



Óglaigh
na hÉireann
DEFENCE FORCES IRELAND

Defence Forces Review 2016



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Defence Forces Review 2016

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PREFACE

“By academic freedom I understand the right to search for truth and to publish and teach what one holds to be true. This right implies also a duty: one must not conceal any part of what one has recognized to be true. It is evident that any restriction on academic freedom acts in such a way as to hamper the dissemination of knowledge among the people and thereby impedes national judgment and action”.

Albert Einstein

As Officer in Charge of Defence Forces Public Relations Branch, it gives me great pleasure to be involved in the publication of the Defence Forces Review for 2016. This year's 'Review' continues the tradition of past editions in providing a focus for intellectual debate within the wider Defence Community on matters of professional interest.

This issue contains a wide variety of subject matter for the reader to digest. In this year of centenary commemoration it is appropriate that a number of submissions provide a focus on the past, balanced with subject material that takes a critical look at current issues of interest across a wide variety of topics. The diversity of topics offered for readership consideration is testament of the complex social, military and political environment in which the Defence Forces exists.

I wish to commend the Colonel David Dignam who, despite his primary responsibilities, assumed the editorial challenge with customary dedication, rigour and enthusiasm. The proactive engagement of his fellow editors, Prof Eunan O'Halpin and Dr Ian Speller is also much appreciated by the Defence Forces.

Further, the efforts of the staff of the Defence Forces Printing Press and the staff of the Defence Forces Information Office for their assistance in publishing the document is worthy of mention.

Finally, many thanks to all our contributors without whose commitment and labours the production and publication of this 'Review' would not be possible.

Further copies of the Review are available from the Defence Forces Public Relations Branch at info@military.ie or online at <http://www.military.ie/info-centre/publications/defence-forces-review>.

Oliver Dwyer
Lt Col
OiC Defence Forces Public Relations Branch

EDITOR'S NOTE

2016 has been a very important year for Ireland and its Defence Forces, Óglaigh na hÉireann. The commemoration of the events of 1916 and their positioning within the wider context of Ireland's engagement in the Great War have brought into focus the journey that Ireland and its people have taken since Easter 1916. This volume, the thirteenth in the Defence Forces Review series, reflects just some of the seminal events that have shaped modern Ireland and its Defence Forces. In that regard, this volume differs from previous editions of the Defence Forces Review in that it includes articles to be presented at the formal launching of this year's Review in Cathal Brugha Barracks on 19 November 2016. This presentation is designed to contribute to the process of national reflection currently in progress as we commemorate the centenary of the 1916 Easter Rising and subsequent events that shaped modern Ireland. The aim of this year's Review is therefore to explore particular aspects of the history of Ireland over the past century, with a particular focus on military matters, and also to examine some of the challenges facing the Defence Forces today. In support of this the Defence Forces worked in partnership with the *Centre for Military History and Strategic Studies* at Maynooth University and the Trinity College Dublin *Centre for Contemporary Irish History* to produce this volume and to arrange for the public presentation of the papers at its formal launch.

In response to an open 'call for papers' the editors received a variety of proposals from serving and retired Defence Forces personnel, civilian academics and others with an interest in the topic. Unfortunately it was not possible to cater for all proposals within this volume. It is reflective of the lively interest in the subject, and also the richness of the topic, that so many good papers were proposed. Those papers that have been published here were chosen because of the quality and originality of the research, the relevance of the subject matter and, of course, because they are extremely interesting and informative. The intention was to maintain a balance between historical works and those that focus on very contemporary issues. It will become apparent to any reader that some of the challenges facing the soldier or diplomat today have a resonance in those faced by their predecessors over the course of the last century.

It is fitting that the first chapter, by Commandant Steve MacEoin, explores history, memory and commemoration during the decade of centenaries and identifies the challenges facing archivists as they seek to support and enable a broad range of activities. That Military Archives have an important role to play in this is firmly established. There then follow a number of chapters with an historical focus and, perhaps inevitably, a number of these look at the 'revolutionary' period and its aftermath. Professor Tom Bartlett's chapter sets the experience of the Volunteers within the context of previous Volunteer movements and rebellions. Applying strategic theory to the history of the War of Independence, Professor Tim Hoyt argues that the relative success of the IRA in the period through to 1921 represented an example of successful military innovation, albeit one enabled by changing political circumstances in Britain as well as by activity in Ireland. Following this Commandant Padraic Kennedy charts the changing role, nature and composition of GHQ from the time of the Irish Volunteers through the IRA in the War of Independence to the National Army in the Civil War. Tom Tormey then examines the split in the IRA

in Dublin in 1922 and the foundation of the National Army, using a range of archival sources to evaluate the role of factors such as ideology and personal loyalty that helped to determine which side the Volunteers chose.

Commandant Lar Joye, a member of the Army Reserve and curator of the 'Soldiers and Chief' exhibition at the National Museum, examines Irish military involvement on a broader scale in the period 1914-16, considering the role that Irish men played in a number of different armies, including those of Australia, Austria, Britain, Canada, France and Germany, noting, also, the often forgotten story of the Irish sailor in the First World War. As any modern soldier will appreciate, it is impossible to isolate military activity from the political and legal context. Colonel Michael Campion examines and explains the legal tangle associated with the 1916 Court Martial Trials while, in the following chapter Lt Colonel Jerry Lane addresses the response of the Government to the extreme challenges of the Civil War in 1922-23, including the introduction of the Emergency Power Resolution, the role of Military Courts and Committees and other special measures that facilitated victory, albeit at a cost.

It has often been suggested that the clandestine activities of SOE in the Second World War were heavily influenced by the lessons that British officers had learned from their experience in Ireland during the War of Independence, an idea particularly associated with the historian M.R.D. Foot. Mark Seaman examines Foot's argument and finds that, on the basis of the available evidence, it is very hard to substantiate the claim that the organisation's concept of clandestine warfare was influenced by the IRA campaign. He concludes that, more likely, experience in Ireland was just one of a rather broad range of factors that informed British policy.

The period after the Civil War is addressed by Commandant Billy Campbell (Retd.) who examines the sometimes difficult relationship between Government and Army in the 1920s, explaining the subordination of the military to civilian control that we now take for granted but that is elsewhere so often difficult to achieve. Also focusing on the 1920s, Colonel Tom Hodson (Retd.) examines the origins of the Military College and analyses the various twists and turns that led to its establishment in 1930. Elsewhere Dr Aoife Bhreatnach explores the changing nature of Irish garrison towns and analyses the impact which the presence of those in uniform has had on Irish life in these localities. The chapter provides insight into the way in which militaries can have an impact on the social, cultural and political life of the nation beyond that implied by their primary role.

Addressing more recent history, chapters by Dr Michael Kennedy and Dr James McCafferty explore political, diplomatic and military aspects of Ireland's involvement in the UN mission in Congo in the 1960s. Dr Kennedy examines Ireland's experience dealing with the UN secretariat during the Congo Crisis, while Dr McCafferty, a veteran of the UN operation, focuses on the experience of the Irish Army in the Congo from 1960-64, suggesting that the Army's experience there provided the foundation for success in subsequent peacekeeping operations.

The fact that Ireland is an island has escaped the consciousness of many policy makers and commentators over the years but the error is not repeated here. Commander Brian Fitzgerald provides a review of the import of the sea on Irish history from the time of the 1916 Rising through to the present. Dr John Treacy explores the early years of the Naval Service, outlining the manifold challenges that attended the establishment of the Naval Service in the 1940s.

The remaining chapters explore contemporary issues. The first of these examines the nature of the contemporary operating environment, identified by Colonel David Dignam as an evolving postmodern paradigm which poses numerous complex challenges for the Defence Forces today. Captain Fiachra Ó Coigligh addresses one aspect of this paradigm, utilising Rapoport's 'Wave Phenomena' as a framework to examine the parallel evolution of terrorism and mass media in order to understand and explain their relationship. Focusing on the maritime environment, Commander Pat Burke examines the legal issues inherent in the Defence Forces' role in the current Mediterranean migrant crisis, providing an important reminder of the way in which legal and political matters impact on the way in which militaries operate today. Lieutenant Colonel David Corcoran exams flight safety culture within the Air Corps and in other armed forces drawing recommendations for legal and organisational change that could ensure best practice in this field. Following this chapter Professor Eunan O'Halpin analyses civil-military relations in 21st century Ireland and argues that these can only be understood within the wider framework of internal and external security interests that have, within the last two decades, seen notable developments in the extent and nature of military involvement.

It is axiomatic that, in order to meet current operational challenges, military personnel must receive appropriate training, education and leadership. It is appropriate, therefore that in his chapter Petty Officer Stewart Hamilton explores the issue of education within the Naval Service and seeks to explain why senior NCO students may not be availing of all of the educational opportunities available to them. Lieutenant Colonel Mary Carroll examines female leadership in the Defence Forces, identifying some of the many strengths of female leaders in addition to some of the challenges that they face as their careers progress.

Together these papers cover a wide range of topics and provide much food for thought. It is hoped that they will generate further discussion and encourage more people to engage with Ireland's rich military history and heritage and to generate debate on the role and activities of the current Defence Forces.

Abstracts of the research dissertations written by the students of the 72nd Senior Command and Staff Course as part of the MA in Leadership, Management and Defence Studies (LMDS) programme are included in the Review. To view any of the theses listed, please contact the Defence Forces Library at: info@military.ie.

The Review concludes with short biographical details of the authors. The editors would like to thank all of the contributors to this volume for their willingness to produce work of such high quality at very short notice and for responding to any questions or suggestions

with speed and good will. The result is a first rate collection of papers that helps to shed light on aspects of Irish history and on the history of the Defence Forces.

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TABLE OF CONTENTS

<i>Article Title</i>	<i>Page</i>
History, Memory and Commemoration – An Archivist’s Perspective <i>Comdt Steve MacEoin</i>	1
Military Innovation in Ireland, 1916-1923 <i>Prof Tim Hoyt</i>	9
Key Appointments and The Transition of the Irish Vounteers, The Irish Republican Army and The National Army 1912-1933 <i>Comdt Padraic Kennedy</i>	21
Waxing and Waning: Garrison Towns in Independent Ireland <i>Dr Aoife Bhreatnach</i>	37
“The Parting of the Ways”: The 1922 Split in the Dublin IRA and the Foundation of the Modern Army <i>Tom Tormey</i>	45
The Fighting Irish, 1914-1916 <i>Comdt Lar Joye</i>	53
The Beautiful Simplicity of the Military Mind and the Tangle of the Law: The 1916 Court Martial Trial Regime <i>Col Michael Campion</i>	63
<i>Salus populi suprema lex</i>: Hard Times and Difficult Decisions Bring Drastic Action <i>Lt Col Jerry Lane</i>	81
A Retreat from Revolution: Government and Army after the Civil War <i>Comdt Billy Campbell (Retd)</i>	95
Establishing the Irish Military College <i>Col Tom Hodson (Retd).</i>	103
‘A matter of day-to-day and even hour-to-hour improvisation’: Ireland’s Experience of Dealing with the UN Secretariat during the Congo Crisis. <i>Dr Michael Kennedy</i>	111

<i>Article Title</i>	<i>Page</i>
The Irish Army in the Congo, 1960-64: The Foundation for Permanent Defence Forces Peacekeeping Missions <i>Dr James McCafferty</i>	123
'The Troubles' – An Irish Inspiration for SOE? A re-examination of a Long Standing Theory Concerning SOE's Origins <i>Mr Mark Seaman</i>	131
Caveat Emptor - Building Ireland's Small Navy 1945-49 <i>Dr John Treacy</i>	141
The Evolving Operational Paradigm and The Defence Forces <i>Col David Dignam</i>	155
"All aboard ... or not?" Why are Naval Service Senior NCO Students Not Availing of Education Opportunities? <i>Petty Officer Stewart Hamilton</i>	167
Troubled Waters – The Legal Issues Inherent in the Defence Forces Role in the Mediterranean Migrant Crisis <i>Cdr Pat Burke</i>	177
Ireland - An Islander's Perspective <i>Cdr Brian Fitzgerald</i>	189
Just Flight Safety Culture and Irish Defence Forces: It's a Question of Law! <i>Lt Col David Corcoran</i>	197
Rethinking Irish Civil-Military Relations in the 21st Century <i>Prof Eunan O'Halpin</i>	217
A Few Good Women: Female Leadership in the Irish Defence Forces <i>Lt Col Mary Carroll</i>	225
'We Can Thank Pearse For That': The 1916 Easter Rising in Historical Perspective. <i>Prof Tom Bartlett</i>	235

<i>Article Title</i>	<i>Page</i>
From Hijack to Attack: Bloodier Terrorist Strategy... A Product of New Media? <i>Capt Fiachra Ó Coigligh</i>	241
Dissertation Abstracts - MA in Leadership, Management & Defence Studies <i>72 Senior Command and Staff Course</i>	251
Short Biographical Details - Contributing Authors	270

History, Memory and Commemoration – An Archivist’s Perspective

ABSTRACT

The centenary of the 1916 Rising and the years which surround it have been described as ‘The Decade of Commemorations’. Commemoration – the act of publicly remembering – is not the same as memory and indeed memory is not the same as history. All three, however, are influenced to a greater or lesser degree by the availability (or the absence) of archives, i.e. documentary evidence of enduring value. Although the roles of the historian and the commemorator are different and arguably have a divergent purpose, both historiography and commemoration itself must look to surviving primary sources if they are to be considered authentic. This is extremely important if we are to ensure that commemorations are grounded in historical evidence and are conducted appropriately. The degree to which historiography is influenced by deliberate and sometimes arbitrary decisions of those who create or use the records that ultimately become archives has perhaps been overlooked. Recent historiography of the 1916 Rising and the revolutionary period in general, as well as the more ‘inclusive’ nature of commemorations which, for example, encompass the indisputable role of women revolutionaries, have been made possible by the availability of the Military Service Pensions Collection at Military Archives. This collection in particular has energised a new generation of historians who now have access to primary sources which, although collected as early as 1924, have only recently been released into the public domain. Moreover, the use of technology by archivists has allowed unprecedented access for ordinary citizens to engage with their history, often without the traditional filter of the professional historian. Archivists have a key professional and ethical responsibility in democratic societies to ensure that primary sources of enduring value – archives – are acquired, preserved and ultimately made available in an accessible way. This in turn allows both for an inclusive ‘democratisation of history’ for the public and a useful counter to commemorators who may seek to distort memory, for a variety of reasons.

Introduction

“There is nothing more useful for instructing and teaching men, nothing more necessary for clearing up and illustrating obscure matters, nothing more necessary for conserving patrimonies and thrones, all things public and private, than a well constituted store of volumes and documents and records--as much better than navy yards, as much more efficacious than munitions factories, as it is finer to win by reason rather than by violence, by right than by wrong”.

Baldassare Bonifacio, *Des Archivis*, 1632

This year has, by any account, been a momentous one for Óglaigh na hÉireann, the Defence Forces. The centenary of the 1916 Rising has loomed large in the so-called 'Decade of Centenaries',¹ described even as the centrepiece of that decade. A major State centenary programme has resulted in the coordination of over forty State ceremonies, thousands of events nationwide and the funding of major capital projects described as 'the permanent reminders', including for example, a brand new Military Archives.² Interestingly, the sheer spread of the commemorative efforts, from historical and ceremonial events, to the arts, education and the Irish abroad, has enabled what could be described as a citizen activation and engagement with commemoration that is unprecedented in Irish history.³ This breadth of diversity in terms of the commemorative effort was evidenced, for example in the massive turnout of visitors to Dublin on Easter Monday for the many and varied 'Reflecting the Rising' events led by the national broadcaster, RTÉ, even though similar crowds had already witnessed the more traditional Easter military parade the day before.⁴

The hosting of such a major commemorative programme in Ireland, perhaps to be repeated again for future landmark events such as the centenary of the 1918 general election and anti-conscription movement; the establishment of the first Dáil Éireann in January 1919; the War of Independence and the Civil War, is hugely significant. Is there a difference between 'commemoration' and 'memory' in the broadest sense? What is the relationship of these two with history? How are all three activities influenced by archives, the 'touchstones' of memory? What role can archives usefully play in informing our commemorative programmes? This short paper will seek to explore these relationships and will focus particularly on the Irish experience and the role that archives might play in the future.

Archives and Memory

It has become fashionable to speak about 'memory' in the academic discourse. Memories, of course, are something that we all have and hold. In her seminal article on the subject of memory and archives, Laura Miller usefully takes an interdisciplinary approach to considering memory.⁵ In basic terms, memories are the sum total of two processes: the information gleaned from sensory interaction with the world (for example observing a machine-gun range practice, smelling the cordite, seeing the muzzle flash, hearing the gunfire) and the way in which that information is stored and later recalled. Of course, depending on a limitless variety of factors that together make up an individual's subjectivity, different memories of the same event will be recalled by individuals in different ways. So, to extend the analogy mentioned above, the crew firing the machinegun - cocooned in double hearing protection and focussed on delivering accurate fire to the target - will recall a different sequence of events than the Officer in charge of the firing point, the driver waiting patiently in his car until the practice ends or the young soldier

1 See www.decadeofcommemorations.ie (accessed 20th July 2016).

2 For a full description of the State's programme, see www.ireland.ie (accessed 20th July 2016).

3 Technology, especially the internet and social media, has largely enabled this participation. It is noteworthy for example, that each of the local authorities in Ireland, even those with a tenuous connection to the actual events of the Rising, published their own detailed county plans and received approximately €130,000 each to do so. See www.ireland.ie/countyplans (accessed 20th July 2016)

4 It is estimated that 'more than a million people' people (or one in five of the population) came to Dublin on Easter and Easter Monday. See Ronan Greevy 'Over 1 Million' attend Dublin Easter Rising commemorations *The Irish Times*, 31st March 2016.

5 Miller, Laura (2006) 'Touchstones: Considering the Relationship between Archives and Memory' in *Archivaria* 61 (Spring 2006), pp. 105-126.

who is nervously anticipating his turn on the weapon. The same event: but with multiple individual memories of how it unfolded and what exactly happened. Individual memories of the 'great' historical events are no less different, subject as they are to what Miller calls 'post-event rehearsal'. Moreover, it is inevitable that events such as the 1916 Rising, which has come to form part of the foundation narrative of the modern Irish state as we know it, are remembered differently by participants precisely because of the shape that that narrative takes in the months, years and decades afterwards. In other words, the stated or recalled memory of participants (in this case the veterans of 1916), their descendants and indeed the public at large is almost certainly influenced by factors external to their own experiences and memories.

What is more interesting still, from an archival point of view, is how an historic document of the above shoot, referred to years later, might evoke such memories. A photograph of the firing point, for example, might include all of the personnel in the firing detail, the make and model of the weapon being used, the type of ammunition fired, the weather conditions, the uniform and contemporary webbing of the soldiers, their ethnic makeup etc. Is it then the 'record' of the event? Does it, in fact, constitute the 'memory' of that shoot? To take a broader example, do the bound volumes concerning Defence Forces battalions who serve overseas that are created as 'unit histories' represent 'the' memory or indeed 'the' history of a particular battalion? Fortunately - or unfortunately - they of course do not. Whether we like to admit it or not, our lives are a sequence of events that, once passed, can never be regained. The 'true' memory of an event becomes corrupted hours, if not minutes later. The record of such a memory is likewise subjective in the extreme, never more so than when an official bureaucracy produces an official 'history'. Nevertheless, we expect that such records – the photograph, the unit history – are deemed to represent an official memory of the experience as a whole. And so, like the proverbial palaeontologist, 'out of a few stored bone chips, we remember a dinosaur'.⁶

Miller has pointed out that, unlike the traditional view held by Jenkins, the unofficial 'father of modern Archives', archives cannot be said to represent 'memory' or 'the Truth' with a capital 'T'.⁷ The mission of a typical archives service is to acquire, preserve and make available records which fall within a particular collecting policy.⁸ Quite obviously, archives cannot hope to capture and freeze in time, as it were, the details and the essence of human experience for all of the events within the scope of an institution. In the case of Military Archives, for example, the collecting policy includes "...the records of the Defence Forces, the Department of Defence and the Army Pensions Board".⁹ Even though Military Archives holds some 65,000 linear feet of records, including, for example, some 300,000 files in the Military Service Pensions Collection alone, it is unreasonable to think that these records can be said to represent 'the memory' or 'the truth' of what happened. The very structure of the office of origin (the bureaucracy that planned, collected and organised the records) was demonstrably subjective in the case of the Pensions Board for example, not least because of the fact that it was subject to the political imperatives (and gender bias) of its day.

⁶ A quote from psychologist Ulric Neisser, quoted in Miller, p. 112

⁷ Ibid, p. 105

⁸ See for example, the mission statement of the National Archives of Ireland, available at <http://www.nationalarchives.ie/> (accessed 20th June 2016). It is interesting that the word 'memory' is specifically used in the second line of the statement: "Our vision is to ensure the future of the public record, visibly contributing to the cultural life and memory of Irish society".

⁹ See www.militaryarchives.ie – accessed 20th June 2016.

Where then, do we situate the value of archives, if we accept the very postmodern notion that they do not, alas, represent our memory? Can they serve to inform our commemorations? Are the records that archivists, conservators and professional historians fuss over and fondle with white gloves somehow devalued in light of the above? Indeed they are not. On the contrary, they serve to muddy the waters, to provide disparate and conflicting voices (whether visible in the record or hidden between the lines and in what is left out) and ultimately, they serve the purpose of another very postmodern concept: to 'complicate the narrative'. They are, as Miller argues, 'touchstones' for memory, allowing us to access a primary, contemporary source and begin a journey of enquiry from there. Archives are not in any way devalued by the fact that they do not fulfil the (unreasonable) expectation that they would be some kind of time capsule for memories to be preserved for posterity, untainted by subjectivity. Archivists, librarians and professionals who are the gatekeepers for such records are as well not only to admit this fact, but to point it out to would-be lazy researchers as a safeguard against oversimplification. In the context of commemorations, archives and archivists must do the same.

Archives and Commemorations, Past and Present

It is interesting to briefly contrast the role that archives have played in informing the commemorative efforts in 1966 (the 50th anniversary of the Rising) and in 2016 (the centenary of the Rising). The Military Service Pensions Board was, of course, barely finished its work in terms of rounding up the (mainly) anti-treaty veterans who were still applying for a pension into the 1950s, following the final Military Service Pensions (Amendment) Act in 1949. Such records, in a positivist, pre National Archives Act world, were not in the public domain and few could have anticipated their eventual release as a public cultural resource some fifty years later. Well before that anniversary, the 1916 Rolls of Honour, developed in 1936 and formally deposited in the National Museum, were created to fill a particular need: that of the identification of surviving veterans and their families as distinct groupings or 'garrisons'. The term 'garrison' here is something of a misnomer, given its traditional use as that of 'the troops who maintain and guard a base or fortified place'.¹⁰ While the need of veterans and their families to cherish their common identity was understandable, it belied the authentic experience of urban warfare during Easter week in 1916, which was chaotic, fluid and anything but a planned defensive effort carried out by garrisons in the true meaning of that term.

Not only did the Rolls of Honour cause upset in the sense that some groupings (such as Kimmage and Enniscorthy) did not make it into the original lists, but some 150 women were conspicuously absent also.¹¹ The rolls were composed under the Fianna Fáil administration led by Éamonn deValera and the committee was quite obviously influenced by Civil War politics (prominent names such as General Richard Mulcahy – Ashbourne - did not appear, for example). In other words the Rolls of Honour can be viewed as a State-sponsored attempt to commemorate actions and place a shape on them that is not necessarily supported by an historical enquiry based on authentic primary sources - archives. Interestingly, in 1966, the garrison identity became solidified and was the focal point for the various reunions of relatives which occurred. Fifty years later, in 2016, garrison identity was further cemented by individual wreath layings at

¹⁰ Collins English Dictionary (2010) Harper Collins, Glasgow p. 677

¹¹ The Rolls reference 157 women – Military Archives today holds the records of some 300 women with recognised 1916 service.

