

Australian policy on the PRC: is it independent of the US?

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Australian policy on the People's Republic of China (PRC) in recent years has been characterised by increasing numbers of officials, state media and other analysts and observers in the PRC as displaying a lack of independence and being in lockstep with the US.

Hawkish PRC state media outlets such as the *Global Times* offer the coarsest assessments. Its reporting and commentary pages have alleged that Australia 'blindly follow[s] the US',¹ that 'Australia's policy lacks independence, and its current choice is to closely follow the US lead'², and that it has 'taken the leading role in cooperating with US' anti-China actions'. It also recently favourably cited a netizen who on Weibo provocatively described Australia as a 'giant kangaroo that acts as the dog of the US'³ and an Australian studies research fellow at Beijing Foreign Studies University who characterised Australia as 'quite an obedient ally' that 'dares not say "no" and "cannot express its displeasure" with the US'.⁴ This perspective has been mainstream since at least 2018, with a *China Daily* editorial that year charging Australia with 'jumping on the US bandwagon to contain China'.⁵ The question 'why does Australia follow the US' also became a mainstay during formal exchanges with PRC interlocutors.

PRC Foreign Affairs Ministry representatives have raised similar complaints, albeit using rhetoric that is more restrained. On April 20 a Foreign Ministry spokesperson branded Australia as 'dancing to the tune of a certain country' in its call for an inquiry into the origin and spread of COVID-19.⁶ Remarks from PRC diplomatic representatives in Australia have made similar remarks that have only ratcheted up in tone since last year. In November 2019 the deputy head of mission at the PRC embassy in Australia wrote in *The Australian* newspaper, 'Chinese netizens now look at this continent and wonder where has the...independent Australia gone.'⁷ In April this year, a PRC embassy spokesperson alleged Home Affairs Minister Peter Dutton had been taking 'some instructions from Washington'⁸ and further that 'certain Australian politicians are keen to parrot what those Americans have asserted and simply follow them in staging political attacks on China'.⁹ The PRC Ambassador to Australia, Cheng Jingye, designated Australia's proposal for a COVID-19 inquiry as a

1 Yu Ning, 'Pompeo promotes US interests at Australia's cost', *Global Times*, May 21 2020 <<https://www.globaltimes.cn/content/1189097.shtml>>.

2 'Australia unwisely boards US leaky boat to meddle in South China Sea', *Global Times*, July 25 2020 <<https://www.globaltimes.cn/content/1195596.shtml>>.

3 Chen Qingqing, Liu Xin, 'Australia gets "slap to the face" as global community welcomes China-sponsored resolution on COVID-19', *Global Times*, May 19 2020 <<https://www.globaltimes.cn/content/1188817.shtml>>.

4 *Global Times*, 'Australia seeking gains by escalating regional tensions', August 6 2020 <<https://www.globaltimes.cn/content/1196973.shtml>>.

5 *China Daily*, 'Australia and Japan should not let ally lead them astray: China Daily editorial', October 11 2018 <<http://www.chinadaily.com.cn/a/201810/11/WS5bbf41e8a310eff303281e0d.html>>.

6 Embassy of the People's Republic of China in the Commonwealth of Australia, 'Foreign Ministry spokesperson Geng Shuang's regular press conference', transcript, April 20 2020 <<http://au.china-embassy.org/eng/fyrth/t1771576.htm>>.

7 Wang Xining, 'Learning Mandarin would help Australians know the Chinese better', *The Australian*, November 20 2019 <<https://www.theaustralian.com.au/commentary/learning-mandarin-would-help-australians-know-the-chinese-better/news-story/8cd0db787fad94e1ee8b807f23773324>>.

8 Embassy of the People's Republic of China in the Commonwealth of Australia, 'Chinese Embassy's spokesperson responding to a question by Global Times on Mr. Dutton's recent remarks', April 21 2020 <http://au.china-embassy.org/eng/sghdxwfb_1/t1771892.htm>.

9 Ibid.

‘proposition...obviously teaming up with those forces in Washington to launch a political campaign against China’.¹⁰

But these claims do not engage with the broader picture, missing the sum total of Australian PRC policy. It is also a convenient narrative device for Beijing, allowing it to sidestep engagement on criticisms levelled at it by Australia.

This briefing lays out Australian and US positions on substantive aspects of their PRC policies, including on:

- the PRC as a strategic competitor
- the PRC as an ideological threat
- trade barriers on imports of PRC goods
- the PRC and the World Trade Organization
- economic arrangements with Hong Kong
- the South China Sea
- TikTok; WeChat ban
- sanctions on Hong Kong/PRC officials over national security legislation
- sanctions on PRC companies and officials over Xinjiang
- shutdowns of PRC diplomatic missions
- restrictions on scientific and research collaboration; and
- controls on PRC media outlets.

The PRC as a strategic competitor

The US position

In December 2017 the US described the PRC as a ‘challenge [to] American power, influence and interests, attempting to erode American security and prosperity’ in its National Security Strategy,¹¹ re-emphasising the assessment of the PRC as ‘strategic competitor’ in its 2018 National Defense Strategy.¹² This conceptual framework was further strengthened in the White House’s May 2020 report laying out the US strategic approach to the PRC:¹³

To respond to Beijing’s challenge, the Administration has adopted a competitive approach to the PRC, based on a clear-eyed assessment of the CCP’s [Chinese Communist Party] intentions and actions, a reappraisal of the United States’ many strategic advantages and shortfalls, and a tolerance of greater bilateral friction.

