

RECEIVED - 6 AUG 1996

NC/21/8

DESK IMMEDIATE

FROM: D A LAVERY  
Central Secretariat  
6 August 1996

cc Mr Thomas *Aug 14/8* B  
Mr Steele B  
Mr Beeton *Mr Kef* B  
Mr Carson *Mr Kef* B  
Mr Stephens *Mr Kef* B  
Mr Maccabe *Mr Kef* B  
Mr Clayton, HOLAB B  
Mr Whysall B  
Mr Jagelman B

Mr Hill - B

SDLP RESIGNATIONS FROM THE FORUM (Sofs MINISTER'S CASES 491/96 AND 492/96)

1. This is to let you see draft advice and replies to the letters the Secretary of State has received dated 23 July and 1 August from, respectively, Ms Brid Rodgers and Mr Eddie McGrady submitting their resignations from the Forum. As the letters relate to the SDLP's withdrawal from the Forum, I have agreed to deal with these although they were originally addressed to you.

2. As replies have been requested by Wednesday, I would be grateful if you (and copy recipients) could let me have any comments by close-of-play today.

[signed DAL]

D A LAVERY  
SC 28196

DL/LM 842

[DRAFT: 6/8/96]

DESK IMMEDIATE

FROM: D A LAVERY  
Central Secretariat  
August 1996

cc PS/Sir John Wheeler (B&L)	B
PS/Michael Ancram (DENI, B&L)	B
PS/PUS (B&L)	B
PS/Sir David Fell	B
Mr Legge	B
Mr Steele	B
Mr Thomas	B
Mr Leach	B
Mr Bell	B
Mr Watkins - o/r	B
Mr Wood (B&L)	B
Mr Beeton	B
Mr Hill	B
Mr Maccabe	B
Mr Stephens	B
Ms Checksfield	B
Mr Carson	B
Ms Harrison	B
Mr Ray	B
Mr Whysall	B
Mr Jagelman	B
Mr Clayton, HOLAB	B

PS/Secretary of State (B&L) - B

**SDLP RESIGNATIONS FROM THE FORUM (Sofs MINISTER'S CASES 491/96 AND 492/96)**

1. This is to provide advice and draft replies to the letters the Secretary of State has received, dated 23 July and 1 August, respectively, from Ms Brid Rodgers and Mr Eddie McGrady tendering their resignations from the Forum. Although these cases were initially referred to Mr Hill, I have agreed to deal with them as they relate to the Forum.

**The SDLP resignations**

2. The letters from Ms Rodgers and Eddie McGrady are the first official communication with the Secretary of State of the SDLP's decision to resign from the Forum. Earlier letters from

DL/LM 842

Seamus Mallon and Jonathan Stephenson were addressed to the Chairman of the Forum (and copied to the Prime Minister, as is the case with Ms Rodgers' letter). It seems likely that similar letters will follow from the other SDLP members of the Forum and the attached draft reply would be appropriate in these cases also.

3. The SDLP members absented themselves from the Forum immediately following the events at Drumcree. They did not attend the meeting of the Forum on 19 July, and at the meeting on 26 July the Chairman announced that he had received letters of resignation from Seamus Mallon and Jonathan Stephenson. I provided preliminary advice and a line to take in my minute of 26 July.

4. All of the letters to date have been in identical terms. In addition to referring to the alleged "capitulation of the authorities to threats of violence and subversion" (clearly a reference to the events at Drumcree), the letters state that although resigning from the Forum the SDLP "remains committed to dialogue" and call on the Government to make the same "investment in order to create trust and confidence in the political process".