'garrison' sites, some of which were state sponsored and by the presence of 'garrison' flags on the Easter parade. Nevertheless, publically accessible records in the Military Service Pensions collection, including projections which show the successful pension applications situated on contemporary maps, point to the fact that there were well over 80 individual action sites in Dublin alone. Moreover, the garrison identity appears to have largely supplanted the original battalion-level order of battle that actually pertained on Easter Monday (4th Battalion centred on the South Dublin Union etc.). The point may seem laboured here, but it is crucial that we understand that 'remembered' identities - such as the focus on Moore Street - have little basis in historical evidence. Moore Street, which in 2015 arguably became the focus of alternative commemorative efforts and was later subject to a High-Court injunction, was simply the most convenient location to where P.H. Pearse and the remainder of his personnel from the G.P.O. could retreat, pitted as they were against overwhelming firepower from the British Forces and the fire which was raging in their previous stronghold. Such is the nature of fierce street fighting and the effects of what Von Clausewitz has famously called 'the fog of war'. Important though it might be in retrospect as the site of final surrender for the Provisional Government, the position of Moore Street as a shrine of national memory for some has more to do with the politics of commemoration in the decades which have followed than it does with the original intentions of the volunteers during Easter week.

Women, 'Inclusivity' and Commemoration

A further example of how the contemporary political imperative can accompany commemorations is the way in which the role of women in the 1916 Rising has to some degree been overplayed. In an effort to rebalance the shortcomings of the 1966 commemorations in terms of any recognition at all for the role of women, there has been a perceptible tendency this time around to seek to situate women at the heart of the fighting as combatants. Whatever the family and collective memory is concerning the role of women in 1916, it is arguably the case that commemorators have been more concerned with redressing a perceived bias than in dealing with historical fact. Thus, community based projects such as Richmond Barracks can state: 'revolutions are frequently thought of as the realm of men, but the women of Ireland not only fought beside their countrymen - refusing to flee and save themselves for capture and execution - but they themselves advocated for change'.¹² In this narrative, the 300 or so women who are known (from sources at Military Archives) to have participated in the 1916 Rising are all portrayed as combatants in the action as opposed to 'mere' participants or enablers for the men. In other words, the downside of making history 'accessible for all' through simplification of the sources is that there is danger that the complexity of our memories, our history - that some women fired rifles and some women were 'basket girls' - can be lost. This is not to deny the role of women in 1916 or to somehow denigrate their position in society: the fact remains that most contemporary Irish women would have seen a clear division between the work that men and women had to undertake in time of war. The sources point to the fact that the women who participated in the Rising were only very exceptionally involved in direct combat with the enemy.¹³ Authors like Sinéad McCool on the other hand, have

¹² See for example, the Richmond Barracks project, at www.richmondbarracks.ie (accessed 20th September 2016). In general, this project has nevertheless been an extremely worthy and interesting cooperation between Ireland 2016, Dublin City Council and the local community.

¹³ The oft-quoted example, but the one which is the exception rather than the rule, is the experience of Margaret Skinnider, who had been denied a pension despite being shot in action while in charge of (male) personnel, because active service as a combatant 'is only applicable to soldiers as generally understood in the masculine sense'. See Military Archives Pension Record IE/MA/MSPC/MSPC34REF19910

been important advocates in setting the record straight regarding female participation in the Rising in a variety of roles, without overstating their roles in combat.¹⁴ Even if we, in 2016, may wish to congratulate ourselves on how far we have come by seeking to include women in a heretofore male-constructed narrative of history, we do those women who may have abhorred the idea of personally taking up arms a disservice by seeking – without authentic historical basis – to rebrand them all as military equals with the men because of our own modern sensibilities.

Narratives which seek to gloss over inconvenient truths which may ‘take the shine off’ the glory of national memories that reinforce our nationhood should likewise be challenged by reference to the sources. The attack of the Volunteers on Dublin Castle on 24th April 1916, for example, was rather a botched affair which opened with the killing of an unarmed police constable by Captain Seán Connolly. There followed an utter failure, in military terms, to exploit the advantages of surprise and audacity to strike a blow at the very heart of the British administration in Ireland, which was guarded by a handful of armed British personnel. While it may not suit the agenda of commemorators and powerful interest groups such as relatives’ organisations, it behoves us to ensure that inconvenient and uncomfortable facts – the outright killing of unarmed personnel, the summary execution of uncooperative civilians, the killing of children – are rather brought out into the open and used to temper more comfortable national memories. As Professor David Fitzpatrick has pointed out, ‘... it is all too easy to achieve the spurious appearance of ‘inclusivity’ in commemorative ceremonies ... by adopting simplistic and misleading dichotomies’.¹⁵ Ultimately, archives, as the well-springs for all historical research, should be at the heart of what Fitzpatrick has called ‘good history’ and thereby play an important societal role in keeping our historiography and our commemoration on the straight and narrow. Indeed, to quote Fitzpatrick: ‘though many would reject the very concept of ‘good history’, few would deny that historical research is capable of identifying elements of falsification, distortion and undue political influence in the way that way that past events are narrated’. The proper funding, support and staffing of archives, in turn, allow for the production of such ‘good history’. Indeed, the digital revolution has facilitated the availability of archival sources online and is now a core part of the business of cultural institutions such as state libraries and archives. Such sources, presented in dynamic and accessible ways, are no longer the sole preserve of the professional historian and unprecedented public access to collaborative projects online allows for understanding and interrogation of contextualised sources on a scale that was previously unimaginable.

‘Good History’ and The Future

It can be said then, that memory, commemoration and history are like intersecting circles on a Venn diagram – certainly not the same activity, but not mutually exclusive either. Archives and archivists have a definite and important role to play in ensuring that authentic primary sources are not only collected in the here and now so that they can be safeguarded for future reference, but that such sources are made available to the public in an accessible way. This role is not only to provide historians with reliable sources (without which their work would be impossible), but to engage directly with the public also to

¹⁴ For a useful overview, see McCoolle, Sinéad *Women of 1916* in *The Irish Times*, 15th Feb 2016, www.irishtimes.com/culture/heritage/women-of-1916-1.2535291 (accessed 27th August 2016).

¹⁵ See Fitzpatrick, David, (2013) ‘Historians and the Commemoration of Irish Conflicts’: 1912-1923 in J. Home and E. Madigan (Eds.) *Towards Commemoration: Ireland in War and Revolution 1912-1923*, Royal Irish Academy (Dublin) p. 126

inform those intersecting circles. If commemorations are to be inclusive in real terms, those who set the agenda for commemoration must not only seek to 'complicate the narrative' through professional academic discourse, but must seek to have the 'ordinary' citizens take their place in the act of memory, be that family, community or indeed State-led commemoration. Fintan O'Toole has rightfully pointed out that citizens are perhaps more engaged with and more empowered than ever in terms of how they use primary sources to uncover memory.¹⁶ This is borne out, for example, in the surge of interest in recent years in genealogy, in 'doing the family tree' where the uncovering of skeletons from the family or community closet is not only to be expected, but is often considered to be an exciting bonus. Why, then, should our treatment of contested memory be any different? Why not allow and empower citizens to be actors in the commemorative exercise? As O'Toole writes:

There is a temptation to cordon off the commemorations into academic conferences and seminars, to keep the explosive material of the past out of the hands of the ignorant plebs who do not know how to handle it.

Of course, this all means that citizens should be encouraged to engage with history or histories for themselves and not have it spoon fed to them by the professional historians or, worse, the agenda setters who stage-manage a commemorative project. An increasingly educated public should have the means at its disposal to make their own informed opinions, even if the role of the historian in interpreting the past in a meaningful way cannot be underestimated. A useful precedent for commemorations into the future would be to maintain the excellent standard that was, in general, set by the Ireland 2016 centenary programme in engaging the public in the act of commemoration. Funding that is allocated to cultural institutions in an intelligent way helps to enrich and enliven the debate, to showcase the plurality of stories and the tapestry of complex narratives that make up who we are as 'Ireland and the Irish' and ultimately to allow for the kind of dissent and disagreement about history that is central to any meaningful commemorative process in a modern democracy. One shining example of this, if the author may be excused, is the archival processing, preservation and making available into the public domain – for the first time ever – of the Military Service Pensions Collection (MSPC). This Collection is without doubt the most complete and reliable source we have for a full interrogation of how participants fought during the revolutionary period, mapping nearly perfectly with the tumultuous period from 1912 to 1922. Few if any other countries have managed to preserve so complete and so honest a record of how a State viewed those who had given service during the revolutionary period which sits as the foundation narrative of the modern nation state.

What is striking about the MSPC, as opposed to other collections in State hands such as the Bureau of Military History (BMH), is not just the sheer scale of the administrative effort (there are over 300,000 files in the MSPC, as opposed to 36,000 pages in the BMH Witness Statements), but the honesty of these records, an honesty born out of the fact that fledgling Irish Free State needed to account for every penny, doled out in pensions only to those deemed to have given and suffered most in the struggle. The other

¹⁶ See O'Toole, Fintan (2013) 'Beyond Amnesia and Piety', in J. Horne and E. Madigan (Eds.) *Towards Commemoration: Ireland in War and Revolution 1912-1923*, Royal Irish Academy (Dublin) p. 159

striking fact about the MSPC is the breadth and scope of detail about contemporary Irish life they provide us with, from the initial exclusion of anti-treaty fighters and women from gaining any pension at all, to the heart-rendering hand-written pleas from bereaved mothers and widows, for fear of not being able to see themselves make ends meet in a crippled post-war Ireland. This then, is presumably the kind of 'explosive material' to which O'Toole is referring, the kind of material that engages ordinary people, gets them talking and waking old memories and challenging their received and long-held ideas. The fact that the State has been able to make these records accessible to the public is the icing on the cake. Accessibility in real terms is what archivists and archives services do best, once they are empowered to do so. It is no longer enough to create a finding aid or catalogue for the collection and then provide for readers to wade through the material at the risk of dimming their eyesight - real accessibility and real inclusivity is about finding new and innovative ways to reach the public at large.

For the inclusive, citizen-focused commemorations yet to come, accessibility will almost certainly rely heavily on high quality digitised material released online, processed to accepted archival standards,¹⁷ including search functions and visual tools to enable people to better understand their past. This, among other things, is how the archivist can contribute meaningfully to the commemorations yet to come, to help as Bonifacio says, to 'clear up and illustrate obscure matters'.

¹⁷ Standards such as the Irish Standard for General Archival Description (IGAD) are vital to ensure that the professional and ethical obligations of archivists in providing context, provenance and objectivity are met. Quite obviously, it is not enough to simply 'scan' the original and place it online devoid of context and open to manipulation.

Military Innovation in Ireland, 1916-1923

ABSTRACT

Periods of military change – what Clausewitz called “changes in the character of warfare” - are often marked by both radical innovation and intense conservatism. Military conflict in Ireland in the 1916-1923 period exhibited strong tensions, in both Irish and British combatants, between traditional approaches to war and rebellion and new ideas that proved effective at the strategic, operational, and tactical levels of war. This paper will briefly examine Ireland’s role in the changing character of warfare in the early 20th century through analysis of the Easter Rising, the Irish War of Independence, and the Irish Civil War. Each of these conflicts exhibited both new concepts and old practices, and lessons drawn from each episode affected later conflicts in Ireland. In addition, some of the most significant innovations in concept and practice spread more widely to the British Empire and international system as a whole. Ireland’s War of independence, for example, became a prototype for anti-colonial wars of national liberation and for the Special Operations Executive during and after World War 2. British policing and counter-insurgency practices were later applied in Palestine, Bengal, and elsewhere. The armed forces of the new Irish Free State proved surprisingly adaptable in improvising amphibious landings in the Civil War. Traditionalism and failure to innovate often constrained the chances of success, due both to military inadequacy (the Rising) and a failure to recognize the changing strategic playing field (British security forces in 1920, anti-Treaty IRA in 1922). Wars in Ireland, therefore, played an important role as a “test bed” for future concepts – as important in the field of irregular warfare as the later wars in Spain were for testing new technologies and concepts for conventional conflicts.

Introduction

During the late 1980s and early 1990s, a thriving literature emerged examining the sources and consequence of military innovation in the international system.² Much of this literature was based on technological changes in the late Cold War, later demonstrated in Operation Desert Storm.³ Some, however, also focused on broader trends – changes in societies, which allowed them to make war in different ways, and changes in military organization, reflecting in part technological and social changes.⁴

The focus of this spasm of attention was on great powers, and leaps in military capability that affected the international system. Changes in technology and social organization do not simply impact great powers – they are felt broadly across regions (or the international

1 The views expressed in this paper are those of the author alone, and not the U.S. Navy, the Department of Defense, or any other element of the U.S. government.

2 See, for example, Stephen Peter Rosen, *Winning the Next War* (Cornell University Press, 1991).

3 Andrew J. Krepinevich, “Cavalry to Computer: The Pattern of Military Revolution”, *The National Interest* 30-13 (Fall 1993/1994).

4 Clifford J. Rogers (ed.), *The Military Revolution Debate* (Boulder, CO: Westview Press, 1995).

system), and impose similar pressures to adapt on both conventional (state professional) militaries and on unconventional or irregular forces.⁵

Carl von Clausewitz made a lasting contribution to the study of human interaction in *On War* – one of the most quoted (and least read) books in history. His discussion of war as the pursuit of political aims through organized violence remains compelling – a critical starting point for anyone wishing to understand the origins, conduct, and termination of armed conflicts.⁶

Clausewitz's study of war, however, does not end with easy aphorisms ("war is the continuation of politics with the addition of other means"). He identifies different types of war – absolute war (a theoretical construct, which became disturbingly practical after the development of nuclear weapons, where maximum force was used to exterminate the enemy), wars of unlimited objectives (where the military effort is aimed at overthrowing the enemy completely), and of limited objectives (where the effort is aimed at securing leverage for negotiation).⁷ He even implicitly recognizes the use of coercion ("armed observation"), deterrence ("war by algebra"), and revolutionary war.⁸

On War reflects Clausewitz's experience of a changing Europe, in which war transformed from a relatively civilized set of duels between professional armies – the wars of the 18th century – to the sweeping near-conquest of Europe by the forces of Revolutionary France. Clausewitz argues that the nature of war – its inherent logic as an act of politics carried out with organized violence – never changes, but that the character of war – determined by both the combatants and the "spirit of the age" – may shift enough to redefine both the political objectives for which wars are fought and the military means with which they are waged.⁹ The impact of these changes on the conduct of irregular wars – fought by unconventional combatants – bears further study, as these wars have become more frequent in the past century, and the weaker side has tended to win more of them. The study of military innovation in Ireland from 1916-1923 represents an early archetype for how militarily weak political movements successfully achieve limited aims including secession and independence.

Ireland's Military Revolution

Irish independence – and the military conflict associated with it – occurred in the context of three great waves of military change. The first was the social revolution of the late 18th century – the French Revolution, its exploitation of nationalism, and subsequent changes in state structure and mass military organizations. The second was the industrial revolution of the 19th century, altering the key metrics of potential military strength from relatively simple measures (land, food, population) to much more complex ones (iron, coal, steel, industrial capacity, trade, finance). The third was the emergence of new military technologies that profoundly affected tactics and operations, increased the lethality of the battlefield and the geographic scope of conflict, and created military organizations that were markedly more capable and destructive than their predecessors.

5 An excellent study of the problems of less-developed states adapting to military change is David B. Ralston, *Importing the European Army* (Chicago: University of Chicago Press, 1990).

6 Carl von Clausewitz, *On War*, transl. & ed. By Petrér Paret and Micahel Howard, (Princeton University Press, 1989), 87.

7 Clausewitz, *On War*, 69.

8 Clausewitz, *On War*, 76 (war by algebra), 81 (armed observation), 604 ("merely threatening the enemy, with negotiations held in reserve"), 479-483 (revolutionary war and popular uprising).

9 Clausewitz, *On War*, 220 (character of war), 593-594 (spirit of the age).

Each of these waves of change created both opportunities and constraints for Irish nationalists willing to pursue the “physical force tradition”. Nationalism became a powerful motivating force in Ireland in the nineteenth century, and its potential impact was seen both in the revival of Gaelic language and sport and in the impressive constitutional efforts of O’Connell, Butt, Parnell, and Redmond to restore Irish autonomy and overthrow elements of British or Protestant privilege. The Irish Republican Brotherhood traced its own traditions to the republican ideals of France (and to a lesser extent the United States).¹⁰ The idea of an Irish Republic, achieved through some combination of constitutional and other means, was a powerful, but potentially divisive, organizing tool.

The other two waves of change affected Irish prospects more negatively. Ireland’s population relative to the overall United Kingdom had dropped from roughly 33% in 1840 to about 10% in 1910. This profoundly affected its ability to generate military force. The island’s underdeveloped economy exacerbated the manpower discrepancy. Unlike earlier revolts, which fielded armies numerically equivalent to those they faced, rebellion in the early twentieth century would take place in a profoundly unequal environment. The arms of the British forces would be significantly superior to those available to the Irish, the combined arms organization forced on the British Army by the Boer War and the First World War would create tactical and operational capabilities that Irish rebels could not match, and the industrial capacity of the Empire combined with an unprecedented resort to conscription for the Great War ensured that Irish forces would be massively outnumbered.

And yet, somehow, the Irish won. Those same global forces that created the conditions for Great Britain’s rise as a dominant world power created the potential for smaller, weaker components of the Empire to successfully resist it. Ireland’s wars from 1916-1923 – the Easter Rising, the war of independence, and the civil war that followed – foreshadowed a significant change in the character of war in the late 20th century. This change was not fully understood, even by participants, because it occurred in the context of another series of more immediate changes – the Great War and the collapse of European order. Changes in the character of irregular war – war between a state combatant and a non-state actor – reflected changes in society and technology, but also conscious choices on the parts of the combatants. Many of the choices considered by combatants in Ireland were replicated later in other irregular wars.

Studies of military innovation concentrate on conventional wars between major powers. They identify multiple areas of potential revolutionary change. For the purposes of brevity, and simplicity, this study will examine innovation in the context of three broad categories: the tactical and technical levels of war, the organizational and operational levels of war, and the social and political levels of war.¹¹

¹⁰ Leon O’Broin, *Revolutionary Underground* (Totowa, NJ: Rowman and Littlefield, 1976; Owen McGee, *The IRB* (Dublin: Four Courts Press, 2005).

¹¹ These distinctions are drawn from the literature on military revolution, particularly from MacGregor Knox and Williamson Murray, *The Dynamics of Military Revolution 1300-2050* (Cambridge: Cambridge University Press, 2001) and from Edward N. Luttwak, *Strategy: The Logic of War and Peace* Revised and Enlarged Edition (Cambridge, MA: Belknap Press, 2001), 87-91.

The Technical and Tactical Levels of War

Changes in the basic weaponry of warfare can lead to revolutionary battlefield effects. The emergence of the modern rifle and machine gun changed the way both conventional and irregular war was conducted. This was anticipated, to some extent, before the Easter Rising – James Connolly discussed the unique advantages of fighting in cities with modern weapons, and the advantages an urban environment might provide for rebel forces. The Mount Street Bridge battle during the Easter Rising demonstrated the lethality of modern weapons, even in inexperienced hands, against poorly led or ill-trained regular forces. The destruction in central Dublin, wrought by small arms and just a handful of field artillery pieces, provided some indication of the indiscriminate damage inherent in massed firepower, and the growing vulnerability of civilian populations in cities.

The lessons of the Easter Rising affected decision making by Irish leaders in the war of independence – IRA Chief of Staff Richard Mulcahy specifically rejected suggestions that the Volunteers hold a series of “rolling risings” in 1919, and Eamon De Valera’s request for “one good battle every month” was ignored.¹² Major urban battles – the attack on the Customs House in May 1921, and the assault on the Four Courts in June 1922 – were the exception rather than the rule. This restraint was a matter, for the most part, of conscious choice – as we have seen in irregular conflicts throughout the world, urban fighting (from the Battle of Algiers to the Battles of Fallujah) has sometimes been embraced by rebel forces, with a consequent spike in civilian casualties.

Another innovation that emerged in the Irish wars was the importance of explosives. The attack at Soloheadbeg demonstrated the desire for explosives and their increasing availability due to commercial use. The tactical use of explosives increased as expertise with them improved, and the General Headquarters Staff of the Irish Volunteers included a Director of Chemicals tasked in part with developing new explosives. Mines became an important element of warfare in the countryside, used for breaching police stations and also to start ambushes. The continuing challenge of improvised explosive devices in current conflicts attests to the efficacy of these weapons.

James O’Donovan, director of chemicals, also experimented with chemical munitions, claiming in fact to have incapacitated himself while doing research on “anti-gas defense” in 1918.¹³ The Irish leadership at least notionally also considered the use of biological agents, including glanders, hoof and mouth disease and botulism, to attack both British military installations and the British homeland. Fortunately, these ideas were not put into practice, but captured documents did provide the British with useful propaganda about possible IRA “terrorism”.¹⁴ WMD terrorism remains a major concern for the international community – the disclosure that Al Qaeda leadership had met with Pakistani nuclear scientists in August 2001 alarmed U.S. political leadership shortly after 9/11.

Various forms of terrorism against the British mainland were considered, and mostly rejected. During the conscription crisis, Cathal Brugha reportedly desired to carry out terror attacks against the British population. The kidnapping of British political leaders was considered on several occasions, and reportedly even scouted by members of IRA

¹² Mulcahy Papers, University College Dublin Archive, P7/D/42, P7/D/65 and P7/D/66.

¹³ David O’Donoghue, *The Devil’s Deal: The IRA, Nazi Germany, and the Double Life of Jim O’Donovan* (Dublin: New Island Press, 2010).

¹⁴ Mulcahy Papers, University College Dublin Archive, P7/D/1, P7/D/42.

intelligence.¹⁵ While attacks were carried out on the mainland, they were comparatively restrained. The most notable was the burning of the Liverpool docks in November 1920, which caused massive damage but no casualties.¹⁶ Later IRA campaigns used explosive attacks in the U.K., aimed at infrastructure, civilians, or media coverage – with significant negative effects on their support in Ireland and abroad.

Other technologies not initially available to Irish combatants included motor vehicles and aircraft. The Royal Irish Constabulary (RIC) and British Army could move relatively quickly on Ireland's road network given the availability of motor transport. This mobility was critical, as a series of IRA raids beginning in January 1920 forced the police to retreat from rural barracks and stations. Reliance on the roads also constituted a vulnerability, as it made operations relatively predictable, and created opportunities for ambush. The use of armored cars to escort convoys partially addressed this problem, and both the British and the Free State armies relied on them to provide protected firepower that could withstand virtually any weapon available to rebel forces.¹⁷

The British government, and particularly Winston Churchill, discussed the proper way to use aircraft to support the security forces.¹⁸ For much of the conflict, available aircraft were unarmed, and lack of proper radio equipment limited their utility for surveillance of the countryside. Aircraft were used to move key personnel, and to provide an air mail service, but coordination of ground and air services remained inadequate. Given the use of aerial bombing against Kabul in the Third Afghan War and against the “Mad Mullah” in Somalia, this restraint appears to have been deliberate policy. The combination of aircraft and mobile troops became a critical element of “air policing” in the Middle East and Northwest Frontier Province just a few years later.

Organization and Operations

The Irish cause was aided significantly by the existence of three pre-war institutions: the Irish Volunteer organization, Sinn Féin and the IRB. The Volunteers provided both staffing and organizational experience for a generation of rebels. Sinn Féin was both a source of political thought and debate and a viable political party. The IRB was instrumental in penetrating and facilitating both of the other organizations, as well as having an important connection to Clan na Gael in the United States that was important for financing, arms, and intelligence.

The lack of coordination between these three organizations helped doom the Easter Rising. The need for secrecy crippled efforts to secure German arms, undermined preparation and mobilization once discovered by Volunteer leadership, and precluded the kind of political preparation that might have created a larger problem for Dublin Castle. The solution reached in early 1918 was the formation of a General Headquarters Staff to help manage the countrywide Volunteer effort.¹⁹ The staff was critical in several respects.

¹⁵ Tim Pat Coogan, *Michael Collins: The Man Who Made Ireland* (Niwt, CO, 1992), 183-4; Mulcahy Papers, University College Dublin Archive, P7/D/66.

¹⁶ Peter Hart. *The I.R.A. at War 1916-1923* (Oxford: Oxford University Press, 2003), 141-177.

¹⁷ W.H. Kautt, *Ambushes and Armour: The Irish Rebellion 1919-1921* (Dublin: Irish Academic Press, 2010).

¹⁸ Charles Townshend, *The British Campaign in Ireland 1919-1921: The Development of Political and Military Policies* (Oxford University Press, 1975), 170-171.

¹⁹ Richard Mulcahy, “The Irish Volunteer Convention 27 October 1917”, *Capuchin Annual Vol. 34* (1967), 408-409; Maryann Gialanella Valiulis, *Portrait of a Revolutionary: General Richard Mulcahy and the founding of the Irish Free State* (Lexington, KY The University Press of Kentucky, 1992), 24-33.

