



# General Assembly

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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 contained in the present working paper has been derived from public sources and is extracted from public sources on the Internet. Further details are contained in previous working papers, available from <https://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 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:* 4,767,242 km<sup>2</sup>.

*Population:* 276,300 (2017, Statistical Bureau of French Polynesia).

*Life expectancy at birth:* women: 77.7 years; men: 74.0 years (2017).

*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 Huiraaatira (40 seats); Tahoera’a Huiraaatira (9 seats); and Tavini Huiraaatira (8 seats).

*Elections:* Parliamentary elections were held in April (first round) and May (second round) 2018.

*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:* 21.0 per cent (2017).

*Economy:* The service sector, which generated 84 per cent of value added in 2015 and employed more than 82 per cent of wage workers in 2018, 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 cultivation, which yields the second most important resource of French Polynesia (accounting for two thirds of export revenues from goods in 2018), 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 is 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 2018, the 2004 reform resulted in a long period of political instability, which the adoption of 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 from 2004 to 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. The President forms the Government by appointing the Vice-President and ministers, whom he or she can 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. Mr. 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 be overthrown by a motion of no confidence; the Assembly can be dissolved by a decree issued by the President of the Republic, at the request of 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 issues opinions with corresponding recommendations on issues referred to it by the Government and the Assembly of French Polynesia. Its advice must be sought on economic, social and cultural projects, and it must be consulted on legislative proposals prepared by the Government or the Assembly. It may also undertake studies on issues within its jurisdiction, on its own initiative, subject to a two-thirds majority vote of its members. The Council consists of 48 members who are appointed by their peers for a four-year term and are distributed among four colleges (the college of wage-earners; the college of entrepreneurs; the college of development; and the college of community life). Its president is elected for two years.
9. According to the 2019 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. According to the 2019 Monitor of the Communes of French Polynesia, published by the French Development Agency, since the adoption of Organic Act No. 2004-192, the 48 communes of French Polynesia have been recognized as territorial units of the Republic. As such, they reflect the principle of free administration, which excludes any hierarchy among units, and are thus autonomous in the exercise of their own

powers in relation to the collectivity of French Polynesia. However, the communes of French Polynesia, unlike those of metropolitan France and the overseas departments, are not covered by a general-jurisdiction clause and therefore currently only have special jurisdiction, limited to the following nine areas: municipal police; communal roads; cemeteries; public transport; construction, maintenance and operation of primary schools; drinking water; collection and treatment of household waste; collection and treatment of plant waste; and collection and treatment of wastewater.

11. On 17 March 2017, the President of France and the President of French Polynesia signed an agreement on the development of French Polynesia, known as the Élysée Accord, adopted by the Assembly of French Polynesia on 6 July 2017 (see [A/AC.109/2019/7](#)). The first part of the agreement contains provisions on facilitating the payment of compensation to the victims of nuclear tests, addressing the environmental consequences of the tests and restructuring the economy of French Polynesia, as well as on preserving the Territory's autonomy and ensuring communes' administrative freedom.

12. In May 2019, the Parliament of France adopted the draft organic law amending the Statute of Autonomy of French Polynesia. Article 1 of that law provides for the insertion into Organic Act No. 2004-192 of two articles, 6-1 and 6-2, under a new section entitled "On recognition by the nation". In the first paragraph of article 6-1, the recognition by the French Republic of the contribution of French Polynesia to the development of the nuclear-deterrent capability and defence of the nation is proclaimed. Its second paragraph stipulates that the conditions for the compensation of persons suffering from illnesses resulting from exposure to atomic radiation produced by French nuclear tests are established under the law. Its third and fourth paragraphs indicate that the State shall ensure the maintenance and monitoring of the sites in French Polynesia at which the tests took place, and that it shall support the economic and structural rehabilitation of French Polynesia after the cessation of the tests. Article 6-2 provides that the State shall inform the Assembly of French Polynesia each year of action taken under section 2. Article 15 provides for the extension, under article 47 of Organic Act No. 2004-192, of the jurisdiction of French Polynesia, in the area of exploration and exploitation of biological and non-biological natural resources, to the regulation and exercise of the rights of conservation and management of those resources. It specifies that such jurisdiction applies, in particular, to rare-earth elements. In addition, the law provides for, inter alia, a broadening of the scope of international organizations of which French Polynesia may become a member; the rectification of points in the Statute which were posing practical difficulties for the functioning of local institutions (delegation of signature authority, types of conventions submitted to the Assembly, etc.); the authorization of French Polynesia to establish local public companies, participate in open public-sector associations, and establish independent administrative authorities in all areas within its jurisdiction; and the inclusion of the environment in the areas of responsibility of the Economic, Social and Cultural Council, thenceforth renamed the Economic, Social, Environmental and Cultural Council.

