

THE FRENCH POLYNESIAN ELECTIONS OF 2023: THE RISE TO POWER OF THE TAVINI HUIRA'ATIRA

*Hervé Raimana Lallemand-Moe**

The second round of elections for Members of the French Polynesia Assembly took place on 30 April 2023 and resulted in a major political upset with the victory of Tavini huira'atira (a political grouping which favours independence) over the Tapura huira'atira (a political grouping which favours autonomy) which had been in power for the last nine years. This article addresses how this shift in popular opinion came about. The elections have also provided the opportunity to reconsider the nature of the Assembly.

Le 30 avril 2023 a eu le deuxième tour des élections pour les représentants à l'Assemblée de la Polynésie française et a vu un basculement politique majeur avec la victoire du Tavini huira'atira (groupe politique souverainiste) face au Tapura huira'atira (groupe politique autonomiste) au pouvoir depuis 9 ans. Comment expliquer ce revirement populaire? Ces élections sont aussi l'occasion de revenir rapidement sur cette institution délibérative ainsi que sa composition.

I INTRODUCTION

The Tavini huira'atira¹ party, led by Oscar Temaru, achieved a historic win in the second round of the French Polynesian Assembly members' elections on April 30, 2023. The pro-independence party secured 38 out of 57 seats in the Assembly, giving it an absolute majority and the power to form a new government.

French Polynesia (also contemporarily called "Maohi Nui" or "Ao Maohi" in politics or the media) is an overseas collectivity of the French Republic comprising 118 islands and atolls in the Pacific Ocean. Of these islands and atolls, 67 are inhabited. The islands are divided into five groups: the Society Islands archipelago, the Tuamotu Archipelago, the Gambier Islands, the Marquesas Islands, and the

* PhD; associate member of the GDI research team at the University of French Polynesia.

1 Le Tāvini huira'atira nō te ao mā'ohi (or Tāvini huira'atira) means 'serve the people'.

Austral Islands. The total land area is 4,167 square kilometres and its exclusive economic zone is 4,537,730 square kilometres. The estimated population of French Polynesia in 2020 was 280,908. Tahiti, located in the Society Islands, is the most populous island, with close to 69 per cent of the total population according to the 2017 census: 78 per cent of the population is Polynesian, 12 per cent are Chinese, and the remaining 10 per cent is made up of local and metropolitan French. French and Tahitian are the official languages of French Polynesia.

Based on the new art 74 in the French Constitution, Organic Law No 2004-192 of 27 February 2004 relating to the autonomous status of French Polynesia was adopted and French Polynesia became an overseas collectivity with autonomy within the French State.² In parallel, French Polynesia is also an oversea country and territory (OCT) within the European Union.³ Finally, the General Assembly of the United Nations⁴ has identified French Polynesia as a territory for decolonisation: at international law, France became an 'administering power' and French Polynesia a 'non-self-governing territory' which has to be 'decolonized.' This recognition had effect only at the international law level.

II THE ASSEMBLY OF FRENCH POLYNESIA, THE HEART OF THE LOCAL INSTITUTIONS

The Assembly of French Polynesia is the legislative body of French Polynesia. It is located at Tarahoi Square in Papeete. The Square has a long and rich history, dating back to ancient times when it was a sacred land of the Pomare dynasty. It was here that the great chiefs of the Pacific were welcomed.

2 A Moyrand and A H Angelo, 'Administrative Regimes of French Overseas Territories: New Caledonia and French Polynesia', in *Gouvernance et Autonomie dans les Sociétés du Pacifique Sud: Études Comparées/Governance and Self-Reliance in Pacific Island Societies: Comparative Studies*. CLJP Hors Serie Volume X, 2010. See also, François Luchaire 'L'autonomie de la Polynésie Française et la République', in *L'Autonomie en Polynésie Française/The Concept of Autonomy in French Polynesia*, p 1-5; Olivier Gohin 'La Prise En Compte De La Polynésie Française Dans La Révision Constitutionnelle De Mars 2003', p 42-62, in *CLJP Hors-Série Volume IV*, 2004, Pascal Gourdon (ed), www.wgtn.ac.nz/law/research/publications/about-nzacl/publications/special-issues/hors-serie-volume-iv,-2004.

3 The OCT-EU Association is based on Articles 198 to 204 of Part IV of the Treaty on the Functioning of the European Union (TFEU). On the special status of French Polynesia according to the European union law, see C Gudin 'Le Statut Communautaire de la Polynésie Française' and J Ziller 'The European Union and the Territorial Scope of European Territories', in *Le Pacifique et l'Europe: Quelques réflexions à l'Occasion du Cinquantieme anniversaire de l'Union Européenne/The Pacific and Europe: The 50th Jubilee of the European Communities* CLJP Hors Serie Volume VII, 2007. www.wgtn.ac.nz/law/research/publications/about-nzacl/publications/special-issues/hors-serie-volume-vii,-2007.

