



# An Chartlann Náisiúnta National Archives

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Raising of Northern Ireland at the UN

1. Up to 1969 it was our policy (which continued to be examined critically over the years) not to raise the issue of Northern Ireland in a major way at the United Nations on the basis, generally speaking, that to do so would be unlikely to attract broad international support and would be likely to hamper the prospect of an agreed solution to the problem between the parties involved.

2. This policy changed in August 1969 when the situation in Northern Ireland had greatly deteriorated and efforts by Ireland to promote movement by Britain had been rebuffed. A meeting between the then Minister for External Affairs, Dr. Hillery, and Lord Chalfont, Minister of State temporarily in charge of the FCO, in London on 15 August confirmed a British resistance to Ireland's involvement in the question. On 16 August 1969 the Government decided that the Minister for External Affairs should seek to raise the question of a United Nations Peacekeeping Force for Northern Ireland in the Security Council and should seek to have an item entitled "The situation in Northern Ireland" included in the agenda of the General Assembly later that year.

Security Council

3. On 17 August 1969, Ireland addressed a letter to the President of the Security Council (at the time Spain) in which we asked for a meeting of the Security Council in connection with the situation in Northern Ireland by virtue of a.35 of the Charter of the United Nations. (Article 35 inter alia entitles members of the United Nations to bring disputes or any



situation which might lead to international friction or give rise to a dispute to the Council). In that letter we stated that Britain had refused our request that the British Government should apply to the United Nations for a UN peacekeeping Force for Northern Ireland; that Britain had also rejected a proposal that Irish and British Defence Forces should form a joint peacekeeping force in the area; and that, in these circumstances, we felt obliged to appeal to the Security Council for the despatch to the area of a United Nations peace-keeping force.

4. The Security Council met on 20 August 1969 to consider the issue. It had become clear, before the meeting, that the item would not gain the requisite number of votes (9) to be inscribed on the Security Council agenda. However, an alternative scenario which would permit Minister Hillery to speak in the Council before adoption of the agenda had been mooted informally and the meeting, in fact, took place in line with this formula. Spain, president of the Council, asked if there were any objections to the adoption of the agenda. Britain then spoke urging the Council not to discuss the question and arguing that, under article 2.7 of the UN Charter (which states that "Nothing contained in the present Charter shall authorise the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State"), the Security Council should decide to oppose inscription of the proposed item since Northern Ireland's affairs were an internal matter for the United Kingdom. Finland then proposed that before deciding on the question of its agenda, the Security Council should invite Minister Hillery to make a statement. Britain said



it would raise no objections to the proposal and Spain then invited Minister Hillery to take a place at the Council table and address the Council. After Ireland had spoken,\* the Soviet Union spoke briefly supporting Ireland's "request for the convening of a meeting of the Security Council to examine its request". Britain then spoke again following which Zambia proposed that the meeting adjourn without having taken a decision on whether or not to adopt the agenda. There were no objections to this procedure and the meeting adjourned.

#### General Assembly

5. In a letter dated 5 September 1969 the Permanent Representative in New York wrote to the Secretary-General requesting the inclusion of an item entitled "The Situation in the North of Ireland" on the agenda of the 24th Session of the General Assembly which was to open on the 16th of that month. In accordance with the Assembly's rules of procedure (Rule 20) an Explanatory Memorandum was attached to the letter. The memorandum stressed the human rights aspects of the situation in Northern Ireland and went on to pinpoint partition as the root cause of the unrest.

6. At a meeting of the General Committee of the Assembly (The General Committee comprises the PGA, seventeen Vice-Presidents and chairmen of the seven Main Committees) on 17 September 1969, Minister Hillery spoke (we were not a member of the Committee but entitled to participate without a vote in the discussion of the item) urging allocation of the item to the Special

\* Minister Hillery argued that a.2.7 did not prevent the Council from considering the question (using examples such as apartheid and Cyprus) and that the breakdown of law and order and the plight of the minority in the North had their origins in the partition of Ireland.



Political Committee. Britain appealed again to a.2.7 of the Charter and suggested that if human rights matters only were to be raised, there was no need for inscription of a separate item since they could be dealt with under one of the general human rights items already on the agenda of the General Assembly. The British Permanent Representative appealed to Ireland in the genuine interests of the people of Northern Ireland to withdraw its request. After some other countries had intervened Minister Hillery said he would wish to reflect on the British representative's appeal for withdrawal before he could accede to it. Nigeria proposed that the debate on the question be adjourned to a subsequent meeting and the Committee agreed. The General Committee did not in fact return to a discussion of the proposed item and Ireland did not press for it to be taken up again.

#### Comment

7. Certain common traits emerge from the manner in which the situation in Northern Ireland was considered in the Security Council and the General Assembly.