13. On 27 June 2019, the Constitutional Council ruled that the law amending the Statute of Autonomy of French Polynesia was partially unconstitutional. Specifically, it decided that article 1 did not have the status of organic, but rather of ordinary, law. The Constitutional Council also considered article 15, on jurisdiction over rare-earth elements, to be constitutional. According to the Constitutional Council, the combination of those provisions with those of article 27 of Organic Act No. 2004-192 meant that, insofar as such jurisdiction must be exercised in compliance with the constraints imposed by national defence, it could not be extended to rare-earth elements recognized as strategic raw materials.

14. On 27 June 2019, the Constitutional Council also declared unconstitutional several provisions of Act No. 2019-707 on various institutional arrangements in French Polynesia, adopted by the Parliament of France in May 2019, including its article 1, which provided for the establishment, as from 2020, of a deduction from French State revenue, for the benefit of French Polynesia, to cover the costs related to the economic imbalances caused by the cessation of the activities of the Pacific Experimentation Centre. Other provisions (articles 6 and 10–16) on the jurisdiction of communes in matters related to crematoriums, the inheritance law applicable in French Polynesia, the conditions for the operation of an aerodrome, and the exemption of French Polynesia from the scope of the law providing for the elimination of penalties for failure to pay parking fees, were also removed by the Constitutional Council for procedural reasons. On the same day, following decisions by the Constitutional Council, the Minister for Overseas Territories announced that the end-of-year budget laws would secure the comprehensive autonomy subsidy paid to French Polynesia following the cessation of the activities of the Pacific Experimentation Centre.

15. 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.

16. Act No. 2019-786 of 26 July 2019 on French Polynesia included, without amendment, the articles of Organic Act No. 2019-707 which had been removed by the Constitutional Council and which provided for the adaptation of rules on joint inheritance to the specific characteristics of French Polynesia, in particular the multigenerational nature of estates. The Act also included an article specifying the legal framework within which the French State could transfer the operation of an aerodrome under its jurisdiction in French Polynesia.

17. In a communication of 13 June 2019 addressed to the Chair 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 (also known as the Special Committee on Decolonization or the Special Committee of 24), the President of French Polynesia shared two documents: the report of the Pacific Islands Forum observer team deployed during the second round of legislative elections held in May 2018; and a document entitled “The development of autonomy in French Polynesia”. Both documents were circulated to the members of the Special Committee of 24.

18. In its report, the Pacific Islands Forum observer team welcomed the successful conduct of the 2018 elections and expressed the view that the elections were transparent and in accordance with the legal framework, and that the results faithfully represented voters’ views. According to the observer team, certain aspects of the electoral process could be strengthened to conform to the intent and principles of representative democracy and good governance. Among its recommendations, the observer team suggested to reduce the threshold required for parties to move on to the second round of elections, and to end the practice of awarding bonus seats to the party with the most votes.

19. The document entitled “The development of autonomy in French Polynesia” reviews the history of the Territory’s autonomy. The historical context presented includes the following elements: the arrival of the Europeans; the Pōmare Dynasty; the protectorate treaty concluded with France in 1842; the transfer of sovereignty in 1880, giving rise to the French Establishments in Oceania, which assumed the legal status of overseas territory with the establishment of the French Union in 1946, before being named “French Polynesia” in 1957; and the 1958 referendum (see historical overview included in the “Territory at a glance” box). According to the document, the establishment of the Pacific Experimentation Centre for French nuclear tests in the early 1960s and the construction of an airport led to profound socioeconomic changes.

