the Committee heard a petitioner (see [A/AC.109/2021/SR.3](#)). At its 7th meeting, the Special Committee adopted draft resolution [A/AC.109/2021/L.24](#) without a vote (see [A/AC.109/2021/SR.7](#)).

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

57. At its 16th meeting, held on 11 November 2021, the Fourth Committee adopted, without a vote, draft resolution IX, entitled “Question of French Polynesia”, contained in the report of the Special Committee for 2021.

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

58. On 9 December 2021, the General Assembly adopted, without a vote, resolution [76/95](#), based on the report of the Special Committee transmitted to the Assembly and its subsequent consideration by the Fourth Committee (see [A/76/425](#)). 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) Took note of the statement made by the President of the Territory in the Special Political and Decolonization Committee (Fourth Committee) on 8 October 2019 reaffirming previous calls to delist French Polynesia, and took note of resolution No. 2013-3, adopted by the Assembly of French Polynesia on 30 May 2013, which repealed the resolution of the Assembly adopted in 2011 requesting the reinscription of French Polynesia on that list;

(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 intensify its dialogue with 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-seventh session.