The Australian position

Through roiling political tensions over the last few years, Australia has remained committed to its characterisation of the PRC as a comprehensive strategic partner. Since assuming the prime ministership, Scott Morrison has made it a point to continuously use this descriptor, agreed upon between Australia and the PRC in 2014, in remarks that touch on Australia’s PRC policy in both domestic and international fora. While there has notably been no elucidation on precisely what this phrase means – University of Sydney Professor James Curran has described it as ‘something of a strategic gibbet swaying in the breeze’¹⁴ – its frequent use

¹⁰ Embassy of the People’s Republic of China in the Commonwealth of Australia, ‘Transcript of Chinese Ambassador Cheng Jingye’s interview with Australian Financial Review political correspondent Andrew Tillett’, April 27 2020 <http://au.china-embassy.org/eng/sghdxwfb_1/t1773741.htm>

¹¹ The White House, *National Security Strategy of the United States of America*, December 2017 <<https://www.whitehouse.gov/wp-content/uploads/2017/12/NSS-Final-12-18-2017-0905.pdf>>.

¹² United States Government Department of Defense, *Summary of the 2018 National Defense Strategy of the United States of America*, January 2018 <<https://dod.defense.gov/Portals/1/Documents/pubs/2018-National-Defense-Strategy-Summary.pdf>>.

¹³ The White House, *United States Strategic Approach to the People’s Republic of China*, May 2020 <<https://www.whitehouse.gov/wp-content/uploads/2020/05/U.S.-Strategic-Approach-to-The-Peoples-Republic-of-China-Report-5.20.20.pdf>>.

¹⁴ James Curran, ‘On China, Morrison should look to Hawke and Howard’, *The Australian Financial Review*, November 22 2019 <<https://www.afr.com/policy/foreign-affairs/on-china-morrison-should-look-to-hawke-and-howard-20191120-p53c8y>>.

by the Prime Minister is indicative of a reluctance on Australia's part to plunge headlong into competition and rivalry.

For example, the Prime Minister on October 4 2018, a month after assuming office, told an Australian-Chinese community lunch:¹⁵

Our government is strongly committed to working closely with China's leaders to advance our Comprehensive Strategic Partnership. This is very important to us, because it's the unique partnership that provides an invaluable framework for progressing our mutual and complementary interests.

He repeated these sentiments during his first major foreign policy speech on November 1 2018¹⁶ and in a subsequent meeting with PRC Premier Li Keqiang on November 14 2018.¹⁷

Prime Minister Morrison has continually made these points with Washington. One Australian Associated Press reporter observed that during the Prime Minister's September 2019 visit to the US,¹⁸ 'On six different occasions...Morrison explained China was a 'comprehensive strategic partner' of Australia. That included while sitting alongside Donald Trump in the Oval Office, after the President told the world: 'Scott has very strong opinions on China.'¹⁹ The Prime Minister also told the Chicago Council on Global Affairs on September 23 2019:²⁰

From Australia's point of view, the engagement with China has been enormously beneficial to our country and that's what led us to develop the Comprehensive Strategic Partnership we have with China, the China-Australia Free Trade Agreement which was quite revolutionary and we want to see that continue.

And as recently as August 5 2020 he said:²¹

The point I make about the United States and Australia is we have a different lens on the issue because our economic relationships with China, are different... And it does go broader into a strategic partnership... to assume Australia and the United States has an identical outlook on China would be false because the circumstances are completely different.

The PRC as an ideological threat

The US position

On July 23 2020 US Secretary of State Mike Pompeo delivered a speech that contrasted 'Communist China' and the 'Free World', stating, 'If the free world doesn't change, Communist China will surely change us.' In a Q&A following his speech he said that 'this language of 'pick a side' does make sense to me...I think the sides, the division...is between freedom and tyranny. I think that's the decision that we're asking each of these nations to make'.²²

Secretary Pompeo's address rounded out a series of mid-year speeches delivered by senior Trump administration officials enunciating the same messages. National Security Advisor Robert O'Brien spoke of 'the Chinese Communist Party's actions and the threat they pose to our very way of life';²³ FBI Director Christopher Wray of the PRC's 'whole-of-state effort to become the world's only superpower by any means necessary';²⁴ Attorney General William Barr of the inhospitality of 'a world marching to the beat of Communist

15 Scott Morrison, 'Remarks, Hurstville community lunch', transcript, October 4 2018 <<https://www.pm.gov.au/media/remarks-hurstville-community-lunch>>.

16 Scott Morrison, 'The beliefs that guide us', speech, November 1 2018 <<https://www.pm.gov.au/media/keynote-address-asia-briefing-live-beliefs-guide-us>>.

17 Scott Morrison, 'Annual leaders' meeting with Chinese premier Li Keqiang', media release, November 14 2018 <<https://www.pm.gov.au/media/annual-leaders-meeting-chinese-premier-li-keqiang>>.

18 Scott Morrison, 'Media statement - visit to the United States of America', media release, September 16 2019 <<https://www.pm.gov.au/media/media-statement-visit-united-states-america>>.

