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Foreign &  
Commonwealth  
Office

11 March 2003

London SW1A 2AH

Dear [Signature] 11/3

Iraq: Security Council: Use of Vetoes

You asked about the implications of the argument that a French veto would be unreasonable. In particular, you asked what this would mean for the Security Council's attitude to future vetoes.

There is no recognised concept of an "unreasonable veto". In describing a French veto as "unreasonable" we would therefore be inviting others to describe any future vetoes as "unreasonable" too.

This might arise soon over Iraq. If we set a new deadline and benchmarks for Iraq others might run a resolution against us before the expiry of the deadline claiming that Iraq was taking its final opportunity to disarm. They would maintain that any veto by us was just as "unreasonable" as the French threat. One option would be for us to make clear, in advance, that we would not/not veto a future resolution. But this would be risky since we could not be sure how far Iraq would go to meet any of our new requests. It is also highly unlikely that the US would make a similar commitment.

The repercussions of our describing any veto as "unreasonable" would also have implications for other areas such as the Middle East, where we can expect others to argue in future that US vetoes are "unreasonable".

In practice, describing the veto as unreasonable would make no difference to the legal position. Under the UN Charter, a resolution needs 9 positive votes, including the concurrence of the permanent members (ie no veto) to secure adoption. There is no implied condition that a veto is only validly cast if it is a reasonable one.

You also asked about the longer-term implications for the status of the veto. There is already strong pressure at the UN to abolish veto rights. We can expect this pressure to increase if the argument that certain vetoes were "unreasonable" – and could therefore be ignored – gained ground. Abolition of

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the veto would require Charter amendment. This would need the support of two thirds of the UN membership and ratification by all of the permanent members. The latter, therefore, have an effective block, but recourse to it would badly damage the credibility of the Security Council.

The UK is on record as saying that the veto should only be used with restraint and in a manner consistent with the principles of the Charter.

A handwritten signature in cursive script, appearing to read 'Kara Owen'.

(Kara Owen)  
Private Secretary

Sir David Manning KCMG  
10 Downing Street

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