

E.R.

19 FEB 1957

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- 1. Mr Burns
- 2. PS/Secretary of State (L&B) -M

- cc: PS/Ministers (L&B) -M
- PS/PUS (L&B) - M
- PS/Mr Bloomfield - M
- Mr Burns
- Mr Stephens - M
- Mr Chesterton
- Mr Elliott - M
- Mr Wood
- Mr Kirk
- Mr McConnell - M
- Mr S Hewitt - M
- Mr Wood
- Ms Jackson
- Mr Pope

UNIONIST PETITION - HANDLING

You minuted Mr Chesterton on 12 February. We had already been considering how we might advise the Secretary of State to respond to the petition (text at Annex A). In Mr Chesterton's absence I am offering advice.

The Constitutional Position

Although the Secretary of State's response must fully acknowledge that Her Majesty has fulfilled her constitutional duty to refer the petition to the Secretary of State, and that by The Queen's Command, proper attention has been given to it, he is free beyond that to decide precisely how and when to respond. We have established that there are no special procedural considerations in dealing with large petitions.

Form of our Response - The Options

The Secretary of State will wish to respond in a way that shows that he has given the petition proper - and sympathetic - consideration, not least because it is already clear that a substantial number have signed it. (Nevertheless, as requested, SIL are, so far unavailingly, analysing the petition to see if there is evidence of substantial irregularity.) But equally he will not wish to give the impression that he finds the petition persuasive, or the ideas expressed new, or that the Government might accept it. There are three basic options:

- a) a statement by the Secretary of State in the House;
- b) a letter from the Secretary of State to the organisers of the petition, laid before the House and announced by arranged PQ; or
- c) a letter from the Secretary of State to the organisers, released to the press.

The Arguments

There are arguments for and against a Parliamentary statement (Option (a)). The argument for is that a statement would show we took seriously the views of a substantial part of the people of Northern Ireland, which would help soften our rejection of the petition. The argument against is that a statement - necessarily some days after the petition was handed in - would give it excessive importance, as a major development influencing Government policy, and discourage political thinking from flowing into more constructive channels. On balance, I advise against a statement.

There might be a stronger case for a statement if we wished to use the occasion to launch a new initiative to restart dialogue with the Unionists. But it would be unwise to associate our negative message on the petition - to which Unionist politicians will feel obliged to react with outrage - with any invitation to which we realistically seek a positive response (although clearly the Secretary of State will need to reemphasise, our willingness to enter into dialogue). My recommendation therefore is for a letter to the organisers (option (b)) which would be placed before the House and announced by an arranged PQ. However, some form of Parliamentary response would be still appropriate not least because the sponsors of the petition (except the Lord Mayor of Belfast) are all themselves MP's. For that reason a letter by itself (option (c)) would not suffice.

Timing

We should reply soon. Although there is little sign in Northern Ireland that the Secretary of State is expected to respond favourably, and the general reaction to the petition - the Newsletter apart - has been relatively muted (a note is attached on this at Annex B) we should dispose of the petition as soon as possible to allow political thinking to return to more profitable directions. I therefore suggest that we aim to despatch (and deliver) the letter on Monday, 23 February. This is the earliest date that would avoid an undesirable clash with the laying of the Public Order Order, scheduled for later today, and also give the Secretary of State enough time to judge his response to the petition itself. Inevitably, there will still be much news about the Irish election and its consequences, but we could probably find no date in the near future which will not be dominated by the Irish election and its aftermath. There is, of course, nothing in our recommendations that would offend the sensitivities of a new Irish Government.

Suggested Response

... I attach a draft letter (Annex C) that the Secretary of State may send to the organisers of the petition. Apart from the opening formulas, which follow central guidance on how one should reply to petitions to The Queen, the draft aims to be sympathetic while not conceding the Unionist case, and deliberately echoes in places the Prime Minister's own letter to the Unionist leaders of 21 March 1986. The Secretary of State might write to Mr Molyneaux and Dr Paisley alone; alternatively he might write the same letter to each MP and the Lord Mayor of Belfast. Given our wish to appear sympathetic, there is a case for the latter although this might appear unduly precatory. Without strong feelings either way, the letter is drafted on the compromise assumption that the Secretary of State would only write to the

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two Unionist leaders, to Mr Kilfedder who belongs to neither party, and the Lord Mayor of Belfast.