19 Katina Curtis, 'Scott Morrison walks tricky line on China', *The Canberra Times*, October 3 2019 <<https://www.canberratimes.com.au/story/6419758/scott-morrison-walks-tricky-line-on-china/>>.

20 Scott Morrison, 'Chicago Council on Global Affairs', speech, September 23 2019 <<https://www.pm.gov.au/media/chicago-council-global-affairs>>.

21 Scott Morrison, 'Q&A, Aspen Security Forum', transcript, August 5 2020 <<https://www.pm.gov.au/media/qa-aspen-security-forum>>.

22 Michael Pompeo, 'Communist China and the free world's future', speech, July 23 2020 <<https://www.state.gov/communist-china-and-the-free-worlds-future/>>.

23 Robert O'Brien, 'The Chinese Communist Party's ideology and global ambitions', speech, June 26 2020 <<https://www.whitehouse.gov/briefings-statements/chinese-communist-partys-ideology-global-ambitions/>>.

24 Christopher Wray, 'The threat posed by the Chinese government and the Chinese Communist Party to the economic and national security of the United States', speech, United States Federal Bureau of Investigation, July 7 2020 <<https://www.fbi.gov/news/speeches/the-threat-posed-by-the-chinese-government-and-the-chinese-communist-party-to-the-economic-and-national-security-of-the-united-states>>.

China's drums';²⁵ and Defense Secretary Mark Esper of 'the need to prepare for the alternative [if the Chinese Communist Party doesn't change its ways]'.²⁶

The Australian position

Senior Australian ministers have made a concerted effort to refrain from endorsing this particular kind of commentary on the PRC by Trump administration officials.

On July 29 2020 at the Australia-United States Ministerial Consultations (AUSMIN) in Washington, Foreign Minister Marise Payne responded to a journalist's question about Secretary Pompeo's speech, stating:²⁷

[T]he Secretary's speeches are his own – Australia's positions are our own...most importantly from our perspective, we make our own decisions, our own judgments in the Australian national interest and about upholding our security, our prosperity, and our values. So, we deal with China in the same way. We have a strong economic engagement, other engagement, and it works in the interests of both countries.

Defence Minister Linda Reynolds was asked in an interview on the same day: '[D]o you feel in alignment with that kind of rhetoric from Mike Pompeo and the US?' She said in response:²⁸

[W]e have our own policy on China. But on our strategic issues, and our strategic values and objectives, we are still very closely aligned with the United States but not completely aligned. And that's as it should be.

Prime Minister Morrison has also differentiated Australia's approach to that of the US in various speeches. On June 26 2019 he said:²⁹

While we will be clear-eyed that our political differences will affect aspects of our engagement, we are determined that our relationship not be dominated by areas of disagreement. The decisions we make in relation to China are based solely on our national interests, just as theirs are towards Australia, and these are sometimes hard calls to make. But they are designed always to leave large scope for cooperation on common interests and recognise the importance of China's economic success. This success is good for China, it is good for Australia.

He has also rejected viewing dealings with the PRC through an ideological lens stating on October 3 2019:³⁰

[I]f you look at this [the rise of China] as some great ideological struggle between two world-views, well that can take you to a very dangerous end, and I don't subscribe to that analysis. I don't think it's in Australia's interests.

Trade barriers on imports of PRC goods

The US position

In 2018 the US began levying tariffs on PRC imports, with the aim of forcing the PRC to address alleged unfair trade practices, inviting retaliatory moves from the PRC and escalating into a full-blown trade war. By March 2020, the average tariff rate the US placed on imports from the PRC stood at 19.3 percent, up from 3.1 percent in January 2018.³¹

25 William Barr, 'Remarks on China policy', speech, United States Government Department of Justice, July 16 2020 <<https://www.justice.gov/opa/speech/attorney-general-william-p-barr-delivers-remarks-china-policy-gerald-r-ford-presidential>>.

26 Mark Esper, 'Remarks by Secretary Esper at an International Institute for Strategic Studies webinar on the US vision for security in the Indo-Pacific region', speech, July 21 2020 <<https://china.usembassy-china.org.cn/remarks-by-secretary-esper-at-an-international-institute-for-strategic-studies-webinar/>>.

27 Marise Payne, Linda Reynolds, 'Australia-United States Ministerial Consultations (AUSMIN)', transcript, July 29 2020 <<https://www.foreignminister.gov.au/minister/marise-payne/transcript/australia-united-states-ministerial-consultations-ausmin>>.

28 Linda Reynolds, 'Interview with Fran Kelly, RM Breakfast ABC', transcript, July 29 2020 <<https://www.minister.defence.gov.au/minister/lreynolds/transcripts/interview-fran-kelly-rn-breakfast-abc>>.

29 Scott Morrison, 'Where we live' Asialink Bloomberg Address', speech, June 26 2019 <<https://www.pm.gov.au/media/where-we-live-asialink-bloomberg-address>>.

30 Scott Morrison, '2019 Lowy Lecture – Q&A', Lowy Institute, October 8 2019 <<https://www.youtube.com/watch?v=k5FChxG8b1E>>.

