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9/4.

SUBJECT: IRA NON-DESIGNATION

SUMMARY

1. Non-designation of the IRA as a terrorist organisation now public knowledge. Decision presented as we had agreed: a necessary consequence of the ceasefire (because the Act allows designation only of organisations currently engaged in terrorism). IRA to be kept under review and "any resumption of violence... would have a direct impact on that ongoing review".

DETAIL

2. As we had been forewarned, the IRA was not (not) on the list of 30 terrorist organisations published by State Dept on 8 October in compliance with the 1996 Antiterrorism Act (see separate report).

3. The (non)-decision was presented broadly as we had agreed with State/NSC in advance. Rubin (Spokesman) said that: "There is a strong body of evidence documenting historic IRA involvement in terrorist activity. As the Act calls for the designation of organisations that engage in terrorist activity, the Secretary of State has taken note of the July 19th announcement by the IRA of an unequivocal ceasefire, as well as the subsequent decision by the British government that the ceasefire was genuine in word and deed, permitting Sinn Fein to join inclusive all-party talks in Belfast. Under these circumstances the Secretary of State continues to review the question of the IRA's designation. Obviously, any resumption of violence by the IRA is totally unacceptable to the United States, and would have a direct impact on the ongoing review. The Department of State will actively monitor the IRA's activities. We are hoping and expecting that the 10-week-old ceasefire will hold. But again, if it doesn't hold and there is a resumption of violence by the IRA, that would have a direct impact on the review. One

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thing about this law that ought to be explained is that it's a rolling law. At any time, one can add a designation to the list."

4. Rubin also made it clear that existing restrictions on IRA travel to, and fund-raising in, the US remain in place. Adams would still have to apply for a waiver to visit the US: "It's not like a failure to now designate the IRA is a new benefit for Gerry Adams. It merely means that we are undertaking an ongoing review of the IRA, and any move toward violence by the IRA would have an impact on that review".

5. When Trimble was warned of this decision in his meeting with Berger (NSC) yesterday (my telno 2238), he said he quite understood the US decision. Indeed he saw positive advantages insofar as it created a sword of Damocles hanging over the IRA, and reinforcing their commitment to the ceasefire. Berger (pleasantly surprised by this reaction) heartily agreed.

COMMENT

6. About as good a result as we could have hoped. We are receiving press enquiries and are taking the line that the decision is understandable, given the terms of the US legislation, and creates a further pressure on the IRA to maintain their ceasefire: if they don't, they can expect to be designated.

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