

Flosse appeals over Tefana

By MAIRE BOPP

FRENCH POLYNESIA'S president Gaston Flosse is appealing a decision by the territory's Administrative Tribunal in a bid to keep pro-independence journalists out of government press conferences. Members of the tribunal had recently ruled in favour of a claim from the pro-independence and anti-nuclear FM station, Te Reo o Tefana, that a Flosse government order banning its staff from his press conferences was against rules of accountability.

Flosse was fined CPF 120,000 for banning Tefana journalists Annie Rousseau and Benjamin Hahe from press conferences held by any of his ministers or officials in the territorial government. Tribunal members ordered Flosse and his administration to immediately cease any discrimination against the two journalists, despite the appeal. Prior to the ruling, Rousseau and Hahe were even banned from talking with the Flosse Government's public relations section.

In December 1998, Flosse justified the ban to regional journalists attending the Pacific Islands News Association (PINA) conference in Papeete by saying the station had endangered public safety. He alleged Radio Tefana had called for people to join anti-nuclear riots in 1995 and "kill if necessary".

But tribunal president Alfred Poupet had already dismissed the allegation as having no bearing on the press conference ban. He agreed with submissions from Radio Tefana showing the ban had been put in place much earlier than the time of the riots.

"In fact, Radio Tefana has been banned from these press conferences since 1992. It is discrimination against Radio Tefana and deprives [the station] from getting information other media can get," he said. Poupet also agreed with Radio Tefana that the ban affected the station financially as well as editorially.

Tribunal members found this was against article 11 of France's 1789 Declaration of Human and Citizens' Rights which holds that the rights to

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open communication and to freely express thoughts and opinions is "precious."

Quoting further from French Constitutional Council comments in 1984, the tribunal said a second element to its decision was that freedom of the press is a fundamental liberty under the constitution and an essential guarantee of other rights and liberties, as well as of national sovereignty. The constitution also values plurality of the press, implying that people must have freedom of choice when it comes to sources of information.

Every journalist must have access to nearly any and all information. Public authorities cannot choose which media can access public information, it said in its December 10 decision, a day before PINA opened.

The ruling found Flosse did not have any good reason to ban any journalists. The decision to write a list of media workers he found acceptable was against constitutional principles of equality. It is also not up to territorial authorities to decide whether this or that media worker is qualified to work as a journalist.

Te Reo o Tefana welcomed the ruling, a rare victory against a government determined to control the flow of information and a business community mostly supportive of government. Flosse disagrees with the tribunal's ruling and is appealing to the Appeal Court of the Administration Tribunal.

Station manager and news director Claude Marere disputes Flosse's claims about the station's role in the 1995 riots. He says the government has built up a comment by a member of the public calling into a talkshow at the time when emotions were running high. Few of the territory's journalists are from independent or opposition media. In fact, observers say there appears to be only Te Reo o Tefana and *Tahiti-Pacifique*, a monthly news and culture magazine thought of locally as fairly independent.

☐ *Maire Bopp is a Tahitian journalist, formerly of the University of the South Pacific journalism programme.*