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Goals in the Non-Self-Governing Territories**

**Dili, Timor-Leste
21 to 23 May 2025**

DISCUSSION PAPER

PRESENTATION

BY

MR. CARLYLE CORBIN

Analysis of Preparation for Self-Government (PSG)

Territory: French Polynesia

**A paper presented to the United Nations Pacific Regional Seminar Pacific regional seminar
on the implementation of the Fourth International Decade
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**Dr. Carlyle G. Corbin
Senior Analyst
The Dependency Studies Project
Saint Thomas, Virgin Islands**

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INTRODUCTION

The present paper summarises the 2024 *Analysis of Preparation for Self-Government (PSG)* of Ma'ohi Nui (*French Polynesia*) and serves as the successor study to the 2012 Self-Governance Assessment (SGA) of the territory ¹ referenced in United Nations General Assembly (UNGA) resolutions from 2016.² The 2012 SGA concluded that, despite assertions that the territory met the standard of full self-government through autonomy, the threshold of autonomous governance had not been met, and the territory remained a Non Self-Governing Territory (NSGT) according to Chapter XI of the United Nations (UN) Charter. This conclusion was confirmed by the UNGA in Resolution 67/265 of 17th May 2013.³

It is recalled that French Polynesia as part of the *French Establishments in Oceania* was included on the original UN list of NSGTs in 1946, but France informed the UN Secretary-General (UNSG) in 1947 that because of a change in the French Constitution it would no longer submit information to the UN required under Article 73e of the UN Charter. This constituted a de facto delisting of the territory that was confirmed in 1963 when a new list excluded the re-defined French colonies.

This unilateral action of the territory occurred without UN review unlike other territories which had been subsequently de-listed by UN resolution following a thorough examination of their political status according to the criteria of the period.⁴ After decades-long requests from the territory, the UNGA finally agreed to review the self-governance sufficiency of French Polynesia resulting in its re-listing in 2013.⁵

¹ Assessment of self-governance sufficiency in conformity with internationally recognised standards: Country French Polynesia, The Dependency Studies Project, Saint Croix, Virgin Islands (2013).

² United Nations General Assembly Resolution 79/104 of 4th December 2024 and previous resolutions.

³ Resolution 67/265 of 17th May 2013 entitled Self-Determination of French Polynesia, 82nd plenary meeting of the United Nations General Assembly.

⁴ See UN Resolution 849 (IX) on Greenland, 22 November 1954; UN Resolution 2064 (XX) on Question of the Cook Islands, 16 December 1965; UN Resolution 748 on Puerto Rico, 27 November 1953; and Resolution 945 (X) on the Netherlands Antilles and Surinam, 15 December 1955; and Resolution 3285 (XXIX) on Niue, 13 December 1974.

⁵ Resolution 67/265 of 17th May 2013 entitled Self-Determination of French Polynesia, 82nd plenary meeting of the United Nations General Assembly.

Post Re-inscription

The 2024 Analysis reviewed the level of implementation of the decolonisation process of French Polynesia outlined in more than a decade of UN resolutions on the “Question of French Polynesia” since the 2013 reinscription when the UN Charter was fully re-applied to the territory. These included the international law obligations of the administering Power and the directives given by the UNGA to the UN system.

The 2024 Analysis observed that the administering Power has essentially dismissed its restored UN Charter obligations from the reinscription through 2024 either, through an “empty seat” policy on the French Polynesia agenda item, or in recent engagement with the Fourth Committee to reassert non-acceptance of the reinscription. Yet, the administering Power mandates were substantial, and included submission of information on the territory to the UNSG under Article 73e of the UN Charter, collaboration with the Special Committee on Decolonisation (C24) to develop a constructive Decolonisation Workplan, development of a political education programme on the legitimate political status options, the facilitation of a UN visiting mission to the territory and the initiation of “a dialogue with the territorial government to facilitate rapid progress with timelines leading to an act of self-determination.”⁶

These mandates of the administering Power have been left unfulfilled. The dismissal of these obligations by a permanent member of the UN Security Council impedes the decolonisation process. This speaks to a double standard whereby the administering Power is permitted to choose, *a la carte*, which parts of the UN Charter with which it would comply or not comply.