The letter would be placed in the Library of the House on Tuesday 24 February, the day on which the attached suggested PQ (at Annex D) would also be answered.

There is no constitutional necessity to involve the Palace in our response. But the Queen's Private Secretary would appreciate a copy of the letter, before it issues.

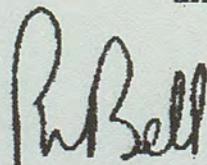
"Bull Points"

I also attach (at Annex E) some "bull points" which Ministers and Press Officers might draw on in commenting on the petition.

Conclusions and Recommendations

A sympathetic, but firm and speedy rejection of the Unionists' petition is desirable. I accordingly recommend that the Secretary of State agrees that:

- (a) he responds to the petition by means of the attached letter (Annex C), to its principal sponsors, to be laid before the House and announced by an arranged PQ (Annex D);
- (b) the letter is issued on Monday 23 February; and
- (c) the "bull points" should be drawn on by Ministers and press officers (Annex E).



P N BELL

19 February 1987

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A PETITION TO THE QUEEN'S
MOST EXCELLENT MAJESTY

We, Your Majesty's most dutiful and loyal subjects in that part of your Majesty's Kingdom known as Northern Ireland.

Do most humbly beseech Your Majesty that, whereas under an Agreement signed in 1985, between Your Majesty's Government in the United Kingdom and the Government of the Republic of Ireland, special provision is in force for the governance of Northern Ireland, different from that used in all other parts of Your Majesty's Kingdom, whereby Your Majesty's said subjects are put in fear of being deprived of their rights and status as citizens of the United Kingdom.

Your Majesty will cause provision to be enacted for the holding of a referendum of all the electors resident in Northern Ireland, to ascertain whether that Agreement hath their consent or no.

REACTION TO THE PETITION

Reaction to the petition in Northern Ireland was essentially predictable. Non-unionists for the most part ignored the exercise entirely, restricting their comments to expressions of concern at the possibility of intimidation, and taking a quiet delight in watching the unionist manoeuvres. The Irish News of 31 January referred to "the....futile exercise of counting signatures....producing a result that proved nothing, and left us all where we were before".

A considerable number of unionists too viewed the project with some scepticism, more as an exercise to persuade party workers that they were engaged in worthwhile activity than one with any real prospect of success. Indeed there is some evidence to suggest that many unionist leaders were taken by surprise at the total number of signatures obtained.

The Newsletter has pushed the petition hard. Their editorial on 31 January the day after the count, referred to "a marvellous and inspiring response" to the petition. "Each one of those signatures....is a cry from the hearts of the people of Ulster who have been plunged into the depths of despair by joint British and Eire policy in Northern Ireland". A similar emotional theme featured in the same newspaper's comment following the delivery of the petition to the Palace which asked "Is there no one out there who is prepared to listen to the authentic, compassionate, principled voice of Ulster? Is there no one who cares about honesty and integrity?"

L.R.

The Rt Hon James Molyneaux MP
The Reverend Dr Ian Paisley MP
S Wilson, Esq Lord Mayor of Belfast
J Kilfedder Esq MP
J R Beggs Esq MP
J C Forsythe Esq MP
W M Smyth Esq MP
A C Walker Esq MP
P Robinson Esq MP
K Maginnis Esq MP
W Ross Esq MP
W McCrea Esq MP
H McCusker Esq MP
The Rt Hon E Powell MP
The Rt Hon J D Taylor MP

Your petition of 12 February has been referred by Her Majesty to me as her Secretary of State for Northern Ireland. By Her Majesty's Command, I have given it careful consideration. But

I cannot, for all the reasons set out below, recommend to Parliament that a referendum be held on the Anglo-Irish Agreement.