The arrival en masse of people from metropolitan France then changed local ways of thinking and living. The document also presents the stages of the development and recognition of the Territory's autonomy: the first law on managerial autonomy (Act No. 77-772 of 12 July 1977 granting French Polynesia administrative and financial autonomy); internal autonomy (Act No. 84-820 of 6 September 1984, Act No. 90-612 of 12 July 1990 and Organic Act No. 96-312 of 12 April 1996); and the last major reform of the 2004 law on the Territory's autonomous status (see paragraph 1), amended in 2007 and again in 2011 (see paragraph 3). The document also provides an overview of the amendment to the Statute of Autonomy adopted by the Parliament of France in May 2019 (see paragraph 12). According to the document, the amendment aimed to modernize the organic law, without changing its substance, by making it more effective and functional and by incorporating certain specific demands. It is also stated that the scope of the reform of the Statute is, however, essentially symbolic.

## **II. Economic conditions**

### **A. General**

20. According to the French Ministry for Overseas Territories, the service sector, in particular tourism, plays an important role in the economy of French Polynesia. Given the thinness of the market, the economy is structured around large public or private groups, particularly in the energy and retail sectors.

21. According to the annual report of the Institut d'Émission d'Outre-mer for 2018, the service sector generated 84 per cent of value added in 2015 and employed 82 per cent of wage workers in 2018. Business services were the main branch of the economy, accounting for 40 per cent of wealth produced, followed by non-business services, accounting for 35 per cent. Meanwhile, the primary sector accounted for only 3 per cent of the economy of French Polynesia. The gross domestic product of French Polynesia reached 601 billion CFP francs in 2017 (586 billion CFP francs in 2016), increasing in value by 2.5 per cent over the year. With regard to trade, France continued to be the leading supplier to French Polynesia in 2017 (27 per cent of total imports). In second place, the other 27 countries of the European Union together represented 15 per cent of the total. French Polynesia also maintained sustained trade with countries in Asia. Singapore, China, the Republic of Korea and Japan accounted for 13 per cent of its current account transactions and 23 per cent of its trade in goods. Lastly, Australia and New Zealand were responsible for 6 per cent of current account transactions and 9 per cent of trade in goods.

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

22. According to the annual report of the Institut d'Émission d'Outre-mer for 2018, the agriculture of French Polynesia is based on small-scale family farms that practice polyculture. The formal sector accounted for less than 1 per cent of the turnover declared by companies in the Territory. Its development is hampered by major structural handicaps: the lack of arable land, particularly owing to a lack of land division, and insufficient training for farmers, as well as poorly organized product distribution channels.

23. According to the Institut d'Émission d'Outre-mer, the Tahitian pearl accounted for 60 per cent of revenue from the export of local products in 2018, a year in which exports of raw pearls nevertheless declined in both volume and value.

24. Thanks to its exclusive economic zone of around 4.7 million km<sup>2</sup>, French Polynesia has considerable fishery potential. Fisheries account for 11.5 per cent of revenue from the export of local products, mainly to the United States.

### **C. Industry**

25. According to the annual report of the Institut d'Émission d'Outre-mer for 2018, the development of the industrial sector in French Polynesia is facing structural constraints, in particular a small domestic market, which restricts economies of scale, and heavy dependence on imports of intermediate goods. Local industry development is based on customs protection in the form of the local development import tax. In 2018, the Government of the Territory announced that the tax would be revised such that it would no longer apply to goods that were not locally produced.

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

26. According to the French Ministry for Overseas Territories, the port of Papeete is managed by a public enterprise, the Autonomous Port of Papeete. According to the Institut d'Émission d'Outre-mer, in its 2009–2019 master plan, the Autonomous Port of Papeete focused on bringing its infrastructure into compliance with international safety rules.

27. French Polynesia has air connections to most continents: North America (United States of America); South America (Chile); Asia (Japan); Europe; and Oceania (Cook Islands, New Caledonia and New Zealand). It has one international airport, in Tahiti (Faa'a), owned by the State. In 2010, operation of the airport was handed over to a semi-public company, Aéroport de Tahiti, whose capital is shared among French Polynesia, the French Development Agency and Egis, a subsidiary of the Caisse des Dépôts et Consignations. However, according to the Institut d'Émission d'Outre-mer, pursuant to a final decision of 30 March 2017 handed down by the Administrative Court of Appeal of Paris, the concession was terminated after less than a year because the administrative procedure for awarding a public contract had not been followed. A call for tenders was issued in early 2018, before finally being abandoned in early 2019. International passenger traffic increased by 10.5 per cent in 2018, with average growth of 4.5 per cent since 2014.

