



FROM: D J R HILL
POLITICAL DEVELOPMENT TEAM
8 JULY 1996

cc PS/Michael Ancram(L+B) -B
PS/PUS(L+B) -B
PS/Sir David Fell -B
Mr Thomas(L+B) -B
Mr Leach(L+B) -B
Mr Bell -B
Mr Wood(L+B) -B
Mr Stephens -B
Mr Beeton -B
Mr Lavery -B
Mr McKervill -B
Miss Harrison(L+B) -B
Mr Campbell-Bannerman -B
Mr Clayton, HOLAB -Fax
Mr Lamont, RID -B
HMA Dublin -B

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

TALKS: FRATERNAL FALLING-OUT

Mark Langhammer, the Labour "nominating representative" wrote to the Secretary of State on 3 July to dismiss Malachi Curran as elected delegate and substitute himself. (He was the third person on Labour's regional list.) He is entitled to do this under paragraphs 18(1)(b) and 19(3) of Schedule 1 of the Entry to Negotiations Act.

2. Malachi Curran and Hugh Casey subsequently wrote to the Secretary of State on 5 July to challenge Mr Langhammer's right to act in this way on the basis that they continued to have widespread support within the "party". The essence of their argument is that Mr Langhammer can no longer be regarded as "the leader of the party or otherwise the most appropriate person to act [as nominating representative]" (the qualification for a "nominating representative" under Section 5(1) of the Act). If the Secretary of State were satisfied on this score he could acknowledge the situation by publishing notice of a change in Labour's nominating representative in the Belfast Gazette. However, that would not change the legal effectiveness of Mr Langhammer's letter of 3 July,

coming as it did from the person then formally recognised as the party's nominating representative. On that basis, the legal position appears to be that Malachi Curran has been formally and irretrievably removed as an elected delegate, and replaced by Mr Langhammer. Mr Clayton confirms this interpretation. It is of course possible that the Secretary of State will be called upon to acknowledge that Mr Langhammer has been displaced as "nominating representative", and that he will in turn be replaced as an elected delegate by the next person on Labour's regional list; but that is a matter for the Labour group to sort out.

3. Obviously, the best way forward is to encourage the Labour group to sort out their own difficulties; and we had understood that a meeting had been called on Saturday 6 July for this purpose. I am informed, however, that this morning Mr Langhammer and some of his colleagues occupied Labour's delegation suite at Castle Buildings. Mr Curran and Mr Casey arrived to evict them, and I understand the two sides are now in a meeting. I have instructed the TAU, who will be supported by Mr McKervill, to stay neutral: all the Labour representatives are entitled to be present and to use the delegation suite. I trust there will be no need for the TAU to be drawn on who has the right to represent Labour as elected delegates in the negotiations and the Forum.

4. The Secretary of State may, however, need to assert a formal view on that shortly, perhaps as early as tomorrow when the Talks resume.

5. Meanwhile, I suggest we try to hold the line that Labour's representation is a matter for them to resolve.

(Signed)

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