

E.R.

PS/Secretary of State (L)

cc: PS/SofS(B) - M
 PS/Mr Scott (L&B) - M
 PS/Dr Mawhinney (L&B) - M
 PS/PUS (L&B) - M
 PS/Mr Bloomfield - M
 Mr Brennan
 Mr A W Stephens - M
 Mr Chesterton
 Mr M Elliott - M
 Mr Gilliland - M
 Mr Ferneyhough - M
 Miss Elliott
 Mr McConnell - M
 Mr Ehrman



BRIEFING FOR THE PRIME MINISTER - MEETING WITH UNIONIST LEADERS

In paragraph 2 of his letter to Mr Powell of 21 February, Mr Mallaby explains that the NIO would provide separately a supplementary briefing note, including material for refuting allegations and complaints, which the Unionist leaders may be expected to raise and also points to reinforce various elements in his own proposed speaking note.

2. I accordingly attach:

- ... (a) a supplementary speaking note, divided into "defensive" and "offensive" sections, which incorporates suggestions by both Mr Chesterton and Mr Mallaby; and
- ... (b) a draft letter for you to send to Mr Powell.

P N BELL

24 February 1986

encl

DRAFT LETTER

FILE NUMBER.....

ADDRESSEE'S REFERENCE.....

<p>To</p> <p>Charles Powell Esq No 10 Downing Street LONDON</p> <p>(Full Postal Address)</p>	<p>Enclosures</p>	<p>Copies to be sent to</p> <p>(Full Address, if Necessary)</p>
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LETTER DRAFTED FOR SIGNATURE BY PS/SECRETARY OF STATE
(Name of Signatory)

NORTHERN IRELAND

Chris Mallaby, in his letter to you of 21 February, promised you that the NIO would provide separately a supplementary speaking note, including material for refuting allegations and complaints which the Unionists may be expected to raise with the Prime Minister tomorrow, and also points to reinforce various elements in the speaking note with which she has already provided you. They take account of some of the more egregious misrepresentations in the recent NI Assembly Report on the Agreement.

/ Copies of this letter go to the recipients of Chris Mallaby's.

SUPPLEMENTARY NOTES

A. DEFENSIVE1. NO consultation with Unionists during negotiation of Agreement

The broad principles involved were always made clear, and both Mr Molyneux and Mr Powell were offered fuller briefing on a Privy Counsellor basis, which was declined. Once the negotiations were completed they were submitted to Parliament for their approval. The Agreement should be judged on its merits.

(If pressed) What the Irish said to Mr Hume is a matter for them. We acted as we did in good faith and to secure an Agreement which would benefit everyone in Northern Ireland.

2. Article 1 (Status of Northern Ireland at best gives a de facto recognition to Northern Ireland by the Republic, while the Irish constitutional claim remains.

The Agreement recognised reality. The position is absolutely clear: Northern Ireland is part of the United Kingdom and will remain so as long as the majority wish. The Irish have accepted this - and in a binding, international agreement. This is a major achievement: in practice, the Agreement reinforces the Union.

(If pressed) Repealing Articles 2 and 3 of the Irish Constitution is not within the gift of their Government. It would require a referendum. But we have not

given up hope that in the new political *situation* in the Republic, repeal could eventually become possible.

3. Agreement represents joint authority.

Nonsense. The occasional press reports from Dublin are mid-leading and disingenuous. The responsibility of the British Government for Northern Ireland remains completely unaffected. (Article 2b). The Chief Constable's operational independence is also totally unaffected (Article 9b). Our decisions are, and will continue to be, taken in the interests of all in Northern Ireland.

(If pressed) We are committed to making determined efforts in the Intergovernmental Conference to resolve any differences with the Irish. And they are equally committed to resolve differences with us. If we cannot agree, we shall do as we think best.

4. Agreement is the result of American pressure.

False. We have entered the Agreement to promote peace, stability and reconciliation in Northern Ireland. American, European and Commonwealth support is welcome but has not entered into our decision taking. Similarly, American financial and economic

assistance, like European community assistance is something to be welcomed if it materialises in the interests of everyone in the Province. But it was not to seek such support that the Agreement was concluded.

