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**Australian Political Studies Association Annual Conference 2021 Abstract Template for
Panel and Roundtable Proposals**

Title of the Panel/Roundtable :

"Cross-Political Perspectives on Response and Impact of the Covid-19 in the South Pacific"

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Abstract

This panel provides for a comparison on impacts in society and responses to the covid in the South Pacific, taking in account the cases of New Caledonia, New Zealand, Australia, Vanuatu, French Polynesia and PNG. It gathers academics from different backgrounds to offer a general analysis and to pinpoint key factors in the management of the crisis.

Themes

Legal and political response to covid-Comparison of Public policies in South Pacific-Impacts in regulation.

In the space below, provide details of each paper being included in the panel or roundtable using the format provided in the template for individual presentations (including indicating each presenter's willingness to serve as Chairs/Discussants during the conference).

Abstract Submission Details

The exercise of public health competence in New Caledonia	Mathias Chauchat Professor of Public Law/UNC and Charles Froger Assistant Professor of Public Law/UNC
Paradise not lost: The COVID-response in Vanuatu & a case for a sustainable 'Pacific-CBI'	Michael B. Krakat Lecturer of Public Law (USP)
PNG's response to COVID-19 and lessons learnt	Michael Kabuni Lecturer, Political Science Department, University of Papua New Guinea

Border control: managing the pandemic in the French collectivity of French Polynesia	Nic Maclellan Correspondent, Islands Business magazine (Fiji)
Using available legal framework: the examples of New Zealand and Australia	Géraldine Giraudeau (Professor of Public law, Perpignan/Waikato) and Narelle Bedford (Assistant Professor of Public Law, Bond University)
Impacts on society regulation: the example of work relations and competition law	Nadège Meyer and Walid Chaiehloudj, assistant professors of private law at UNC

Panel interventions abstracts

“The exercise of public health competence in New Caledonia”, Charles Froger and Mathias Chauchat (UNC)

The Covid-19 health crisis led France to set up a new exceptional regime to manage this global pandemic: the state of health emergency created by the law of 23 March 2020. This regime was then applied throughout French territory, including New Caledonia. This application in this Pacific territory is not without its problems.

New Caledonia has a very advanced legal autonomy and many competences have been definitively transferred to it by the French State. For example, New Caledonia is responsible for health and border control. The application of the state of health emergency therefore disrupts the distribution of competences, by authorising the State to switch in the health field. In addition, New Caledonia has significant health specificities. Because of its insularity, it has been able to remain Covid-free. This was possible thanks to the adaptation of the crisis management at the local level, notably by closing air and sea borders and imposing "quarantines" on people who could exceptionally enter the territory.

Finally, the question arises as to the evolution of the crisis management strategy in New Caledonia, renewed by the development of vaccination. In this context, what action can New Caledonia take in its border health control policy.

“Paradise not lost: The COVID-response in Vanuatu & a case for a sustainable 'Pacific-CBI'”, Michael Krakat (USP)

Vanuatu has been more or less COVID-free during the global pandemic. However, Vanuatu is also part of a greater South Pacific Region, including other small island states such as Fiji, as well as Australia and New Zealand, coming with their own COVID cases, and from which it cannot be viewed in isolation. Vanuatu also runs what is known as citizenship by investment (CBI) programs, which have not been without contention. However, more recently, in times of crisis, the critical voices have become somewhat silent. Large portions of Vanuatu revenue is generated from CBI,

effectively acting as crisis relief. From a public law and policy perspective, entering such as long-lasting seemingly never-ending crisis is in many regards novel territory. Touching on the sphere boundaries of law, politics and morals, the pandemics may need to be addressed in more holistically than simply by way of legal-doctrinal argument.

COVID recovery and CBI in Vanuatu are intrinsically connected. This is because Vanuatu is itself placed in a continuing, perpendicular state of crisis, including regional cyclones, climate change or the global pandemic. As such, it can make a case for CBI that should become more permanently employed. Permanent reliance on CBI in a state of crisis including pandemics, and pertaining to the indeterminacy of crisis demand careful planning and a CBI that is to become more securely embedded into the nation's citizenship paradigm.

Here, the article makes the point that there are some issues with sustainable incorporation of CBI in the general Pacific region.

CBI may need to become informed by local and global paradigms of sustainability and universalism such as UN principles. In case of Vanuatu, and the Pacific region in general, the Western conceptions of nationhood differ to that of the West. CBI may need to adapt to local need rather than come in as a rigid paradigm. At this time, there is no universal CBI and no universal COVID response. CBI is to come with flexible solutions such as attaching local-global narratives to a more 'Pacific CBI', avoiding the fragmentation and 'unity' of citizenship into classes as well as ensuring heightened acceptance by the existing local citizenry.