First, it could manage scarce resources – albeit often to the dissatisfaction of forces in the field. Second, it acted as a clearinghouse for best practices, which were disseminated both through formal reports and through the Volunteers news outlets. Third, it provided a formal chain of command and line of communication with the Dail through Mulcahy's regular meetings with Cathal Brugha²⁰. Finally, it integrated the efforts of the IRB into the broader conflict due to the role of Michael Collins as both director of intelligence, Minister of Finance (in the Dail), and President of the IRB.²¹

The role of the staff is probably under-recognized. Field commanders resented the lack of resources available and the demands for administrative reports. The latter also created a security hazard – on several occasions, large caches of documents were captured by British authorities. The staff was incapable of functioning with either the efficiency or authority of a modern conventional staff organization, or of “running” the war in the periphery (especially Cork).²²

However, that is an unrealistic expectation. What the staff could do was distribute limited resources according to policy, act as a clearinghouse for information and experience, define priorities, and set common policies on issues from treatment of informers to reprisals. It acted as an interface with the Dail – an admittedly rough form of civil-military relations and civilian control, but an important element for both coordination of effort and for legitimacy. Furthermore, the legitimacy of the staff and its role as the military-professional element of the civil-military debate was accepted by forces in the field, as demonstrated in the refusal of division commanders to accept De Valera's New Army proposal in November 1921.²³

The importance of staff work in irregular war is under-studied. It is, often, subsumed in assumptions about Maoist models of insurgency, where the Party is the central authority, and takes responsibility for what a staff might normally do. Maoist models predict that the revolutionary forces will take an evolutionary path from irregular to regular troops, which in turn will “naturally” create an appropriate staff. The GHQ, while far from operating in a Maoist fashion, filled this role in the emergence of the Irish Free State. Despite not having direct control over the majority of the forces of the IRA from the war of independence, the GHQ staff was able to assemble, train, and direct a new conventional force that was sufficient to defeat its anti-Treaty opponents despite being outnumbered initially and, at times, outgunned. Due partly to the powerful personality of General Mulcahy, it not only guaranteed the military success of the Free State, but also responded appropriately when elements of the Army challenged state authority in the Army Mutiny.²⁴

The role of the GHQ staff was particularly important given a second major change – the decision by the Volunteers to shift from a uniformed conventional force to an irregular territorial construct. The elimination of uniforms had legal, symbolic, and practical implications for the Irish side. Legally, troops fighting without uniforms can be treated

20 Interview with Risteard Mulcahy, September 2013.

21 Coogan, *The Man Who Made Ireland*; Peter Hart, Mick: *The Real Michael Collins* (London: Penguin, 2005).

22 Nuanced arguments about the role of GHQ can be found in Michael Hopkinson, *The Irish War of Independence* (Montreal and Kingston: McGill-Queen's University Press, 2002), 16-18, 75-78; Charles Townshend, *The Republic: The Fight for Irish Independence* (London: Allen Lane, 2013).

23 Townshend, *The Republic*, 326-331.

24 Valulis, *Portrait of a Revolutionary*, 199-220.

very differently by their captors. Symbolically, not being able to field a regular force might have weakened the new Dail's claims to legitimacy. Two previous revolts that had been successful against Britain – the American Revolution and the delayed success of the Boer War – had both been possible in part because the rebel forces kept an army in the field for much of the conflict. Having a chain of command, with a formal line of authority and “officers”, provided an important indicator of legitimacy and accountability to both domestic and international observers. It also provided the command and control necessary to keep the disparate units of the movement relatively coordinated in an island-wide campaign waged at various levels of intensity. Less formal structure, combined with non-uniformed troops and locally elected officers, might have resulted in a much less effective campaign and much more fragmentation – a recipe that has led to erosion of central political authority and the creation of powerful local warlords in other struggles. Additionally, the British discovered new organizational elements that were effective in combating irregular forces. Neither the RIC nor the Army were prepared for the problem posed by the new IRA. In response, the British attempted to form elite paramilitary forces – the “Black and Tans” and Auxiliary Corps – to supplement existing forces. The concept was sound, but the utilization of British former army in Ireland to supplement a rural indigenous police force had clear disadvantages. The failure to put these forces under military command, or to unify the police and the military under a single command, was a major flaw.²⁵ In Northern Ireland, local police forces (the B-Specials) proved very effective in suppressing the IRA. Veterans of all of these units later played important roles in imperial policing in Palestine and India. The experience of Sir John Anderson in Ireland was particularly important in helping to put down a revolt in Bengal that consciously attempted to imitate the tactics of the IRA and Dan Breen.

Social and Political Change

The changing social and political environment created opportunities for significant innovation in strategy. Contemporary writing on irregular war was conceptually limited.²⁶ Callwell focuses on the 19th century European experience of conquering and controlling new imperial holdings. The primary emphasis is on the frugal use of limited military force to rapidly defeat rebel forces in the field, and on collective punishment and destruction of infrastructure to deny rebels shelter, support, or the ability to regroup. This advice was used effectively to suppress the Easter Rising.

Unsurprisingly, the new leadership of the Irish Volunteers were unwilling to repeat the mistakes of the past. They also were confronted with a series of problems – lack of arms and ammunition, uncertain domestic support, and lack of international support due to the Great War.

The Volunteers and Sinn Féin, however, found ways to overcome these problems and create a complex resistance effort. The lack of arms created an incentive for political activism – if Ireland could not rise militarily, it could elect rejectionist political leaders. The leadership and the rank and file of Sinn Féin and the Volunteers had considerable overlap – 30% in the Executive bodies of both organizations.²⁷ This overlap created

²⁵ The seminal study on British security efforts remains Charles Townshend, *The British Campaign in Ireland 1919-1921: The Development of Political and Military Policies* (Oxford: Oxford University Press, 1975).

²⁶ Charles E. Callwell, *Small Wars: Their Principles & Practice* 3rd edition (London: H.M.S.O, 1906).

²⁷ Mulcahy, “*The Volunteer Convention 27 October 1917*”, op. cit.; Michael Laffan, *The Resurrection of Ireland: The Sinn Féin Party 1916-*

opportunities for coordination of politics and military operations. It also helped create a mass movement across the Irish countryside – unlike the Rising, which was organized by a secret cabal and carried out in a single locale, Irish resistance in 1919 was national. This network of national resistance actually mirrored earlier conceptual writings by nationalists, including James Fintan Lalor and Bulmer Hobson. The concept of an organized Irish nation, carrying out protracted resistance in the political, military, and economic arenas, was particularly powerful because it was exactly the contingency that Callwell's book on small wars did not address. Callwell mentions guerilla war, but primarily to warn readers to avoid it at all costs. "Guerilla warfare is what the regular armies always have the most to dread, and when this is directed by a leader with a genius for war, an effective campaign becomes well-nigh impossible."²⁸ The combination of guerilla war with protracted resistance had occurred in the British experience at least twice before – in the American Revolution (barely mentioned in the book) and the Boer War, as well as by the French in Algeria.²⁹

The Irish leaders gradually adopted this exact pattern– escalating violence, growing nationwide resistance, and a demonstrated ability to survive reprisals and even military administration. The Irish, capitalizing on thirty years of emerging ideological consciousness, the collapse of Home Rule, gross British political incompetence in the conscription crisis, and their own military weakness, almost accidentally discovered an extremely effective form of war which flummoxed the British Empire. The creation of broad-based political movements to support revolution or resistance remains an effective strategy for non-state actors even today, and some would argue that it is almost an archetype for success.³⁰

The overlap between Sinn Féin and the Volunteers also created a powerful political movement that became, again through British error, a shadow government. The assembly of the Dail in January 1919 created a sense of political legitimacy and dignity, and demonstrated the effectiveness of Sinn Féin's political machine. Ensuing elections saw Sinn Féin win handily in county and town councils. As the RIC withdrew from exposed outposts, Sinn Féin established political courts, and eventually Republican police, effectively displacing the legitimate authorities and establishing control over the sources of law and order. The IRA's flying columns similarly contested the countryside, further undermining British authority, and the Dail set up a National Loan under the Ministry of Finance, which secured (and hid) enough money to pay for the costs of the war.

In addition, Sinn Féin formed a powerful information arm. Taking advantage of the openness of both the British and American press, the Sinn Féin (and Volunteer) Information departments fought a propaganda war with the British government. Sinn Féin also set up international offices and "ambassadors" in European states to get their views aired elsewhere and to gain possible support. The battle for public opinion was also carried on at the military level – brigade level officers were tasked to identify all reporters and journalists in their areas and to influence their coverage if possible.³¹

¹⁹²³ (Cambridge: Cambridge University Press, 1999), 116-121; Dorothy Macardle, *The Irish Republic* (New York: Farrar Strauss & Giroux 1965), 230-236 incorrectly dates the Volunteer convention as 19 November 1917.

²⁸ Callwell, *Small Wars*, 126.

²⁹ Callwell, *Small Wars*, 31, 37, 99. The last cite specifically states "It may be accepted as a general rule that guerilla warfare is the most unfavourable shape which a campaign can take for the regular troops."

³⁰ Max Boot, *Invisible Armies* (New York: Liveright Publications, 2013), 246-259.

³¹ Mulcahy Papers, University College Dublin Archive, P71A/18.

Public opinion, however, ultimately failed to impact international diplomacy. Despite dedicated efforts in the U.S. and Paris, Sinn Féin “ambassadors” to the Peace Conference at Versailles were unable to secure the support of the U.S. or any other government for Irish independence. Funds raised privately in the U.S. did not, for the most part, reach Ireland during the war. No state ever provided formal support for the IRA, in terms of weapons and training. Ireland’s information war, ultimately, had its most important impact within the United Kingdom, carrying the contest for political legitimacy to the English home front.

The Total is More than the Sum of its Parts...

The key innovation in the Irish case was not so much individual instances or examples, but the synergy of the whole. The Irish created an entirely new political-military system which posed great enough challenges to British rule to force negotiation and enable political concession.

Irish revolts in the nineteenth century had been haphazard events, vulnerable to police infiltration and based on secret organizations and cabals. The key advances in Irish nationalism were made in the cultural arena and through constitutional politics – but those political advances were always enabled by some threat of violence, whether in the form of the Land League, the “dynamite men”, or the IRB. As Florrie O’Donoghue has written, however, Irish revolts tended to emphasize secret mobilization and then the casting of all the resources of the movement into battle immediately.³² Revolts would succeed or fail on the first battle.

The problem with this approach, of course, was Britain’s superiority in trained forces, resources, and firepower. Republican thought focused on Britain’s difficulty being Ireland’s opportunity, but when that difficulty emerged in 1916, it proved to be extremely disadvantageous for the rebels. Because Britain had moved to conscription, and was training multiple divisions in the homeland, it actually had far more available forces than it would have had before the war in 1914. As a result, the Rising – already crippled by divisions among the Volunteers – was held only in Dublin, and crushed there within a week. Even though the Irish population as a whole might have been sympathetic, it was not sufficiently mobilized to create an advantage or opportunity.³³

In 1918-1919, opportunity emerged in a different way. Faced with insurmountable military obstacles, Irish nationalism manifested itself in a new Republican ideology and a more coordinated political-military relationship. The new military construct mobilized large numbers of potential fighters, but put very little of that strength in the field at any time – creating a protracted war, rather than a more symmetrical challenge that could be resolved decisively through conventional military operations.³⁴

The dissonant advantage of limited military force was the possibility of calibrating it for maximum political effect – enabled by closer cooperation with political leadership. Violence in 1919 was extraordinarily targeted and effective, at least until the potentially

³² Florrie O’Donoghue, *No Other Law* (Dublin: The Irish Press, 1954), 68-74.

³³ Charles Townshend, *Easter 1916* (London: Allen Lane, 2005).

³⁴ Florrie O’Donoghue, “*Guerilla Warfare in Ireland 1919-1921*”, *An Cosantoir XXIII* (May 1963),

game changing assassination attempt on Lord French in 1920. According to Mulcahy, the war didn't even start until 1920 – the intelligence operations before that were a different type of activity (the British might not have concurred, but they did not refer to events in Ireland as a small war until 1921).³⁵ In previous nationalist efforts, violence had not been coordinated with or controlled by political leaders, except in the most minimal ways. The new Republican machine, because of its overlapping political and military leadership, could tailor violence more effectively in support of political efforts. New information efforts could then spin the violence in support of the legitimacy of the overall campaign. British efforts to escalate their response invariably lagged behind the efforts of the IRA, which proved both resilient (large numbers of officers imprisoned) and responsive (flying columns to employ men on the run and seize control of the countryside, new metrics for success in public venues, different urban tactics, and the occasional major attack for political effect – Bloody Sunday and the Customs House).

The Irish responded effectively to defeat in 1916, and created an adaptive organization that barely managed to stay ahead of British security efforts long enough to convince British leadership to opt for a negotiated peace. In this respect, it was lucky – Irish adaptation worked in part because Ireland remained a part of the United Kingdom. As a result, the British did not respond the way they did in other parts of the empire and rejected from both martial law and significant military intervention until the crisis had gotten out of control. The legitimacy of the Dail was based on the British electoral system, which provided a democratic rationale for eventual negotiation and resolution in the spring of 1921. If the IRA had attempted similar efforts in, say, Armenia at that time, they might have been decidedly less successful.

The ultimate effect, however, was to create a successful political-military model that has been imitated and replicated in a variety of forms. Careful political mobilization, strategic coordination and calibrated use of violence, and a willingness to indicate the ability to fight a protracted war is a powerful disincentive for an outside power.

That said, Britain also found at least partial solutions to this new military approach. The inadequacy of the police intelligence system was supplemented by the use of military intelligence. Police were supported first by paramilitaries – some of whom were quite effective – and later by the army itself. The army learned basic patrolling capabilities and successfully contested the countryside in 1921. The effectiveness of some practices, and the promise of others (air power, armored cars), became fundamental in securing new areas of the Empire in the 1920s. Irish police and civilian officials helped police the empire throughout the interwar period. Ironically, the lessons of the Irish experience were not carefully codified into the small wars manuals of the 1930s. When Britain needed to invite successful rebellions in occupied Europe in the 1940s, however, Ireland became the model – and the members of the Special Operations Executive who helped start those rebellions against the Axis in 1939-45 were, in many cases, tasked to restore order in those regions in the early Cold War.

³⁵ Mulcahy Papers, University College Dublin Archives, P7/D/66.

Conclusion

Military innovation in Ireland from 1916-1923 suggested the contours of future irregular wars in the colonial world, as occupied peoples developed a national consciousness and sought ways to effectively combat stronger militaries. These changes have not been adequately captured in the literature on military innovation and military revolution, at least in part because that literature focuses on state vs. state conflict. Many of the forces which facilitated dramatic shifts in state power also enabled new capabilities for non-state actors. While not decisive in the operational realm, new weapons, ideas and organizational concepts provided rebels with a different menu of options to contest occupation through militarized national resistance. This approach has proven very effective in a range of different insurrections in the post-Cold War era. Since “war” is not solely conventional, and today’s wars are a mix of both conventional and irregular operations, greater attention to innovation in irregular wars is useful and relevant. The Irish case remains an excellent place to start.

Key Appointments and the Transition of the Irish Volunteers, the Irish Republican Army and the National Army (1913-23).

ABSTRACT

The availability of records from the Bureau of Military History 1913-1921 (BMH) and the Military Service Pensions Collection 1916-1923 (MSPC) described as “the most important ‘official’ repository of revolutionary memory”¹ has facilitated a more detailed insight into the individuals and organisations involved during the revolutionary period². Research carried out by current Military Archives staff and attempts in the 1920s by the Military Archives staff on GHQ and the identification of key appointments were aided by access to the firsthand knowledge of veterans, the events that took place during the period 1913-1923³ and primary sources held by the Military Archives. The transition from Irish Volunteers (IV) to Irish Republican Army (IRA) to National Army (NA) /Defence Forces (DF) between 1913 and 1923 is also referenced in this paper. This paper will identify the key appointment holders from the formation of the IVs, the IRA and the NA from the foundation of the IV in November 1913 until formal legislation was put in place in 1923 to appoint the Officers of the National Forces to commissioned rank in Óglaigh na hÉireann with effect from 1st Oct 1924⁴. This paper will also examine briefly the transition from revolutionary force to National Army, the influence of ex British Forces personnel in the forces and the administrative challenges managing both a revolutionary and newly formed state Defence Force. This paper has utilised a range of sources including the BMH, the MSPC, early submissions of Military Archives staff⁵ and the Mulcahy Papers, in addition to published sources regarding the composition of the key appointment holders, the basic organisational structure of GHQ and its predecessor HQs and committees from 1913. Early contributions from Mr Thomas Galvin from the Military Archives ‘Memorandum on the General Staff’⁶ and suggestions from individuals with access to records from the period form a key part of this paper. More recent contributions from staff of the Military Archives were also referenced and utilised.

1 Crowe, C ‘Guide to the Military Service Pensions Collection 1916-1923’, Óglaigh na hÉireann, 2012.

2 The BMH collection was initially released in 2003 and in digitised format in August 2012. The Military Service Pensions Collection (MSPC) was released on a phased basis commencing in January 2014..

3 Previous submissions from Military Archives staff and correspondence from government Departments in the 1920’s in relation to the Irish Volunteers and key appointments of the General staff are based on years of access to valuable primary sources. More recent work including text used for Military Archives exhibitions including the National Army Census 1922, the Irish Volunteer Exhibition 1913-1918 and Case Studies of the 1916 Rising which were developed by the current archivists employed in the Military Archives.

4 Section 10 of the Defence Forces (Temporary Provisions) Act 1923.

5 Galvin, “Memorandum on the General Staff”, Military Archives, 31st Oct 1925

6 Mr McDunphy, Assistant Secretary to the Executive Council, Major Ryan, Officer I/C Staff Duties, Office of Adjutant General

The Formation of the Irish Volunteers 25th November 1913⁷

The article 'the North Began' published in *An Claidheamh Soluis* by Professor Eoin MacNeill on the 1st November 1913, calling for establishment of the Irish Volunteers, set the agenda of a meeting in Wynn's Hotel, Dublin, 11th November 1913. Invitations were issued to a dozen men, and those in attendance established themselves as the Provisional Committee to regulate a new body to be called the Irish Volunteers. A decision was made that night to hold a public meeting in Dublin to formally establish the body and recruit members openly. The first of a series of public meetings was held in the Rotunda Complex, Dublin on the 25th November 1913. The manifesto of the Irish Volunteers was aired and enrolment forms were circulated amongst the crowd. Orders were issued to Dublin based Volunteers on the night, and the Provisional Committee established a Headquarters to coordinate the formal development of the movement beyond Dublin. A public meeting held in Cork saw MacNeill, as Chairman of the Provisional Committee, share the platform with local speakers.

The Irish Volunteers at this point had already contained a number of Irish Republican Brotherhood members often seen to favour a more radical approach intent on achieving a republic by physical means. MacNeill, a professor of Modern History in UCD was also not unaware of the reason behind his appointment in providing a less extreme face for the newly formed Irish Volunteers.

Members of the Provisional Committee met once a week to discuss the progress of the movement, the work of appointed sub-committees and to make decisions affecting finance, training, uniform, authority, recruitment and discipline. In May, heated exchanges took place between John Redmond, leader of the Irish Parliamentary Party, and Eoin MacNeill, Chairman of the Irish Volunteers, over control of the Volunteer movement and the appointment of Redmond nominees to the Provisional Committee. A decision was reached in June with Redmond securing the appointment of his 25 nominees, thereby taking control of the movement. The General Staff had its origin in this committee⁸. By July 1914, Colonel E Cotter, was appointed Chief of Staff according to the Memorandum on the General Staff although Bulmer Hobson listed Colonel Maurice Moore as the head of Military Staff⁹. Colonel Cotter would remain in the Volunteers for only a short period before returning to England in September 1914 for personal reasons. The first convention of the Irish Volunteers was held on 25th October 1914 at which an executive was directed to make arrangements for the election of representatives for the various counties to a general council¹⁰. The General council was to then create at the earliest opportunity a Military Council to divide Ireland into Military Districts¹¹.

The first meeting of the General Council was held on the 6th December 1914 which was attended by the following delegates:

⁷ Text partially extracted from the Irish Volunteers exhibition 1913-1918. The exhibition was developed by the Military Archives to mark the 100th anniversary of the forming of the IV on 25th November 1913.

⁸ Mulcahy, Richard, *The Irish Volunteer Convention 27th Oct 1917*, Capuchin annual 1968 p409. Mulcahy cites March 1918 as the meeting which the Vol National Executive established General Head Quarters which included Richard Mulcahy as Chief of Staff.

⁹ Col Edmond Cotter is referenced by Bulmer Hobson in his witness statement (WS 50) as being a staff officer of Col Maurice Moore who he cited as holding the appointment of head of Military Staff. Diarmuid Coffey WS 1248 outlines Moore as Military Head of the Volunteers with the appointment of Inspector General. Coffey states in his witness statement that Cotter held the appointment of Chief of Staff.

¹⁰ Eligibility of County representatives to the General Council was conditional on there being three or more Corps although the strength of a corps is not given.

¹¹ Memorandum on the General Staff, Military Archives, 31st October 1925.

Eoin Mac Neill	Chairman	M.J. Judge
<i>The O'Rahilly</i>	<i>Treasurer</i>	<i>Sean Mc Dermott</i>
<i>Bulmer Hobson</i>	<i>Secretary</i>	<i>S.R. Etchingham (Co Wexford)</i>
<i>Sean Fitzgibbon</i>		<i>T. Mac Curtain (Cork City)</i>
<i>Seamus O'Connor</i>		<i>P. Hughes (Louth)</i>
<i>P O'Riain</i>		<i>F. Lawless (Dublin)</i>
<i>P.H. Pearse</i>		<i>A. O'Connor (Kildare)</i>
<i>T. Mc Donagh</i>		<i>E. Commerford (Kilkenny City)</i>
<i>P Macken</i>		<i>J. Ledden (Limerick City)</i>
<i>E. Ceannt</i>		<i>P. McCann (Tipperary)</i>
<i>P Beasley</i>		<i>E. Daly (Dublin City)</i>

The following appointments were made to the executive council at this meeting although subsequent changes would occur in February and April 1915 with the appointment of The O' Rahilly as Director of Arms and John Fitzgibbon as Director of Communications.

Director of Staff	Eoin Mac Neill
<i>Director of Organisation</i>	<i>P.H. Pearse</i>
<i>Director of Military Operations</i>	<i>Joseph Plunkett</i>
<i>Director of Training</i>	<i>Thomas Mac Donagh</i>

The second convention held in the Abbey Theatre on 31st October 1915 was to further the "thorough organisation of the Irish Volunteers as a military body"¹² Bulmer Hobson's report on the convention identified a requirement to appoint a Headquarters staff consisting of the following appointments: Chief of Staff, Directors of Arms, Training, Military Organisation, Military Operations, Communications and a Quartermaster. The first meeting of the new Central Executive took place on the 3rd November 1915 at which time the General Staff were reappointed provisionally. Few changes to appointments were made with the exception of Capt J.J O Connell as chief of inspection on 10th November and Vice- Commandant John Fitzgibbon as Chief of Recruiting. The headquarters bulletin provided no changes in personnel up to Easter 1916.

The events of Easter Week would predominantly occur across Dublin, Ashbourne and Enniscorthy although 817 action sites from Easter week were identified using the MSPC records. These actions included disrupting communications, destruction of railway lines, knocking bridges, safeguarding and removing arms and ammunition, dispatch-carrying and isolated incidences of exchanges of fire between Volunteers and Crown Forces. Following the Rising, over 3,200 prisoners were processed through Richmond Barracks. While many were quickly released, over 1800 would be interned for long periods in Great Britain including Knutsford, Stafford, Wakefield, Wandsworth, Glasgow, Woking, Lewes and, possibly the most-known of all Frongoch.