5. In the light of the by-election results, and the Government's commitment to the principles of acceptability in the 1984 Summit Communique and the principle of consent to any change in the status of Northern Ireland in the NI Constitution Act 1973, and the requirement and the references to "widespread" acceptance throughout the community" in the Agreement itself (Article 4), the Agreement should not be scrapped.

The Agreement represents no change in the constitutional status of Northern Ireland or its position within the United Kingdom. All references to securing widespread acceptance throughout the community, refer to arrangements for devolution - which must secure such support if they are to be viable.

Surely Unionists cannot object to those parts of the Agreement which reinforce the Union, or seek to enhance cross-border security cooperation?

6. Consultation with the Unionists are valueless because the Government would not be bound to make determined efforts to reach agreement.

When the Government discusses issues in good faith, whether with other countries or with Unionists, we always seek to reach agreement. But, if we cannot, it is the Government's duty to act in the public interest.

7. The text of the Agreement shows that the Intergovernmental

The essential fact is that (Article 2b) the UK Government

Conference is more than consultative.

retains unfettered responsibility for the decisions and administration of government within our own jurisdiction, namely Northern Ireland.

It is true that, for example, Article 7c uses phrases like "a programme shall be developed", or Article 8 says that the Conference shall "deal with issues of concern....". But this is simply stylistic variation for saying that the Conference shall be concerned with such matters.

7a. In Belfast Telegraph interview Prime Minister said that devolution would get rid of IC.

The point I was making was... that as soon as NI politicians have got working an acceptable scheme of devolution, matters for which the devolved administration is responsible will be excluded from the field of activity of the Conference. This should be a further incentive for Unionists to try and secure devolution on a basis that will command widespread acceptance.

NB: "Reserved" and "excepted" matters (eg law and order, special measures against terrorism would not be devolved and therefore remain within the purview of the Intergovernmental Conference.

B. OFFENSIVE

8. Many Unionist mis-
representations of the
Agreement are both mani-
festly absurd and malicious:

Allegations include the following:

visits to the Chief Constable to improve security cooperation described as trips to receive instruction from his "Irish Masters"; no more Royal visits (before the Duchess of Kent went); claims that there is a list of candidates for internment (including Mr Ken Maginnis MP); veiled, sometimes unveiled, threats of retribution for "lackeys" and "traitors" in eg the RUC and the civil service; the scrutiny of the Honours List for "collaborators".

At best, such nonsense brings Unionists into disrepute as people incapable of rational argument.

9. Instability costs jobs.

NI economy remains fragile. Perceived instability is the greatest obstacle to inward investment and job creation. Civil disturbance and intemperate language represent own goals. Profoundly unhelpful (like Paisley) to warn foreign business men that the situation is too labile for safe investment.

10. The Agreement promotes a contented minority.

By giving the minority community a greater voice - albeit indirectly in the affairs of Northern Ireland - the Agreement can encourage nationalists to support more wholeheartedly, and to participate to a greater extent in the public life of Northern Ireland. This is a major prize for Unionists as well. It can, for example, mean greater support for the security forces; and further undercutting the appeal of Sinn Fein.

11. Agreement promotes cross-border security.

A major aim of the Agreement is to provide a mechanism for getting better Irish cooperation on security - and developing a coordinated, strategic approach. To achieve this, undoubtedly in Unionist interests, we need constructive Unionist help in pressing Dublin; not mindless Irish bashing.

12. Irish good faith shown by their decision to sign the European Convention on the Suppression of Terrorism without reservations. They also hope to pass the necessary legislation this year.

Many Unionists have claimed falsely that the Republic was a "terrorist haven" and with the connivance of their Government. Dr Paisley told the NI Assembly on 5 February that "we shall waid a very long time before the Republic signs the European Convention dealing with terrorism without any strings attached - we will wait a very long time.... when agreement is reached, it

will probably not be worth the paper it is written on".

NB: There may be some reservations at the ratification. But the Taoiseach hopes that they can be minimised.

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PUS/L/1692/MLR

*Intimidation
No strike.
Councils & Assembly,*

PS/SECRETARY OF STATE

—cc Mr Bloomfield
Mr Brennan

PRIME MINISTER'S MEETING WITH UNIONISTS

The Secretary of State asked me this morning to produce in summary form a revised brief setting out the strategy which the Prime Minister might adopt at tomorrow's meeting. I attach a note, prepared after consultation with Mr Bloomfield and Mr Brennan, which SofS might draw on when he sees the Prime Minister this evening (and if he thinks appropriate hand to her).

