



CONSTITUTION
TRANSFORMATION
NETWORK



REPRESENTATION IN DEMOCRACIES DURING EMERGENCIES

Fifth (Virtual) Melbourne Forum on Constitution Building in Asia and the Pacific
3, 10, 17 and 24 September 2020

PROGRAM

The fifth Melbourne Forum on Constitution Building in Asia and the Pacific will focus on "Representation in Democracies During Emergencies". Representation faces particular challenges in times of emergency. The 2020 Melbourne Forum uses as its lens into these challenges and responses to them the Covid-19 pandemic, which has given rise to both health and economic emergencies of major proportions in countries across the world. These two linked emergencies, in turn, have called for an effective response by states, with results that have varied, in their success in dealing with the crisis and in their impact on democratic processes.

To examine these issues, the 2020 Melbourne Forum will draw on the experiences of states across Asia and the Pacific. It will take the form of a series of four online webinars on successive Thursdays from 3 September 2020. Each webinar will examine 4-5 case studies, from countries across the region, led by experts from the country concerned, each of whom will make 5-minute presentation. Following the presentations, the full cohort of panellists from all four webinars will be able to contribute to discussion on the issues raised.

Each presentation will be based on a short paper written by each speaker in advance of the webinar. These can be downloaded from the [2020 Melbourne Forum website](#) from 31 August 2020. All Registrants are encouraged to read these papers before the webinar. Registrants will have the opportunity to submit questions/comments via the Zoom chat-box, which will be shared with the panellists for discussion as well.

Please also follow the 2020 Melbourne Forum on our online channels, in particular @ConTransNet and @Int_IDEA on Twitter. We will be sharing updates on the MF20 webinars using the hashtags #MelbForum2020 and #MF5. Please feel free to share on your own social media and tag us in.

For more information regarding MF20, please contact:

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**WEBINAR 1: “EMERGENCY POWERS AND COVID-19”
Thursday, 3 September 2020 – 14.00 to 16.00 AEST**

Zoom: <https://unimelb.zoom.us/j/93071421202?pwd=cjNpNW9NYTdzY2JsempDYjFGczhNZz09>

This session will examine the use and effectiveness of constitutional emergency powers, the alternatives and the role of representation in either case. Questions to be considered include:

- What were the main mechanisms used to handle the COVID 19 challenges, both health and economic? With what effects on ‘normal’ government?
- Was a constitutional emergency power available? If so, was it used? If not, why not?
- Were other forms of emergency power used? Did they fit within the constitutional framework?
- In either case, were representatives involved in approval or scrutiny of the measures taken?
- Were there other forms of oversight of the responses to the pandemic, e.g. through courts?
- Is there an end in sight to the use of emergency measures?
- How well did the measures taken work?
- What positive or negative lessons can be taken from the experiences in this case?

1400	Welcome and introduction to the Melbourne Forum 2020 <ul style="list-style-type: none"> - Leena Rikkilä Tamang, Director, Asia and the Pacific Regional Programme, International IDEA - Cheryl Saunders, Convenor, ConTransNet, Melbourne Law School
1415	Introducing MF20 Webinar 1: Key issue and speakers <ul style="list-style-type: none"> - Anna Dziedzic, Moderator & Convenor, ConTransNet
1420	Speakers Panel: <ul style="list-style-type: none"> - Solomon Islands: Georgina Kekea - Thailand: Khemthong Tonsakulrungruang - Timor Leste: Ricardo Sousa da Cunha - Philippines: Ela Atienza - Japan: Kimitoshi Yakubi
1445	Discussion session <ul style="list-style-type: none"> - MF20 participants to ask questions and share reflections - Registrants to share questions via Zoom chat box
1555	Final wrap up and close <ul style="list-style-type: none"> - Anna Dziedzic, Moderator & Convenor, ConTransNet

**WEBINAR 2: “LAW-MAKING & ACCOUNTABILITY IN RESPONDING TO COVID-19”
Thursday, 10 September 2020 – 14.00 to 15.30 AEST**

Zoom: <https://unimelb.zoom.us/j/99414212919?pwd=MUtVdXV6RjRBekJscWpUK3BjY2Q3Zz09>

This session deals with the operation of representation in the course of responding to the pandemic and the manner in which decision-makers were held to account. Questions to be considered include:

- Is representation confined to the legislature, or is there also a separately elected executive?
- To what extent were responses to the pandemic influenced by the context of a parliamentary or presidential system?
- How were the legislative functions of law-making, representation and holding the government to account managed during this time?
- If elections were due, were they held or postponed? If they were held, what concessions were made to the emergency conditions? If they were postponed, with what constitutional consequences?
- Did legislatures meet at the height of the pandemic? What procedural changes were made?
- What role did executives play in responding to the pandemic? What role for Cabinets?
- Was legislative power delegated to the executive and to what extent was its exercise scrutinized?
- How were decisions about spending made and what oversight has there been over spending policies and their execution in practice?
- What effect did the impact of the emergency on the operation of legislatures have on other initiatives, of a constitutional or legislative kind?
- What positive or negative lessons can be learnt from the experiences in this case?

