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Minister for Justice's meeting with
Ms. Nancy Soderberg, National Security Council

6 October, 1995

Attendance: Minister for Justice, Ms. N. Soderberg,
Secretary, Mrs. J. Kennedy-Smith,
Mr. V. O'Donnell, US Ambassador,
Ms. L. O'Shea-Farren, Mr. R. F. Norland.
Mr. P. Hickey.

1. The Minister for Justice opened the meeting by welcoming Ms. Soderberg and the Ambassador to the Department and by conveying her appreciation for the key role the United States administration had played - and could continue to play - in the developing peace process. The Minister stressed the benefits those developments had meant for her Department, which had been to the forefront in dealing with the consequences of the conflict of the past twenty five years. The Minister also outlined the background to the involvement of successive Ministers for Justice in the Anglo-Irish process and her continuing involvement in the new situation.

Decommissioning

2. The Minister, addressing the present difficulties in the twin-track approach, referred to the importance of decommissioning in the context of her responsibilities while stressing that the Irish side's approach from the start had been to create bridges rather than to build walls. The Secretary then outlined the background to the work of the Dalton-Chilcot group and the genesis of the idea for the involvement of an International Commission.

3. The Secretary also responded to questions from Ms. Soderberg as to the context in which the decommissioning issue had first arisen and the origin of the Washington tests. The Secretary confirmed that the Irish side had no advance notice of the Washington speech and indicated that the approach propounded in it was at variance with the course we had recommended from the beginning. Ms. Soderberg commented that it had equally come as a surprise to the US administration despite the fact that they had met the Northern Ireland SOS "thirty minutes" before it was delivered. The Secretary in analysing the British position emphasised the dangers inherent in their approach of sacrificing the achievements of the process for the "icing on the cake".
4. Ms. Soderberg outlined the process in which the US administration were involved at present. What they were seeking to do was to bridge the gap between the British Government and Sinn Fein. Her sense was that both sides were moving and that there was a good possibility for agreement on a revised Joint Communique which would be capable of launching both tracks within a certain time-frame.
5. Ms Soderberg did not, however, foresee movement on the part of either side on Washington 3 in advance of agreement on the terms of a Joint Communique but felt that the process would develop its own momentum. What they were saying to Sinn Fein was to put their faith in the Commission - they would have to engage without being certain as to the outcome - and they were seeking

to reassure them that the US administration's interest in the matter would not end with the President's visit in November. She went on to say that "even the British feel we are being helpful". Sinn Fein expected the US to deliver the British Government but the US could "do no more than we can". Ms. Soderberg concluded her analysis by saying while they were not there yet, she felt that their efforts were moving in the right direction.

6. Ms. Soderberg asked what consideration had been given to the membership of the "Commission" apart from US involvement. The Secretary outlined the thinking in this regard. Ms. Soderberg counselled strongly in favour of using the time between now and the forthcoming Summit to secure the agreement of other Governments to nominees stressing that to let the matter go beyond the Summit could create scope for endless delays. She responded to the inclusion of South Africa among the countries that had been mentioned in this regard by commenting that a nominee from there would be likely to be unacceptable to the British given that the ANC had not decommissioned their weapons.

Prisoners

7. The Minister stressed the value of movement on issues other than decommissioning in seeking to consolidate the peace process referring specifically to the issue of prisoners and the positive role they had played in the decisions leading to the cessations. The Minister outlined the approach adopted in this jurisdiction and the need to encourage movement on the British

side. Referring to the European Convention on the Transfer of Sentenced Prisoners which was due to come into force on 1 November, the Minister emphasised the importance of a positive response on the part of the British authorities. Responding to a question from Ms. Soderberg, the Minister confirmed that discussions were already underway at official level on the procedures required to give effect to the Convention.

8. The Minister also mentioned that the potential created by the Convention for transfers between the United States and Ireland. That could be particularly important if difficulties were encountered with the British administration. Ms. Soderberg struck a cautionary note in this regard stating that there would be difficulties with concessions to prisoners in the US - this was a "tough one", particularly in the aftermath of the Oklahoma outrage, as the people concerned had broken laws in the US. She also referred to approaches from Sinn Fein in this regard in the past and indicated that her inquiries with their Justice department had provoked a cool response. The Minister emphasised the humanitarian nature of the Convention and sought to allay the concern that invoking it involved any implication that the offences concerned were political in nature. It was agreed that the Department and the Embassy would follow up on this matter. [Comment: It was not clear from these exchanges whether Ms. Soderberg fully grasped the nature of the TSP Convention. She did not appear to appreciate that the US had acceded to the Convention (over 10 years ago) and that it applied to all offenders, not just those whose offending was "political" in character. We can clarify matters of this kind in contacts with the Embassy.]

President's Visit

8. Ms. Soderberg asked whether there were any specific themes the Minister might suggest in the context of the President's forthcoming visit or issues which might arise - apart from the obvious issue of the need to proceed to All-Party Talks. The Minister referred again to the possibilities created by the Convention on the Transfer of Sentenced Persons and the theme, which the Taoiseach continued to stress, of the need to change "hearts and minds" and the way in which we do business. The Minister also suggested that the President might like to address the drugs issue in the context of the need for global action. It was agreed that there could be further contact on the matter through the Embassy and the Secretary indicated that we would give more thought to issues with a Justice significance. Ms. Soderberg also mentioned that the President would be accompanied by the First Lady and probably their daughter.

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