### **E. Tourism**

28. According to the annual report of the Institut d'Émission d'Outre-mer for 2018, the tourism sector accounts for 17 per cent of the gross domestic product of French Polynesia, and is the Territory's main export resource. At the end of 2018, the tourism industry accounted for 12 per cent of businesses and employed 18 per cent of wage workers.

29. The main countries of origin of tourists in French Polynesia are the United States of America (35 per cent of the total in 2018), France (22.8 per cent) and Japan (4.6 per cent). Tourism from China has increased by a factor of 12 in 10 years, making it the seventh largest country of origin.

30. According to the report, tourism continued to grow in 2018, when 216,268 tourists visited the Territory (an 8.7 per cent increase over 2017), while wage employment linked to tourism and tourism industry turnover grew by 3.4 per cent and 2.5 per cent, respectively.

## **F. Environment**

31. According to the Institut d'Émission d'Outre-mer, the Government of the Territory has set a 50 per cent target for the proportion of renewables in total energy use by 2020, as part of its sustainable development strategy. A multi-year agreement for 2015–2020 to facilitate the energy transition in French Polynesia was signed by the Territory and the French Agency for the Environment and Energy Management in order to finance feasibility studies and training, provide technical support for investment projects and raise awareness.

32. Since the adoption of the most recent law on the Territory's autonomous status in 2004, the responsibility of the communes for water management has increased. In 2018, 11 out of 48 communes supplied drinking water. However, less than 1 commune in 10 had an effective wastewater treatment system.

33. Since the adoption of Organic Act No. 2004-192, responsibility for the collection and treatment (recovery and disposal) of domestic and vegetable waste, with the exception of toxic waste, has rested with the communes. However, waste management is undermined by inadequate selective sorting, which is conducted in only half of the communes. In view of the communes' slow progress in these areas, the time frame for the implementation of effective waste management was extended until 31 December 2024.

34. Under the 2015–2020 project agreement, 12 billion CFP francs have been allocated to projects for drinking water supply, wastewater treatment and waste management.

## **III. Social conditions**

### **A. General**

35. The Statistical Bureau of French Polynesia stresses that the poverty rate was 19.7 per cent in 2009, 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. According to the Bureau, in 2009, the Gini coefficient, a composite indicator that measures income inequality, 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).

### **B. Employment**

36. According to the Institut d'Émission d'Outre-mer, employment in French Polynesia is dominated by the service sector, which accounts for more than 8 out of 10 of all wage workers. Services employ over two thirds of all wage workers, almost 6 out of 10 of whom work in the business sector. Of the 65,000 wage workers recorded at the end of September 2018 (latest available data), 15 per cent worked in the trade sector, 15 per cent in the secondary sector and 3 per cent in the primary sector. By 2018, the number of people employed by the State had stabilized at around 10,000.

37. As at November 2018, wage employment had grown at an annual rate of 2.2 per cent. The number of job seekers registered with the Employment, Training and Professional Integration Service had increased by 5.3 per cent, and the number of regular job openings by 5.7 per cent.

## C. Education

38. According to the Institut d'Émission d'Outre-mer, since the adoption of the 2004 law on the Territory's autonomous status, French Polynesia has jurisdiction over the organization of education. However, the French State retains responsibility for university education and provides logistical support to the Ministry of Education, Youth and Sports of French Polynesia (provision of staff, awarding of national diplomas, participation in the financing of transport, school equipment and construction, and payment of salaries). French Polynesia has 223 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

39. According to the Institut d'Émission d'Outre-mer, French Polynesia has full authority over health issues. The Government of France provides financial support, particularly through the 2015–2020 project agreement, under which 3.6 billion CFP francs were allocated to the health sector and, in particular, to the planning and equipping of major public health hubs and the establishment of small medical units in remote archipelagos.

