



# PM's life support

**P**RIME Minister Kevin Rudd was right to put mercy for the six members of the Bali 9 on death row on the table at his first meeting with President Yudhoyono of Indonesia in Bali last week.

He was signalling that when the young Australian men on Indonesia's death row seek to have their death sentences commuted to jail time, their country will support them.

But this was hardly news for the Indonesians.

Howard and his ministers — especially Downer and Ruddock — raised the issue with Jakarta many times, albeit usually in a low-key way.

But Australia's new government now has a chance to do more for Australians facing execution.

This is because Rudd — like Keating before him — is very popular in Indonesia.

In fact, the Jakarta media are as crazy about Rudd as they were negative about Howard. Much of this is style rather than substance.

The reality is that major changes in Indonesia policy between Liberal and Labor governments are unlikely.

In fact, at the government-to-government level, the bilateral relationship had become very strong under the Coalition — thanks to co-operation against terrorism and aid after the 2004 Aceh tsunami.

But perceptions count for a lot in international relations, and ex-diplomat Mandarin-speaker Rudd is seen as more Asia-friendly and more independent of the US than Howard.

Despite visiting Indonesia more than any other Australian PM, "Deputy Sheriff" Howard was viewed unambiguously as a lackey of Bush, too fond of "megaphone diplomacy".

Of course, Rudd's Asian honeymoon



will eventually end, but for the moment he has an opportunity to fix the mess Howard made of our national position on the death penalty.

Howard's ministers enthusiastically endorsed execution for the Bali bombers, even as they asked South-East Asian states to spare our citizens.

This played badly in the region, construed as outright neo-colonialism.

Singapore threw it back in our faces when we sought mercy for drugs offender Nguyen Tuong Van.

They hanged him regardless, saying we couldn't have it both ways, with one rule for Asians and another rule for Australians.

The point Singapore was making is obvious: if we allow for exceptions to our opposition to the death penalty when it comes to non-Australians overseas, we are, in fact, endorsing it.

In-principle opposition is replaced by a subjective, unwinnable squabble about which heinous offences are worse according to different people.

The Coalition's double standard has thus severely compromised our capacity to save our citizens.

But if Rudd now plays his cards right, he can put the hypocrisy of Howard's death penalty double-bind behind us.

That will go a long way to helping the Bali 6 when the time comes for them to seek clemency and government diplomacy really starts to matter.

So it is time now to launch a consistent and principled policy, openly and loudly advocating an end

to the death penalty internationally — even towards key trade partners such as the US and China, who also happen to be among the world's most enthusiastic executors.

At a time when New Jersey has just made itself the first American state in 40 years to abolish the death penalty, and when even Beijing is considering abolition, our new Government should seize the opportunity to make bipartisan national policy clear.

During the election campaign, Robert McClelland was slapped down by Rudd for saying that he opposed execution of the mass-murderers who carried out the Bali bombings.

McClelland's timing may have been poor, but he was right, of course.

As Rudd knows, hard cases like the Bali bombers test the principle.

And he should also know that now the election is over, the timing issue that matters most is how much longer six young Australians will have to live.

So, Mr Rudd, how about a principled foreign policy position on the death penalty: no exceptions, no compromises, and no more silence?

It won't be easy.

It will mean speaking up on the issue in international forums and standing up to countries all over the world who still execute, including China, the US, and most ASEAN countries.

And it will also mean no more crowing when Indonesia gets close to executing the Bali bombers.

Indonesia will deal with them as it wishes, regardless of what we say.

So why endorse their executions, compromise our national and bipartisan policy, abandon our principles, and jeopardise our hopes of winning mercy for the Bali 6?

**Professor TIM LINDSEY is director of the Asian Law Centre at the University of Melbourne**



**Rudd's burden:** Si Yi Chen (left), Matthew Norman and Tach Duc Thanh Nguyen (right), three of the condemned Bali six