4 Via Resolution No 67/265 of 17 May 2013.

The Assembly is today one of the four institutions of French Polynesia (President of French Polynesia, Government of French Polynesia, Assembly of French Polynesia, and the Cultural, Environmental, Social and Economic Council). The Assembly (or APF) consists of 57 representatives elected for five years by universal suffrage. The Assembly has the power to pass laws (*lois du pays*) and decrees (*délibérations*), approve the budget, elect the President of French Polynesia and the members of the government and to control their actions. This is theoretically the most important institution because the French Polynesian President is elected by it, and the Assembly can also remove the President.⁵

III THE CONTEMPORARY POLITICAL BACKGROUND OF FRENCH POLYNESIA

The political configuration of the APF after 2004 was complicated with high instability and much political nomadism between the political parties.⁶ This situation was caused by the new set of electoral rules under the new status of 2004, the frequent changes of government and the lack of a stable majority in the French Polynesian Assembly. Between 2004 and 2011, there were nine different presidents: in rotation Gaston Flosse, Oscar Temaru and Gaston Tong Sang. The territory was divided into two main political camps: The pro-independence coalition led by Oscar Temaru and the pro-autonomy coalition led by Gaston Flosse.⁷

The electoral system, which was based on proportional representation and allowed multiple lists to run in each constituency, contributed to the fragmentation of the political landscape and the difficulty of forming lasting alliances.

In 2011, the French Parliament adopted a new national law to improve the functioning of the institutions of French Polynesia and to permit the emergence of a stable majority in the Assembly. The law amended the election rules, reduced the number of Ministers, limited the presidential terms, authorised the creation of independent administrative authorities, and modified the conditions for lodging and

5 About the French Polynesian Institutions, see A Moyrand and H R Lallemand-Moe *Introduction à l'étude des institutions politiques et administratives de la Polynésie française* (2nd édition, éd. Créaprint, Sept 2020).

6 On the chronic political instability and the phenomenon of "political nomadism" between 2004 and 2011 in French Polynesia, see Y-L Sage 'Comparative Observations on the Transfer of the Principles of Good Governance to French Polynesia as Issued by The United Nations Development Program (1977) And The Pacific Plan (2006-2015)', in *Gouvernance et autonomie dans les Sociétés du Pacifique Sud: Études Comparées/Governance and Self-Reliance in Pacific Island Societies: Comparative Studies*, CLJP Hors Serie Volume X, 2010, www.wgtn.ac.nz/law/research/publications/about-nzacl/publications/special-issues/hors-serie-volume-x,-2010/Sage.pdf.

7 A Moyrand and A Troianiello 'Aspects juridiques de la crise politique polynésienne' in RJP Vol 11, 2005 at 1-14; E-P Guiselin 'Du premier au second Gouvernement Temaru: Une année de crise politique et institutionnelle' RJP Vol 12, 2006 1.

adopting motions of no confidence. The law aimed to encourage a renewal of Polynesian political life and to foster a more coherent and sustainable governance of the territory. This system is still in force in French Polynesia as of 2023.⁸

The 2013 elections were held on 21 April and 5 May to elect the 57 representatives of the Assembly of French Polynesia. The elections introduced the new electoral system, which aimed to ensure a clear majority for the winning party. The Tahoera'a Huira'atira party, led by Gaston Flosse, won a landslide victory with 38 seats, defeating the incumbent Union for Democracy coalition, led by Oscar Temaru, which won 11 seats. A new alliance, A Tia Porinetia, led by Teva Rohfritsch, won 8 seats. The elections marked a major shift in the political landscape of French Polynesia, as Flosse returned to power after years of instability and legal troubles.

In 2014, Gaston Flosse was sentenced to three years of ineligibility as a candidate by the French Court of Cassation, for taking illegal interests and embezzling public funds. Consequently, he had to resign from his position as President of French Polynesia. He appointed as his successor Edouard Fritch, who was also his former son-in-law. Edouard Fritch later separated from his former mentor and created a new political party: The Tapura Huira'atira.⁹ Edouard Fritch, and his party, was re-elected in 2018 and he was consequently President of French Polynesia for nine years.

IV THE SHIFT OF POWER WITH THE 2023 ELECTIONS

The COVID pandemic crisis in French Polynesia strained the image of Edouard Fritch government a little bit. As of 2023, there have been 78,417 confirmed cases and 649 deaths in French Polynesia. This makes it the worst affected country in the Pacific Ocean both in terms of proportion relative to population of total confirmed cases and of total deaths. After the pandemic crisis, the French Parliament legislative elections of 2022 marked a historic victory for the pro-independence party Tavini Huira'atira in French Polynesia.