40. According to the annual report of the Institut d'Émission d'Outre-mer for 2018, the health policy of French Polynesia 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. In October 2017, the Regulatory Agency for Health and Social Welfare was established. The health organization framework for 2016–2021 will enable 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.

41. 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. The public-sector coverage comprises the Hospital Centre of French Polynesia, a multidisciplinary facility, and the Health Directorate, which manages 120 local health facilities (medical centres, clinics, dental clinics, infirmaries and first aid stations), including four outlying hospitals and seven specialized consultation centres, spread across the archipelagos. In addition, specialists from the Hospital Centre of French Polynesia (in such areas as cardiology, endocrinology, ophthalmology, obstetrics and chest medicine) are regularly sent on missions to the archipelagos. Lastly, medical evacuations, to Tahiti or out of the Territory (metropolitan France or New Zealand), are organized for conditions that cannot be treated locally. The private-sector coverage comprises two clinics (in Papeete), two medical centres and nearly 500 practitioners (physicians, dental surgeons, nurses and physical therapists).

42. According to the annual report of the Institut d'Émission d'Outre-mer for 2017, the main causes of mortality are linked to cancerous or cardiovascular pathologies. Among people aged under 65 years, half of all deaths are linked to road accidents, especially for young persons aged between 15 and 25 years, and current lifestyles (unbalanced diets, alcoholism and smoking). French Polynesia is particularly affected

by obesity, which results in medical complications (such as arterial hypertension and diabetes mellitus).

43. The distance between islands in French Polynesia made it a pioneer in telemedicine: as early as 1991, electrocardiograms were being shared by hospital emergency room doctors on different islands. With the arrival of the Internet in 2000, such exchanges expanded to include photographs of patients and radiological imaging. In 2005, when an emergency medical service was established, physicians set up a system for sharing still images. A pilot project involving the high-speed transmission of moving images between three outlying islands was recently launched.

44. 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](#)).

45. An amendment to the 2019 finance bill was submitted by Senator Lana Tetuanui 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.

46. At the meeting of the Advisory Committee for monitoring the consequences of nuclear testing chaired by the Minister of Solidarity and Health of the Government of France, held on 11 February 2019, the President of French Polynesia addressed five topics related to the nuclear question: compensation of victims; monitoring of the environmental consequences in Hao, Mururoa and Fangataufa; health and medical consequences; the memorial centre dedicated to the period of operation of the Pacific Experimentation Centre; and the economic impact on, and rehabilitation of, French Polynesia.

47. The President of French Polynesia said that the nuclear question was not just about compensation and money, but also about dignity and recognition. He highlighted the improvement in the compensation process for victims, with several dozen claims having been approved by the Committee for the Compensation of

Nuclear Test Victims. According to the President, 23 years following the end of the nuclear tests, the environmental consequences were still clearly visible.

48. With regard to the health and medical consequences, the President referred to the measures taken to support oncology in French Polynesia, the epidemiological monitoring of the populations of the atolls near the test sites, and the coverage by the Social Welfare Fund of the costs of care for persons suffering from radiation-induced illnesses since 1966. He also mentioned the proposal to establish a nuclear tests memorial centre in French Polynesia, the decision of the French State to transfer to the Territory, free of charge, a plot of land located in Papeete, and the signature of a precarious occupancy agreement which would enable French Polynesia to begin implementing and developing the proposal.

49. According to the French Ministry for Overseas Territories, under Decree No. 2019-520 of 27 May 2019 on the recognition and compensation of victims of French nuclear tests, the compensation procedure was updated and the work of the Committee for the Compensation of Nuclear Test Victims in support of victims was strengthened. Cancers of the gallbladder and bile ducts were added to the list of radiation-induced illnesses that might give rise to entitlement to compensation. In the Decree, it is stated that, in order to be considered a radiation-induced illness, the listed illness from which the claimant is suffering must have directly affected the organ concerned and not be the result of secondary metastases from an illness which is not on the list because it is not induced by radiation. Procedures for claiming compensation were also simplified.

50. On 20 November 2019, the Economic, Social, Environmental and Cultural Council issued a recommendation regarding nuclear issues in French Polynesia. According to that recommendation, under Decree No. 2019-520, the presumption of causality is notionally accepted for persons suffering from illnesses recognized as induced by radiation, provided that they spent time in French Polynesia between 2 July 1966 and 31 December 1998, unless it is established that the annual dose of atomic radiation produced by French nuclear tests received by the person concerned was less than 1 millisievert.

