

Turnbull, Bishop must wear blame for China extradition fiasco

Greg Sheridan, The Australian, 12:00AM April 1, 2017

There has been spectacular damage this week to the Australia-China relationship and it has all been caused by the Turnbull government. Nobody has spoken as badly of the Chinese as the government did and nobody has produced a bigger mess in which Beijing is almost collateral damage.

But first, consider this prophetic document. In formal advice to Tony Abbott from the Department of Prime Minister and Cabinet, in a document numbered B14/3507, dated December 19, 2014, PM & C addressed whether Australia should ratify the extradition treaty that was signed in the dying days of the Howard government in 2007. PM & C advised the government should “convey to the Chinese that Australia would not pursue ratification at this time”. One of the main reasons was concerns over the integrity of the Chinese legal system.

The last paragraph was eerily prophetic. It said that PM & C recommended not proceeding partly “due to the likely significant criticism of China in Australia that the process could generate and the damage this could cause to the bilateral relationship”.

PM & C sure got that right.

On January 16, 2015, Abbott agreed to the advice, and added in his own handwriting: “We should talk to the Chinese at officials’ level, say Deputy Secretary.” Far from lying to the Chinese, as some extensively briefed journalists have alleged this week, Abbott wanted to communicate the decision to them, but to do it as unemotionally and undramatically as possible. This is not a question of being fair to Abbott. Nobody, it seems, cares about that. But the reason we know now that PM & C once officially advised a PM not to ratify is because the government spent all week defaming Abbott.

On the basis of highly tendentious accounts of Abbott’s private meetings with Chinese President Xi Jinping and Premier Li Keqiang — and it is very nearly improper for one government to use confidential records to smear an earlier government, even one of the same political persuasion — the clear impression was that Abbott once favoured ratification, had never expressed reservations about it and changed his position in an interview with me only to be beastly to the Turnbull government.

Abbott was entitled to ask PM & C for documents relating to him and this issue. PM & C provides such documents explicitly so they can provide an accurate account of what happened during a prime minister’s time in office. Abbott asked PM & C for all relevant documents on Tuesday and received this single one on Friday.

If this all seems a long way from the lofty heights of international statesmanship, it surely is. This issue has implications for our relations with China. The attention the government’s farcical mismanagement has attracted has been widely noticed overseas. Two former chiefs of the Canadian intelligence service have warned their government, citing Australia, not to

go down the road of signing an extradition treaty with China. Our ultimate decision not to ratify has been warmly, if informally, welcomed in the US.

The issue had a long gestation and will cast a long shadow. About a month after Abbott lost the prime ministership, Foreign Minister Julie Bishop first recommended to Malcolm Turnbull that he support ratification. Similar advice came from Justice Minister Michael Keenan. In due course the bureaucracy concurred.

But the government disastrously misread the politics and this was all its own fault. Parliament's treaties committee included a dissenting report by Labor members recommending a review of the Extradition Act.

One of the many untruths the government has pushed this week is that the Labor leadership wanted to ratify the treaty but couldn't get it past the party caucus. This is 100 per cent flat-out wrong. The Labor leadership had grave reservations in principle about ratification. Labor had an exhaustive internal dialogue that generally didn't leak. It came under huge direct pressure from Chinese diplomats, full of warnings and bluster, to go along with ratification.

Part of Labor's decent, sensible reaction was that it wasn't going to be bullied, just as another part of its reaction was that it cared deeply about the Beijing relationship. When shadow cabinet finally considered the treaty, only Kim Carr supported ratification. Some on the NSW Right were worried that some in the Chinese community might think refusing to ratify was somehow anti-Chinese. They did not argue for ratification but were concerned that Labor must manage its messaging very carefully.

The Labor opposition has handled this issue well. Bill Shorten and foreign affairs spokeswoman Penny Wong emerge as substantial figures on foreign policy and national security.

