

CONFIDENTIAL

494/11

At 3/11



cc: PS/SoS (L&B) M  
PS/Mr Scott (L&B) M  
PS/PUS (L&B) M  
PS/Mr Bloomfield M  
Mr Stephens  
Mr Chesterton M  
Mr Gilliland  
Mr Bell M  
Miss Elliott M  
Mr Elliott

Mr Brennan M

STATEMENT

1. The Secretary of State would like to ensure that the main points of the Unionist attack on the Agreement are squarely met in the questions which will follow Monday's Statement. Mr Elliott will be reporting on the debate, which is still in session, but on the evidence so far we have drafted responses to the main themes which are emerging.

2. I annex a list of themes, and answers in a form suitable for rapid communication. For example, though Question 1 raises the issue of the two titles, the intricacies of the argument will evade most of those who are listening. Mr Paisley's skilful question requires a straight answer.

3. I understand the Secretary of State now expects to see the Prime Minister at 3pm on Monday, and this shortage of time also dictates the need for simple responses. The Secretary of State wanted to consider whether it would be helpful to stimulate some of the backbench Members to raise these points, if they were in danger of being missed.

4. A further point arising was the question of a Referendum - as this is very much a CPL matter I leave this to Mr Chesterton. The Secretary of State has asked for further thought to be given to the arguments he might deploy to refute the Unionist pressure for a referendum.

AJF

A J Merifield

16 November 1985

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## DRAFT BRIEF FOR PRIME MINISTER ON POINTS ALLEGED BY THE UNIONISTS

### 1. THE AGREEMENT REPRESENTS A CHANGE OF STATUS. THERE IS NO MENTION OF NORTHERN IRELAND AS A PART OF THE UNITED KINGDOM.

The Agreement does not affect Northern Ireland's status as a part of the United Kingdom.

For the first time in an international treaty the Irish Government has accepted that it would require the consent of a majority of the people in Northern Ireland, and subsequent legislation in both Parliaments, to change that status.

The Agreement also states in Article 2 that "there is no derogation of sovereignty".

### 2. THE AGREEMENT REPRESENTS ROLLING UNIFICATION.

Not so. It is made absolutely clear that unity would only come about with the consent of a majority in Northern Ireland; and through legislation introduced as a result of the clear wish and formal consent of a majority of people in Northern Ireland to change.

Both Governments recognise that the present wish of the majority is for no change.

The Agreement commits the Irish Government to acknowledging the rights and identity of unionists.

### 3. THE CONFERENCE WILL HAVE EXECUTIVE FUNCTIONS.

The Agreement is clear that the UK Government will remain responsible to Parliament for the decisions and administration of government within Northern Ireland.

### 4. BUT THERE IS TO BE A PROGRAMME OF WORK CARRIED OUT BY THE SECRETARIAT.

Article 7c says the two Governments agree on the need for a programme of special measures to improve relations between the security forces and the community. That programme and its implementation will be the responsibility of the UK Government.

We hope that by giving the Conference the opportunity to consider the programme, its purpose will be more readily achieved.

Indeed the Irish Government may wish to consider the application of elements of the programme in their jurisdiction.

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5. THE CONFERENCE WILL BECOME A COMPLAINTS BUREAU.

The Taoiseach has accepted that the work of the Conference should not interfere with or replace the normal channels of communication between people and government agencies, or the existing means of investigating grievances and complaints.

6. THERE IS NO LONGER ANY PROSPECT OF DEVOLUTION, AND NO INCENTIVE FOR THE SDLP TO BOTHER WITH INTERNAL POLITICAL ARRANGEMENTS.

The question of devolution is for the people of Northern Ireland to decide. But in the Agreement, and at our Press Conference, Dr Fitzgerald and I asserted our support for a policy of devolution on a basis which would secure widespread acceptance.

There is every incentive for all Northern Ireland parties to agree on a system in which they can play a part in the administration of their own affairs.

IF PRESSED ABOUT THE COOPERATION OF NI PEOPLE.

7. ALL ULSTER UNIONISTS MUST RESIST THIS AGREEMENT. UNIONISTS SHOULD HAVE NOTHING TO DO WITH ITS IMPLEMENTATION. PEOPLE SHOULD REFUSE TO PARTICIPATE IN THE WORK OF GOVERNMENT AGENCIES.

I believe that the vast majority of Unionists will remain loyal to the Parliament of the UK.

Honorable members should think very carefully before they ask people to defy decisions democratically arrived at by the Parliament which is constitutionally responsible for all parts of the United Kingdom.

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