31 Chad Brown, 'US-China trade war tariffs: an up-to-date chart', Peterson Institute for International Economics, February 14 2020 <<https://www.piie.com/research/piie-charts/us-china-trade-war-tariffs-date-chart>>.

The Australian position

Following commitments made in the China–Australia Free Trade Agreement (ChAFTA), since January 1 2019 Australia has eliminated all tariffs on PRC imports.³² While Prime Minister Morrison and some of his ministers have expressed sympathy for some aspects of US economic charges against the PRC, such as industrial subsidies, developing economy status and intellectual property protection, the Australian government has cleaved to its own economic approach towards the PRC, electing to remain a neutral party and urging de-escalation between the US and the PRC. For example, in September 2018 Trade Minister Birmingham urged both countries to avoid ‘digging an ever-deeper hole’. The Trade Minister emphasised that Australia was not taking any sides in the dispute, saying, ‘Neither major player comes to this dispute with purity’.³³

On November 6 2018, when asked about the US’ tariffs, Minister Birmingham said:³⁴

[W]e’ve been very clear in our position all along that we do not approve or support the US actions of increasing tariffs in a unilateral way on Chinese goods.

On August 4 2019, Minister Birmingham added, ‘The application of those sorts of unilateral tariff actions is not something we have welcomed and it may well be [a breach of WTO rules]’.³⁵

The PRC and the World Trade Organization (WTO)

The US position

On December 10 2019 the WTO’s Appellate Body, which offers members independent adjudication on trade disputes, ceased to function due to the fact that the US had been blocking new appointments as the terms of existing judges expired. On the day of its shuttering, *Reuters* reported that ‘[m]uch of the US displeasure stems from how the WTO has tied its hands in dealing with China’.³⁶

The Australian position

The Australian government sees upholding and updating the international rules around trade, enforced by the WTO, as an opportunity for Australia–PRC cooperation. On August 2 2019 in Beijing, Trade Minister Birmingham said, ‘We want to work with China...to improve the Appellate Body’s functionality and responsiveness’.³⁷

Following continued US obstruction, on December 17 2019, Minister Birmingham said:³⁸

Australia is disappointed that the Appellate Body is now unable to function. The eroding of the dispute-settlement function of the WTO undermines the effectiveness of the trading rules that we and many other nations rely upon and takes us closer to a ‘might is right’ system without agreed enforceable rules.

The next month the Trade Minister stated that Australia was already actively working with other WTO members to establish a stopgap system.³⁹ On March 30 2019, he formally announced that Australia had partnered with mainland China, Hong Kong and 13 other WTO members ‘to establish an interim arrangement to bring appeals and solve trade disputes’.⁴⁰

32 Australian Government Department of Foreign Affairs and Trade, ‘China–Australia Free Trade Agreement – Guide to using ChAFTA to export and import goods’, May 26 2020 <<https://www.dfat.gov.au/trade/agreements/in-force/chafta/doing-business-with-china/Pages/guide-to-using-chafta-to-export-or-import>>.

33 Eryk Bagshaw, Matthew Knott, ‘Does Donald Trump have a point on China’s trade practices?’, *The Sydney Morning Herald*, September 22 2018 <<https://www.smh.com.au/politics/federal/does-donald-trump-have-a-point-on-china-s-trade-practices-20180921-p50563.html>>.

34 Simon Birmingham, ‘Interview on RN Breakfast with Fran Kelly’, transcript, November 6 2018 <<https://www.trademinister.gov.au/minister/simon-birmingham/transcript/interview-rn-breakfast-fran-kelly-1>>.

35 Simon Birmingham, ‘Interview on Sky News Live with Speers on Sunday’, transcript, August 4 2019 <<https://www.senatorbirmingham.com.au/interview-on-sky-news-live-with-speers-on-sunday/>>.

36 Stephanie Nebehay, ‘US seals demise of WTO appeals bench: trade officials’, *Reuters*, December 10 2019 <<https://www.reuters.com/article/us-trade-wto-idUSKBN1YD1S0>>.

37 Simon Birmingham, ‘Australia and China: mutual benefits through trade liberalisation and multilateral trade reform’, speech, August 2 2019 <<https://www.trademinister.gov.au/minister/simon-birmingham/speech/australia-and-china-mutual-benefits-through-trade-liberalisation-and-multilateral-trade-reform>>.

38 Eryk Bagshaw, Matthew Knott, ‘Australia hits out at dismantling of WTO appeals’, *The Sydney Morning Herald*, December 17 2019 <<https://www.smh.com.au/politics/federal/australia-hits-out-at-dismantling-of-wto-appeals-20191217-p53krz.html>>.

39 Andrew Tillett, ‘Australia moves to end logjam over trade disputes’, *The Australian Financial Review*, January 24 2020 <<https://www.afr.com/politics/federal/australia-moves-to-end-logjam-over-trade-disputes-20200124-p53uem>>.

40 Simon Birmingham, ‘Establishment of interim appeal arrangement for trade disputes’, media release, March 30 2020 <<https://www.trademinister.gov.au/minister/simon-birmingham/media-release/establishment-interim-appeal-arrangement-trade-disputes>>.