1400	Welcome & introduction to MF20 Webinar 2: Key issue and speakers - Amanda Cats-Baril, Moderator & Constitution Building Advisor for Asia and the Pacific, International IDEA
1405	Speakers Panel: - New Zealand: Dean Knight - South Korea: Jeong-in Yun - Malaysia: Wilson Tay - Papua New Guinea: Bal Kama - Singapore: Jaclyn Neo
1430	Discussion session - MF20 participants to ask questions and share reflections - Registrants to share questions via Zoom chat box
1525	Final wrap up and close - Amanda Cats-Baril, Moderator & Program Officer, International IDEA (TBC)

WEBINAR 3: “MULTI-LEVEL GOVERNMENT & COVID-19”
Thursday, 17 September 2020 – 14.00 to 15.30 AEST

Zoom: <https://unimelb.zoom.us/j/98398961640?pwd=TjMreGY4Y2poMINld0JiNjdEZVBuUT09>

The theme of this session is the ways in which systems of multi-level government have operated in responding to the emergency. Questions to be considered include:

- What form does multi-level government take?
- Did emergency conditions change the normal arrangements for multi-level government?
- Were both/all levels of government involved in responding to the pandemic?
- Did governments work together, separately, or both?
- How effective was action by the centre? How effective was action by sub-state levels?
- On balance, was multi-level government a positive, negative, or neutral factor in responding to this emergency?
- What positive or negative insights can be gained from experience with multi-level government during this emergency in this case?

1400	Welcome & introduction to MF20 Webinar 3: Key issue and speakers - Will Partlett, Moderator & Convenor, ConTransNet
1405	Speakers Panel: - Australia: Anne Twomey - Nepal: Budhi Karki - India: Ramdas Menon - Pakistan: Yasser Kureshi
1430	Discussion session - MF20 participants to ask questions and share reflections - Registrants to share questions via Zoom chat box
1525	Final wrap up and close - Will Partlett, Moderator & Convenor, ConTransNet

**WEBINAR 4: “BEYOND REPRESENTATION – INDEPENDENT & INTERNATIONAL INSTITUTIONS”
Thursday, 24 September 2020 – 14.00 to 16.00 AEST**

Zoom: <https://unimelb.zoom.us/j/97147339075?pwd=YWdvdVFtZ3ZKQ0VnTk5kMFdSekhndz09>

This session puts the theme of representation in broader context, by examining the role of other institutions in responding to the pandemic, both domestic and international. In terms of domestic institutions, the session focusses on courts and fourth branch institutions. Internationally, it explores the respective roles of states and the international order in dealing with an emergency of this kind and focusses in particular on the WHO and the UN. Questions include:

- What other features of the constitutional system affected the state’s response to the emergency?
- What role did ‘independent’ institutions play during this period? Did they have a plan for carrying out their roles in these circumstances?
- What role did experts play and within what organizational/structural framework?
- What role did courts play in responding to the emergency? Were courts inhibited/precluded from review by the facts of the emergency?
- What role did international institutions play in responding to the emergency?
- What does the experience of this pandemic suggest about the respective roles of states and international institutions and the relationship between them?

1400	Welcome & introduction to MF20 Webinar 3: Key issue and speakers - Tom Daly, Moderator & Convenor, ConTransNet
1405	Speakers Panel: - Sri Lanka: Dinesha Samararatne - Fiji Islands: Richard Naidu (TBC) - Taiwan: Jiunn- rong Yeh - United Nations: Rohan Edrisinha (TBC)
1430	Discussion session - MF20 participants to ask questions and share reflections - Registrants to share questions via Zoom chat box
1530	Reflections on all four MF20 webinars - Leena Rikkilä Tamang, Director, Asia and the Pacific Regional Programme, International IDEA - Cheryl Saunders, Convenor, ConTransNet, Melbourne Law School
1550	Final wrap up, thanks and close - Dr Kevin Casas-Zamora, Secretary General of International IDEA