I shall be discussing the matter with Sir Robert Armstrong at a meeting this afternoon and will report back before SofS sees the Prime Minister.

24 February 1986



R J ANDREW

Encl

Need for Emergency Powers

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PRIME MINISTER'S MEETING WITH MESSRS MOLYNEAUX AND PAISLEY 25 February 1986

Objective

1. To stop Unionists walking out and embarking on campaign of civil disobedience. If talks are to continue something must be offered to defuse the situation; but nothing must be done which would be seen to weaken support for the Agreement.
2. If this objective cannot be achieved we must be able to demonstrate reasonableness of our position in hope that moderate elements will not follow extremist leadership.

Possible sequence

3. Listen to grievances (which will include secrecy, sell-out to foreign power, Secretariat in Northern Ireland, privileged position of nationalists, destabilizing political effect, no improvement in security); recognise strength of Unionist feeling and significance of by-election vote.
4. Go through Agreement to refute misconceptions and emphasise advantages. Agreement underlines reality of NI's status within UK; not joint authority. Positive features: reduction in SF vote; Irish signature of Convention; improved cross-border security co-operation - arms finds in Sligo and Roscommon.
5. Ready to discuss Unionists concerns - possibly through series of working parties, followed by another meeting with PM. Main issues:
 - a. consultation: willingness to listen to Unionist views and consider how this can best be done - eg meetings between SofS and elected representatives before or after meetings of Conference. [Meetings on security with Chief Constable present to be offered if necessary]
 - b. devolution: emphasise effect of devolution in limiting scope of Conference; ready to discuss any proposals, but any solution must command widespread acceptance throughout the community.
 - c. Assembly: ready to discuss present position; no desire to close it down if this can be avoided; would be ready for NI Ministers to meet Departmental Committees to discuss impact of Agreement on their work. In longer term, consider elections and participation of SDLP, future role of Assembly.
 - d. future handling of NI business at Westminster.
6. Make clear Agreement stands: both Governments committed to it; endorsed by massive majority at Westminster. No question of either abandoning or suspending while talks continue.
7. But if further talks (whether in working parties or otherwise) produce positive results, prepared to consider implications for working of Conference. [Possible formulations attached at Annex].

Conclusion

8. If Unionists agree to further meetings/working parties PM might conclude by inviting them to wind down their opposition to the Agreement, including calling off day of action planned for 3 March and getting District Councils back to work. (We are in no hurry to put in Commissioners if this can be avoided).

9. Alternative statements have been drafted for use if further talks are agreed or if meeting breaks down.

Northern Ireland Office
24 February 1986

Linkage of offer to Agreement

Given that the professed objective of the Unionists is to smash the Anglo-Irish Agreement, it will be difficult for them to accept any offer which cannot be in some way linked to the Agreement. If they cannot secure the abandonment or suspension of the Agreement they would no doubt like to secure a commitment that if the proposed studies are successful the Agreement would be reviewed. But the use of the word "review" in relation to the Agreement itself would be dangerous: it could be interpreted by the Unionists as a sign of weakness, indicating that continued pressure might produce bigger concessions; and it would be likely to create difficulties with the Irish.

2. Possible formulations which might be offered include:

- a. If these studies (suggestions) result in constructive proposals it would be necessary to consider whether and, if so, in what respects they would have implications for the scope and nature of the activities of the Conference.
- b. If these studies (suggestions) result in constructive proposals we would have to consider any implications for the working of the Conference.
- c. If these studies (suggestions) produce a successful outcome we would review the effect of this on the working of the Conference.
- d. In the event of the studies (working parties) producing constructive proposals which seem likely to have implications for the scope and nature of the activities of the Conference, the Government will consider seeking a review under Article 11 of the Agreement.

3. Of these d. has the advantage of being most precise and most closely related to the wording of the Agreement. It offers the Unionists the clear prospect of a formal review. It would be difficult for the Irish to object, although it would be prudent to consult them or at least to warn them in advance of our intention.