¹² Hobson, B, Extract from Secretaries report, Memorandum on the General Staff, Military Archives, 1925

The release of deported internees from England and Wales commenced in December 1916, culminating in a final release of internees in June 1917. The status and welfare of internees was supported by the Irish National Aid and Volunteer Dependent's Fund throughout this period, which had regional branches throughout Ireland. Internees returned to a structure in need of reorganisation, change and strong leadership. Preparatory work in organising the forces and maintaining focus was undertaken by Organisers, including Diarmuid O'Hegarty who was interned for only 17 days in Knutsford Prison and one of the first to get to work in reorganising post 1916. ¹³A Convention (the Third Convention), presided over by Éamon de Valera, was held in Croke Park on the 19th November 1917 where a new Executive was elected and directorships formed, including two new senior appointments: Director of Intelligence and Director of Engineers. The Military Archives memorandum on the General Staff dated¹⁴ details the appointment of a new Head quarter Staff including Cathal Brugha as Chief of Staff. This Memorandum lists Cathal Brugha as holding the appointment of Chief of Staff until the appointment of his successor Richard Mulcahy¹⁵ alongside Michael Collins as Adjutant General and Diarmuid O'Hegarty as Director of Organisation. The Memorandum was reviewed by Michael McDunphy, Office of the Executive Council¹⁶ who identified a number of omissions but added that his suggestions were 'by no means an exhaustive examination'¹⁷. The naming of Cathal Brugha as Chief of Staff in the memorandum includes a question mark in one instance although it wasn't questioned in writing despite an invitation requiring clarification by a reviewer. The claim that Brugha was appointed Chief of Staff, referenced in Beasley's book *Michael Collins and the making of a New Ireland*, was disputed. General Mulcahy in his papers, housed in UCD Archives, wrote that post-rising, 'no one could be considered to be in Command of the Volunteers but in the absence of other people during imprisonment and internment, he (Cathal Brugha) would be in Dublin, looked to as the principal councillor and adviser in relation to volunteer matters'¹⁸. The Mulcahy papers also refer to Brugha as having held the appointment of Chairman of the Irish Volunteers but no reference to the appointment to his being Chief of Staff.

Election success in 1917 continued throughout 1918, with further gains for Sinn Féin in the General Election 14th December 1918. The executive appointed on 19th November 1917 were to manage and operate the Irish Volunteers until powers were handed over in December 1918 to Dáil Éireann. The inaugural public meeting of Dáil Éireann was held on 21st January 1919, in recognition of the election result. The Irish Volunteer Executive, as an autonomous Military entity, ceased to be the authority directing Irish Volunteer affairs from that date, with power being transferred to the Ministry of Defence, under Richard Mulcahy as the first Minister.

The transition from the Irish Volunteers provided greater challenges than merely a name change. The newly named IRA now undertook a transition from Volunteer executive into a

¹³ MS 592 outlines the release of Diarmuid O'Hegarty in May 1916. MSP24SP6568 outlines Diarmuid O'Hegarty in Knutsford Prison from 1st May 1916 – 18th May 1916.

¹⁴ 'Memorandum on the General Staff', Military Archives, 31st October 1925, p4

¹⁵ 'Memorandum on the General Staff', Military Archives, 31st October 1925, p5

¹⁶ Michael McDunphy would also hold the position of Assistant Secretary to the Irish Government 1922-1937 and Director of the Bureau of Military History from its inception in 1947.

¹⁷ Letter to Major Ryan, Office of Adjutant General from M McDunphy, Department of the President in relation to Memorandum of General Headquarters dated 1st December 1925.

¹⁸ The questions of the Chief of Staff Position, Mulcahy Papers, UCDA/P7/D/96

more formalised military structure albeit constrained by the nature of guerrilla warfare for which it would largely focus its tactics upon. Through circulars and *An tÓglach*¹⁹, GHQ attempts to communicate with units across the country were not always received with enthusiasm. Evidence of disharmony in centralised command and taking orders from headquarters can be seen when Tom Barry described one HQ document as being 'so divorced from the realities of the situation in the south that most of us were in an angry mood.... which were more suitable for issue from the Headquarters of an established, regular army such as the British, French or American forces...'²⁰. Correspondence in the Collins Papers would indicate that the level of control by GHQ extended to a wider range of areas including amalgamation of units, discipline, property, and personnel issues among other areas which possible could lead to the frustration felt by some local leadership as referenced by Barry. Evidence of local administrative challenges for Brigades is highlighted by Commandant Art O'Donnell of the West Clare Brigade who placed the blame on Company officers for not responding to requests for reports²¹.

General Orders from GHQ were issued to cover any foreseen eventualities including guidance on more serious matters including the imposition of death penalties without authorisation, emigration, female spies, association with the enemy in addition to general administration as would be associated with a regular full time military. The restricted and inhibited communication through assembled parades or through open correspondence reinforced the challenge of developing a connection with the units across the country. This is evidenced when D O'Ruairc in communication with Collins in late 1919 about the necessity to attend the General Convention as O'Ruairc outlines he is 'under suspicion' and his attendance likely to let the 'cat out of the bag'²². The periodical *An tÓglach* provided one such medium to communicate with distant units to include notes from Headquarters which dealt with routine training features including the importance of weapons cleaning and instruction on field craft and demolitions. Although there is scope for a more detailed study to understand the role of GHQ, Eunan O'Halpin outlines it was 'clear that GHQ consistently sought to provide direction and encouragement to the IRA throughout the country, and that by 1921 they were succeeding in establishing general policy, of supplying weapons, and of dispatching organisers to ginger up quiet areas like Cavan or to provide advice and guidance to places like South Tipperary, where there was a clear willingness to fight'²³.

British Army Influence

Recognition of the potential contribution of former British Soldiers in training was also evident when newly recruited British Forces veteran volunteers were placed in positions of responsibility for training. This was the case for Lt Col Paul from Waterford who joined the Volunteers after he was demobilised in early 1919:

The Company Commander knew, of course, of my service in the British Army and I suppose for this reason selected me to help with the training of the Company.

19 *An tÓglach* would be the official periodical of the IV/IRA from 1918-1922 at which time it continued as the official periodical of the National Army/Defence Forces until 1933

20 Mulcahy Papers, UCD Archives, P7/A/17, 13 April 1921

21 Correspondence between Michael Collins, AG and Bde Comdt Art O'Donnell, 1919, MA/CP/02/32.

22 Collins Papers, Military Archives, MA/CP/02/20.

23 O'Halpin, E, in Hodson, Thomas (ed.), '*Chiefs of Staff in Historical Perspective, the Portrait of the Irish Defence Forces*', (Dublin, 2011), p.18.

Despite an initial reluctance about his appointment as Battalion Commander on account of his short service with the Irish Volunteers, then Lt Col Paul continued to position former British Servicemen in training positions “Hunting round, I found that there were quite a few other men who had seen service in the British Army during the war like myself, and I arranged to take advantage of their training by having them appointed as instructors.”²⁴ Many of the Irish National Volunteers who split and fought in World War 1 would return and take an active part in the War of Independence and later join the National Army. By 1923, 1163 Officers in the National Army are listed as having British service²⁵. Michael Collins acknowledged the contribution ex British Officers of wide experience could provide ‘if we could get the right type’²⁶.

Key Appointments and Discrepancies.

Early attempts to list key appointments for the period 1913-1924 were undertaken in the mid- 1920s and 1930s by individuals with personal knowledge and familiarity with the various individuals and organisational structures. It is for this reason that these early attempts are referenced regularly although some small discrepancies in dates are evident even from the subject individuals when asked to list their appointments, albeit with minor variations in most cases.

One such small variation refers to General Mulcahy, who stated in his Military Service Pension Application that he was Chief of Staff from December 1917 or ‘possibly January 1918’. Other small variations relate to General Mulcahy who said he “ceased to be Commander in Chief the day before the nominations for the 1923 Election”²⁷. A letter from the Department of An Taoiseach to the Department of Defence indicated that the records provide the date as 3rd August 1923 marking the date of the passing of the Defence Forces (temporary provisions) Act 1923, providing a variance of only 14 days. An abstract from the personal file of General Mulcahy provided a date of 8th or 9th August 1923.

BMH statements also differ on the appointments of Cotter and Moore as Chief of Staff. The position of Chief of Staff is not defined: it could refer to the most senior staff officer under a Commander, or to the most senior uniformed officer. Military Appointments and responsibilities throughout the period from 1913 to 1921 are often hard to tie down, due to inadequate records, the frequency with which senior personnel changed roles and titles, and changes in the responsibilities of individual office-holders. It should also be noted that the position of Chief of Staff was not the most senior uniformed military position when the appointment of Commander in Chief was in place as was the case for the period 1922-1923 when Generals Collins and Mulcahy held the position.

The following tables provide a list of key appointments in the Irish Volunteers for the period 1913 until after the rising and from late 1917, prior to appointment of General Richard Mulcahy as Chief of Staff in December 1917/January 1918.

²⁴ BMH WS 0877 Lt Col PJ Paul, Bureau of Military History, Military Archives.

²⁵ ‘Ex British Servicemen in Commands and Services, 1923’ Military Archives.

²⁶ Letter from Michael Collins to Chief of Staff dated 12 Dec 1921, UCDA, Mulcahy Papers, P7/B/153

²⁷ Letter to Mr Brady from Dept of An Taoiseach dated 12 September 1960 in relation to MS/592 ‘Memorandum on the General Staff’.

Name	Appointment	From	To
Colonel Edmond Cotter/ Maurice Moore	Chief of Staff Irish Volunteers	July 1914	September 1914.
Professor Eoin Mac Neill	Director of General Staff	6th December 1914	3rd November 1915
Professor Eoin Mac Neill	Reappointed Chief of Staff	3rd November 1915	Easter 1916
Cathal Brugha	Chief of Staff / Chairman	November 1917	Referenced as Chairman of Resident Executive and chief coordinator of the IV in Dublin in the Mulcahy Papers.

A letter written on behalf of the Officer in Charge, Military Archives, Col JJ O'Connell would outline to the Secretary of the Military Service Pensions that he believed "a G.H.Q. staff was appointed almost at once- probably at the opening meeting on December 2nd 1917

Name	Appointment	From	To
General Richard Mulcahy	Chief of Staff	December 1917 , Spring 1918	10th January 1922
General Eoin O'Duffy	Chief of Staff	10th January 1922	23rd August 1922
General Sean McMahon	Chief of Staff	23rd August 1922	20th March 1924

Discrepancies are also listed in the appointment of Cathal Brugha as Chief of Staff from October 1917- April 1919 in the Dictionary of Irish Biography entry by James Quinn. Professor Ronan Fanning lists the appointment of General Mulcahy as Chief of Staff in March 1918 following a meeting to establish General Head Quarters (GHQ). In an extract from his personal file, General Richard Mulcahy is recorded as having held the appointment of Chief of Staff from either end of 1917 or the beginning of 1918.

General Eoin O'Duffy is listed as having taken over from General Mulcahy on the 10th January 1922²⁸ upon his appointment as Minister for Defence. Following a request from the Editor of *An Cosantóir*, Capt J Millar requested records from the Department of An Taoiseach of the list of appointment holders for Commander in Chief and Chief of Staff. The request to confirm appointments and dates followed a query in the 1960 February edition of the magazine in which the accuracy of the list was questioned. A letter of reply dated 12 Sept 1960 from Department of An Taoiseach outlines there was no authority

²⁸ *Chiefs of Staff, The Portrait Collection of the Irish Defence Forces*, History Press, 2011.

cited or appointments to the position of Chief of Staff during the period 10th January 1922 until July 1922. The Department of An Taoiseach added that, in the absence of evidence to the contrary, it was likely that General Mulcahy held the dual appointment of Chief of Staff and Minister for Defence until he was appointed Chief of Staff by the Provisional Government in July 1922. Correspondence from the Office of Chief of Staff on 4th and 22nd March 1922 are signed off by General Eoin O'Duffy as Chief of Staff. Letters dated 21st Feb 1922 are signed off by General O'Duffy as Chief of Staff to the Minister of Defence General Richard Mulcahy who replied on 6th March 1922 (unsigned). General Sean McMahon is listed as appointed as the Chief of Staff in September 1922²⁹ although official records in Iris Oifigiúil list the date as 23rd August 1922. Where discrepancies are found, the official record of Iris Oifigiúil is used for the period from July 1922.

Minister for Defence from 2nd January 1919 – 20th March 1924

Appt	Name	From	To	Notes
Minister for Defence	Richard Mulcahy	2nd Jan 1919	2nd April 1919	Memorandum on General Staff 31st October 1925, Mr Glavin, Military Archives. Date also provided as 22nd January 1919 by R Mulcahy in a letter dated 24th November 1924.
	Cathal Brugha	2nd April 1919	9th Jan 1922	Ref MS 592. Richard Mulcahy held the position of Assistant Minister for Defence.
	Richard Mulcahy	10th Jan 1922	20th March 1924	An alternate date of 19th March 1924 is also listed.

Appointments of Commander in Chief

Correspondence from the Department of An Taoiseach stated that there was no appointment of Commander in Chief prior to 12th July 1922³⁰.

Appt	Name	From	To	Notes
Commander in Chief	General Michael Collins	13th July 1922	22-Aug-22	
Commander in Chief	General Richard Mulcahy	23-Aug-22	17th August 1923	Alternate date of 3rd August 1923 provide by Dept of An Taoiseach ¹⁰ .

²⁹ Copy of abstract from personal file on 0.3774 General Mc Mahon, Séan.

³⁰ SI/4715 Letter from Dept of An Taoiseach to Mr Brady dated 12 Sept 1960.

The position of Chief of Staff became the most senior Military appointment following the departure of General Richard Mulcahy as Commander in Chief when the Defence Forces (Temporary Provisions) Acts 1923 and 1924 were enacted vesting authority of the Commander in Chief in the Minister for Defence.

Appointment of Chief of Staff post 1922

Discrepancies have been highlighted previously for the appointment of Chief of Staff during 1922. Correspondence from the Department of An Taoiseach to the Secretary, Dept of Defence on 12 Sept 1960 shows no record of official appointments as Chief of Staff between 10th Jan 1922 and 12th July 1922 and suggests that General Mulcahy held the appointment as Chief of Staff in the absence of any record until “12th July 1922 (when General Mulcahy was appointed Chief of Staff by the Provisional Government)”. The date for General Mulcahy holding the position of Chief of Staff until the 10th Jan 1922 is as per his entry in his MSPC application. Although a source was not found for the appointment of General Mulcahy in July 1922 using official records or referenced by General Mulcahy in his pension application, correspondence in the letter dated 12th Sept 1960 refers to his appointment as Chief of Staff in July 1922. In 2014 his son Professor Risteard Mulcahy wrote that his father had been appointed Chief of Staff on the 29th June 1922, following the attack on the Four Courts³¹.

Appt	Name	From	To	Notes
Chief of Staff	General Richard Mulcahy	Dec 1917	10th Jan 1922	9th January 1922 is also cited as date when he relinquished this position to take up appointment of Minister for Defence.
Chief of Staff	General Eoin O'Duffy	10th Jan 1922	23rd August 1922	Listed as paid as Chief of Staff until 17th Sept on abstract of personal file.
Chief of Staff	General Sean MacMahon	23rd August 1922	20th March 1924	Iris Oifigiúil, 17th November 1922, p129.

³¹ Letter to the Chief of Staff from Prof Mulcahy, received 29th Oct 2014.

Appointments of Inspector General

Appt	Name	From	To	Notes
Inspector Generals	Colonel Maurice Moore	01-Jul-14	6th December 1914	No provision for appointment of IG when GHQ was formed on 6th December 1914.
	Captain JJ O'Connell	10th December 1915		Duty of general inspection appears to have passed to COS. Defence Order 38 dated 1st December 1923.
	General Eoin O'Duffy	14th March 1924	13th February 1925	Irish Oifigiúil 18th March 1924. Resignation accepted by General O'Duffy.

Appointments of Adjutant General, Quartermaster General, Directors of Organisation, Operations, Training

Appt	Name	From	To	Notes
Adjutant General	General Michael Collins	c19th November 1917	1919	Listed as subsequent to 19th November 1917. Memo on General Staff 31st Oct 1925, Mr Galvin, Military Archives.
	Gearóid O Sullivan	1919	20th March	Memo on GHQ, Iris Oifigiúil p223. Collins Papers archivists note outlines lack of clarity of handover of position of AG from Michael Collins.
	Colonel Hugo MacNeill			Acting AG until 16th June 1924.
The Collins Papers catalogue notes a lack of clarity of handover of position of AG from Michael Collins. Letters signed MC can be attributed to Michael Collins as AG between October 1919 and January 1920. Some confusion as to authorship is also highlighted due to a lack of a signature.				

Appt	Name	From	To	Notes
Quarter master General	Bulmer Hobson	6th December 1914		Appointment was listed as Supply and Transport.
	Michael O'Hanrahan. (See note)		Easter 1916	First mention of QMG is report of second convention.
	Michael Staines	1917	1920	
	Fintan Murphy	1920	1st August 1920	
	Sean MacMahon	1st August 1920	15th September 1922	
	Colonel Commandant Sean Quinn	15th September 1922	29th January 1923.	Acting appointment
	Sean O'Muirthuille	29th January 1923.	20th March 1924	Iris Oifigiúil p223
	Colonel Felix Cronin	20th March 1924	16th June 1924	
Appt	Name	From	To	Notes
Director of Organisation	P.H. Pearse	6th December 1914	Easter Week 1916	End of appointment of Pearse as D Organisation is not stated.
		19th November 1917		Director of Organisation is not known although Richard Mulcahy outlines Collins held this appointment prior to 1921. This appointment also transitioned to Adjutant General.
	Diarmuid O'Hegarty	circa 28th October 1917	February 1921	
	Michael Collins			
	General C O'Duffy	February 1921	Jul-21	
	Major General Price	Jul-21	Sep-22	
	Diarmuid O'Hegarty	Sep-22	Mar-23	Letter from Mr P McDunphy provides the end of General Hegarty's military service as 16th May 1923.

Appt	Name	From	To	Notes
Director of Training	Thomas Mc Donagh	6th December 1914	Easter Week 1916	
	Richard Mulcahy	Aug-1711	Dec-17	
	Michael Collins		Spring 1918	
	Michael W O'Reilly	Spring 1918		MW O Reilly states he took over from Collins who held AG and D training position
	Richard McKee			
	JJ O Connell		Mar-22	
	Major General Dalton		Aug-22	
Appt	Name	From	To	Notes
Director of Operations	Joseph Plunkett	6th December 1914	Easter Week 1916	
	Vacant			
	Major General WRE Murphy	January 1923		IC Training and Operations G.S.O. (1)

Transitioning from the IRA to the National Army

The IRA Nominal Rolls (RO Series) provides a detailed breakdown of the organisation at two key dates (11 July 1921 and 1 July 1922)³². The RO series provides a breakdown of the organisation into 16 Divisions and 87 Brigades alongside two files dealing with the appointment of Chief of Staff, General Staff Officers, Commanders of the various directorates and the exercise of command by GHQ from 1919.

The use of the term Óglaigh na hÉireann has been contested since the start of the Civil War when a split in the forces occurred. Official Anti-Treaty IRA records captured by the National Army during the CW and held in Military Archives (Captured Documents Collection) show the anti-treaty forces using the term on their headed paper. The use of the term Óglaigh na hÉireann for the National Army continues to this day and was enshrined in the 1954 Defence Act. The central core of the HQ staff of the new National Army after the treaty in December 1921 came from the HQ staff of the IRA and contained most of the Senior Officers – Collins; Mulcahy; O'Duffy; O'Sullivan etc thus representing a transition from the IRA to the new Óglaigh na hÉireann.

The National Army provided the opportunity for the continuation of their service as a Volunteer Force which was loyal through successive Dáil maintaining the tradition of

³² 11 July 1921 is the date of the truce that ended the War of Independence, 01 July 1922 is the date recognised by the Military Service Pension Acts as the beginning of the Civil War.

volunteer service. The continuity of Óglaigh na hÉireann is also reflected, for example, in the name of the Army magazine, An tÓglach (“The Volunteer”), which started in 1918 and ran until 1933:

1. 21 Oct 1922, 'Progress', 'it has the same work that its parent body, the Irish Volunteers was created to do', 'The National Army is the legitimate successor of the Irish Volunteers and the Irish Republican Army...'
2. 28 Oct 1922 'Towards Peace', 'The Irish Army of to-day is the direct and legitimate descendent of the Irish Volunteers of 1916 and the I.R.A of 1920. It is bringing to completion the task initiated by the founding of the Irish Volunteers in 1913'.
3. 18 Nov 1922, 'Our Work', 'There has been no real break in the historic continuity between the force established in 1913 'to safeguard the rights and liberties of the whole people of Ireland' and the present National Army'.
4. 09 December 1922, 'Old and New', "There are two things which every member of the National Army should realize, viz:- First that we are not a brand new Army suddenly sprung up like mushrooms, but the legitimate heirs and successors of the Irish Volunteers of 1913 and 1916 and the I.R.A of 1920' and 'Secondly, that while we are the heirs and successors of the soldiers that served Ireland in those past few years, while most of the men in control of our Army are men who served their military apprenticeships in the ranks of the Volunteers and I.R.A., yet we are facing totally new conditions and cannot deal with them in the same way as the past'.

By October 1924, the term “Defence Forces”, with the translation Óglaigh na hÉireann, was being used instead of “Free State Army”. Legislation provided the formal legal standing for an army that was already in existence as evidenced by then Minister for Defence P Donegan who expressed reservations in relation to citing the start of the Army as 1924 ' I cannot, must not and will not agree to a 50th Anniversary celebration of the founding of the Army'. 'I do not know how I could explain to people who had been in the Free State Army prior to 1924 that they were in fact not in the Irish Army'³³.

A committee set up to review the 1963 anniversary regarded the Volunteers as the fountain head of the Modern Military Forces. During the 50th anniversary commemorations of the 1916 Rising, President De Valera spoke of 'Men of the old Army of the republic and men of the Army of today: some 50 years ago in a garden here at a public meeting was established the Irish Volunteers, an event whose consequences have been clearly seen through the last 50 years'³⁴. "It lead to the great organisation of the Volunteers, it lead to the uprising of Easter week, to the establishment of Dail Eireann, to the declaration of independence and finally to the freedom we in this part of Ireland have today".

In addition to continuities in military uniform from cap badges to tunic buttons, many Volunteers from the 1913-1921 era who continued to soldier after 1921 asserted the continuity of their service from the Irish Volunteers and the IRA, as the following extracts from the Bureau of Military History witness statements indicate: Henry S Murray outlines

³³ Donegan, P, Minister for Defence, DOD/3/63869

³⁴ An Cosantóir, 1966 commemorative edition.

in his BMH witness statement:

In October, 1917 I attended the Convention of the Irish Volunteers at Jones's Road, Dublin, as a delegate from "A" Company. This was a very well organised affair and there was great enthusiasm amongst the delegates. The holding of this Convention re-acted in a remarkable manner on the morale of the Volunteers as it was the first definite indication of the successful re-organisation of the Irish Volunteers as the national Army. From that time forward the work of organising, training and equipping the Volunteers to the best possible extent from the slender resources available was tackled with great energy. From this stage onwards the Irish Volunteers were regarded much more in the nature of a National Army in the eyes of the public and less of a secret military organisation. The vast majority of Volunteers welcomed the development of the compulsory oath as giving them the status of soldiers of the Government of the Irish Republic. I also record this incident because it represented the birth of a paid military organisation which later developed into permanent Army and is, therefore, of special historical significance.³⁵ Therefore I felt it a perfectly logical thing for me to devote my energies to the military side of the movement for national independence when the formation of the Irish Volunteers provided the opportunity. I had unbroken military service when I retired from the National Army in October, 1923 with the rank of Commandant³⁶. Patrick McElligott explained how he joined the National Army, retaining his rank of Commandant "Subsequently I joined the National Army and helped organise it. I formed a company in Listowel and occupied the old Workhouse. I held my rank as Battalion Commandant in the army and resigned in September 1923.³⁷

Administration of the National Army 1922

When the National Army was formed in 1922, there was no clear provision set down regarding the Strength or Establishment of the force. Under Article 8 of the Anglo-Irish Agreement, signed 6th December 1921, the Irish Free State could establish and maintain a military defence force. The only stipulation made with regard to strength was that the force "shall not exceed in size such proportion of the military establishments maintained in Great Britain as that which the population of Ireland bears to the population of Great Britain."

Administration of this pre-existing force proved to be a difficult task, which was exacerbated by the subsequent split in the force and the outbreak of Civil War between those who supported and who those who opposed the Anglo-Irish Treaty. A look at the Army Pay Corps in particular outlines some of the pressures facing the defence forces' administrative staff. Soldiers in the "Regular Army" had first been paid, or were entitled to be paid, on Saturday 4th February 1922 following the hand over of Beggar's Bush Barracks earlier that week. Control of pay was through the Army Pay Office and initially the principle was to issue no money to any man unless that man's Attestation Form came to the Pay Office first.³⁸ The Attestation Form recorded a soldier's number, rank, name,

35 WS Ref #: 601 , Witness: Henry S Murray, Officer IV and IRA, Dublin, 1914 - 1921

36 WS Ref #: 300 , Witness: Henry S Murray, Officer IV and IRA, Dublin, 1914 - 1921

37 WS Ref #: 1013 , Witness: Patrick J McElligott, Member IRB (1911) and IV 1914 - 1919; Commandant IRA, Kerry, 1921

38 "Memo on pay", 21st August 1922, Pay Department, Óghlaigh na hÉireann, Military Archives, A/6820.

unit and dependants and these records would have been instrumental in reckoning the size and make-up of the Army, while also determining necessary issues such as next of kin, required for notification of casualties.

