

America resorts to Cold War tactics in gaining support for an attack

The US has asked 60 nations to expel 300 Iraqi diplomats believed to be spies

ANALYSIS
Peter Kammerer
Foreign Editor

Unsure exactly how much support it has from governments around the world for its planned war on Iraq, the US is trying a more cunning approach – telling them to expel Iraqi diplomats.

At least 60 nations have been asked to act against 300 Iraqis said to be operating not as envoys or diplomatic staff, but as spies.

With opposition from key United Nations Security Council members China, France and Russia to its resolution that action be taken against Iraq for allegedly defying demands to disarm, the US is clearly exasperated. Months of intense diplomacy seem to have failed and more persuasive measures are deemed necessary.

The massive allied military buildup in the Persian Gulf and comments by President George W. Bush and senior officials imply that war is inevitable and the UN is immaterial. Nations complying

with the expulsion call would at least give Mr Bush a firm show of support.

The unilateral attitude of the US was highlighted in the order that two Iraqis leave their mission to the UN or be expelled – even though the US has no legal or diplomatic authority over the world body.

The move harks to the depths of the Cold War in the 1980s, when tit-for-tat expulsions were a staple of relations between the Soviet Union and America. Now, as then, a Republican administration is in office in the US and many of the same officials still direct policies.

In 1988, then president Ronald Reagan barred Palestinian leader Yasser Arafat from the UN General Assembly because of alleged terrorist links. The assembly opted to reconvene in Geneva, where Mr Arafat delivered a speech.

Diplomatic immunity is an ages-old practice documented in Greek civilisation 2,600 years ago.

The Greeks had a system of diplomatic relations and members of diplomatic missions were accorded certain immunities. Over time, this has been refined and become the basis of diplomatic affairs between foreign nations.

Those on official business for foreign countries are supposed to have diplomatic immunity. But during a conflict, such rules were often ignored, University of Hong Kong (HKU) law professor Lyl Sunga said yesterday.

“Under customary international law, a diplomatic mission is considered to be almost like your own territory abroad,” he said. “The same goes for the Iraqi mis-

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sion to the UN, but that's thanks to the good graces of the US, on whose territory the diplomatic mission has been established.”

Dr Sunga, the director of the HKU's master of laws programme on human rights, said the US would not interfere with the premises of the Iraqi mission as this would be in breach of the Vienna conventions on diplomatic consular relations. But once outside the premises, diplomatic staff could be considered persona non grata and ordered from American soil.

“An exchange of missions is a bilateral matter,” he said. “The UN is a third party and, by taking what is effectively a unilateral decision, the US is affecting the representation of the member states in the daily workings of the organisation.”

Dr Sunga said the US could justify its action as one of retorsion – a legal term used to describe a lawful move to pressure a state to abide by the rules of international law.

Ultimately, it looks likely the US will win the Iraqis' expulsion, just as it seems it will get its way with war against their homeland. peter.kammerer@scmp.com