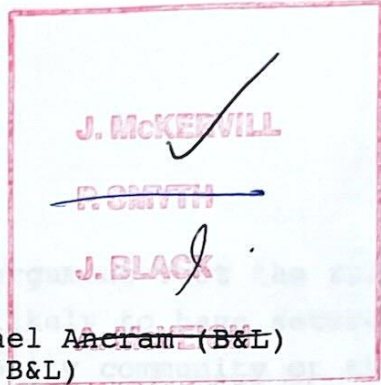
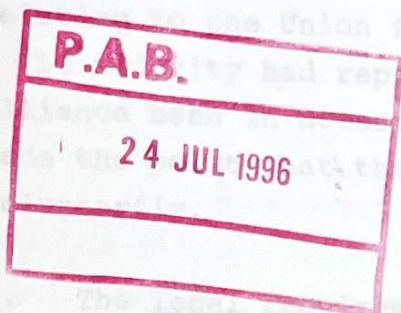


FROM: D A LAVERY
CENTRAL SECRETARIAT
23 JULY 1996



cc PS/Michael Aacram (B&L) - B
PS/PUS (B&L) - B
PS/Sir David Fell - B
Mr Watkins - B
Mr Maccabe - B
Mr Carson - B
Mr Hill (B&L) - B
Mr Jagelman - B

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

SECRETARY OF STATE'S MEETING WITH WOMEN'S COALITION (22 JULY)

This is to let you have a draft of a possible letter which the Secretary of State may wish to send to Bronagh Hinds to follow-up yesterday evening's meeting.

Background

2. At yesterday's meeting, the Women's Coalition (represented by Ms Hinds and May Blood) sought an assurance that the Secretary of State would not approve the Rules of Procedure agreed at last Friday's meeting of the Forum given that he could not be satisfied that the Rules would "facilitate the promotion of dialogue, understanding and consensus across the communities of Northern Ireland" (ie the requirement in paragraph 3 (4) of Schedule 2 to the Northern Ireland (Entry to Negotiations, etc) Act 1996).

3. Ms Hinds used as principal illustration for her argument the Rule which provides that the Union flag shall be flown at the Forum on meeting days. Her argument is that this rule would not have been agreed by the necessary 75% majority had it not been for the absence of the SDLP and Alliance delegates. She made the point that when those delegates had been present this rule had not secured the requisite majority.

Advice

4. There is undoubtedly merit in Ms Hinds' argument that the rule relating to the Union flag would have been unlikely to have secured a 75% majority had representatives of the minority community or the Alliance been in attendance. Nevertheless, the Secretary of State made the point that the SDLP and Alliance had absented themselves voluntarily.

5. The legal requirement imposed on the Secretary of State in relation to the Forum Rules is set out in paragraph 3 of Schedule 2 to the Act. So far as is relevant, this provides as follows:

"3.- (1) Subject to the provisions to this Schedule, the proceedings of the Forum....shall be conducted in accordance with Rules of Procedure determined by the members of the Forum and approved by the Secretary of State.

.....

(3) Until Rules of Procedure have been determined and approved under sub-paragraph (1) proceedings shall be conducted in accordance with Rules determined by the Secretary of State and notified by him to the Chairman.

(4) In exercising his functions under sub-paragraphs (1) and (3) above the Secretary of State shall make every effort to secure that the Rules of Procedure of the Forum facilitate the promotion of dialogue, understanding and consensus across the communities of Northern Ireland."

D A LAVERY

6. The Chairman of the Forum, Mr Gorman, has today submitted the Forum Rules of Procedure for approval by the Secretary of State. Legal advisers have been asked for a view as to whether the Secretary of State has power to reject an individual rule or whether he must approve (or disapprove) the Rules in their entirety. Separate advice on this will be provided shortly.

7. It is a moot point whether the rule relating to the union flag could be said to inhibit the promotion of dialogue, understanding and consensus for purposes of paragraph 3 (4) above. Again, advice on this will be provided in the context of the Rules as a whole.

8. In the meantime, it is suggested that the Secretary of State may wish to write to Ms Hinds to follow-up yesterday's meeting. At that meeting, Ms Hinds pressed the Secretary of State for an early response (if at all possible before Friday's meeting of the Forum) and the Secretary of State indicated that he would write to them (although, strictly speaking, there is no outstanding letter requiring a reply - the only communication was Ms Hinds' note to the Private Secretary referred to in David Kyle's minute of 19 July).

9. The attached draft indicates that the Secretary of State will wish to reflect carefully on the points made by the Women's Coalition at yesterday's meeting. The letter also confirms that until such time as the new Rules have been approved by the Secretary of State, the interim Rules will continue to have effect by virtue of paragraph 3 (4) of Schedule 2 to the Act.

(Signed)

D A LAVERY

DRAFT LETTER FOR SIGNATURE BY THE SECRETARY OF STATE (SCL)

Ms Bronagh Hinds
Northern Ireland Women's
Coalition
Block B
Castle Buildings

PS/PUS (SCL)
PS/sir David Hall
Mr Watkins
Mr Macrebe
Mr Carson
Mr Hill (SCL)
Mr Jaganan

I am writing further to our meeting on Monday evening to discuss your concerns with the Rules of Procedure of the Forum. I am grateful to you and to May Blood for explaining these concerns to me.

I have now received from the Chairman of the Forum the Rules of Procedure which were approved at the meeting of the Forum held on 19 July. I shall now wish to consider the Rules in detail before reaching a view as to whether I should approve the Rules under the power provided by paragraph 3 of Schedule 2 to the Northern Ireland (Entry to Negotiations, etc) Act 1996.

As I mentioned to you, I shall wish to give careful consideration to the matters discussed at our meeting.

In the meantime, paragraph 3 (3) of Schedule 2 to the Act provides that the interim Rules previously notified by me to the Chairman of the Forum will continue to apply.

RESTRICTED

hidden copies to:

PS/Michael Ancram (B&L)

PS/PUS (B&L)

PS/Sir David Fell

Mr Watkins

Mr Maccabe

Mr Carson

Mr Hill (B&L)

Mr Jagelman

PS/Secretary of State (B&L) - 1

SUBJECT FOR MEETING WITH THE SECRETARY OF STATE BY WOMEN'S COALITION

1. Your two notes of today's date to Mr Carson sought urgent advice on the request by Brosegh Hinds of the Women's Coalition for an urgent meeting with the Secretary of State to discuss concerns about the status of the rules of procedure in the Forum in the context of the legislation. The purpose of this note is to provide advice on an interim response to Ms Hinds.

Background

2. This request arises from today's Forum meeting which agreed on a set of rules of procedure to be forwarded to the Secretary of State for approval. Ms McWilliams of the Women's Coalition voted against the motion that the rules should be sent to the Secretary of State on the basis that in the absence of the SULE from the Forum the Secretary of State could not carry out his statutory duty under schedule 2 paragraph 3(4) of the legislation. The Women's Coalition is asking to meet with the Secretary of State before he considers the rules as adopted by the Forum.

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