In the United Kingdom, we have, as you know, only rarely made use of referendums. They have been used to ascertain the popular will on whether Northern Ireland should remain part of the United Kingdom (in the Border Poll in 1973); whether the United Kingdom should remain a member of the European Community (1975); and on the possibility of devolution in Scotland and Wales (1979). In the case of Northern Ireland, there remains statutory provision to the effect that in no event will Northern Ireland or any part of it cease to be part of the United Kingdom without the consent of the majority of the people of Northern Ireland voting in a further referendum, or border poll.

In each case the issue put to a referendum was one of fundamental constitutional importance, involving changes in the way in which Parliament at Westminster, and Ministers accountable to Parliament, were responsible for the process of government. The Anglo-Irish Agreement is not such an issue. Ministers accountable to Parliament continue to take governmental decisions in Northern Ireland, and there is no derogation from sovereignty. The rights and status

of the people of Northern Ireland are not changed by the Agreement.

The petition states that the petitioners are in fear of being deprived of their rights and status as citizens of the United Kingdom. This fear is groundless. The Anglo-Irish Agreement itself confirms that the status of Northern Ireland would not change except with the freely given consent of a majority of the people of the Province. The Agreement also paves the way for welcome new developments, notably ever closer co-operation between the RUC and the Garda Síochána to combat terrorism.

I now hope that the Unionist community can begin a constructive search for progress. As the Prime Minister explained to you last year, consultation and not confrontation must be the way to proceed. We in Government have made it clear that we wish to enter into talks on a wide range of matters. Northern Ireland faces many problems - political, social and economic. The Intergovernmental Conference set up under the Agreement enables representatives of the Irish Government, reflecting the interests of the nationalist community, to put their views and proposals and we listen carefully to them. It is in the interests of all the people of Northern Ireland that members of the minority community are assured through the Agreement that their interests will be taken into account when the Government takes its decisions. Only in a society in which both communities feel that they have a stake can we create the conditions which will bring about the defeat of terrorism.

Of course, the Government has long realised the strength of the opposition in the unionist community to the Agreement. But that opposition should not be allowed to blight all prospects of dialogue in Northern Ireland on how best to achieve the just, democratic and permanent solution to its problems that Northern Ireland deserves. The Government would like also to be hearing the views and proposals of representatives of the unionist community in Northern Ireland on all matters of common concern. I cannot believe that it is in the interests of your constituents that you are not making your views known to Government.

I am writing in similar terms to [Ian Paisley; James Kilfedder; and the Lord Mayor of Belfast].

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Arranged PQ

To ask the Secretary of State for Northern Ireland if he will make a statement on his response to the Unionist petition.

I have written to the Rt Hon Member for Lagan Valley and the Hon Members for Antrim North and North Down and to the Lord Mayor of Belfast. I have placed a copy of the letters in the Library.

Why We Cannot Accept the Petition

- 1) The Agreement has already been fully debated and endorsed by Parliament, which represents the whole United Kingdom. It is the usual practice in the UK that matters are decided by Parliament. Being part of the UK brings with it an obligation to accept the will of Parliament;
- 2) It is not British practice to govern each part of the United Kingdom in precisely the same way. Each part of the United Kingdom has different institutions which reflect differing histories, cultures and problems. Northern Ireland is no exception.
- 3) The Agreement makes no fundamental change to the system of government in Northern Ireland. Ministers responsible to Parliament continue to take the decisions. It is not therefore the sort of matter that might justify a referendum (unlike the Border Poll, EC membership, Scots or Welsh devolution).
- 4) The Government could not abandon policies which help the minority but do not harm the majority, simply because a majority were opposed. The sad fact is that, although a large number of people signed the petition, they were overwhelmingly drawn from one community. The petition reflects the divisions in Northern Ireland.
- 5) A referendum on the Anglo-Irish Agreement would not give a satisfactory result. A vote against the Agreement would be a vote against:
 - i) the principle of consent in Article 1 and by extension section 1 of the constitution Act;
 - ii) cross-border security co-operation.

It is doubtful if Unionists do reject these. It certainly is not in their interest to do so.