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ADVANCE

File push.

No 10 for Holmes and Powell

SUBJECT: DESIGNATION OF IRA AS TERRORIST ORGANISATION

SUMMARY

1. Albright decides not to include IRA on list of designated terrorist organisations submitted to Congress on 1 October.

DETAIL

2. On 30 September, the FBI tipped us off that problems were looming over the inclusion of the IRA on State Department's list of terrorist organisations (which State must compile according to the 1995 Anti-Terrorism Act). The submission making its way up State covered 31 organisations but noted that, in the light of the ceasefire, there might be "political controversy" if the IRA was designated: (we understand that the submission also flagged up the Khmer Rouge as a potentially "difficult" case, but that Albright subsequently decided to proceed with their designation).

3. I spoke to Steinberg, who claimed he had already been in touch with No. 10 who had been "understanding". According to Steinberg, the ceasefire had complicated the decision in two ways. First, the Act was couched in the present tense (allowing designation only of an organisation which "engages in terrorism"). If the Secretary had designated the IRA, this would have been interpreted as casting doubt on the permanence of a ceasefire which HMG itself has acknowledged to be genuine. Albright felt that this could damage the peace process. Second, a decision to designate would have required new measures against the IRA (notably to sequester funds). Although non-designation did not affect existing restrictions on the IRA in the US, the Administration did not think this was the moment to impose new restrictions.

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4. In reply, I made three points:

(i) The ceasefire did not mean that the IRA had given up. They had said they had no intention of handing over weapons, and that they had 'problems' with the Mitchell Principles. Their last 'unequivocal' ceasefire had broken down. In the UK, we maintained our proscription of the IRA even while we accepted the validity of this ceasefire. The ceasefire did not alter the character of the IRA, whose very *raison d'être* was the armed struggle.

(ii) I expressed concern at the reaction in the UK. Parliament, press and public would simply not understand why the Administration had failed to designate IRA.

(iii) Moreover, the decision might seriously damage the US's ability to act as an honest broker. Coming hard on the heels of the decision to suspend deportation proceedings, non-designation was likely to confirm Unionist suspicion of US bias.

5. Burns, (Head of the Executive Secretariat in State) later outlined what happens next: Albright's decision to designate 30 terrorist organisations is being notified to Congress today, 1 October, "on a confidential basis". The list would be published in the Federal Register on 8 October. In reply to press questions about the omission of the IRA, State's spokesman would say that while there was ample and well documented evidence of past IRA involvement in terrorist activity, they had now declared an unequivocal ceasefire which was recognised as genuine by the British Government. In these circumstances Albright had decided against designation at this time, but the case would remain under active review. We asked Burns for an assurance that the IRA would be designated at once if there was a breach of the ceasefire. He said this was indeed the intention, but he did not know whether Albright would be prepared to tie herself down.

COMMENT

6. Presentation will be all. A public assurance by the Administration that any return to violence attributable to the IRA would immediately trigger designation would make it easier for us to say that we accepted the logic of the US decision, given the terms of their legislation. I understand that Holmes (No.10) has also made the point to Steinberg (NSC) that the Unionists are likely to react especially badly if they are not tipped off in advance. One

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danger is that the US will hold off until Trimble is in Washington next week, but that the decision will leak before then. In further contacts with the NSC, No.10 might try to tie down the first point, and urge that Trimble should be briefed as soon as possible.

7. Greenstock will call on Pickering (State) and Steinberg (NSC) on Friday, and might also make these points.

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