- There was clearly a willingness on the part of member States to accommodate our wish to have the question of Northern Ireland aired at the UN. The rules of procedure of the Security Council were bent so that we could be heard at a public meeting of the Council. In the General Committee of the General Assembly the members were clearly reluctant to take a decision against Ireland's request for inscription of an item dealing with Northern Ireland.



- On the other hand, there was also, clearly, a general feeling among UN members that the UN should not get involved in a full-scale debate (and possibly some action) on the situation in the North. While members seemed prepared to go so far, they seemed reluctant to have the matter become a major UN issue.

(Britain was, of course, lobbying against our action but it has been suggested that Britain might not have been totally against a certain airing of the question at the UN which, at the time, would have strengthened its case with the Stormont Government for pressing ahead with civil rights reforms).

Some other possible approaches

8. Another line of approach that might be taken, if the issue of Northern Ireland were to be raised at the UN, would be to try to have the North treated as a colonial situation. The Colonial approach has usually managed to outweigh the arguments based on a.2.7 (e.g. Algeria, former Portuguese colonies). This approach would involve making out a case to the effect that Britain, while relinquishing control over part of Ireland, unjustly retained authority over Northern Ireland and should now abandon its "colonial" power over that part of the island.

9. At first glance, it might seem that this approach would awaken echoes in those countries who owe their independence to the "anti-colonial" attitude at the UN, and that their support for such an approach could be taken for granted. This might not be so. The history of the treatment of



colonialism at the UN is such that the concept of colonialism in a UN context conveys a certain image of a Western country dominating (and perhaps exploiting) Third World countries with perhaps hints of racial differences and a certain Western superiority. Against this background it might be difficult to explain to former colonial countries why Ireland, a relatively developed Western European country and a neighbouring country to Britain, with which it has friendly relations (and common membership of the Community, with certain common policies etc), after sixty years of independence and twenty-six years of membership of the UN, is raising Northern Ireland as a colonial issue at the UN. Moreover, the question would probably arise as to why we never did so in the early sixties when colonial issues were a major part of the work of the UN General Assembly.

10. The above is not trying to argue that these difficulties, and perhaps others, are necessarily insuperable but merely pointing out that the "colonial" approach would not be "plain sailing" and that a campaign at the UN based on such an approach would need to be carefully considered.

11. Another way of involving the UN in the situation in Northern Ireland would be to try to have the UN Secretary-General use his "good offices" in efforts towards a solution of the problems there. The Secretary General is, according to the Charter, "the chief administrative officer of the Organisation" (article 97). He has also certain powers to raise matters in SECCO and the General Assembly. While his functions are, generally speaking, executive, the Secretary-General can, and sometimes does. (as in the case of the present intercommunal talks on



Cyprus), use the status that derives from his office to try to help bring about a solution to some of the world's problems. This is what we mean when we speak of the Secretary-General using his "good offices".

12. Both U-Thant and the present Secretary-General were sounded out by us at various times in the late sixties and early seventies as to whether they would use their good offices regarding Northern Ireland. Neither was keen to do so. Britain's attitude to such a move would, of course, be crucial and this attitude was negative at the time.

13. Another way of raising the issue at the UN would be through the International Court of Justice. However, the legal position of the North in terms of our legislation and that of Britain as well as the unpredictability of a judgement from the Court would probably place such an approach very low in the order of priorities, if not rule it out altogether.

#### Summary

14. To sum up, therefore, the general line of thought of this paper might run as follows:

- We took the question of Northern Ireland to the UN in 1969 and succeeded in obtaining a limited airing of the question in both the Security Council and the General Assembly. (Our main reason for taking this action was the unwillingness of Britain at the time to engage in any meaningful dialogue with us on the North. Subsequent events did not necessitate further action on our part).



- The possibility remains open to us to return to the UN at any time should we consider that circumstances require it and a scenario along the lines of that of 1969 is probably always possible.
- However it might be difficult to obtain more detailed treatment of the question than in 1969. (The argument based on a 2.7 would still be important to UN members and Britain would no doubt lobby internationally against us)
- If we were to wish for major UN involvement in the situation we would need a case that could sweep aside the arguments based on a.2.7.
- No such ready-made case presents itself in the short term.
- In the longer term, it might be possible to make out a case based on, perhaps, colonial arguments (which have overcome the a.2.7 obstacle in the past) but it is not clear that such an approach would work. It would require careful assessment. (Human rights arguments have also succeeded in overcoming the a.2.7 obstacle, since there is a general acceptance among most states - although by no means all - that human rights are a subject of legitimate international concern. However since the introduction of the civil rights reforms in the North this approach would be effectively ruled out). *(However see Mr. Carroll's note on raising the particular H-Blocks issue at the UN Commission on Human Rights)*
- All in all, therefore, the manner in which Northern



Ireland could be raised at the UN at present is probably limited to some kind of international airing of the problem with little possibility of serious UN involvement.

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9 June 1981.