51. The Economic, Social, Environmental and Cultural Council recommended further revision of the Morin Act, which, in its view, would enable genuine reparation for the harm suffered by the victims of French Polynesia, as well as reimbursement to the Social Welfare Fund, a private company, for the expenses incurred as a result of the effects of radiation-induced illnesses.

52. The Policy Board for monitoring the consequences of nuclear testing is composed of 20 members and is chaired by the President of the Territory. It was established in 2005 on the recommendation of the Board of Inquiry of the Assembly of French Polynesia on Polynesians and nuclear tests. It is responsible for making proposals to the Government to assess the health and environmental impacts of nuclear testing in French Polynesia. The Policy Board met on 26 November 2019. During the meeting, the Chair of the Committee for the Compensation of Nuclear Test Victims recalled that, since 2010, the Committee had processed 311 claims for compensation. Between 2012 and 2017, only 11 claims had been settled, while, since 1 January 2018, 110 people had been offered compensation. The Chair of the Committee stressed that the threshold of 1 millisievert was not absolute, that 60 per cent of the approved claims had been below that threshold, and that other factors had been taken into account. The topic of teaching about nuclear issues in both primary and secondary schools was also addressed. There was a need for a multidisciplinary approach, encompassing history, geography, economics, the environment and health. Documentary resources to assist instructors in teaching about nuclear issues were available on the website of the Directorate-General of Education and Teaching. Under

the 2020 budget, 10 million CFP francs had been earmarked for the production of documentary resources and teacher training.

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

53. 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. It is also a member of other regional bodies, including the Oceania Customs Organization and the Pacific Power Association.

54. The Minister of Health and Prevention of French Polynesia participated in the seventieth session of the Regional Committee of the World Health Organization for the Western Pacific, held from 7 to 11 October 2019 in Manila.

55. French Polynesia participated in the twenty-ninth meeting of the Ministers of the Environment of the Pacific, hosted by the Pacific Regional Environment Programme in Apia from 3 to 6 September 2019. The issues addressed related to climate change, oceans, pollution and marine mining resources.

56. The Assembly of French Polynesia hosted the Conference of the Group of Parliaments of the Pacific Islands, under the theme “blue economy,” on 10 and 11 September 2019.

#### **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**

57. The representative of the Government of the Territory delivered a statement at the Caribbean regional seminar on the implementation of the Third International Decade for the Eradication of Colonialism, held in Grand Anse, Grenada, from 2 to 4 May 2019.

58. 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 10th, 11th and 12th meetings on 27 and 28 June 2019, pursuant to General Assembly resolution 73/112, and heard a statement by the representative of the Government of the Territory. At the 10th meeting, the Special Committee heard six petitioners (see [A/AC.109/2019/SR.10](#)). At the 11th meeting, the representatives of Côte d’Ivoire and Tunisia made statements in explanation of vote before the vote. At the 12th meeting, the Chair of the Special Committee drew attention to the agreed text of the draft resolution and introduced oral revisions, and the Special Committee adopted the draft resolution without a vote, as orally revised (see [A/AC.109/2019/SR.12](#)).

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

59. At its 3rd meeting, on 8 October 2019, following a decision taken at the same meeting, the Committee heard statements by the President of French Polynesia and

27 petitioners on the question of French Polynesia. The representative of Vanuatu raised a question to a petitioner.

60. At its 9th meeting, held on 17 October 2019, the Fourth Committee adopted, without a vote, draft resolution IX, entitled “Question of French Polynesia”, contained in chapter XIII of the report of the Special Committee for 2019 (A/74/23).

### C. Action taken by the General Assembly

61. On 13 December 2019, the General Assembly adopted, without a vote, resolution 74/103, based on the report of the Special Committee transmitted to the Assembly and its subsequent consideration by the Fourth Committee (see A/74/418). 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 statement made by a representative of the Government of the Territory at the 2019 Caribbean regional seminar reaffirming its previous calls to remove French Polynesia from the list of Non-Self-Governing Territories, 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-fourth session.

Annex

Map of French Polynesia