Counter-intuitively, with the commodification of citizenship and the direct admission of strangers into the polity, there is hope for survival of Vanuatu and if not to overcome the perpetual pandemic, so at least to live with its ongoing repercussions, making Vanuatu a country that is perhaps best equipped to master the global pandemics in its own ways, being a destination for attracting further CBI purchasers to actually relocate beyond utilization of its passport.

"PNG's response to COVID-19 and lessons learnt", Michael Kabuni (UPNG)

Why PNG has the highest COVID-19 cases in the Pacific?

In the Pacific region, Papua New Guinea (PNG) is leading with over 10, 000 positive COVID-19 cases, and over 100 deaths. The second highest in the region is Fiji, with 100 cases and zero deaths. The causes for such high number of COVID-19 cases in PNG includes the sharing a permeable 700km land boarder with Indonesian, a broken down health system, mismanagement of COVID-19 funds, cultural practices such as haus krai (mourning) and conspiracy theories. This discussion will examine how a combination of these factors led to a surge in COVID-19 cases. These factors cannot be resolved overnight, which makes COVID-19 a perpetual threat to PNG.

"Border control: managing the pandemic in the French collectivity of French Polynesia", Nic Maclellan (Fiji, IBM)

Compared to larger developing nations, Pacific Island countries have managed to avoid extensive community transmission of COVID-19 through a range of policy responses. Many independent island nations in the Pacific have seen relatively few cases, after initial policy responses in early 2020: closing borders to overseas tourists; maintaining strict border

quarantine; and limiting tourism and international arrivals through restrictions on cruise ships and overseas flights.

In contrast, the French overseas collectivity of French Polynesia has seen the highest per capita rate of infection in the region. The re-opening of French Polynesia's borders on 15 July 2020, in line with French policy on "territorial continuity", led to a massive surge of cases in the second half of the year. By early May 2021, there were 18,790 confirmed cases of COVID-19 and 141 deaths in a population of nearly 280,000. Overall, French Polynesia has suffered 6,656 cases per 100,000 population (compared to 15.4 per 100,000 in Fiji as of May 2021).

This presentation will discuss the course of the pandemic in French Polynesia, and tensions over policy responses in a colonial context. Issue of concern include; maintaining border controls in a non-self-governing territory; pressure from the key tourism industry and national airline to allow overseas arrivals; competing economic, social and health impacts affecting government revenue and local livelihoods; the importance of testing and vaccination in controlling the pandemic; and contrasting policies between French Polynesia and other French colonial dependences that avoided this level of community infection.

"Using available legal framework: the examples of New Zealand and Australia", and Narelle Bedford (Bond, Aus) and Géraldine Giraudeau (UPVD/Waikato)

Despite differences in the outcomes of covid outbreaks in both countries, Australia and New Zealand have in common to present a globally positive and efficient management of the health crisis compared to other countries, to the point that their governments recently decided to open a 'bubble of travel'. The two countries strategy relied on geographical and social characteristics (insularity, low density of population...), but also on an existing legal and institutional framework.

Relatively lately impacted by the Covid-19 pandemic, New Zealand was able to crush the curve of active cases in a matter of weeks, making it possible to foresee the end of lockdown in the short term. The geographical context of the "country of the long white cloud", in particular its insularity and low density, certainly helped this rather reassuring scenario. However, the fact that the parliamentary democracy driven by a velvet glove by Jacinda Ardern is now acting as a « good student » regarding the world situation is above all due to well-prepared institutions, and to a solid legal corpus, to deal with the health emergency.

With 25 million inhabitants, Australia had also to deal with a wider territory. Its success in containing the pandemic not only relies on structural specificities, but is also linked to a good use of expertise, institutions, legal framework, and constitutional organization.

"Impacts on society regulation: the example of work relations and competition law", Walid Chaiehloudj and Nadege Meyer (UNC).

How to protect unbalanced contractual links provoked by the health crisis?

Could the health crisis and the accompanying restriction of public freedoms have created temporary, circumstantial or even ephemeral dominant positions in the market? In other words, would there exist so-called "crisis" dominant positions? This is the thesis defended by the panelist. He calls for the consecration of this notion, not only to more easily apprehend abuses detected by the competition authorities, but also to protect the most vulnerable consumers. In short, it is a plea for competition law to place the human being at the top of its scale of values.

The health crisis has also affected companies from a micro perspective, which at have had to reorganise the work of their employees. What were the legal strategies developed in New Caledonia to respond both to the continuity of their activity in terms of risks and responsibilities (hygiene, safety) and work organisation (teleworking), and to the "temporary" closure of their activity (holidays, partial unemployment, economic redundancy)?