Economic arrangements with Hong Kong

The US position

On July 16 2020 President Donald Trump signed an executive order that effectively ended Hong Kong's separate customs treatment by the US, following the enactment of restrictive national security legislation by Beijing on June 30. This means that imports from Hong Kong will now be treated as being part of the PRC for purposes of levying duties.⁴¹

The Australian position

On January 17 2020 the Australia-Hong Kong Free Trade Agreement (A-HKFTA) entered into effect.⁴² While Australia moved to suspend its extradition treaty with Hong Kong following the national security laws' enactment, it elected to preserve its bilateral economic arrangement. Trade Minister Simon Birmingham said the Australian government had 'no plans' to review A-HKFTA, adding that 'This FTA provides certainty and transparency for Australian businesses trading and investing in Hong Kong'.⁴³

South China Sea

The US position

In October 2015 the US began freedom of navigation operations (FONOPs) within the 12 nautical mile zone of features claimed by Beijing. Washington, under both Obama and Trump administrations, has repeatedly suggested that it would be optimal for Australia to conduct the same type of FONOPs.⁴⁴

The Australian position

Australia this year hardened its messaging on the South China Sea. About one week before AUSMIN Australia sent a note verbale to the United Nations laying out in starker fashion the legal position which the country believed applied in the South China Sea.⁴⁵ While Australia has long articulated support for the application of the UN Convention for the Law of the Sea (UNCLOS), specifically which provisions it relied upon and which it believed the PRC had contravened has not been particularly clear, up until now. Deliberate diplomatic messaging was also evident in the filing of the note one week before AUSMIN.

But while rhetoric has intensified, Australia emerged from AUSMIN continuing to abstain from engaging in US-style FONOPs.

Prime Minister Scott Morrison had on July 16 2020 noted that while Australia 'will continue to adopt a very supportive position of freedom of navigation in the South China Sea', the country would 'say it the Australian way' and 'in the way that's in our interest to make those statements and will continue to adopt a very consistent position'.⁴⁶

TikTok; WeChat ban

The US position

On August 6 2020 President Trump issued two executive orders designating TikTok and WeChat a threat to national security and prohibiting those within US jurisdictions from carrying out 'transactions' with the apps'

41 David Lawder, 'Hong Kong reverts to China tariffs under Trump order, impact limited: trade lawyers', *Reuters*, July 17 2020 <<https://www.reuters.com/article/us-hongkong-security-usa-trade/hong-kong-reverts-to-china-tariffs-under-trump-order-impact-limited-trade-lawyers-idUSKCN24H36I>>.

42 Simon Birmingham, Mark Coulton, 'Australia's free trade deal with Hong Kong commences', media release, January 17 2020 <<https://www.trademinister.gov.au/minister/simon-birmingham/media-release/australias-free-trade-deal-hong-kong-commences>>.

43 Stephen Dziedzic, 'Calls for Australia to axe free trade deal with Hong Kong amid China crackdown', *ABC News*, July 14 2020 <<https://www.abc.net.au/news/2020-07-14/calls-axe-free-trade-agreement-hong-kong-china-crackdown/12451002>>.

44 See, e.g., Brendan Nicholson, 'Send in the ships: US chief urges challenge to Beijing', *The Australian*, February 22 2016 <<https://www.theaustralian.com.au/national-affairs/defence/send-in-the-ships-us-chief-urges-challenge-to-beijing/news-story/8e71f880f3b1fd9e79ccf6e88db146cb>>; Gavin Fernando, 'Balancing act: experts warn we can't stay out of China's conflicts', *news.com.au*, October 4 2016 <<https://www.news.com.au/finance/economy/world-economy/experts-warn-australia-cant-stay-out-of-chinas-conflicts/news-story/4cff9d168304576fbb2ca712053f2655>>; Stephen Dziedzic, Andrew Greene, 'US official urges Australia to participate in South China Sea freedom of navigation operations', *ABC News*, July 27 2020 <<https://www.abc.net.au/news/2020-07-27/australia-pressured-to-participate-in-south-china-sea-operation/12496326>>.

45 Permanent Mission of the Commonwealth of Australia to the United Nations, 'Communication dated 23 July 2020', Commission on the limits of the continental shelf (CLCS) – outer limits of the continental shelf beyond 200 nautical miles from the baselines: submissions to the Commission: partial submission by Malaysia in the South China Sea, United Nations Division for Ocean Affairs and the Law of the Sea, July 23 2020 <https://www.un.org/Depts/los/clcs_new/submissions_files/submission_mys_12_12_2019.html>.

46 Scott Morrison, 'Press conference – Australian Parliament House', transcript, July 16 2020 <<https://www.pm.gov.au/media/press-conference-australian-parliament-house-act-23>>.

parent companies.⁴⁷ The President's trade adviser, Peter Navarro, said, 'Mobile apps like TikTok and WeChat... put you and your family in the cross hairs of an Orwellian regime.'⁴⁸ Secretary Pompeo on August 12 2020 alluded to the possibility of action against other PRC companies, stating, '[W]hen President Trump made his announcement about not only TikTok, but about WeChat – and if you read it, it's broader even still than that – is that we're going to make sure that American data not end up in the hands of an adversary like the Chinese Communist Party'.⁴⁹

The Australian position

Prime Minister Morrison during the Aspen Security Forum on August 5 2020, while acknowledging the potential risk attached to TikTok given '[user] information can be accessed at a sovereign state level', said 'we have had a look, a good look at this, and there is no evidence for us to suggest, having done that, that there is any misuse of any people's data that has occurred, at least from an Australian perspective.' He added:⁵⁰

There's nothing at this point that would suggest to us that security interests are being compromised or Australian citizens are being compromised...There's no reason for us to restrict those applications at this point. We'll obviously keep watching them. But there's no evidence to suggest to us today that that is a step that is necessary.