The UN system obligations have been met with a different set of challenges resulting in a similar lack of implementation of actions in furtherance of the decolonisation process for French Polynesia. These activities include the development of collaboration among the appropriate UN bodies on a political education programme for the territory;⁷ the completion of follow-up reports

⁶ See UN Resolution /79/104 on The Question of French Polynesia, 4th December 2024.

⁷ The 2006 Plan of Implementation of the Decolonisation Mandate (POI) endorsed by the UNGA by Resolution 61/130 of 14 December 2006, was designed to facilitate this process for UN system engagement with NSGTs.

of the UNSG on the impact of 30-years of nuclear testing in French Polynesia ⁸; the development of a constructive programme of work on a case-by-case basis following repeated requests from the territory; completion of periodic analyses of the progress and extent of implementation of the Decolonisation Declaration in each territory; ⁹ and the use of the UN Information Centres to disseminate material to the NSGTs.

Other such mandated actions include the “development of a programme of collaboration with the decolonisation focal points of territorial Governments, particularly in the Pacific and Caribbean regions, to help to improve the exchange of information” ¹⁰ ; and the engagement with civil society and NSGT governments in the dissemination of information on decolonisation.

It is to be noted that these and other mandated actions adopted annually during the period are absent from the UN budget on decolonisation. The UNGA President’s statement each year that the decolonisation resolutions have no financial implications illustrates a significant disconnect between what the UNGA says should be done and the lack of resources devoted to what is actually done.

Perspectives from the territory

The 2024 Analysis reviewed the presentations made to the UN C-24 Special Committee on Decolonisation and the UN Fourth Committee by territorial officials and civil society representatives in key areas during the 2014-2023 period. Pro-status quo speakers regularly put forth a decided dependency legitimisation narrative despite the issue having been settled with the reinscription in 2013 and reaffirmed each year. As there had been no substantive change in the political status relationship between the territory and the administering Power, save several internal reforms not affecting the unilateral authority of the State, the continued articulation of

⁸ The Report of the Secretary-General entitled “The Environmental, ecological, health and other impacts of the 30-year period of nuclear testing in French Polynesia” (A/69/189) was published on 25th July 2014. After 2016, the UN Secretary-General was to provide ‘continuous updates’ on the impacts. A second Report of the Secretary General was published in 2017. No updated report has been produced since then.

⁹ Plan of Action of the International Decade for the Eradication of Colonialism, Report of the Secretary-General, U.N. Document A/46/634/ Rev. I, 13 December 1991.

¹⁰ UN Resolution 79/113 on the Dissemination of information on decolonization, 4th December 2024.

dependency legitimisation was seen by many speakers as a maneuver to delay the application of the Decolonisation Declaration to the territory.

Specific Questions

The consequences of nuclear testing figured prominently throughout the period in statements delivered by petitioners from the territory in the general debate of the C24 and Fourth Committees in recognition that the effects of nuclear testing could no longer be regarded as an issue solely between the administering power and the territory. Thus, the reinscription, by necessity, ushered in an immediate UN engagement on the consequences of nuclear testing. However, the nature of that engagement was brought into question.

Many speakers expressed disappointment that the two Secretary-General reports mandated in UN resolutions on French Polynesia offered a mere glimpse of the long term health and ecological impacts, and urged the UN to take advantage of far more in depth independent scientific research on the subject that would make for a more substantive report. Reference was also made to a complaint to the Human Rights Council requesting a fact-finding mission of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence in relation to the nuclear testing issue.

Further reference was made to numerous legal claims before the French courts to assist victims in receiving compensation, and that whilst a French law (Morin Law) had finally acknowledged the harmfulness of the tests, the compensation mechanism was seen as a means to suppress the number of court cases and reduce the chances of receiving compensation. There was also allusion to a 2018 complaint filed at the International Criminal Court (ICC) alleging crimes humanity over the nuclear tests. A consistent theme of speakers was the disappointment that these and other activities were omitted from UN reports and resolutions on the French Polynesia and that the work in the UN Disarmament Committee (First Committee) was not factored into the French Polynesia nuclear testing issue.