The party won all three seats in the French National Assembly, defeating the incumbent President Edouard Fritch and his allies. The three newly elected members of the French National Assembly (*Députés*) are Moetai Brotherson, Tematai Legayic and Steve Chailloux, who represent the first, second and third constituencies, respectively.

8 Y-L Sage and AH Angelo "The Status of Autonomy of French Polynesia After the Constitutional Amendment Of 28 March 2003 and The Organic Law Of 27 February 2004" 109-144. www.wgtn.ac.nz/law/research/publications/about-nzacl/publications/special-issues/hors-serie-volume-iv,-2004/SageAngelo.pdf.

9 Meaning the 'The People's List'.

The 2023 election of the members of the Assembly of French Polynesia was then highly scrutinised, to see if the Tavini Huira'atira would profit from this political momentum. The election was held in two rounds on 16 and 30 April 2023, with 57 representatives elected by proportional representation with a majority bonus. The Tavini party won the first round and three political parties remained in the next stage:

- The Tavini Huira'atira (Serve the people) which advocates the independence of the territory from France. The party was founded in 1977 by Oscar Temaru, who has been its leader ever since. The party also campaigned for the recognition of French Polynesia as a non-self-governing territory by the United Nations;
- Tapura Huira'atira (The People's List) supports autonomy within the French Republic. It was founded on 20 February 2016 by Édouard Fritch, after he split from the Tahoera'a Huira'atira party led by Gaston Flosse. The party is anti-independence;
- A Here Ia Porinetia (I love Polynesia) was founded in August 2020 by former members of Tapura Huira'atira and especially Nuihau Laurey and Nicole Sanquer. The party supports maintaining French Polynesia's status as an overseas collectivity of France, but also proposes some reforms to improve the local governance and economy.

The thirtieth of April 2023 was the first time that the pro-independence party Tavini Huira'atira had won a majority of seats and is now able to form a stable government.

The Tavini Huira'atira won 38 seats with 44.3% of the votes in the second round, defeating the Tapura Huira'atira, led by President Édouard Fritch, which won 16 seats with 38.5% of the votes. The third party, A Here Ia Porinetia, won 3 seats with 17.2% of the votes. The participation was high; almost 70% of the electors voted on 30 April. This was better than the participation for the 2018 elections.

The election was supposedly influenced by the COVID-19 pandemic, the high inflation rate, and the dissatisfaction with the outgoing government's communication and policies.

The pro-independence party campaigned for a referendum on self-determination and a renegotiation of the autonomy statute with France,¹⁰ but it did so more softly

10 Sage Y-L "Democracy and Self-Determination: New Conceptual Approaches Shared sovereignty, autonomy models, and other options" in Kennedy Graham (ed) *Models of Regional Governance for The Pacific* (Canterbury School of Law & National Centre for Research on Europe in collaboration with the University of South Pacific, Pacific Institute of Advanced Studies in Development and Governance, 2008). See also Stéphane Diemert 'Quelles perspectives pour une autonomie renforcée et garantie au sein de la République? Réflexions sur les possibles réformes du

than in the past. It was clear that the Tavini Huira'atira was aiming for a more social and economic programme. It was often said by the Tavini that these elections were not a referendum for independence and that that subject will be tackled much later.

Between the two stages of the elections Tapura Huira'atira tried to shift the focus to the Independence/Autonomy issue and made a coalition with Gaston Flosse. This move was not fruitful, and the election was seen by the political analysts as a major setback for Edouard Fritch and his party.

The Tavini announced that they will support Moetai Brotherson as the new President of French Polynesia. He is expected to be elected by the Assembly in mid-May, after the first session of the Assembly of French Polynesia. The new President will then have five days to nominate his government that will theoretically be in place for five years. The relationship between France and French Polynesia will certainly evolve,¹¹ and it will be interesting also to see the development on the United Nations' stage.

statut issu de la révision constitutionnelle de 2003 et de la loi organique de 2004' in *Polynésie Française 30 ans d'autonomie: Bilan et Perspectives*. (Actes du colloque organisé les 27 et 30 juin 2014 par l'Assemblée de la Polynésie française. CLJP, Collection 'Ex professo' Volume IV, 2014). Angelo-Y-L Sage (eds). www.wgtn.ac.nz/law/research/publications/about-nzacl/publications/special-issues/Bouissou.pdf

11 A Moyrand and AH Angelo 'Some Perspectives on The Development of the Status of New Caledonia and French Polynesia to Non-Self-Governing Territories Within the Republic of France', 28 CLJP 2022, p 15-27. www.wgtn.ac.nz/law/research/publications/about-nzacl/publications/cljpdcp-journals/volume-28-2022/02-moyrand-angelo.pdf.