Sanctions on Hong Kong/PRC officials over national security legislation

The US position

On August 7 2020, in response to the PRC's enactment of restrictive national security legislation in Hong Kong, the Trump administration imposed sanctions on Hong Kong Chief Executive Carrie Lam and 10 senior officials from Hong Kong and mainland China, banning them from travelling to the US, blocking any US-based assets they might have and prohibiting them from doing business in the country.⁵¹

The Australian position

Prime Minister Morrison on May 29 2020 had said sanctions against officials over the national security laws were 'not something under consideration' for Australia, noting, 'We have expressed our view. We have expressed it I think in a very diplomatic and...courteous way'.⁵² The prospect of sanctions, at this stage, does not appear to have been revisited.

Sanctions on PRC companies and officials over Xinjiang

The US position

The US Commerce Department has placed export restrictions on a number of PRC companies since last year,⁵³ with the US State Department imposing sanctions and visa restrictions on PRC officials in parallel.⁵⁴ These actions have been accompanied, too, by forceful language from Secretary of State Pompeo, who has referred to the situation in Xinjiang as 'one of the worst human rights crises of our time, it is truly the stain of the century'.⁵⁵

47 The White House, 'Executive Order on addressing the threat posed by TikTok', August 6 2020 <<https://www.whitehouse.gov/presidential-actions/executive-order-addressing-threat-posed-tiktok/>>; The White House, 'Executive Order on addressing the threat posed by WeChat', August 6 2020 <<https://www.whitehouse.gov/presidential-actions/executive-order-addressing-threat-posed-wechat/>>.

48 Ana Swanson, 'Trump's orders on WeChat and TikTok are uncertain. That may be the point', *The New York Times*, August 7 2020 <<https://www.nytimes.com/2020/08/07/business/economy/trump-executive-order-tiktok-wechat.html>>.

49 Mike Pompeo, 'Securing freedom in the heart of Europe', speech, August 12 2020 <<https://www.state.gov/securing-freedom-in-the-heart-of-europe/>>.

50 Scott Morrison, 'Q&A, Aspen Security Forum', transcript, August 5 2020 <<https://www.pm.gov.au/media/qa-aspen-security-forum-0>>.

51 United States Government Department of the Treasury, 'Treasury sanctions individuals for undermining Hong Kong's autonomy', press release, August 7 2020 <<https://home.treasury.gov/news/press-releases/sm1088>>.

52 Scott Morrison, 'Press conference – Australian Parliament House, ACT', transcript, May 29 2020 <<https://www.pm.gov.au/media/press-conference-australian-parliament-house-act-29may20>>.

53 United States Government Department of Commerce, 'Commerce Department adds eleven Chinese entities implicated in human rights abuses in Xinjiang to the Entity List', press release, July 20 2020 <<https://www.commerce.gov/news/press-releases/2020/07/commerce-department-adds-eleven-chinese-entities-implicated-human>>; United States Government Department of Commerce, 'US Department of Commerce adds 28 Chinese organisations to its Entity List', press release, October 7 2019 <<https://www.commerce.gov/news/press-releases/2019/10/us-department-commerce-adds-28-chinese-organizations-its-entity-list>>.

54 Michael Pompeo, 'The United States imposes sanctions and visa restrictions in response to the ongoing human rights violations and abuses in Xinjiang', press statement, July 9 2020 <<https://www.state.gov/the-united-states-imposes-sanctions-and-visa-restrictions-in-response-to-the-ongoing-human-rights-violations-and-abuses-in-xinjiang/>>; Michael Pompeo, 'US Department of State imposes visa restrictions on Chinese officials for repression in Xinjiang', press statement, October 8 2019 <<https://www.state.gov/u-s-department-of-state-imposes-visa-restrictions-on-chinese-officials-for-repression-in-xinjiang/>>.

55 David Brunnstrom, Lesley Wroughton, 'Pompeo calls China's treatment of Uighurs 'stain of the century'', *Reuters*, July 18 2019 <<https://www.reuters.com/article/us-usa-religion-china/pompeo-calls-chinas-treatment-of-uighurs-stain-of-the-century-idUSKCN1UD20P>>.

The Australian position

The Australian government has robustly and consistently criticised the PRC's actions against its Turkic Muslim minority in Xinjiang insofar as diplomatic parlance will allow. However, the government has not indicated any material shift away from a position Foreign Minister Payne articulated on July 24 2019. Asked by an Australian Greens Senator in Parliament when the government would 'impose targeted sanctions, like visa bans and asset freezes, against those linked to abuses in Xinjiang', the Foreign Minister responded:⁵⁶

I don't agree with the approach that the Australian Greens suggest in this regard. I think it is very important for the government to work in the way that we are, and we will continue to do so.

