

intended for the general public of a major state had proved to be a useless cruelty that international convention had made it an illegal means of warfare.<sup>11</sup>

During the debate in the Security Council on 25 August discussing Resolution 665 authorizing the use of force against Iraq, Alarcón de Quesada, the ambassador for Cuba, declared that "no action or decision adopted or to be adopted by this Council can give it the political, legal or moral authority to undertake any kind of action that is in itself inhuman."<sup>12</sup> Three days later, at a meeting of the 661 committee, he attempted to persuade his fellow ambassadors that the term "humanitarian circumstances" should be interpreted not only as applying to a need to avert imminent death, but also "where withholding food could have long-term effects - on the growth or mental development of children for example."<sup>13</sup> Mr. Richardson, the British Ambassador, objected: "If the Security Council had intended to exempt foodstuffs systematically", it would not have included the proviso "in humanitarian circumstances". On 7 September the chairman of the committee, Marjatta Rasi, wrote to the Secretary-General: "All the members of the Committee shared the view that resolution 661 (1990) must be implemented without creating conditions of starvation in Iraq and Kuwait." The non-aligned nations did not have the power enjoyed by the United States as a neutral in the world wars, and were not in fact able to protect the legal right of civilians to food supplies. The ambiguity in which the legal status of food control was left, however, ensured that food supplies to the states bordering Iraq were not rationed, and that Iran, Jordan, Syria and the Lebanon permitted Iraqis to purchase food in their villages and carry it home. Only after the start of the air battle was the road from Jordan closed, by bombing civilian truckers.

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<sup>11</sup> The Declaration of Paris of 1856 guaranteed free importation in neutral shipping except where a port was closely blockaded by enemy forces or the goods were contraband, and the unratified Declaration of London specifically acknowledged that food intended for the general public could not be considered as contraband. In the later stages of the First World War, Britain effectively blockaded food, but a Committee of Imperial Defence sub-committee set up in 1923 to study the question of belligerent rights acknowledged that food control had only been justified as an act of reprisal. CAB 15/21 Committee of Imperial Defence; Standing Sub-Committee on the Co-ordination of Departmental Action on the Outbreak of War; Report of Sub-Committee on Trading, Blockade and Enemy Shipping, 30 May 1923. The United States government was in the forefront of efforts to restrict belligerent rights. President Hoover, who had been responsible for American food relief to Europe before 1917 and after the armistice in November 1918, tried hard in 1929-30 to reestablish the immunity of food ships from attack. H.C. Hoover, The Memoirs of Herbert Hoover, (New York, 1951-2), vol II, 342. See also ADM 116/2686, Esme Howard to Austen Chamberlain, 9 May 1929; and *passim*.

<sup>12</sup> SCVR, Provisional, 25 August S/PV 2938 discussion of draft resolution S/21640 (resolution 665)

<sup>13</sup> United Nations, Provisional Summary Record of the 4th Meeting of the 661 Committee, 28 August 1990. S/AC.25/S2.4