Much that the government said was untrue or misleading. The much vaunted judicial review possible under the treaty, for example, is only a review of process, not of substance. The government has ended up with disaster partly because it has been unwilling to acknowledge defeat and has constantly been trying to shift blame. Bishop gives the impression Labor might change its mind soon and ratification could go ahead. This is completely untrue.

Because Labor cares about the China relationship, and because it expects to come into government late next year and inherit the management of that relationship, it has made almost the identical decision to the one Abbott made in office — to reject ratification, but to do so with the absolute minimum embarrassment of the Chinese.

The government has also repeatedly slandered its own backbenchers who were in revolt at ratification, accusing them of not bringing forward their concerns until the last minute. This again is deeply misleading. It was only at the last minute that the government announced any attempt at ratification. If you look at the Hansard, you find even government members of the treaties committee speaking very sceptically about ratification, but the Foreign Minister very much wanted them to issue a report in favour of ratification, which they ultimately did.

That report did not remotely guarantee the government would take any action. The backbenchers sprang into revolt when ratification was suddenly foisted on them. The backbench rebellion centred on four young men — Andrew Hastie, Tim Wilson and senators James Paterson and Jonathon Duniam. These brilliant men in the mid-30s or younger are the Liberal Party's future. Some of them may have crossed the floor, as senator Eric Abetz indicated he would, and those in the house would have spoken out in support of their Senate colleagues.

All of these young politicians will be central to the Marshall Plan — the postwar reconstruction that will inevitably have to take place in the Liberal Party. If the government cannot secure their support, it is pushing a dud issue at odds with its party's own culture. Yet Bishop gave interviews abusing them for not telling her earlier of their objections. But they formed these objections almost as soon as the government moved to ratification. The chastisement of these backbenchers has not worked. They will be twice as strong, twice as loud and proud, in opposing any future effort to ratify this treaty.

Of course, there will be no such effort during the life of this parliament. Even the Turnbull government at its most inept would surely not make a serious second suicide effort. As was once allegedly remarked to Dorothy Parker: all these suicide attempts will eventually make you unwell. Throughout this tawdry and unbelievably incompetent business, the government frequently used the justification that if it didn't ratify the treaty some Australians now in jail in China would suffer a worse fate.

Labor had received this briefing from the government a long time ago and never leaked it. It was the government that made this formulation public. In doing so, in a massive irony, it was the government that levelled the most severe reputation-damaging charge against the Chinese — that they would mistreat prisoners as retaliation for not getting their way in Australian politics. Seasoned observers of foreign affairs, in Australia and abroad, are aghast that a government could be so foolish and irresponsible.

Incidentally, along the way, in briefings to journalists and in conspiracy theories constructed either by the journalists or by some government figures, I myself have allegedly played a modest role. According to one government-briefed chronology, Keenan first heard of backbench concerns in a conversation with me. This is perplexing as I never had a conversation with Keenan. When I spoke to his office I had not spoken to any Liberal backbencher. I remarked that if this became a matter of public controversy, members of the Liberal Party, meaning branch members in the suburbs, the folks the government seems to take no account of at all, would be pretty upset. By the way, doesn't off-the-record run both ways?

Similarly Abbott, far from running an operation to hurt Turnbull, answered a question from me, which I asked because I thought the treaty a hugely important issue on which Abbott must have had a view as prime minister.

Nothing was more grievously irresponsible than the characteristically undisciplined comments from Trade Minister Steve Ciobo, explicitly linking the fate of the Australian Crown casino employees in prison in China with ratification of the treaty.

Ciobo's astonishing dumbness is an extreme example of the besetting difficulty of Australian policy towards China — the inability to weave the commercial and the strategic, the diplomatic and the political, the engagement and the human rights dimensions, into one coherent whole.

Every conspiracy theory to emerge from this episode is wrong in its basic facts and untrue at any deeper level. This was not a conspiracy but a stuff-up. And the nation cannot afford such staggering stuff-ups when dealing with such important matters.