The Foreign Minister during her first detailed interview on Xinjiang on July 15 2019 was pressed on Australia's response to Xinjiang, and whether it could be more 'muscular'. She reiterated throughout the interview that 'engagement through bodies such as the Human Rights Council is an appropriate place and way in which to raise human rights concerns', in addition to taking up matters 'directly with Chinese counterparts'.⁵⁷

That said, the Foreign Minister on December 3 2019 asked the Human Rights Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade to 'inquire into the use of targeted sanctions to address human rights abuses'.⁵⁸ The results of the inquiry, still ongoing, may compel a revisitation of the Australian government's approach towards Xinjiang.

Shutdowns of PRC diplomatic missions

The US position

On July 22 2020 the US State Department ordered the closure of the PRC Consulate General in Houston by July 25 2020, citing as grounds for its decision a 'lack of reciprocity' in diplomatic engagement⁵⁹ and the need to 'protect American intellectual property and private information'.⁶⁰ A State Department spokesperson said, 'The United States will not tolerate the PRC's violations of our sovereignty and intimidation of our people'.⁶¹ President Trump in a news briefing indicated that it is 'always possible' that more PRC diplomatic missions in the US could be shut.⁶²

The Australian position

One crossbench senator, Rex Patrick, in July 2020 called on the Australian government to 'radically reduce' the PRC's diplomatic footprint in Australia, seeking the expulsion of 'at least two-thirds' of PRC diplomatic representatives, alleging a significant expansion in PRC intelligence gathering activities in Australia 'much of it under the cover of diplomatic and consular activity'.⁶³ There are, however, presently no indications that the Australian government is actively considering the expulsion of PRC diplomatic representatives, nor the shutdown of PRC diplomatic missions in Australia.

Restrictions on scientific and research collaboration

The US position

The US has implemented numerous measures that impact scientific and research collaboration between American and PRC researchers.⁶⁴ For example, on May 29 2020 President Donald Trump issued an executive

56 Marise Payne, 'Questions without notice - China: human rights', Parliament of Australia, July 24 2019 <https://www.aph.gov.au/Parliamentary_Business/Hansard/Hansard_Display?bid=chamber/hansards/11e272cd-753f-4b97-bfb4-516fc5f0f19d/&sid=0110>.

57 Marise Payne, 'Interview with Fran Kelly, ABC Radio National Breakfast', transcript, July 15 2019 <<https://www.foreignminister.gov.au/minister/marise-payne/transcript/interview-fran-kelly-abc-rn-breakfast>>.

58 Parliament of Australia, 'Inquiry into whether Australia should examine the use of targeted sanctions to address human rights abuses', December 3 2019 <https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/MagnitskyAct>.

59 United States Government Department of State, 'Briefing with senior US government officials on the closure of the Chinese consulate in Houston, Texas', July 24 2020 <<https://www.state.gov/briefing-with-senior-u-s-government-officials-on-the-closure-of-the-chinese-consulate-in-houston-texas/>>.

60 Quint Forgey, Gavin Bade, 'State Department orders China to close its consulate in Houston', *Politico*, July 22 2020 <<https://www.politico.com/news/2020/07/22/state-department-china-houston-consulate-closing-377715>>.

61 Ibid.

62 Jeff Mason, Steve Holland, 'Trump says closing more Chinese consulates in US 'always possible'', *Reuters*, July 23 2020 <<https://www.reuters.com/article/us-usa-china-consulate-trump/trump-says-closing-more-chinese-consulates-in-us-always-possible-idUSKCN24N312>>.

63 *SBS News*, 'Crossbench senator Rex Patrick urges government to 'radically reduce' Chinese diplomats in Australia', July 15 2020 <<https://www.sbs.com.au/news/crossbench-senator-rex-patrick-urges-government-to-radically-reduce-chinese-diplomats-in-australia>>.

64 Jane Golley, Paul Harris, James Laurenceson, 'Campus conundrums: clashes and collaborations', in Jane Golley, Linda Jaivin, Ben Hillman and Sharon Strange, *China Story Yearbook: China Dreams*, ANU Press, Canberra, 2020 <http://press-files.anu.edu.au/downloads/press/n6614/pdf/09_chapter.pdf>.

order suspending or limiting entry of ‘students or researchers from the PRC studying or researching beyond the undergraduate level who are or have been associated with the PLA’, designating them as ‘high risk of being exploited or co-opted by the PRC authorities’, thus ‘provid[ing] particular cause for concern’.⁶⁵ Last year, a bill before US Congress on visa bans for ‘individuals who are employed, funded, or otherwise sponsored by the Chinese People’s Liberation Army’ noted that ‘Australia, Canada, New Zealand, and the United Kingdom should take measures similar to the measures outlined in [the bill]’.⁶⁶

The Australian position

The Australian government has concerns around the prospect of foreign interference in universities and other research organisations. However, rather than adopting the heavy-handed US approach, following a consultative process between Australia’s security agencies and tertiary education sector, last November it established guidelines aimed at risk mitigation to better ensure universities ‘have the necessary protections for students, research data, and academic integrity’.⁶⁷

Controls on PRC media outlets

The US position

2020 saw a flurry of US government activity targeting in-country journalists for PRC media outlets, with the PRC responding in kind.