However, the split in the force, extensive recruitment following the outbreak of the Civil War and the deployment of troops throughout the country conspired to overwhelm the Pay Office's early central system of administration. The localised nature of recruiting and demobilisation can be seen in wireless messages sent back and forth between GHQ and various Divisions which mirrored the process in place during the War of Independence. On 27th September 1922 General Officer Commanding Limerick discharged troops under his command informing GHQ after the fact. "Reservists discharged owing to fact that Government had taken no notice of repeated appeals to remove prisoners. Had no room for them in Jail unless we released Irregulars". Col Comdt M. O'Riain, Chief Pay Officer, records in his memorandum on pay an incident whereby 100 men of 1st Western Division were transferred to Dublin without the Pay Office being notified. The Pay Office's first knowledge of the transfer came in the form of a threat of what would happen if they were not paid by the following Saturday. The non payment of large bodies of troops also posed a risk in what were turbulent times which placed an urgent requirement to know the location and strengths of the National Army. Regional questioning of authority were reminiscent of GHQ attempts in the period 1920-21 to manage funds which Valiulis described as a chronic problem which plagued the Volunteers³⁹. During the War of Independence, raising of funds had been under a decentralised system with responsibility lying upon each Brigade to run collections to maintain its volunteers for the purpose of acquiring arms and sustenance⁴⁰. Unsurprisingly, a centralised system of administration would pose challenges until such time as the fledging new force established formal processes.

Without accurate information, Headquarters staff could not adequately estimate pay bills, feed, clothe or procure weapons or even determine how many troops they had at their disposal. By October 1922 the Army Council had decided that a Census of the National Forces would be taken as at midnight 12/13th November 1922. The Census was administered through the Office of Director of Organisation, then Comdt Gen Diarmuid Ó hEigceartaigh. A census form was designed to capture the required information, specifically: Regimental Number, Rank, Corps, Surname, Christian Name, Age, Home Address, Number on Pay Book, Date of Attestation, Place of Attestation, Married or Single, Religion, Next-of-Kin, Name and Address of Next of Kin and Remarks.

The Census forms were stamped with an individual number to ensure each form could be accounted for and were distributed to each of the General Officers Commanding. From this point they were further distributed to each post and outpost where a compiling officer recorded the details of each soldier at that post at midnight 12/13th November 1922. Completed returns were forwarded to the Director of Organisation by 21st November 1922 and providing a strength of circa 36,500 all ranks.

³⁹ Valiulis, MaryAnn, *Portrait of a Revolutionary, General Mulcahy and the founding of the Irish Free State*, Irish Academic Press, 1992.

⁴⁰ General Order 15, RO 601A, MSPC, Military Archives

Conclusion

This paper has provided an overview of the transition from the foundation of the Irish Volunteers in November 1913 through to the National Army providing details on the key appointment holders and dates the appointments were held. In cases of appointments made prior to 1922, we are reliant on their personal papers and testimony although some discrepancies remain albeit small in most instances. The appointments post 1922 are largely available in Iris Oifigiúil with some minor variances as outlined by correspondence from the Department of the President, Executive council staff and publications which differ on some dates and appointments. Ascertaining exact dates of appointments from c. 100 can be problematic for various reasons. These include the absence of clear minutes and records of decisions on appointments and responsibilities, conflicting information in different records, and the frequency with which some senior appointments and responsibilities changed under the pressure of circumstances, including the capture of senior officers. Such problems are hardly surprising when we consider that GHQ was attempting to establish clear control and uniform procedures not in peacetime, but when the forces were already at war. This paper has highlighted some of the administrative challenges faced by the IV, IRA and the NA. Also discussed has been the variety of conflicting sources on key appointments and the dates they were held. This is further emphasised when the individuals themselves were often unable to clarify exact dates demonstrating the challenge of recording the key positions c. 100 years later. The Military Service Pensions Collection alongside previously available sources such as the Bureau of Military History, the Collins Papers and the Irish Volunteer will no doubt fill in and add to the organisational structure of GHQ to include more detail and also assist in clarifying discrepancies which have been identified. As the centenary of the War of Independence approaches, the detailed analysis on the role of GHQ during the WOI will be greatly assisted by the Military Service Pensions Collection and Collins papers both of which will be available online or in the Military Archives reading room in Cathal Brugha Barracks, Rathmines, Dublin.

Waxing and Waning: Garrison Towns in Independent Ireland

ABSTRACT

The role of the military in shaping Irish society deserves serious scrutiny and should not be confined to the insurrectionary activities of paramilitary forces. Towns and cities across Ireland have hosted large numbers of regular, uniformed soldiers in purpose-built, large-scale barracks since 1698. Although theorists of the great institutions have ignored barracks in favour of gaols and lunatic asylums, Irish people frequently use the term 'garrison town' to describe an urban area with a large barrack. I will explain this term by defining and briefly describing garrison towns, from their heyday in the 19th century, to their checkered fate in the post-Independence period. The barrack network contracted suddenly in 1922, following the burning of many barracks by the anti-Treaty forces. This paper will explain how this unforeseen destruction undermined the economy and society of urban areas, and why this was important at a time when the new state was coming into being. The overbearing rural, Gaelic tone of the new state is frequently commented upon, but I would argue that this ideology came to the fore in part because urban culture lost vitality following the economic decline of garrison towns. Some barracks were rebuilt in the 1930s, and occupied during the Emergency and beyond. But most barrack complexes were too large, so portions of the land was reused for housing or sport. Distinctive landuse patterns emerged that explain the persistence of the term 'garrison town' in modern Irish parlance. Military heritage continues to cast a long shadow over Irish urban life.

Introduction

The term 'garrison town' is commonly used to describe an urban area adjacent to a barracks, but it also implies something more than geographical proximity. Similar to 'mill town' or 'mining town', garrison town is shorthand for an urban with identifiable, distinct economic, social and cultural characteristics that have been shaped by its barracks. Used in a denigrative sense, it suggests that a town and its citizens are somehow beholden to the military force stationed among them. While Dublin city hosted many large and small army barracks, because it was also the capital city and home of the Viceregal court, its relationship to the military merits separate treatment elsewhere. This article is concerned with provincial Ireland, where the very first barracks were built in the late seventeenth century. This article will discuss how profound the military influence was on Irish urban society. From high recruitment figures to the British army to the types of shops on the streets, garrison towns were shaped by the barracks they hosted. Few of the extensive barracks complexes built in urban Ireland remain. Some, such as that in Tipperary town, were abandoned after being burnt by anti-Treaty republicans, while those that were rebuilt following the incendiary 1920s, such as Ballincollig, have since been

closed. Imagining Irish cities and towns awash with uniformed soldiers is difficult now, but until the years after the first World War, the British army was part of everyday street life. Troops paraded to Sunday religious services, marched to and from train stations and performed manoeuvres and reviews in public parks. The barracks, though designed to foster a military culture by segregating soldiers from civilian society, was not cut off from the surrounding population.¹ Civilians visited military barracks for regimental sports days, to attend services in the garrison chapel, watch sensational court-martials or to dine in the officers' mess. But the destruction of many barracks during the Civil War had unforeseen effects on towns across Ireland, particularly in Munster, where militarism was deep-rooted. The intermeshing between military and urban society, established in the seventeenth century, was rudely severed by the burning of many barracks. Furthermore, the new Free State could not, and would not, support a large standing army once the anti-Treaty forces were subdued. How did towns manage the transition from garrison towns with busy barracks to sudden irrelevance? By contrasting provincial Ireland in the heyday of garrison culture with its twentieth-century decline, this article will show how Irish garrison towns fared in the new state.

The Barrack Network

Barracks, where large numbers of troops were accommodated and trained together, have a long history in Ireland. The first barracks in Britain capable of accommodating hundreds of men and horses were constructed in Ireland in the late 1690s in Cork, Limerick and Athlone.² A barrack was an innovative form of military architecture whose purpose was not primarily defensive. Unlike forts or castles built on high ground to guard and defend an area, a barrack was built to house soldiers. Before the construction of barracks, soldiers were billeted on the civilian population, living among ordinary families. Although troop numbers could be quickly expanded and contracted, the practice was unpopular and created discipline problems among the men.³ In Ireland, billeting was rejected as unsatisfactory earlier than in other parts of Britain because the crown's need for coercion was reinforced by the anxieties of a small, insecure governing elite. Indeed, the 'anachronistic' geographical location of the first barracks reflected how lobbying and patronage, rather than military strategy, influenced the situation of these buildings.⁴

It is helpful to consider how many soldiers were garrisoned in Irish nineteenth-century barracks, even if the figures varied annually according to imperial demands or opaque War Office decisions. Between 1802 and 1845, the average yearly strength of the British army in Ireland was 19,400.⁵ From 1851, the decennial Irish census never counted fewer than 20,000 men housed in Irish barracks. But these troops were not distributed evenly across the country. Jacinta Prunty's mapping of early nineteenth-century barracks demonstrates that Leinster was the most heavily garrisoned part of Ireland.⁶ Census

1 Trustram, Myra (1984) *Women of the Regiment: Marriage and the Victorian Army* Cambridge: Cambridge University Press, p.14; French, David (2005) *Military Identities: the Regimental System, the British Army and the British People c. 1870-2000* Oxford: Oxford University Press, Chapter 5.

2 Douet, James (1998) *British Barracks 1600-1914: their architecture and role in society Norfolk*: English Heritage, p. 33.

3 Gates, David (1994) 'The Transformation of the Army, 1783-1815' in Chandler, David G. (ed.) *The Oxford History of the British Army* Oxford: Oxford University Press p. 144.

4 Douet, op cit, p. 33.

5 Costello, Con (1996) *A Most Delightful Station: the British Army on the Curragh of Kildare* Cork: Collins Press, p. 23.

6 Prunty, Jacinta (2004) 'Military barracks and mapping in the nineteenth century: sources and issues for Irish urban history' in Clark, Howard B., Prunty, Jacinta and Hennessy, Mark (eds), *Surveying Irish Pasts: interdisciplinary essays in honour of Anngret Simms* Dublin: Geography Publications, pp 477-534.

figures from 1871 confirm this: when “the military element in Ireland amounted to 46.5 in every 10,000 of the population”, Leinster held 97.6 military to every 10,000 people, while in Munster there were 63.3 troops in barracks per 10,000 people.⁷ The distribution of troops in Munster was far from even: in County Kerry there were just 6.05 troops per 10,000, while County Tipperary had 84.6 men in barracks for every 10,000 people.⁸ Figures for Munster's cities were even higher, with Limerick city, at 213 military per 10,000, easily surpassing Cork, with 160 for every 10,000 people.⁹ Those figures prove that while the military presence in nineteenth-century Ireland was extensive, it was heavily concentrated in certain regions and urban areas. Munster was not just a garrisoned part of Ireland; once Catholics could legally bear arms in 1793, its male population provided many recruits to the navy as well as the army.¹⁰ Although the numbers of Irishmen in the British army began to drop from 1870,¹¹ the Munster area was a conspicuously successful recruiting district for its regiment, the Royal Munster Fusiliers (RMF).¹² The RMF district — Counties Cork, Kerry, Limerick and Clare — covered most of Munster. Between 1883 and 1900, 62.1% of recruits to the RMF were born in its recruiting district, making it the most localized regiment in Ireland and overall the fifth most localized regiment in the British army.¹³ Since localized recruiting was judged a failure overall,¹⁴ this enthusiasm of Munster men for military service with the local regiment is particularly striking. In the second half of the nineteenth century, most army recruits were born in urban areas, to the dismay of officers who preferred biddable peasants to scrappy corner boys.¹⁵ Therefore, men and boys living in towns with barracks were more likely to join the local regiment than males from counties where soldiers were not accommodated. The depth of militarisation in Munster was partly related to the extensive barrack network, which housed thousands of soldiers. Garrison towns were important centres not only of military accommodation, but of militarism.

Trade

Recruits were only one way the army influenced urban life. The commercial importance of a barracks full of soldiers is hard to exaggerate. Cork city's new barracks, with accommodation for almost 2,000 men, opened in 1805. Built on a ‘commanding eminence’¹⁶ on the north-east side of city, it was outside the city's existing urban fabric as Holt's 1832 map illustrates. (fig 1) No complex of its size could be built in the city proper, whose older barracks, on the appropriately named Barrack Street, are too small to be discerned on this map. So important was Cork barracks to the character and development of the area that a new placename, Barrackton, was coined to acknowledge its influence.¹⁷ For most of the nineteenth century, the pay of the ordinary soldier was niggardly, but what little he had left after deductions for food and equipment he spent in the urban hinterland of the barracks on necessary yet simple pleasures.¹⁸ Boredom

7 Census of Ireland for the year 1871, Part III General Report, pp. 41-2.

8 Ibid, p 207.

9 Id.

10 Dickson, David (2005) *Old World Colony: Cork and South Munster 1630-1830* Cork: Cork University Press p. 485.

11 French, op cit p. 34. See also Spiers, E.M. ‘Army Organisation and Society in the Nineteenth Century’ in Bartlett, Thomas and Jeffrey, Keith (eds), *A Military History of Ireland* Cambridge: Cambridge University Press p. 336.

12 French, op cit, pp 10-30.

13 French, op cit, p. 59.

14 French, op cit, p. 58.

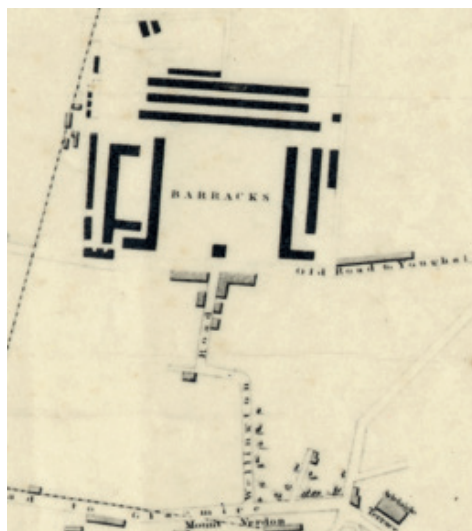
15 Strachan, Hew (1984) *Wellington's Legacy: The Reform of the British Army 1830-54* Manchester: Manchester University Press, p 53.

16 Guy, Francis *Guy's Topographical Dictionary of County Cork for 1889*, Cork: Francis Guy p. 53.

17 Glankittane, the original townland name for this area, was supplemented with Barrackton by time the 25" Ordnance Survey maps were drawn. Historic OSI maps are online: <http://www.osi.ie/Products/Professional-Mapping/Historical-Mapping.aspx> [accessed 5 May 2016].

18 For more on regular soldiers see Skelly, Alan (1977) *The Victorian Army at Home: the Recruitment and Terms and Conditions of the British*

and hunger meant that, inevitably, much of this money was spent in public houses¹⁹ (and on prostitutes but that is another article). By the 1870s, there were 16 pubs in Barrackton listed in Guy's commercial directory.²⁰ As there were few other businesses or trades listed in the locality, the publicans were not earning money from a vibrant urban area. Thanks to the barracks, rural Glankittane became Barrackton, a neighbourhood dominated by the licensed trade. Similarly, in Kilkenny, where a military complex was built outside the existing city, public houses dominated Barrack Street.²¹



**Detail from 'Plan of the city and suburbs of Cork', Thomas Holt, 1832.
Courtesy of Cork City Library.**

Casual trade from soldiers wasn't the only way publicans profited from the military. Contracts to provision the barracks were extremely valuable. Barrack quartermasters purchased wholesale alcohol for the officers' and soldiers' messes, where copious amounts of wine, beer and spirits were served. As Burke's research on Fermoy shows, military business was lucrative. Approximately half the accounts of McAuliffe's public house on Fermoy's Barrack Hill were with the military.²² Military largesse boosted the income of other businesses, particularly drapers. From 1893 to 1903, 30% of the customers in Hickey's, Fermoy, were military officers and senior NCOs. Clothing for the regular soldier was also purchased locally: Hickey's in Fermoy supplied the garrisons in Cork city and the harbour, Tipperary, Limerick, Waterford, Kilkenny and Kerry.²³ Of course, those clothes had to be washed, and laundry contracts were a valuable source of income for charitable institutions such as the Presentation Convent in Fermoy, which secured the contract for Kilworth camp.²⁴

Regulars London: Croom Helm.

¹⁹ French, op cit, p. 121.

²⁰ Guy, Francis Francis Guy's County and City of Cork Directory for the years 1875-1876, Cork: Francis Guy, pp 638-42.

²¹ 'All the businesses in Barrack Street were listed as public houses', Bolger, Liam (2005) 'The Military in Kilkenny, 1800-1870' (PhD thesis), NUI Maynooth, p. 169. Published online here: <http://eprints.maynoothuniversity.ie/5279/> (Accessed 26 May 2016). Bolger notes that contemporary Barrack Street still has a strong trade in alcohol.

²² Burke, Gerald (1999) 'The British Army and Fermoy' Unpublished MA thesis, UCC, p. 26. Barrack Hill is now Oliver Plunkett Hill.

²³ Burke, op cit, p. 25.

²⁴ Jordan, Kieran (2004) *Kilworth and Moore Park British Army Camps from 1896 to 1922* Fermoy: Strawhall Press, p. 90.

It would be difficult to nominate a nineteenth-century business that did not have military customers. Guy's, a publishing and photography business in Cork city, printed "Stationery of every description for Regimental Messes and Clubs".²⁵ As the best-known photographic studio in Cork, Guy's offered "High Class Military Photography" such as "Military groups, bands, companies, troops, sergeants, etc., etc.". The archive of the Waterford photographic studio, A.H. Poole, shows the type of military photograph taken by a successful studio in a garrison town. There were personal commissions from officers²⁶ and photographs of the service family like Sergeant Evans and his brood.²⁷ Groups of army sportsmen, such as cricket and football teams, were also photographed.²⁸

Sport

Poole and Guy's illustrates how discretionary spending by military men and their families was as commercially significant for some businesses as the provisioning contracts were for drapers and publicans. The officer class spent a considerable amount on leisure, given that they were especially addicted to hunting. Costello has outlined the contribution of the military stationed in the Curragh Camp to Kildare's hunting life, while Hunt has shown comprehensively how important the military was to hunting to hounds in Westmeath.²⁹ It was estimated that the hunting 'industry' was worth brought a staggering £476,000 annually, and much of this accrued to local people.³⁰ Leather shops made and sold belts, boots and crops; saddlers fashioned the horse's tack; tailors made the hunting dress; while the maintenance and care of horses employed grooms and stableboys. Horse dealers, who bought and sold the mounts, enthusiastically welcomed officers to their new stations while trying to convince them of the dangers of riding to hounds in Ireland on English horses.³¹ Fox hunting was confined to the officer class, and in general, ordinary soldiers preferred football often known as "the garrison game".³² The enthusiasm for football was contagious: a club called Barrackton AFC (later Barrackton United), one of the earliest football clubs in Ireland, was founded in the neighbourhood of Cork Barracks.³³

Political Lobbying

In small towns with large garrisons, the military demand for goods and services drove the economic success of the urban area. For example, Fermoy's power brokers knew how important the barracks was to the town and surrounding region. In 1907, following rumours that the garrison was to be reduced, the town sent a delegation representing a spectrum of Fermoy society to Cork to lobby the district commanding officer.³⁴ The delegation members were the Catholic Bishop of Cloyne, Dr Robert Browne; Colonel Cooke of Castle Cooke, a local grandee; Mr C.J. Furlong, a landlord and justice of the peace; Mr Troy, a builder; and Dr O'Brien, a local physician. The urban and rural district councils each sent a politician, while Mr Broderick, a draper, and Mr Thomas Magnier, a

25 Munster Military Journal, 1888, volume 1, number 1, p. 8.

26 Image from Poole Collection, P_WP_0691, National Library of Ireland.

27 Image from Poole Collection, P_WP_0725a, National Library of Ireland.

28 Images from Poole Collection, Cricket team (P_WP_1924a); football (POOLEIMP 180), National Library of Ireland.

29 Costello, op cit, pp 178-184; Hunt, Tom (2007) *Sport and Society in Victorian Ireland: the case of Westmeath Cork*: Cork University Press, pp 14-17.

30 Curtis, L.P. (1987) 'Stopping the Hunt: An Aspect of the Irish Land War', in Philpin, C.H.E. (ed.) *Nationalism and Popular Protest in Ireland* Cambridge: Cambridge University Press, p. 353, fnt 10 citing 'the Fox' from the Irish Times.

31 Hamilton, Lord Ernest (1922) *Forty Years On* London: Hodder and Stoughtan, p. 188.

32 Mason, Tony and Riedi, Eliza (2010) *Sport and the Military: the British Armed Forces 1880-1960* Cambridge: University Press.

33 Harvey, Dan and White, Gerry (1997) *The Barracks: a History of Victoria/Collins Barracks Cork*: Mercier Press, p. 39. According to the records of Mallow United, Barrackton continued to play fixtures until the 1950s, <http://www.mallowunited.com/History.html> [accessed 3 May 2016].

34 Burke, op cit, p 34.

leather merchant, represented the shopkeepers. This delegation is eloquent testimony to the ubiquitous effect of the barracks on town life, enriching professionals, grandees and tradesmen alike. It is also worth noting that the economic importance of the barracks united shopkeepers, landowners and even bishops in alliances that set aside denomination and politics. Such unanimity is testament to the significance of barracks to local economies.

Barracks and Garrisons in the Free State

At the commencement of the Civil War in June 1922, most of Munster was held by the anti-Treaty IRA. Although it had occupied barrack complexes, it lacked artillery to defend its positions. When Free State forces attacked, the IRA retreated, burning the barracks as it left. On July 21, three barracks in Limerick city were set alight. By the time the Free State forces took control of the burning ruins, they had been opportunistically looted by civilians.³⁵ While major barracks, such as those in Cork and Limerick, were rebuilt, some long-established barracks in smaller towns, like Mallow, Buttevant, Ballincollig and Tipperary, were not. The economic effects of such losses on the towns were severe: jarveys, hoteliers, publicans, photographers, stationers, drapers and shopkeepers lost business. Landlords who rented property to military families living outside the barrack lost their tenants. However, local government revenue was worst hit. After the two barracks in Fermoy were torched, a member of the Urban District Council complained that the local authority lost £3,400 in rates and an additional £450 in special water rates.³⁶ Fermoy could not replace this income, especially in the first economically depressed decades of the new state. The 'Cork Examiner' correspondents who visited the still smoking ruins of Ballincollig and Cork barracks were struck by the wanton, wasteful destruction. Buildings that could have been used for industry or desperately needed housing were now in ruins, destroyed "in purposeless rage and spite."³⁷

Under the British administration, when local politicians wished to lobby Dublin or London for an expanded barrack, they would form a delegation to plead a town's case. But local government was in a difficult position in the new state. Between 1923 and 1925, 19 recalcitrant local authorities were dissolved by central government. The Cumann na nGaedheal government wanted to 'de-politicise' local government and ensure that members of the defeated anti-Treaty IRA could not hold important public office.³⁸ The hostility of the national government to local authorities expressed itself in centralisation and budget cuts. Combined with the sudden collapse in rates, district councils in garrison towns had little financial or political clout left. Such was the centralising impulse that the Army's western command was moved to the Curragh in Kildare,³⁹ and it is unlikely that Renmore Barracks in Galway would have been rebuilt in 1925 had an Irish-speaking battalion, manifestly out of place in Dublin, not needed a home.⁴⁰ In the new state, there was a 'disdain for the traditional workings of local politics'⁴¹ where national politicians

35 Newspaper correspondents who visited Cork and Ballincollig barracks witnessed looting. Cork Examiner, 14 August 1922, 15 August 1922. A photograph from Cork Barracks shows a woman looting timber, HOGW 140, National Library of Ireland.

36 Cork Examiner 15 August 1922.

37 Cork Examiner, 14 August 1922, 15 August 1922.

38 Daly, Mary E. (1997) *The Buffer State: the historical roots of the Department of the Environment* Dublin: Institute of Public Administration, p. 117, 119.