Other specific issues featured prominently in statements during the UN decolonisation review process on the territory including the refusal of the administering Power to acknowledge its UN Charter responsibilities, the lack of response to repeated requests for a decolonisation work programme long approved by the General Assembly, the lack of territorial authority to

retain certain revenue generated from the territorial economy and diverted to the coffers of the administering Power, and its control over the territory's currency.

There was also further focus on the UN process including what was seen as insufficient accountability for the lack of implementation of UN decolonisation resolutions on French Polynesia, and of specific elements of the the plan of action of the Fourth International Decade for the Eradication of Colonialism that directly related to the territory. Related issues cited were the perception of an overreliance on deficient UN analyses, encouragement for the inclusion of more comprehensive independent expert studies on issues where the analysis might lay outside the UN system or at least in other substantive parts of the system, and an unwarranted acceptance of informal consultations with the administering Power as a replacement for formal UN engagement.

Further matters raised by the speakers focused on the need for a transfer of sovereign powers to the territory pursuant to the UN Decolonisation Declaration of 1960 in order to address the asymmetrical division of competencies between the territorial government and the administering Power, and on concerns regarding the unilateral redefinition of the 48 communes of French Polynesia as territorial units of the State without regard to the elected government of the territory. It was cited with concern that in the exercise of French unilateral authority over the territory, the division of competencies between the elected government and the administering Power could result in a reverse delegation of power to the State by a simple statutory modification voted by the French Parliament.

Other concerns expressed earlier in the period included the French Council of State denial in 2013 of the use of the indigenous Tahitian language within the Assembly of French Polynesia (AFP), and the subsequent cancellation of APF decisions where the Tahitian language was used in the debate. Compulsory Tahitian language proficiency for teachers was also rejected by the French Council which sets education policy for the territory.

Additionally, questions were raised on permanent sovereignty of natural resources whereby ownership and control of rare earth minerals lay with the administering Power as this material was defined as 'strategic,' and therefore restricted to defence considerations of the administering Power. Many speakers regarded this as a direct contravention of customary international law that

recognised that permanent sovereignty of natural resources, including marine resources and seabed minerals, inheres in the people of the NSGT.

Conclusion

The 2024 Analysis highlighted the main issues raised in the UN discourse on the decolonisation of French Polynesia and spoke to a significant democratic deficit and decided asymmetry of competencies. The 2024 Analysis points to the statutory UN role in the decolonisation process of French Polynesia in addressing myriad issues in the territorial arrangement, but that the process has been delayed essentially for three reasons: 1) the refusal of the administering Power to engage the decolonisation process on French Polynesia, 2) the failure of the UN system to activate its part in the process, and 3) a continued insistence in some quarters seeking to legitimise the prevailing dependency status.

In the wake of the resultant inaction, the 2024 Analysis highlighted initiatives taken by territorial authorities themselves to provide stimulus to the decolonisation process. Of particular note is the creation on October 2023 of a Decolonisation Committee within the Assembly of French Polynesia with the significant duties:

- To study and analyse all issues relating to decolonisation in French Polynesia;
- To examine the situation of French Polynesia with regard to international law;
- To monitor the implementation of the mandates of the reinscription;
- To disseminate all information on the activity of the C24 and the Fourth Committee on issues pertaining to French Polynesia
- To make recommendations and proposals to the Assembly of French Polynesia and the Government of French Polynesia.

A major activity of the newly formed committee is to undertake the decolonisation workplan at the territorial level and to engage with the relevant UN authorities on its statutory role in the territory's decolonisation process for Ma'ohi Nui (French Polynesia) pursuant to the General Assembly mandate on a decolonisation work plan.

In the final analysis, the 2024 Analysis captured the intense determination of the people to advance their country to the full measure of self-government. In the language of the 2014 Analysis:

Only a genuine decolonisation process overseen by the UN would advance the territory to the full measure of self-government under international law. The General Assembly never intended that territorial status should be re-defined as a legitimate form of democratic governance since that would constitute an endorsement of permanent political inequality. At best, dependency reform measures are understood as part of the process of capacity building and preparatory to the achievement of full self-government – not its embodiment. Decolonisation is a transformative process. Colonial reform or modernisation does not constitute transformation.