On February 18 2020, the State Department designated five PRC state media entities – Xinhua, CGTN, CRI, China Daily Distribution Corporation, and the distributor for the *People’s Daily* – as foreign missions of the PRC.⁶⁸ The next month, on March 2 2020 the US enacted a personnel cap of 100 across these five entities, necessitating the departure of 60 PRC nationals from these five entities in the US.⁶⁹ The US cited the need to ‘clearly communicate the severity of our concerns about the abusive, unfair, and non-reciprocal treatment of international press in China’.⁷⁰ On June 22 2020, the State Department designated a further four outlets as foreign missions – China Central Television, China News Service, the *People’s Daily* and the *Global Times*.⁷¹ While announcing the measure a State Department spokesperson said:⁷²

Over the past decade and particularly under General Secretary Xi Jinping’s tenure, the CCP has reorganised China’s state propaganda outlets disguised as news agencies and asserted even more direct control over them... [W]hile Western media are beholden to the truth, PRC media are beholden to the Chinese Communist Party.

On May 9 2020, the US instituted a 90-day limit on visas for PRC journalists, where before such visas were valid indefinitely, provided the visa-holder was employed by the same entity.⁷³

The Australian position

Two Australian reporters employed by international media outlets have been expelled this year by the PRC during its tit-for-tat sparring with the US.⁷⁴ A spokesperson for Foreign Minister Payne issued in response the following statement: ‘Australia believes firmly in the fundamental rights of freedom of expression and a free press. It is our view that journalists should be able to carry out their work without unreasonable

65 The White House, ‘Proclamation on the suspension of entry as nonimmigrants of certain students and researchers from the People’s Republic of China’, May 29 2020 <<https://www.whitehouse.gov/presidential-actions/proclamation-suspension-entry-nonimmigrants-certain-students-researchers-peoples-republic-china/>>.

66 Phillip Coorey, ‘US seeks to pressure Australian universities over China research’, *The Australian Financial Review*, August 21 2019 <<https://www.afr.com/politics/federal/us-seeks-to-pressure-australian-universities-over-china-research-20190821-p52j6b>>.

67 Fergus Hunter, ‘Stronger protections for uni students and research under new foreign interference strategy’, *The Sydney Morning Herald*, November 14 2019 <<https://www.smh.com.au/politics/federal/stronger-protections-for-uni-students-and-research-under-new-foreign-interference-strategy-20191113-p53aa9.html>>.

68 United States Government Department of State, ‘Senior State Department officials on the Office of Foreign Mission’s designation of Chinese media entities as foreign missions’, February 18 2020 <<https://www.state.gov/senior-state-department-officials-on-the-office-of-foreign-missions-designation-of-chinese-media-entities-as-foreign-missions/>>.

69 Michael Pompeo, ‘Institution of a personnel cap on designated PRC state media entities’, press statement, March 2 2020 <<https://www.state.gov/institution-of-a-personnel-cap-on-designated-prc-state-media-entities/>>.

70 United States Government Department of State, ‘Briefing with senior State Department officials on the institution of a personnel cap on designated PRC state media entities’, March 2 2020 <<https://www.state.gov/briefing-with-senior-state-department-officials-on-the-institution-of-a-personnel-cap-on-designated-prc-state-media-entities/>>.

71 Morgan Ortogus, ‘Designation of additional Chinese media entities as foreign missions’, United States Government Department of State, June 22 2020 <<https://www.state.gov/designation-of-additional-chinese-media-entities-as-foreign-missions/>>.

72 Ibid.

73 Ted Hesson, ‘US tightens visa rules for Chinese journalists amid coronavirus tensions’, *Reuters*, May 9 2020 <<https://www.reuters.com/article/us-health-coronavirus-usa-china/u-s-tightens-visa-rules-for-chinese-journalists-amid-coronavirus-tensions-idUSKBN22L03A>>.

74 Bill Birtles, ‘In the midst of the coronavirus pandemic, China forces out foreign reporters’, *ABC News*, May 8 2020 <<https://www.abc.net.au/news/2020-05-09/china-kicks-out-foreign-journalists-during-coronavirus-crisis/12227782>>.

impediments'.⁷⁵ Beyond these statements, Australia has continued to allow PRC state media to operate in the country, with reciprocal arrangements for Australian journalists (albeit with distinctly stricter conditions) continuing to stand in the PRC.

Conclusion

There is alignment in Australian and US policy on the PRC on specific issues, such as the exclusion of PRC companies from participation in their 5G networks and a hesitation to participate in the PRC's Belt and Road Initiative. But this is not proof-positive of Australia blindly following the US. Just as Australia aligns with China on issues like trade because the two countries' interests coincide, the same is true on other issues with the US. Areas of mutual alignment do not demonstrate that Australia is 'pro-China' or 'pro-US'. They are best described as 'pro-Australia'. If, as is oft-repeated by PRC officials, the PRC is committed to 'enhancing mutual trust and cooperation' with Australia, one constructive step in this direction would be to tackle Australian concerns on their own merits instead of dismissing them as being articulated at the behest of the US.

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⁷⁵ Will Glasgow, 'Journalist Phillip Wen first to be ousted since Mao era', *The Australian*, February 21 2020 <<https://www.theaustralian.com.au/world/journalist-phillip-wen-first-to-be-ousted-since-mao-era/news-story/9722fec0b5bc46c5ba370fad62db420c>>.