#### Advice

5. Each of the letters states that the writer is: "writing as a delegate elected under the Northern Ireland (Entry to Negotiations, etc) Act 1996 to submit my resignation from the Northern Ireland Forum". It seems likely that this terminology has been chosen to emphasise that the resignation is intended to have effect in relation to the Forum only, and is not intended (as some Unionist politicians have suggested) to affect the SDLP's position in the all-party negotiations. As I indicated in my minute of 26 July, the only mechanism under the 1996 Act which would allow a formal resignation by a delegate would be where the name of that person was removed from the party constituency or regional list under the terms of paragraph 18(1) of Schedule 1 to

DL/LM 842

the Act. That procedure would require a written request from the person concerned (or the Party's nominating representative) to the Secretary of State. My provisional advice was that the letters of resignation do not affect the status of the SDLP members as "delegates returned in accordance with Schedule 1" (for purposes of section 3(1) of the Act) and therefore do not affect their entitlement to participate in the negotiations.

6. The Legal Adviser has confirmed that the procedure under paragraph 18(1) of Schedule 1 would take effect both as regards membership of the Forum and also participation in the negotiations. He suggests that the Secretary of State should write to the SDLP members explaining the legal position and asking whether the letter he has received should nevertheless be treated as a notice under paragraph 18(1)(a).

7. I would suggest that this approach might have the disadvantage of allowing the SDLP members to engage in further point-scoring in correspondence with the Secretary of State. As an alternative, the attached draft reply states as a presumptive fact that the intention was not to seek removal from the relevant list under paragraph 18(1)(a) of Schedule 1. This places the onus on the SDLP members to state otherwise.

D A LAVERY  
SC 28196

DL/LM 842

DRAFT LETTERS FOR SIGNATURE BY THE SECRETARY OF STATE

cc PS/Sir John Wheeler (B&L)	B
PS/Michael Ancram (DENI, B&L)	B
PS/PUS (B&L)	B
PS/Sir David Fell	B
Mr Legge	B
Mr Steele	B
Mr Thomas	B
Mr Leach	B
Mr Bell	B
Mr Watkins - o/r	B
Mr Wood (B&L)	B
Mr Beeton	B
Mr Hill	B
Mr Maccabe	B
Mr Stephens	B
Mr Lavery	B
Ms Checksfield	B
Mr Carson	B
Ms Harrison	B
Mr Ray	B
Mr Whysall	B
Mr Jagelman	B
Mr Clayton, HOLAB	B

To: Ms Brid Rodgers  
Social Democratic and Labour Party  
Cranmore House  
611C Lisburn Road  
BELFAST  
BT9 7GT

To: Eddie McGrady MP  
32 Saul Street  
Downpatrick  
Co Down  
BT30 6NQ

I am writing to acknowledge receipt of your recent letter submitting your resignation from the Forum.

I very much regret the SDLP's decision to withdraw from the Forum. I hope that, in time, you will reconsider your position and agree to return to the Forum. I consider it is important that

the electors who voted for you and for your colleagues have a voice within the Forum. The Forum has an important role to play in the promotion of dialogue and understanding within Northern Ireland, and your party would have an important contribution to make to this process.

I am troubled by the reference in your letter to what you describe as "the capitulation of the authorities to threats of violence and subversion". I take this to be a reference to the events surrounding the recent disturbances at Drumcree and elsewhere in Northern Ireland. I have already given a full account of these events to the House of Commons in the course of which I refuted in the fullest terms any suggestion that there had been capitulation by the Government or by the RUC to violence or subversion.

I derive some measure of reassurance from the final paragraph of your letter in which you state that the SDLP remains committed to dialogue and meaningful negotiations. For its part, the Government also remains fully committed to the process of inclusive all-party negotiations which commenced on 10 June.

Finally, and for the avoidance of any possible misunderstanding, I am proceeding on the basis that you did not intend your letter to constitute a request for your removal from the relevant constituency or regional list under the terms provided for by paragraph 18(1)(a) of the Northern Ireland (Entry to Negotiations, etc) Act 1996. As you know, the effect of such a request would be that you would cease to be a delegate and would, therefore, cease

to be eligible to participate either in the Forum or in the all-party negotiations. Unless I hear from you to the contrary, I shall proceed on the basis that this was not what you had intended and that your letter merely signifies your withdrawal from the Forum.