39 <https://athlonehistory.ie/in-and-around-athlone/custume-barracks-2/> [accessed 3 May 2016].

40 <http://www.renmorehistory.ie/index.php/previous-talks/20-history-of-renmore-barracks> [accessed 3 May 2016].

41 O'Halpin, Eunan 'The Origins of City and County Management' in Boland, Joseph (ed.) *City and County Management 1929-90 A Retrospective* Dublin: Institute of Public Administration, p. 6.

believed that they represented the pinnacle of Irish democracy.⁴² In such a climate, political representatives in garrison towns who wanted the barrack rebuilt had little chance to exercise any influence on the Dublin-based administration. In any case, many of the barracks were surplus to requirements because the new army was much smaller than the British force. Throughout the 1920s, the army shrank, going from 15,838 in 1925 to 5,299 in 1930. When the Second World War threatened the existence of the state, the government increased the army; by the end of the Emergency, 14,187 men were enlisted in the Irish army.⁴³ To accommodate those men, some derelict barrack complexes were renovated. Ballincollig was rebuilt at this time, and a camp was established in Fermoy on the site of the old barracks.

Many British army barracks in Munster were never again used for military purposes. Yet, the afterlife of those sites and buildings shaped the towns, just as the army had. Comparing old and new editions of the Ordnance Survey Maps shows that many former army barracks became sports fields. In Buttevant, Tipperary, Fethard and Fermoy, the local GAA clubs now use the former barrack sites as playing fields. Where soccer had once thrived, the Gaelic Athletic Association replaced it, consolidating its hold as a powerful arbiter of Irishness. Naturally, such fields had to be named, and new republican heroes were honoured by local communities. Thus Fermoy “New Barracks” became Fitzgerald Park, after Michael Fitzgerald, who died on hunger strike in Cork Gaol on 17 October 1920.⁴⁴ Some towns turned the huge barrack sites to housing purposes. In Kinsale, the infantry barracks adjacent to the town was replaced in the 1930s with St Eltin’s Crescent and Sean Hales Terrace.⁴⁵ Sheehy Terrace was built on a portion of the barrack site in Clonmel. Like the GAA fields, the names of these housing schemes offered communities an opportunity to celebrate important local figures, whether they be ancient Irish saints or Land League priests. One former garrison town, Fermoy, used street names to put its garrison town past behind it. Once again, a cartographic comparison shows how the local geography has changed. Most street names associated with the two barracks have vanished: Barrack Hill became Oliver Plunkett Hill, Mess House Lane was dubbed Colmcille Street; New Barrack Street became Sheares Street and West Barrack Street was renamed Bridget’s Street. Erasing the military associations gave the town an opportunity to assert a particular form of cultural nationalism, prudently focusing on uncontroversial early revolutionaries (the Sheares from 1798) and ancient saints. Erasing one past allowed local communities to pay homage to another image of Ireland.

42 O’Halpin, *op cit*, p. 17.

43 Dáil Éireann Debates vol. 103, no. 12, Written Answers: Army (Number of Officers and Other Ranks and Cost), 28 November 1946.

44 <http://www.fermoygaaclub.com/index.php/homepage/fitzgerald-park> [accessed 26 May 2016] and <http://www.dia.ie/works/view/1782/CO.+CORK%2C+FERMOY%2C+OLD+BARRACKS%2C+SPORTS+GROUND> [accessed 26 May 2016].

45 More on Kinsale’s local authority schemes in *Irish Builder* vol. 73, 28 March 1931, p. 274 and *Irish Builder* vol. 75, 3 June 1933, p. 478.

Conclusion

Towns, which, by being garrisoned under British rule, had provided the militaristic atmosphere necessary for violent republicanism to gain ground, were economically shattered following the victory of Irish republicanism. Also, these urban areas were tainted by their recent history as a garrison town: the commercial and social dealings with the British army had to be forgotten, or the relationship had to be recast in another light. Merchants, traders and farmers who had courted the army for financial gain were on the horns of a dilemma in the new Ireland where Anglophobia was part of everyday life. Some examples of local folklore about the British army show how this conflict was resolved. Agricultural provisioners of Moore Park and the Curragh told remarkably similar tales about hoodwinking the army into paying twice for the same goods.⁴⁶ We could dismiss these tales of commercial skullduggery as the natural outcome of a business transaction, but they also function as traditional narratives about resistance to authority, and specifically Irish narratives about resistance to British forces. By telling these stories, provisioning contractors, their descendants and their communities reworked an unequal commercial relationship in their favour, transforming economic dependence into covert rebellion. These narratives illustrate how a historic military-civilian relationship continued to play an important role in local life.

⁴⁶ Jordan, *op cit*, p 67; Costello, *op cit*, p 216.

“The Parting of the Ways”: The 1922 Split in the Dublin IRA and the Foundation of the Modern Army

ABSTRACT

The purpose of this paper will be to examine the split in the IRA in Dublin during early 1922 and the foundation of the National Army. In the burgeoning literature on the Irish Revolution the truce period has been somewhat left behind. Furthermore, the historiography of the split in the IRA has tended to focus on the divisional level and GHQ, with little attention being paid to local units. A treatment of the split in the Dublin Brigade is of particular relevance given the role of ‘Dublin Guard’, the June 1921 merger of the active service units of both the city brigade and GHQ, in the foundation of the National Army; and the role of Dublin volunteers on both sides of the Civil War, particularly in the early days. Using the IRA roll files and individual applications in the Military Service Pensions Collection; combined with the personal papers of some National Army officers, such as Piaras Beaslaí and Richard Mulcahy, this paper will analyse the dynamics of the split at a local level. In addition to this, statements by veterans held in both UCD and the NLI, including those made to Ernie O’Malley, will be used to evaluate the role of factors such as personal loyalty and ideology in deciding IRA members’ choice of sides.

Introduction

The assertion made by Eunan O’Halpin in 1999 that the “divisions marked by treaty and civil war have haunted Irish politics ever since”, remains true today even amidst considerable political flux.¹ These divisions mirrored a wider split in the separatist movement as a whole and society generally and had multi-layered origins. Many academics and commentators, including Michael Hopkinson and Francis Costello, agree that it was the split in the IRA that was the driving force in the outbreak of civil war in southern Ireland in 1922.²

Discounting any notion of a left-right divide, the ideological component of the split was essentially two-fold. In addition to being a dispute over the acceptance of the treaty, it was a conflict over the very nature of the IRA. Was the IRA a territorial volunteer force with a political mission, under the control of its elected executive, or was it a regular army carrying out the orders of a government? In some ways this issue is key to the role of the military in any society and, even more so, the role of the military instrument in any revolution.

¹ O’Halpin, E. (1999). *Defending Ireland*, Oxford, Oxford University Press, p. 1.

² Hopkinson, M. (2004). *Green against green: the Irish Civil War*, (2nd Edn.) Dublin, Gill and Macmillan, p. 272; Costello, F. (2003). *The Irish Revolution and its aftermath 1916-1923: years of revolt*, Dublin, Irish Academic Press, p. 292.

Both of these ideological questions deserve to be treated with scepticism. In terms of the national question few National Army men professed themselves to be pleased by the maintenance of the connection to the British Empire and the crown under the terms of the treaty. Liverpool-born War of Independence veteran John Pinkman expressed his feelings thus “we of the National Army accepted the arguments of Michael Collins and Arthur Griffith” and “our commitment to Michael Collins had been made even before we transferred as volunteers from the IRA to the National Army and remained unshakeable”.³ Another pro-treaty veteran and memoirist, Niall C Harrington, expressed himself in similar terms, “We were de facto the National Army, acting under the authority of the Provisional Government. Idealistically we considered ourselves republicans”.⁴ The values espoused by these rank-and-file members of the Dublin Guard had echoes in the sentiments expressed by the officers involved in the Army mutiny of 1923-4, most of whom were pro-treaty War of Independence veterans from Dublin. One of the first letters sent by the mutineers to W.T. Cosgrave pointed out that the signatories had, prior to the Truce, aimed for “the setting up and maintaining of a republican form of government” and that like Michael Collins they “firmly believed that the treaty was only a stepping-stone to a republic”.⁵

This Army Mutiny of 1923-4, where at the very least the army tried to assert its independence and at worst attempted to influence government policy, is worth highlighting.⁶ Indeed many of those who supposedly chose the side of democracy and civilian control of the military in the Civil War, seemed to be on the other side of the argument during disputes that occurred immediately before and after that conflict. Prior to the signing of the treaty, the ‘New Army’ plan of October and November of 1921 was designed to remove any ambiguity from the relationship between the IRA and the Dáil government and to regularise the structure of the Ministry for Defence, General headquarters (GHQ), and the divisions. Much of the plan ran aground amidst the personality clashes between Chief of Staff Richard Mulcahy and Minister for Defence Cathal Brugha. However the dispute did have two important outcomes. Firstly the Volunteer Executive met and dissolved itself. Secondly GHQ was left largely intact; although Austin Stack had been appointed Deputy Chief of Staff, the rest of the largely Irish Republican Brotherhood and Michael Collins supporting personnel remained in place and a proposal to make divisional commandants out-rank the GHQ staff was not implemented.⁷

The personalities involved in the disagreements over the ‘New Army’ plan largely took opposing sides in the treaty split in the political echelon. Cathal Brugha, Eamon de Valera and Austin Stack all opposed the proposed settlement. Following the ratification of the Articles of Agreement by the Dáil, all anti-Treaty members of GHQ resigned and JJ ‘Ginger’ O’Connell was appointed Deputy Chief-of-Staff, with the further title of GOC Regular Forces and the task of setting up a regular army.⁸ During the first half of 1922 the regular forces were built up around the paid, full-time, elements of the IRA in Dublin. That is the Dublin Guard, and GHQ itself. The Quartermaster-general’s department under Sean Mac Mahon, for example, transferred en masse during the second week in February 1922.⁹

3 Pinkman, J. (1998). *In the Legion of the Vanguard*, Cork, Mercier Press, pp 93-5.

4 Harrington, N., (1992). *Kerry landing, August 1922: an episode of the Civil War*, Dublin, Anvil Books, p. 66.

5 ‘Tobin, Thornton, Dalton and O’Malley to President Cosgrave, July 1923’ in ‘Documents submitted to the Army enquiry’, UCD Archives, Richard Mulcahy Papers, P/7A/6.

6 Valiulis, M. G. (1983). ‘The ‘Army Mutiny’ of 1924 and the Assertion of Civilian Authority in Independent Ireland’, *Irish Historical Studies*, no. 92, pp. 354-66.

7 Valiulis, M. G. (1992). *Portrait of a Revolutionary, General Richard Mulcahy and the founding of the Irish Free State*, Dublin, Irish Academic Press, pp 108-12; Townshed, C. (2013). *The Republic: the fight for Irish independence*, London, Allen Lane, pp 329-31.

8 ‘Statement on the setting up of the National Army’, JJ O’Connell Papers, National Library of Ireland, Ms 22126.

9 Dáil Éireann, Quartermaster-general files, National Archives of Ireland, DE 6/8/2.

The newly-uniformed Dublin Guard took part in one of the first ceremonial acts of the Irish State on 1 February 1922 when it marched past Michael Collins outside City Hall and proceeded to take over Beggars Bush Barracks, which had been the headquarters of the Auxiliary Division of the RIC, and indeed is still a witness to strife as the home of the Labour Relations Commission.¹⁰ ‘Beggars Bush’ then became a shorthand for both GHQ and the National Army generally. The Dublin Guard was built up from one company to nine and formed an independent brigade and the core of the regular army.¹¹ Its name recurs throughout the military history of the Civil War. Although local IRA units began taking over vacated RIC and British Army barracks at this time, it was this core of a regular army that took over barracks in Dublin, while the new structure developed in parallel to the pre-existing IRA.

Against a backdrop of British withdrawal and increasing lawlessness throughout the country, continual attempts were made to maintain ‘Army Unity’. That is, to prevent the IRA from splitting on the treaty issue. From the time of the passing of the treaty by the Dáil attempts had been made to hold a convention of delegates from all over the country and to re-establish the executive that had previously controlled the Irish Volunteers. The situation remained necessarily opaque with Richard Mulcahy, now Minister for Defence in the Provisional Government, maintaining that the IRA was “the army of the Republic”.¹² Eventually, a convention went ahead on 26 March 1922, in spite of being banned by the cabinet. The split in the IRA dates from this convention which elected an executive, affirmed its allegiance to it, and called for battalion parades for the following Sunday, 2 April.¹³ The Dublin City Brigade called for a combined parade at Smithfield, where Oscar Traynor and other officers addressed the men. In terms of enumerating the split it is worth tabulating the strengths of the four city battalions for this parade given to the newspapers against the roll figures listed in the Military Service Pensions Collection, another survey carried out in August 1921 that is preserved in the Mulcahy Papers, and pro-treatyite claims published in *An t-Óglach*.¹⁴

	1st Bn	2nd Bn	3rd Bn	4th Bn	Total
MSPC Roll 11/7/21	1251	715	937	1002	3905
Mulcahy Papers Aug 21	783	534	635	923	2875
Total per <i>An t-Óglach</i>	750	500	1200	350	2800
Pro-treaty per <i>An t-Ó</i>	250	400	900	250	1800
Anti-treaty per <i>An t-Ó</i>	500	100	300	100	1000
Smithfield parade	750	320	1200	520	2790
MSPC Roll 1/7/22	749	282	831	408	2270

It should be remembered that the roll strength on the ‘second critical date’, 1 July 1922, refers to the anti-treaty, pro-executive IRA only. The figures from *An t-Óglach*

¹⁰ Cork Examiner, 2 Feb. 1922.

¹¹ *An t-Óglach*, 25 April and 27 May 1922.

¹² Valiulis (1992). *Op. cit.*, p. 127.

¹³ O’Donoghue, F. (1954). *No other law, Dublin*, The Irish Press, pp 220-1. The surrounding pages contain a thorough, if hardly impartial, account of the split.

¹⁴ Irish Independent, 3 April 1922; UCD Archives, Richard Mulcahy Papers, P7/A/23. Military Archives, Military Service Pensions Collection, RO 5 – RO 9; *An t-Óglach*, 25 April 1922.

and Smithfield are somewhat contradictory, it is probably best to assume a degree of intended verisimilitude, mixed with exaggeration, on the part of those preparing them. It should also be mentioned that the 3rd Battalion trebled in size during the truce and that An t-Óglach was at pains to point out that its figures were for pre-truce volunteers only and did not include the, by then, 900-strong Dublin Guard.¹⁵

Following the convention a separate pro-treaty IRA structure was set up in Dublin. The new 2nd Eastern Division was commanded by Comdt-Gen Tom Ennis, former Commandant of the 2nd Battalion of the Dublin Brigade, and the man who had commanded the burning of the Custom House. The divisional adjutant, Christopher 'Kit' O'Malley, and the new commander of the Dublin No. 1 Brigade (Dublin City), Jim Slattery and several others were also former 2nd Battalion men.¹⁶ This battalion went pro-treaty to a greater degree than any other in Dublin and is claimed as such by An t-Óglach in the statistics listed above. Furthermore, its roll files show the greatest decline in numbers between the two dates, and its turnout at the parade in Smithfield was the lowest.¹⁷ Sean Mac Mahon remembered that the former 2nd Battalion officers listed above used their influence to bring this result about. Countering the influence of Traynor who was also from that battalion originally,¹⁸ Anti-treaty volunteer Andy Doyle remembered to Ernie O'Malley that much of the 2nd followed Ennis as he was the "big man in the battalion". Interestingly Doyle further remembered that there was friction between Oscar Traynor and Frank Henderson, on one hand, and Ennis and O'Malley on the other.¹⁹ As if to emphasise the importance of personal loyalty in the dynamics of the split, Traynor and Henderson between them commanded the Dublin No. 1 Brigade of the anti-treaty IRA for much of the Civil War; Ennis and O'Malley were leading figures in both the Free State's war effort and the Army mutiny.²⁰

Many volunteers found themselves on the wrong side once the split materialised in the days following the convention. Still a relatively junior figure at this stage, Sean Lemass was "a training officer in Beggar's Bush" before leaving during the split.²¹ The best known example of this issue of volunteers changing sides occurred when the guard detail at the National Bank on College Green, now Bank of Ireland, mutinied. Former member of Michael Collins' 'Squad', Vinnie Byrne was in command of the detail, and he prevented the mutiny at gun point.²² Following the arrival of re-enforcements from Beggar's Bush the original guard were taken away and interviewed by Gearóid O'Sullivan. Only six men, out of a force of over thirty, chose to remain with the Provisional Government's forces.²³ A leading member of the guard, 1916 veteran and former ICA man Owen Carton, recalled that he had been in contact with Liam Mellowes and Oscar Traynor and that he had brought twenty five men with him. Carton, and presumably those who left with him, were granted an honourable discharge from the IRA.²⁴ It is probably worth noting that Carton

15 An t-Óglach, 25 April 1922; Military Archives, Military Service Pensions Collection, WMSP34REF54 & W34C1 (Joseph O'Connor).

16 An t-Óglach, 29 Mar. 1922.

17 Military Archives, Military Service Pensions Collection, RO 3.

18 Sean Mac Mahon, *Testimony to the Army Enquiry, 1924*; UCD Archives, Richard Mulcahy Papers, P7/C/14.

19 UCD Archives, O'Malley notebooks, P176/101 (Andy Doyle).

20 Military Archives, Military Service Pensions Collection, WMSP34REF230 (Frank Henderson), WMSP34REF236 (Oscar Traynor), W24SP7328 (Thomas Ennis), W24SP1552 (Christopher O'Malley).

21 Military Archives, Military Service Pensions Collection, WMSP34REF2078 (Sean Lemass).

22 Younger, Carlton (1968), *Ireland's Civil War*, London, Fredrick Muller, p. 269.

23 Sean Mac Mahon, *Testimony to the Army Enquiry, 1924*; UCD Archives, Richard Mulcahy Papers, P7/C/14.

24 Military Archives, Military Service Pensions Collection, WMSP34REF809 (Eugene Carton).

was one of the group who took over Beggars Bush in early February but that he had been a member of the brigade ASU rather than Michael Collins Squad and had been interned in February 1921. As a result of this he never had much to do with either Collins or Dublin Guard commander Paddy O'Daly in the pre-truce period.²⁵ This guard detail was by no means unique. Indeed once they had ensured the security of the Bank on College Green, Gearóid O'Sullivan and Sean MacMahon, Adjutant-General and Quartermaster-General respectively, had to tour all of the posts occupied by 'regulars' in Dublin and carry out parades and interviews with the men in each. MacMahon noted that in all posts bar one there were "a number of men who had irregular tendencies".²⁶

Similarly, C.S. 'Todd' Andrews found himself as a member of a company that had gone pro-treaty, following the lead of its captain F.X. Coghlan, who became commandant of the 4th Battalion, Dublin No. 1 (City) Brigade, of the pro-treaty IRA. Coghlan's own motives are not entirely clear. Andrews states that Coghlan was not a member of the IRB unlike most senior pro-treaty IRA men in Dublin.²⁷ However it should be noted that Coghlan had served with F Company, 1st Battalion, during Easter Week 1916 and so may have had connections to the former officers of that company, Liam Archer and Fionán Lynch, both names very much associated with the National Army.²⁸

Coghlan was credited with "saving the battalion for GHQ".²⁹ While this was something of an overstatement, he did manage to bring all but a handful of his old company with him, and Dublin Guard commander Padraig O'Connor remembered that "not much of the 4th [were] with us".³⁰ In response, Andrews promptly emptied the company arms dump at St Enda's School and placed it at the disposal of the anti-treaty battalion commandant and the two men, Andrews and Coghlan, had a verbal argument in public about the incident, showing both the deep feeling at local level, and the absence of the visceral violence that would be common twelve months later.³¹ Andrews' unit, E Company, 4th Battalion, Dublin No. 1 (City) Brigade, does not appear on the MSPC roll files of the battalion for the second critical date.³² Andrews's memoir notes that a second company had been formed under E Company's former 2nd lieutenant, and himself and his four anti-treaty comrades had to join up with that. E Company had been the local unit of the Pearse brothers and many of the pupils and staff of St. Enda's.³³

By contrast, K Company of the 3rd Battalion, Dublin No. 1 (City) Brigade, largely went anti-treaty. The witness statement of Laurence Nugent is one of very few given to the Bureau of Military History that dealt with the split. Nugent was the assistant quartermaster for the 3rd Battalion during the latter part of the War of Independence. However his statement is as much a unit history of K Company, his original company, as it is a personal recollection. K Company had been formed from the remnants of the National Volunteers in Dublin and Nugent states that "about fourteen men joined the Free State

25 Ibid; 'Dublin Brigade ASU Nominal Roll', MSPC/RO9.

26 Sean Mac Mahon, 'Testimony to the Army Enquiry, 1924', UCD Archives, Richard Mulcahy Papers, P7/C/14.

27 Andrews, C.S. (1979). *Dublin made me*, Cork, Mercier Press, p. 231.

28 Military Archives, Military Service Pensions Collection, W24SP2324 (FX. Coghlan).

29 Ibid.

30 UCD Archives, O'Malley notebooks, P176/101 (Paddy O'Connor).

31 Andrews, C.S. (1979), op. cit., pp. 229-32.

32 Military Archives, Military Service Pensions Collection, RO 4.

33 Military Archives, Military Service Pensions Collection, W1934ADMIN44.

Army, and about seventy remained with the Irish Republican Army".³⁴ The veracity of this is difficult to know precisely, but what can be stated with certainty is that the most reliable figure for the company roll on the second critical date, the start of the Civil War, is sixty five, fifty five of whom had War of Independence service and appear on the company roll for 11 July 1921. The roll for this date was given as 105 with another nine interned. This leaves thirty nine volunteers who did not fight with the company in the Civil War. Seven of these men appear on the company roll for I Company, 3rd Battalion, which had been set up under the captaincy of former 2nd Lieutenant of K Company, Patrick Millar.³⁵ Of the remaining thirty two, four can definitely be identified as being in the National Army from their pension files, medal applications, or through the 1922 Army census; while another four can be definitely said to be neutral. ³⁶ This would suggest that Nugent's claim is largely accurate, it can be difficult to identify some pro-treaty men, particularly in Dublin City.

K Company was unique in Dublin in that it contained no veterans of Easter Week. An analysis of the pension files of a sample of 293 Easter week veterans from the Dublin Brigade, Irish Volunteers, only; shows that sixty three fought on the Republican side in the Civil War, against eighty three who fought on the Free State side, while 147 were neutral. This sample yielded 150 volunteers who had active service for some part of the first half of 1921. Of these forty six were Republican, forty nine were neutral, and fifty five were Free State. Two caveats need to be entered in relation to this sample, firstly it is based on the Army pension files of Easter week veterans, and so excludes the rump of republican die-hards, such as the Plunkett brothers, who refused to recognise the state, even during and after the Emergency. These men were obviously anti-treaty. Also, in terms of those with recognised service for 1921 being more likely to be pro-treaty, the attitude of the 2nd Battalion has been stated above, and it should be noted that many members of this battalion were granted military service for 1921 as result of being in jail, having been captured during the burning of the Custom House.³⁷

Piaras Beaslai's papers contain a report sent to him by Austin X. Lawlor of Gunamara, Dalkey, from this period. The report details the split in C Company, 2nd Battalion, Dublin No.2 (South County) Brigade. This was one of two companies formed from the old G Company, of the 6th Battalion of the original Dublin Brigade, the Dalkey company, during the re-organisation of the Dublin IRA during the autumn of 1921.³⁸ The letter from Lawlor is worth quoting at some length as it gives a flavour of the split at a local level. At a special parade of the company, the day after the convention, a local officer spoke:

Comdt Walshe addressed the men on the present division in the army and the convention of last Sunday he stated that he was a suspended officer from GHQ by reason of his having attended the convention, and then said 'I suppose you are unanimously with me and I will carry on with my orders'. He spoke to the men about

34 Military Archives, Bureau of Military History, w/s 907 (Laurence Nugent).

35 Military Archives, Military Service Pensions Collection, RO 4.

36 Military Archives, Military Service Pensions Collection, WMSP34REF4136 (James Paul Norton), W24SP202 (Michael White), 24SP1298 (Francis Bermingham), MD8621 (James Arthur Finnerty), MD11002 (Patrick Cowman), MD33940 (John Doogue), MD598 (John Heffernan). Search conducted on Military Archives website (<http://census.militaryarchives.ie/>) (12 June 2016).

