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Title: Copy letter from Ambassador of Ireland to Great Britain D O'Sullivan to HJ McCann, Secretary of the Department of Foreign Affairs, reporting a conversation with Merlyn Rees MP, mainly regarding the Northern Ireland (Emergency Provisions) Bill in the House of Commons.

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IRISH EMBASSY, LONDON.

Personal and Confidential

April 10 1973

Dear Secretary

I had a long conversation over lunch at the Embassy today with Mr Merlyn Rees M.P. I had hoped to have Mr Harold Wilson also at lunch but he could only come later in the week and unfortunately the rest of this week is completely booked up for me at meal times.

The Electoral Bill on the North is being tabled this afternoon. There will be apparently a statement on it but no discussion. I hope to be able to send you copies in the bag today. The Bill itself will come up for debate on Monday next. Merlyn Rees does not envisage any difficulty at all in securing the rapid passage of the Electoral Bill.

He is greatly worried about the Northern Ireland (Emergency Provisions) Bill which is to come up for debate in the House on Tuesday next. The Labour Party is, according to what he told me, expecting a strong reaction against the Bill from its backbench Irish group. The Irish group are likely to oppose the Bill because of the detention provisions and also because internment is to be continued. They are also likely to oppose the Bill on the provision in relation to trial without jury and on the question of placing the onus of proof on the accused. While the attitude of the Labour Party generally is likely to be to allow a second reading of the

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Bill, Harold Wilson and Merlyn Rees are very worried about the impression which might be conveyed by the fact that perhaps up to 30 of their backbench would in an outright way oppose the Bill. Merlyn told me that his and Harold Wilson's concern is related to the interpretation which the press might give to this reaction of the Labour Party. In their view the fact that some backbenchers in the Party are opposed to the Bill might be interpreted as showing a division of view in relation to the White Paper and the beginnings of a breach in the bipartisan policy. Nothing could be further from the truth than this.

Merlyn Rees felt that our Government could help the situation if it could, over the week-end and in anticipation of the debate in the House of Commons, say certain things even in very general terms on a couple of points. He thought first of all that it would be most useful if some of them on the frontbench of the Labour Party could point to a statement of determination by the Dublin Government to do everything they could to put an end to violence. I called his attention to the fact that, according to today's papers, the Taoiseach had, in fact, made precisely this point when speaking in his constituency last night. He thought it would be a good idea if an opportunity could be found for repeating this again before the debate in the House here takes place.

Mr Rees went on to talk about the provisions in the Diplock Bill for a 12 months review. The feeling among a sizeable group in the backbench of the Labour Party is that 12 months is too long a time to wait. He wondered if it would not be possible for the Taoiseach or a Minister of the

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Government to take the opportunity in a speech over this week-end to suggest, say, a 6 months review initially. This suggestion might conceivably be tied in with the fact that there is to be a Conference in the autumn and that, arising out of the better atmosphere which might be expected to result from the Conference, the first review might ~~not~~ usefully take place say 3 months or so after it. I told Merlyn that I would pass this idea on to Dublin but I hoped he would see the difficulty for us in our seeming to rush fences too much at this stage. Merlyn seems strongly of the view that the Council of Ireland should ab initio involve itself in law and order questions, but I pointed out to him this is something on which I felt we could not at this stage easily commit ourselves to a public statement as there would have to be a good deal of behind the scenes private consultation beforehand.

Mr Rees also asked me to urge on my Authorities that they might over the week-end, and in anticipation of the debate in the House of Commons, express their hope that Sinn Féin be allowed without fear of prosecution to contest the elections in the North. I told him that I would pass this suggestion on. He is clearly as well aware of Mr Whitelaw's views on this question as we are. He accepts that the admission of Sinn Féin is a matter of conditioning right-wing minds in the North. I tried to leave the thought with him that this conditioning is not something which can happen overnight and that the extent, if any, to which we may be able to say anything in the matter would depend on our assessment of what the effect of such an advocacy

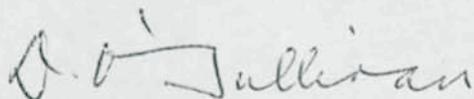
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by us may be.

Finally, Merlyn thought it would be very helpful to the situation here if, in anticipation of the debate, we could say something about the undesirability of continuing internment, about the detention arrangements and about the requirement in relation to the onus of proof. Here again, I promised to pass on his suggestion. I did, however, express the personal view to him that these are matters on which my Government may understandably find it very difficult to say anything, not only in the light of the realities of violence in the North but also because of the factual situation surrounding the passing of the latest Offences Against the State Legislation in the South.

I am passing this on to you as a factual account of what transpired in the course of our luncheon conversation.

Yours sincerely



Ambassador

Mr H J McCann
Secretary
Department of Foreign Affairs