37 The list of 1916 veterans with recognised service is available on militaryarchives.ie. The sample represents the first 150 Easter Week veterans from the Dublin Brigade of the Irish Volunteers with recognised service for 1921 alphabetically (<http://www.militaryarchives.ie/news-events/single-view/article/release-of-listing-of-2558-veterans-of-easter-week-1916-with-recognised-military-service?cHash=6d7ae63c1ea12f65a8f5b9422a246d03>) (07 May 2016).

38 UCDA Mulcahy papers P7 A 23; Military Archives, Military Service Pensions Collection, RO 7 and RO 22.

standing by the Republic and standing by their oath. Then he said concluding his address 'You are unanimous' and a very half hearted 'yes' came from the company. I said 'no' and there was silence. Then I said there were several men in the company of the same opinion if they would only say so. He stated to me then that I had taken an oath to the Republic. I said I had and that I was as good a Republican as he was or any man there. I said that the oath was to Dail Eireann as the sovereign body of the nation. Following that Comdt. Walshe said that 'all those who do not want to volunteer under me, a suspended officer from GHQ, fall out'. About ten of us fell out. The number on parade was about 60.³⁹

It is impossible to identify the sixty on parade, or the ten who fell out. No lists of this type exist for most companies. However the company rolls indicate that all bar one of C Company's seventy four members at the beginning of the Civil War had been a member of the pre-truce G Company. Furthermore, ninety eight members of the original company's strength of 124 remained with local Republican units. This points to a very tightly knit, strongly anti-treaty, company.⁴⁰ Lawlor himself is on the 1922 Army Census as attested at Beggars Bush on 3 April 1922, less than ten other Dalkey volunteers can be identified on this census with certainty.⁴¹

In terms of evaluating the role of personal loyalty in the split it should be noted that G Company's o/c in the War of Independence, Joseph Heaslip, and his brother James, had joined the Dublin Guards prior to the split. It may be that Lawlor had greater affinity with Heaslip rather than his replacement. Secondly, and possibly more importantly, Lawlor's two older brothers were pro-treaty officers, in fact all three brothers would hold the rank of Colonel in the Defence Forces in the 1950s.⁴²

This idea of personal loyalty has its limits. The Dublin No. 2 Brigade provides us with one of the most famous incidents of 'brother against brother' from the Civil War; Niall MacNeill, and his brother Turlough, led the pro-treaty element of that brigade. Another brother, Brian MacNeill, went anti-treaty and was later killed by National forces in somewhat murky circumstances. All three were the sons of Eoin MacNeill.⁴³ Furthermore, nothing is ever monocausal, and one should not wholly dismiss Lawlor's public statement of loyalty to the Dáil. This statement has echoes in statements by other men who made their careers in the Defence Forces. Lieut-Gen (Retd.) General M.J. Costello expressed himself in almost identical terms in an interview with RTE in the 1980s.⁴⁴ While Col Joseph Lawless stated to the Bureau that he joined the National Army to make his "contribution towards the supremacy of the Government of Dáil Eireann as representing the democratic majority of the people of Ireland."⁴⁵

To conclude, while there is some evidence of an ideological split in the volunteers, this appears to have been as much about what type of force the IRA was, rather than any

39 'Statement by Group Commander of Signals C Coy, II Batt, No 2 Bde, 2nd Eastern Division, Austin X Lawlor', Piaras Beaslai papers, National Library of Ireland, Ms 33,913/2.

40 Military Archives, Military Service Pensions Collection, RO 7 and RO 22.

41 Search conducted on Military Archives website (<http://census.militaryarchives.ie/>) (12 June 2016). Pinkman, op cit, p. 91.

42 Irish Times, 4 Sep. 1999.

43 Hopkinson (2004). Op. cit., p. 215.

44 (<http://www.rte.ie/archives/2015/1202/750680-michael-joseph-costello/>) (8 May, 2016).

45 Military Archives, Bureau of Military History, w/s 1043 (Joseph Lawless).

division between hard-line and moderate republicans. Furthermore, many of those who professed to be on the side of democracy and civilian control failed to live up to their ideals. Of all the groups examined above, K Company of the 3rd Battalion is as anti-treaty as any. That a company originally based on a hard core cadre of former National Volunteers, men who had backed John Redmond rather than Eoin MacNeill in the split of 1914, can be largely anti-treaty; while a company originally based on a hard-core cadre of St Enda's students and the Pearse brothers can be overwhelmingly pro-treaty, does tend to cast doubt on any suggestion that the 1922 split and subsequent Civil War was a clash between two traditions within Irish nationalism. As does the fact that, according to the sample of Easter Week veterans analysed above, 1916 men who were still involved in militant revolutionary activity in 1921 were more likely to be pro-treaty. Fundamentally then, once the dynamics of the split are examined at the level of battalion, company, and volunteer, personal loyalty remains the single best explanation of the motivation for individual IRA members' choice of sides in 1922.

The Fighting Irish, 1914-1916.

ABSTRACT

This paper will consider the role of Irish soldier in the armies of Britain, France, Germany, Canada, Australia and Austria from 1914 to 1916. In particular it will look at the 200,000 Irishmen who fought in the British Army at Battle of Mons in 1914, on the beaches of Gallipoli in 1915 and finally in the disastrous 5 month Battle of Somme in 1916. The Historian A.J.P. Taylor described this last battle as follows “Strategically the battle of the Somme was a unredeemed defeat... the enthusiastic volunteers were enthusiastic no longer”. During the final two years of the war both sides struggled to hang on in the face of unprecedented casualties and repeated failures to break through and in the end the side that held out longest would be the winner. The final part of this paper will review the often forgotten story of the Irish sailor during the war.

Introduction

During the Decade of Commemorations the National Museum of Ireland has produced a series of new exhibitions: In 2013 the exhibitions 1913 Lockout: Impact & Aftermath and Banners Unfurled, in 2014 ‘Recovered Voices’ stories of the Irish at War from 1914-16 and this year’s Proclaiming a Republic. From the lush green fields of France in the summer of 1914, through that first Christmas in the trenches, to the sun dried beaches of Turkey in 1915 and horrors of the battle of the Somme, the Recovered Voices exhibition unveils the complexity of Ireland’s part in World War One. To complement the exhibition there have been seminars, lectures, and a theatre show; Pals: The Irish at Gallipoli. This show was a partnership project with ANU Productions which presented an immersive World War I experience based on the events surrounding the campaign at Gallipoli in Turkey and inspired by the previously untold stories of the 7th Battalion of the Royal Dublin Fusiliers – who had trained in the Royal Barracks, now Collins Barracks where the museum is based. ‘Pals’ was a huge success with 9,000 visitors seeing the 405 shows and increasing the museums visitor attendance by 34%. In this article I focus on the research that we uncovered for the exhibition and show to explain what happened to the Irish Soldier from 1914-16.¹

The Build Up to War

Armies often focus on the outcome of previous wars. In the case of the French Army this was the Franco Prussian war in 1870, in which they lost the province of Alsace Lorraine. The French Army spent many years reequipping and getting ready to regain this lost territory. The generals of the British Army focused on the Second Anglo-Boer War in South Africa in 1899. The poor performance of their army in this war led to major reforms in 1907. However by focusing on these wars, neither France nor Britain was ready for World War One and its need for thousands of artillery and machine guns and future inventions like the tank and fighter plane.

¹ Joye L & Malone B, (2015) *Recovered Voices –Stories of the Irish at War 1914-1916*, National Museum of Ireland publication , Dublin 2015.

Irish soldiers served in both the Franco Prussian and Boer wars. During the Franco-Prussian War, a large group of Irish medical volunteers embarked for France. Organised as the Ambulance Irlandaise, they collected wounded soldiers from the battlefields, returned them to the Irish casualty station, where doctors treated their wounds and operated if necessary. The Irish Ambulance left for home on January 5th 1871, having earned a good reputation for their battlefield medical skills.² During the Second Anglo-Boer War the British Army fought its biggest conflict since the Crimean War in the 1850s. Thirteen Irish regiments fought there, including an Irish Brigade which suffered heavy casualties at the disastrous Battle of Colenso in December 1899. Many Irish nationalists were outraged that the British Government did not respect Boer independence, and some went to South Africa to fight against the British forces.

The years leading up to the war were marked by severe rivalries between Europe's main powers over the extent of their empires and the size of their armies. Although the majority of European countries remained neutral, this tense climate favoured the formation of two strong political alliances based on Germany and France. Meanwhile, some smaller nations – such as Ireland – sought self-rule. Unlike the other armies in Europe, Britain did not have a large army of conscripted soldiers. It was a volunteer army that relied on soldiers freely joining up. There were 14 Irish Regiments in the British Army in 1914, and the majority were serving abroad when the war broke out. The 1st Battalion of the Royal Munster Fusiliers was based in Rangoon (now Yangon, Myanmar) and had the furthest distance to travel to England. Many of them were to die on 25th April 1915 on the first day of battle in Gallipoli. Russia, Germany and France had conscription which required men to join the army at the age of 18. This meant that Central Powers of Germany and Austria had 8 million soldiers at the beginning of the war, while the “Allied Powers” had 11 million soldiers.

1914

The assassination of the Austro-Hungarian heir to the throne, Archduke Franz Ferdinand, in Sarajevo triggered a chain reaction that led to the German invasion of Belgium and France in August 1914. Germany planned to defeat France as quickly as possible via neutral Belgium before moving the war east to Russia. However, time was against the advancing German Forces and they were eventually stopped at the Battle of the Marne just outside Paris in September. As part of the British Expeditionary Force, Irish soldiers were sent to support the French army in defending their territory, this included 4 Irish cavalry regiments and 9 infantry regiments. There were 21,000 Irishmen already serving in the British Army when war broke out in 1914 and 47,000 joined in the first few months of the war. The first shots of the British Army were fired on 22nd August outside of Mons, Belgium, by the 4th Royal Irish Dragoon Guards. However the Irish soldiers in British Army were eventually forced to retreat due to the overwhelming numbers and firepower of the Germans during the Battle of Mons. Though they were highly trained, this was a very different kind of fighting than colonial warfare, and these regular soldiers suffered heavy casualties as they learned its new rules.

The 2nd Battalion of Royal Munster Fusiliers was in England during the summer of 1914, and left there for the France at the outbreak of war. During the retreat from the town of

² Joye L (2015) *The Ambulance Irlandais in the Franco Prussian War*, History Ireland Volume 22 No 5 p 31.

Mons they fought the German advance in Étreux, gaining valuable time for the rest of the Army to escape. Surrounded for 12 hours by 3,000 German soldiers, they lost 9 officers and 118 soldiers and only surrendered when they had run out of ammunition. The remainder of the Battalion became prisoners of war.³ One of those soldiers captured at this time was 33-year-old William Egan of Dungarvan, Co. Waterford. He was an experienced British army doctor in 1914 and spent time in a German prisoner of war camp. As a non-combatant, William was released in a prisoner exchange in June 1915. He continued his active service for another three years, treating wounded soldiers in Malta, Gallipoli, on the Western Front and finally during the 3rd Afghan War 1919.



Major Egan. (Copyright, National Museum of Ireland)

France was able to mobilize 1.1 million soldiers in August 1914, and by the end of the war 84% of its eligible manpower had been conscripted. As explained earlier, the French Army had already planned to invade Germany and take back Alsace-Lorraine. This plan, called Plan XVII, failed and the first battles on 17th August were a shocking defeat for the French Army. In one day in August, 27,000 soldiers of the French Army were killed, wounded and reported missing.⁴ This was a higher death rate than the British Army experienced on the first day of the Battle of the Somme on 1st July 1916. After the Allies successfully defended Paris in September 1914 trench systems were built on both sides of the front line and a stalemate set in. The front stretched from the North Sea all the way down to neutral Switzerland. As the Irish soldiers fought with British Army we are inclined to read and focus on just that history. However it must be remembered that the French Army manned 550km of the 700km long Western Front.

Without new military thinking and weapons a breakthrough was never likely in this early part of the part of war. With the rush to war, many politicians and soldiers believed the war would be over by Christmas, however this was not to be. On Christmas day, unofficial truces were held on some sections of the front. Against the orders given by the high command, German and Allied soldiers got together between the trench lines to

³ Rickard, Mrs Victor (1915) *The Story of the Munster's at Etreux-Festubert-Rue du Bois*, (Dublin), pp7-14.

⁴ Cochet, Professor (2013) "The French Army between Tradition & Modernity –weapons, tactics and soldiers, 1914-1918, in Strohn Matthias World War One Companion p98.

exchange gifts and enjoy a few hours of peace. The main reason was the desire to honour those who had died, and more importantly to bury them. Each Irish soldier was sent a Christmas box as a token of Britain's gratitude for their service containing tobacco, a card and a photograph of Princess Mary. In December 1914, Private John Grumley, along with the other soldiers of the 2nd Connaught Rangers, was sent gift boxes. However, John had been dead over a month, killed at Ypres on the 6th of November.⁵ His parents in Ireland did not learn of his death until just before Christmas, becoming one of the thousands of families for whom the holiday was a time of mourning.



A 1914 Christmas box. (Copyright, National Museum of Ireland)

1915

The war in 1915 was characterised by the politicians' desire to open a new front to break the stalemate in France. A young Winston Churchill recommended attacking through Turkey. The madness of sending men against machine guns had not yet become evident to the army or the general public. In April 1915 the Allies attacked the Gallipoli peninsula in Turkey in an effort to open a new front in the Mediterranean Sea, due to the stalemate in France. Today it is remembered as an Australian war, while the Irish contribution is largely forgotten; 17,000 Irish men served there from April to December 1915 and 3,500 died there.

On the first day of the battle on 25th April 1915 two battalions of Irish soldiers were chosen to be part of the hazardous first landing at Gallipoli. Men of the Royal Munster Fusiliers and Royal Dublin Fusiliers were packed into the converted collier ship, the River Clyde, and into open boats rowed by sailors.



River Clyde in Gallipoli . (Copyright, Imperial War Museum).

⁵ Princess Mary Cigarette Box destined for Pte. J. Grumley, 2nd Connaught Rangers, Killed at Ypres, November 1914 Museum registration number NMIHA: 2005.85a.

As they tried to land on the tip of Gallipoli (as a place designated V beach) the Irish soldiers faced very effective fire by the Turkish soldiers manning the high ground. Their casualties were so great that the two reduced battalions were merged and became known as the Dubsters.⁶ Both regiments were brought back up to strength with new recruits and would be transferred to the western front for the first day of the Battle of the Somme. In August 1915 the Generals decided to carry out a second attack and less than a year after being formed, the 10th (Irish) Division landed at Suvla Bay on the Gallipoli Peninsula. The troops fought bravely, but also failed to capture the high ground needed to break the stalemate; the 10th Division was essentially destroyed within two months. The 7th Battalion of the Royal Dublin Fusiliers was part of the Division and included a Pals company made up of rugby players or those who had gone to rugby playing schools. Volunteers from the Civil Service, universities, sports clubs, factories, train companies and businesses were all encouraged to join up together in Pal battalions. Many were also promised their jobs back when they returned after the war. For example 753 police men from the Royal Irish Constabulary served during the war, the majority in the Irish Guards and Royal Dublin Fusiliers of whom 163 died. D Company were quickly nicknamed “the Toffs in the Toughs”⁷ and trained at the Royal Barracks now Collins Barracks Dublin from February to April 1915. Indeed during the War, the 6th, 7th, 10th and 11th Battalions of the Royal Dublin Fusiliers trained there. Two hundred soldiers of D Company sailed from Dublin, landed at Sulva Bay on the Gallipoli Peninsula on 6th August and— within a week of arriving, 131 were dead or wounded, one of those was Capt Tobin, the son of a famous Dublin surgeon who was killed on his 21st Birthday at Sulva Bay on 16th August. The 10th Division - led by Galway man Lieutenant General Mahon - was then moved to Salonika in Greece to fight Bulgaria, which like Turkey had joined the war late.



**7th Battalion of the Royal Dublin Fusiliers at the Royal Barracks
(Copyright, National Museum of Ireland)**

The Irish soldiers who served at Gallipoli all experienced a brutal and hostile environment, as can be imagined water was always in short supply. One Irish soldier who served in

⁶ Wylly, Col HC (1924) *Neill's Blue Caps Volume III, 1914-1922*, Aldershot, p

⁷ Hannah, Henry (1917) *The Pals at Sulva Bay*, Dublin, pp5-244. This is the only book published in Ireland during the war to give a full history of an British Army company preparing for and fighting its first battles. As such it is invaluable snapshot of Dublin at this time. Photographs of them along with the 7th Battalion of Royal Dublin Fusiliers can be accessed on Century Ireland's website about Gallipoli <http://gallipoli.rte.ie/galleries/7th-battalion-royal-dublin-fusiliers-leaving-the-royal-barracks>

Gallipoli was Dr Andrew John Horne and one of the last to leave the peninsula after its evacuation in January 1916. Andrew continued his service in Egypt, India and Mesopotamia, treating wounded soldiers in field hospitals and on hospital ships. Andrew wrote as he left Gallipoli in a letter to his mother,

'The last thing I saw of Helles was our ships pumping shells into our hospital and the Turks shrapnelling W-Beach, still thinking there were troops there. Nobody can believe we had such a time and came through it alive, but here we are.'⁸

On the Western Front the war continued and on 22nd April 1915, the German Army used chlorine gas for the first time in Langemark near Ypres, Belgium, violating the 1907 Hague Convention on Land Warfare. Poison gas caused severe damage to the eyes, nose and lungs of the soldiers – with a fatal outcome in some cases. This new kind of warfare was soon adopted by all major armies involved in the conflict as a method to put the enemy out of action before attacking the trench lines. Three days into the battle, on 25th April, soldiers of both the Royal Dublin Fusiliers and the Royal Irish Fusiliers were gassed. As the defenders were unprepared and had nothing but pieces of moistened flannel to protect them, great losses were recorded. Many of the survivors never fully recovered and died of chronic lung damage after the war. The Royal Dublin Fusiliers suffered 1,528 men killed, wounded or missing from 25th April till 25th May. 1915 was to be remembered as the year the war produced new horrors with the first use of gas attacks, flamethrowers and submarines sinking passenger ships. German U-boats began to prowl the Irish Sea sinking merchant vessels. The torpedoing of the transatlantic liner Lusitania in May 1915 off Kinsale, Co. Cork, not only killed 1,200 civilians but also provided invaluable propaganda for the British, who wanted America to join the war. There has been great debate over the sinking, with the German Navy justifying the attack - claiming the Lusitania carried armaments - and the British denying this⁹. Back in Ireland many Irish women found ways to support their husbands, sons and brothers at the front and make a significant contribution to the war effort. They were active in charitable committees, worked in ammunition factories or volunteered as nurses, sometimes working overseas and experiencing the war first-hand.



Ammunition workers in Dublin. (Copyright, Imperial War Museum).

⁸ Museum reference NMA 2014-1, Photographic album of Lt Andrew J. Horne, 17th Stationary Hospital attached to the 29th Division. This can be accessed on Century Ireland's website about Gallipoli <http://gallipoli.rte.ie/galleries/lt-horne-photo-album>

⁹ Moore, Fionbar (2012), Lusitania in Karl Brady et al *Warships, U-Boats & Liners – a guide to shipwrecks mapped in Irish Waters*, Dublin pp61.

1916

The optimism of the earlier part of the war had now disappeared and recruitment was beginning to fall. Conscription was introduced in Britain in January 1916 but not in Ireland as it was seen as difficult to implement. 1916 was a crucial year for Ireland when a relatively small but determined group of Irish men and women took the opportunity offered by Britain's conflict with Germany to strike a blow for Irish independence in Easter 1916. The newly proclaimed Irish republic was quickly and brutally suppressed, but the memory of the heroism and of the executions that followed, changed Irish history forever and shaped how Irish soldiers who fought in World War One were remembered. 1916 was also to be a key year for the British Army, it was the first year where their small professional army had been expanded into a large volunteer army capable of going to war. It had taken almost 2 years to create it and for most of the soldiers it was their first battle and two Irish Divisions, 16th & 36th also saw action for the first time that year. The plan was for 13 British Divisions to attack on a front of 25 kilometres near the river Somme against the Germany Army while the French Army attacked nearby on a front of 8 kilometres with 11 Divisions. This new army lost 60,000 men in one day of whom 10,000 died. As explained earlier the conscript French Army had experienced similar casualties in August 1914 at the beginning of the war. It has been described as the blackest day in the history of the British Army and 100 years later the consequences of the battle are still in dispute. Poor planning by the generals, barbed wire, machine guns and poor use of artillery made the attacking infantryman's chances of survival slim, despite all his courage and training. Irish involvement is normally associated with the soldiers of the 36th Ulster Division, which was one of few divisions to achieve its objectives. However, several other Irish units took part that day including the Royal Dublin Fusiliers who had fought in Gallipoli. Irishmen living in England also fought, in particular the 103rd Tyneside Brigade which consisted of 3,000 Irishmen serving in a Pals unit from Newcastle upon Tyne.¹⁰ This group were one of the few to be photographed on the first day of the Somme battle, walking towards the German lines before suffering terrible casualties, indeed more than any other Irish unit.



36th Division at the Somme (Copyright, Belfast City Hall)

¹⁰ Lavery Felix, editor, (1917), *Irish Heroes in the War*, London. This gives a detailed history of the Brigade from 1914-17 with contributions from John Redmond MP and T.P O'Conner.

It is often forgotten that the Somme battle lasted for 5 months until November 1916 and Irish soldiers in 16th (Irish) Division were to fight during the Battle of Guillemont (3rd to 6th September) and Ginchy (9th September). This Division took the village of Ginchy at a cost of over 4,000 dead and wounded. Among the dead was Irish MP, poet and nationalist Tom Kettle, who, just before he died wrote: "In the trenches death is random, illogical, devoid of principle. One is shot not on sight, but on blindness, out of sight".¹¹ The Battle of the Somme came to an end in the middle of November when the Dublin soldiers of 10th Battalion of Royal Dublin Fusiliers fought at Beaumont Hamel and suffered 55% casualties. Their colleagues from the 1st Royal Dublin Fusiliers had fought in the exact same place 5 months earlier on 1st July. The soldiers of the 10th Battalion had been raised in Dublin in early 1916 as the Commercial Pals and had fought during the 1916 Rising in the Battle at the Mendacity Institute and later at City Hall.

1916 is also the year of the wars largest sea battle often overlooked by historians. There has been always been a tradition along the east coast of Ireland of serving in the Royal Navy in particular in Dublin and Cork. Indeed recent research has discovered that 5000 Irish sailors fought at Trafalgar in 1805 under Admiral Nelson. Like the Battle of the Somme, the battle of Jutland has caused controversy, the Royal Navy lost more ships and personnel than Germany but the naval blockade of Germany continued and forced them to follow a submarine campaign while their fleet stayed in port. So in a brief navy engagement on 31st May in the North Sea off Denmark neither side won a decisive sea battle, however as Kevin Myers has recently written over 300 Irishmen died there, with Cork accounting for 120 dead. Half of the 6,000 Royal Navy casualties came from three ships which were lost killing 3,000 sailors.¹²

After many years of neglect there is now great interest in the Irish soldiers who fought in the British Army and in particular in Irish regiments but this misses the large Irish Diaspora outside Ireland. 1.4 million people had emigrated from Ireland between the Famine and 1914. As a result of this, many Irishmen signed up to fight in the regiments of their new homes overseas. During the war, Australian soldiers were nicknamed 'Anzac' from the letters of 'Australian and New Zealand Army Corps' and over 400,000 Australians fought in Gallipoli and on the Western Front. Like Ireland, conscription was never introduced in Australia and the soldiers were all volunteers. 6,000 of these soldiers were Irish born, and many more would have been second generation Irish Australians.¹³ Over 600,000 soldiers fought in the Canadian army, and it is estimated that 20,000 of them were Irish born. Newfoundland in particular saw high levels of immigration from the south east of Ireland. This British Colony's response to war was enthusiastic and 12,000 enlisted; almost 35% of men aged between 19 to 35. On the first day of the Battle of the Somme fighting beside the Royal Dublin Fusiliers, 801 soldiers of the Newfoundland Regiment left the trenches and only 68 returned. 1st July is now an annual day of mourning in Newfoundland. For over 200 years after the defeat at Battle of the Boyne in 1690 Irishmen served in the Austrian Army and many of their descendants fought in World War One. Gottfried von Banfield¹⁴ (the grandson of Richard Banfield from Cork) shot down

11 Kettle, Thomas, (1917) *The Ways of War*, Dublin, p171.

12 Myers, Kevin I (2014) *Irelands Great War*. Dublin, p 126

13 A database of the Irish born soldiers has been created by Prof Jeff Kildea and can be found here <https://hal.arts.unsw.edu.au/about-us/community-engagement/irish-studies/irish-anzacs-database/>

14 Hatschek, Christop, (Dublin) *The Military Order of Maria Theresia and its Irish Members, From its Foundation to the End of World War I*,

15 enemy aircraft during the First World War becoming a fighter ace. An Austrian Navy officer, he was the last person to be awarded the prestigious Order of Maria Theresa in 1918. Similarly some Irish prisoners joined the Casement Brigade which was an attempt by the retired diplomat Roger Casement to create a Irish unit in the German Army. Only about 53 ever joined and it broke up after the 1916 Rising.

During the last two years of the war both sides struggled to hang on in the face of unprecedented casualties and repeated failures to break through the Front Lines. Now individual soldiers fought in order to support their comrades, rather than pursue great causes. In this bloody contest, the side that held out the longest would be the winner. However The 1st July 1916 is one of the many military disasters that were to befall the British Army in the early part of the war, (Gallipoli was a similar disaster in 1915 as was the 3rd Battle of Ypres in 1917). The Generals and the soldiers who survived these disasters were to learn from their mistakes and new technology such as tanks, first used during the Battle of the Somme in September 1916, would be prominent in the fighting of 1918. However as the Historian A.J.P Taylor described it “Strategically the battle of the Somme was an unredeemed defeat... the enthusiastic volunteers were enthusiastic no longer”.¹⁵

¹⁵ Taylor, A.J.P (2009 reprint) (London) *First World War: an Illustrated History*, London, p112.

The Beautiful Simplicity of the Military Mind and The Tangle of the Law: The 1916 Court Martial Trial Regime

‘Then the beautiful simplicity of the military mind began to run into the tangle of the law.’¹

ABSTRACT

The 1916 Rising was a seminal event in the emergence of modern Ireland. The Court Martial trials and subsequent executions were critical and pivotal points in the history of the Rising. Analysis of the legal framework in play, before and during the trials, and the narrative of the trial records such as they are, provides insight into those events in the context of the time.

The greatest war the world had known had been underway for two years. Britain was consumed by that conflict. The Defence of the Realm Act (DORA) legislative regime had been introduced for the stated purpose of securing public safety and the defence of the realm. The battle of the Somme was a matter of weeks away. Following an unexpected French setback at Verdun there was a sense that momentum might turn in favour of Germany. In what was then the second city of the empire the Rising erupted on a bank holiday Monday. The British Government dispatched General Sir John Grenfell Maxwell to Dublin on a mission to take measures necessary for the prompt suppression of insurrection in Ireland and such measures as he deemed advisable under DORA. The military component of this mission was achieved efficiently within days. The follow through became entangled in legal issues, the implications of which endure.

The ad hoc trial regime which he was to direct, operated under neither martial law nor military law nor DORA in any complete sense. The amalgam provided little more than a legitimizing veneer. The effects of the deficiencies arising from the derogations from due process, even by the standards of the time, were compounded by the ill-judged and legally suspect decision to hold the trials in camera. That particular decision in large measure served to alter the direction of the tide of public and political opinion. That change of direction was to have a fundamental influence on the course of the emergence of modern Ireland.

¹ Townshend C. (2015) *Easter 1916 The Irish Rebellion*, Penguin, p276

The Action

A situation report at 1100 on 30th April 1916 from Major General Shaw in Dublin HQ to Lord French at the Army Council at Horse Guards in London stated “the rebellion is practically crushed”.² That prompt and competent military suppression presented the British government with a practical issue that gave rise to enduring and unforeseen legal implications: 3500 prisoners who had either surrendered on foot of Pearse’s order on 29th April, or were to be subsequently lifted in a country wide sweep on suspicion of being ‘ dangerous Sinn Féiners’.³

Richmond Barracks in Inchicore was designated as the processing centre for prisoners scattered around Dublin and held temporarily in various locations, while the authorities considered how to deal with them. By Monday 1st May they numbered over 1000 and rising. In that context Prof Charles Townshend observed that the beautiful simplicity of the military mind began to run into the tangle of the law.⁴ The conflict inherent in that observation reflected a conflict at large, in many ways with greater particularity, along the fault line between the military aspirations of General Sir John Grenfell Maxwell and the legal implications of his decisions on the execution of his mission.

Given the short timeframe and numbers involved the prisoners were subjected to a somewhat haphazard and imperfect process of screening for trial, deportation or release. The authorities were clearly most interested in the signatories to the Proclamation of Independence and those who commanded troops. Ultimately about 170 were selected for trial by court martial and 1840 were detained without trial and marched to the docks and transported to various camps in England for internment.

DORA – Defence of the Realm Act

For the purposes of conducting the war, extraordinary powers had been vested by Parliament in the Government by the Defence of the Realm Act 1914 and the Defence of The Realm Consolidation Act 1914. This constituted a comprehensive code of extraordinary legislation which included the creation of criminal offences by regulations, rather than by act of parliament, and provision for the trial of those offences by military courts. These regulations were expressed to be “for securing the public safety and the defence of the realm”. They carried the death penalty if committed,” for the purpose and with the intention of assisting the enemy”. That condition of purpose and intent proved to be of vital significance in Ireland as it appeared in the wording of the primary charge laid against each of the prisoners tried by court martial in May 1916.

The provisions giving the Government, without reference to Parliament, the power to try civilians by court martial and to impose the death penalty gave rise to concerns. To deal with protests against the extent of those powers the Lord Chancellor was compelled to introduce the Defence of the Realm (Amendment) Act 1915. Section 1 of that Act stated:-

² Enright,S. (2014) *Easter Rising 1916: The Trials*, Merrion, p27

³ Townshend, p273

⁴ *Ibid*, p276

Any offence against any regulation made under the Defence of the Realm Consolidation Act 1914 which is triable by court martial may, instead of being tried by a court martial, be tried by a civil court with a jury.

However, this right to a civil jury trial was not absolute because Sub Section 7 of Section 1 stated:

In the event of invasion or other special military emergency arising out of the present war, his Majesty may by proclamation forthwith suspend the operation of this section, either generally or as respects any area specified in the proclamation.

The Legal Response

The legal response of the British authorities to the rising was:

1. On Tuesday 25th April Baron Wimborne, Lord Lieutenant, issued a proclamation of martial law in respect of Dublin City and County
2. On Wednesday 26th April Major General L.B. Friend issued a proclamation extending martial law to the rest of the country.
3. On Wednesday 26th April the King issued a proclamation under DORA suspending the right to jury trial in Ireland.

Martial Law

Martial law was proclaimed contemporaneously with a proclamation under Section 1(7) of the Defence of the Realm (Amendment) Act 1915 on 26th April 1916, thereby conferring exclusive jurisdiction on courts martial rather than ordinary courts to try persons on charges of breach of the Defence of the Realm Act Regulations (DORA). The two proclamations were both referred to as effecting the imposition of martial law but they had in contemplation two very different legal regimes. The latter executive act permitted the trial of offences under war time legislation to take place in military courts, while the former proclamation was an implicit assertion that the law itself had ceased to operate. The confusion implicit in the proclamation of two such inherently contradictory legal regimes reflected the difficulties inevitable in any attempt to apply a simple military solution to what was essentially a complex political problem. It appears that the precise meaning of martial law was not really understood by the parties who proclaimed it.⁵

The Duke of Wellington said: "Martial Law was neither more nor less than the will of the general who commands the army. In fact, martial Law means no law at all". The former Chief Justice Ronan Keane more recently said: " Martial law is the lawyers equivalent of the physicist's anti matter, a kind of juristic black hole... in to which are sucked all the cherished principles which normally guarantee life and liberty. It is only when all else has failed, including the law itself, that it becomes society's last line of defence: *salus populi suprema est lex*".⁶ The late Mr Justice Adrian Hardiman perhaps best summarized the essence and context of the term when he said: "In law it is military necessity, and not a

⁵ Hardiman, A. (2007) 'Shot in Cold Blood': Military Law and Irish Perceptions in the Suppression of the 1916 Rebellion, in 1916 The Long Revolution, ed Gabriel Doherty and Dermot Keogh, 2007, Mercier Press, pp 225-249. See this article for commentary on the nature of martial law.

⁶ Keane R. (1990-1992) 'The Will of the General': Martial Law in Ireland, 1535-1924 , Irish Jurist 150

proclamation that brings this condition about and it exists only where, as long as, and to the extent that such necessity endures. This state of affairs is acknowledged by the common law, rather than approved by it. A period of so called martial law is a period when the army reigns supreme and the will of the general is substituted for the law. It is the antithesis of the common law concept of the rule of law and objectionable to it".⁷

Martial Law therefore is to be distinguished clearly from a period when laws are enforced by military courts as they were under DORA in 1916. It should of course also be distinguished from military law which is the system of law which governs members of armed forces and regulates the conduct of members of those armed forces.

The question arises as to why martial law was proclaimed and continued. The Attorney General James Campbell was to furnish an opinion which General Maxwell sent to the British Government on 20th May 1916 in relation to the requirement for martial law. His view was that martial law was unnecessary because the Government had during the Rebellion suspended the right of a defendant to opt for jury trial. It was thought however that martial law could still be extended without any risk of serious complaint and that there might be some purpose in doing so because: "Undoubtedly the average citizen has an extraordinary belief in the magic term "Martial Law" and its continuance would bring home to loyal and law abiding people a great sense of security and safety whereas the very indefinite knowledge of its powers spread terror among the disaffected".⁸

General Maxwell

General Sir John Grenfell Maxwell arrived in Dublin at 2.30a.m on Friday 28th April 1916 to take command. He had commanded a Brigade at Omdurman in Sudan in 1898 and had been Governor of Nubia and Omdurman, and then moved to South Africa to deal with the Boers. Subsequently in Egypt, he had introduced internment without trial to deal with German residents. He was a man who was used to taking yes for an answer. A career officer with a lifetime of colonial work in the Middle East his "unrivalled experience of civil work under war conditions" perhaps tagged him as a suitable candidate for the job that required to be done in Ireland.⁹

He has been referred to as the military governor of Ireland with full plenary powers. His powers were set out in a letter 28th April 1916 from General Reginald Brade of the Army Council to the Commander in Chief of Home Forces which read:

His Majesty's Government desire that Sir John Maxwell will take all such measures as may in his opinion be necessary for the prompt suppression of insurrection in Ireland and be accorded a free hand in regard to the movement of all troops now in Ireland or which may be placed under his command and also in regard to such measures as may seem to him advisable under the proclamation dated 26th April 1916 issued under the Defence of the Realm (Amendment) Act 1915.¹⁰

⁷ Hardiman pp. 242-244

⁸ Law Officers' opinion, attachment to Maxwell to Bonham- Carter, 20 May 1916, UCDA P150/512, cited in Townshend p.303

⁹ Foxton D (2008) *Revolutionary Lawyers, Sinn Féin and the Crown Courts in Ireland and Britain, 1916-1923*, Four Courts Press Dublin

p.67

¹⁰ Foxton pp.66-67

The military action had ceased and the last of the surrenders had been effected by Sunday 30th April 1916. He lost no time in moving to the next phase of his mission which included dealing with personnel detained either on surrender or on the subsequent sweep. He directed that courts martial would commence on Monday 1st May 1916. The first trials took place on Tuesday 2nd May.

He soon became aware of the inherent difficulties facing a man asked to apply a military solution to what was essentially a political problem. In that dilemma, it is suggested, lies the genesis of the sense of disappointment and bewilderment that was ultimately to characterise his reaction to the public and political response to his interpretation of his mission. He also became aware of the real difference between implementing military power in a distant colony far removed from parliamentary and press scrutiny and doing so in Ireland, in the second city of the empire and within a day's travel of London.

He had a soldier's distrust of politicians and regarded the political process as 'a treacherous quagmire impeding an honest and direct military response'.¹¹ That suspicion of politicians was implicit when he said somewhat ominously in a communication to the war office on 2nd May the date of the first trial: 'I hope the politicians will not interfere until I report normal conditions prevail...there is still work to be done'.¹² An indication of the fact that he was soon alive to the potential tangle with the law in the course of that work was evident from correspondence to his wife on 18th May when he wrote: "Great Britain is so very different to Egypt and other countries for here we are hedged in with legal difficulties which apparently martial law will not overcome, and we have to be very careful while Parliament is sitting". Field Marshall William Birdwood in a letter to him dated 21st July 1916 sympathised with him somewhat prophetically over being "horribly involved in politics" particularly as "politics in Ireland seem to be of such an extraordinary mixed nature, as no one there seems to mind letting anyone else down badly, when it suits him to do so".¹³

LT William E. Wylie KC

Many but not all of the major courts martial in 1916 were prosecuted by Lt William E Wylie KC. He was a 38 year old established and successful Kings Counsel (the equivalent of Senior Counsel in Ireland today), but also held the relatively junior rank of Lieutenant in the Officer Training Corps at Trinity College. In that capacity he had paraded as a line officer when the rising broke out. He attended at the surrender of volunteers from Jacobs's garrison and South Dublin Union at St Patricks Park. The Attorney General and the Solicitor General saw him in uniform as he guided a unit of British troops past Dublin Castle and this incident probably led to him being "volunteered" as a prosecutor when Maxwell subsequently sought legal officers at short notice.¹⁴ The timing and manner of his appointment suggest that Maxwell had not planned for the establishment of a court martial system. It has been suggested that holding courts martial at all was a concession on the part of Maxwell.

¹¹ Ibid p.66

¹² Enright p.31

¹³ Foxtan p.66

¹⁴ The unpublished memoirs of W.E. Wylie are deposited in the Public Record Office at Kew. For an account of his involvement in the courts martial see Marshall R.D. Lieutenant W.E.Wylie KC: The Soldiering Lawyer of 1916, in *Lawyers, The Law and History* by Norma Dawson Felix Larkin (2013) Four Courts Press in association with Irish Legal History Society Dublin. See also O Broin L, (1989) *W.E. Wylie and the Irish Revolution 1916-1921*, Dublin Gill and Macmillan.

He was not formally briefed as prosecution counsel but instructed as a military duty to undertake the role of prosecuting officer, one that his memoir suggests he regarded as an unpleasant duty. Nevertheless the duty was to place him as a junior officer of the reserve in a position of enormous influence central to the demise of the old order and the painful birth of the new. Remarkably he survived the trauma of both and prospered during and after the transition despite his role in what was described two weeks later by the bishop of Limerick as 'one of the worst and blackest chapters in the history of the government of the country'.¹⁵

He was appointed prosecutor in rather rushed circumstances late on the night of Sunday 30th April 1916 as an extract from his memoirs discloses: 'I was just preparing to go to bed when an orderly arrived on a motor bicycle and said I was wanted at GHQ... There I was shown in to a room and found a brass hat seated at a desk'. It was General Byrne who had just arrived from England as Assistant Adjutant General. He said: 'Are you Wylie?' 'Yes Sir'. 'Well, you will prosecute at the Courts Martial on the prisoners. Start tomorrow morning at 9.00a.m. at Richmond Barracks'. 'What charge Sir?' 'That is for you. Pick out your charge sheets and notify the accused. General Blackader will act as President of the court. Carry on'.¹⁶

He subsequently became Government Law Advisor in Ireland in 1920 and a Judge of the Irish High Court in 1920. After the treaty, he was kept on by the new administration and was appointed to the High Court Bench of the Free State in 1924, where he sat until 1930. It appears that the fact that he prosecuted the courts martial in 1916 was not held against him and rather it was the case that the manner in which he conducted the prosecutions stood to him. Wylie in fact acted in such a manner that confusion arose among some of the prisoners as to whether he was acting as defence counsel. One of the prisoners was William T. Cosgrave whose death sentence was commuted to life imprisonment. The nature of his initial interventions with the courts martial and the Attorney General regarding rights of representation, secrecy of the trials, the absence of any judge advocate, and the manner of his conduct of the prosecutions suggest that, despite his eleventh hour brief, he may well have acquainted himself with the Manual of Military Law published by the War Office.¹⁷ To an extent the measures he sought to implement in ease of the prisoners reflected the instinctive concerns of a trained lawyer regarding integrity of a trial process. They also reflected an appreciation of the safeguards for the accused inherent in the outline of the role of the prosecutor and the judge advocate in the manual of the time.

The reality was however that seven of the men prosecuted by him were executed.

Pre-Trial Process and Screening

Prisoners not selected for release or deportation were brought before an Assistant Provost Marshal for the taking of a summary of evidence. This was a pre-trial process provided for in the Rules of Procedure. A potential witness gave evidence before an investigating officer in the presence of the accused who could cross examine and

¹⁵ Townshend p.305

¹⁶ Barton B.(2010) *The Secret Court Martial Records of The Easter Rising*, The History Press UK p.43

¹⁷ Manual of Military Law The War Office 1914.

make a statement. In theory this was a protection for the accused but also constituted a rudimentary screening process to establish whether there was a prima facie case to prosecute. Many of the prisoners did not understand they were engaged in a formal pre-trial process.

Framing of Charges – Assisting the Enemy.

Section 1 of DORA contained a proviso that prevented a court martial from imposing a death penalty save where the breach of DORA was carried out “for the purpose of and with the intention of assisting the enemy”. There was no admissible evidence available to support the assertion that there had been a live German connection with the rising. The process stalled while the authorities considered how to address this lacuna in the framing of charges. At this point Patrick Pearse wrote a letter dated 1st May to his mother to which he added a postscript at the top of the first page which read: “I have reason to believe that the German expedition on which I counted actually set sail but was defeated by the British fleet”. The letter was seized and reviewed by Lt Bucknill the legal officer on Maxwell's staff. The charge of engaging in rebellion for the purpose of and with the intention of assisting the enemy was drafted the same day and the letter formed the cornerstone of the prosecution case against him.

There was no specific charge of rebellion under DORA. Regulation 50 however provided:

If any person does any act of such a nature as to be calculated to be prejudicial to the public safety or the defence of the realm and not specifically provided for in the foregoing regulations with the intention or purpose of assisting the enemy, he shall be deemed to be guilty of an offence against these regulations.

Although the letter was not produced in any other cases, the charge against Pearse became the template for the primary charge against each prisoner. It read as follows:

Did an act to wit did take part in an armed rebellion, and in the waging of war against His Majesty the King, such act being of such a nature as to be calculated to be prejudicial to the Defence of the Realm and being done with the intention and for the purpose of assisting the enemy.

It is generally accepted that this reference to Germany by Pearse was deliberate and it certainly had the effect of bridging the legal gap between the British desire to shoot him, and his desire to make the ultimate sacrifice, by providing grounds for imputing an intention on his part to assist the enemy, and thereby fulfilling the condition required for imposition of the death penalty.

There seems to have been an assumption at the other trials that the intention of each prisoner in engaging in the rising was to assist Germany. Had there been a judge or lawyer engaged in the decision making process it could almost be inferred that the court martial boards took judicial notice of such a common intent among the volunteers. Some of the leaders were no doubt aware of the German connection in terms of Casement and the arms shipment on the Aud. It must surely be questionable however whether they

were merely prepared to take advantage of German assistance in the interests of the Irish revolutionary cause, or whether they were intent on proactively engaging in rebellion with the intention of assisting Germany. Many of the volunteers had no knowledge of any German connection, let alone sympathy or support for the German cause per se. As there was no judge advocate to sum up the proofs in the prosecution case, nor any requirement for the board to give a reasoned decision on conviction, such records as do exist of the trials do not assist in providing clarification on this point.

General Maxwell's Command and Staff Structure

Maxwell did not take military command of troops to pursue his mission. His command and staff structure provides some insight in to the approach and actions taken. His second in command was Brigadier General Joseph Byrne, an Irish Catholic who arrived in Dublin with Maxwell and held the appointment of Deputy Adjutant General. Sean Enright correctly points out that he was not a lawyer nor was he attached to the Office of the Judge Advocate General.¹⁸ His appointment was administrative and not legal. He did however warn Maxwell against the use of martial law. The only lawyer on Maxwell's staff was Second Lieutenant Alfred Bucknill. He was an admiralty barrister with no experience of criminal or court martial work who had joined up in 1914. He had served in Egypt under Maxwell. He functioned as part of Maxwell's staff in drafting memoranda and correspondence for Maxwell in communications with higher military authority and the cabinet in London. He also assisted the prosecution team in the drafting of charges. In either event, he lacked the rank or authority to restrain or influence the pugnacious and forward leaning General.¹⁹ The other prosecutor was a contemporary of Wylie at the Irish bar namely Lt Ernest Longworth. Commissioned in 1914 into the OTC at Trinity College as a line military officer, like Wylie he was a civil lawyer and had no court martial experience.²⁰

Unencumbered by the benefit of independent legal advice which might have sensitised him more acutely to the legal niceties which were very much in play, Maxwell pushed on to the next phase of his mission with military efficiency.

The trials commenced on Tuesday 2nd May and they continued until 17th May at Richmond Barracks. Maxwell had told Kitchener that he intended to have three courts sitting simultaneously and to 'be through with this part in a week to ten days'.²¹ It transpired that two standing courts were convened. One Court was presided over by Brigadier General Blackader and the other by Col. E.W. Maconchy who was replaced after a few days by Col Sapte. Longworth prosecuted in Maconchy's court and Wylie prosecuted in Blackader's court.

Procedures for Trial by General Court Martial

Maxwell directed that the cases be tried by field general court martial rather than by general court martial. This was a very significant decision and direction. The legal

¹⁸ Enright p.19.

¹⁹ Robert D Marshall Solicitor and legal historian has recently noted that Bucknill was in fact gazetted to an appointment in the office of JAG on 28th April 1916. Whatever his formal appointment, the function he discharged appears clearly to have been at best in the nature of LEGAD (Legal Advisor in modern military parlance) to Maxwell.

²⁰ Enright pp.29-30

²¹ Townshend pp.278-279

framework for trial by court martial was established by the Army Act 1881 and the Rules of Procedure issued thereunder.²² A general court martial consisted of a president and a board of not less than nine officers. They were advised on legal matters by a judge advocate, a legally qualified military officer.

The Manual of Military Law in issue in 1914,²³ as Brian Barton has commented, painted a picture of the military justice system as a benevolent and punctilious enquiry in which the interests of the accused were at all times paramount.²⁴ These interests were protected by rights including the right to procure witnesses, to have a proper opportunity to prepare a defence, and to liberty to communicate with witnesses or legal advisors or other friends. The prosecutor was stated to be an officer of justice whose first duty was to ascertain the truth, not to obtain a conviction independently of the truth; and was bound to act with scrupulous candour and fairness towards the accused and the Court and to conduct the case throughout in a fair and moderate spirit. The accused was to be allowed the greatest latitude in making his defence and any doubt as to the sufficiency of proof had to be decided in his favour.²⁵ Further the court in considering their decision, were not to allow themselves to be influenced by the considerations of any supposed intention of the convening officer in sending the case for trial.²⁶ The court could deliberate in private; but at all other times the court had to be open to the public, military or otherwise, so far as the premises in which the court was held could receive them. The manual stated that it was not usual to place any restriction on the admission of reporters for the press. There was therefore no provision for the holding of trials in camera, although restriction of press access was contemplated.

Judge Advocate

The powers and duties of a judge advocate were set out in Rule 103 of the Rules of Procedure. The prosecution and the accused respectively, were at all times, after the judge advocate was named to act on a court martial, entitled to his opinion on any question of law relative to the charge or trial. He was responsible for informing the court of any informality or irregularity in the proceedings. Whether consulted or not, he had a positive and proactive duty to inform the convening officer and the court of any informality or defect in the charge, or in the constitution of the court. At the conclusion of a case he was obliged, unless both he and the court considered it unnecessary, to sum up the evidence and give his opinion upon the legal bearing of the case before the court proceeded to deliberate on finding. The court was warned that the members should be guided by his opinion, and not overrule it, except for very weighty reasons.

He was specifically charged, equally with the president of the court, with the duty of taking care that the accused did not suffer any disadvantage in consequence of his position as such, or of his ignorance or incapacity to examine or cross examine witnesses or to make his own evidence clear or intelligible or otherwise. The judge advocate could, for that purpose, with the permission of the court, call witnesses and put questions to witnesses

²² Rules of Procedure 1907

²³ Sixth Edition published in 1914. First edition published 1884. Part 1 comprised fourteen chapters of commentary and guidance of which Chapter V dealt with courts martial. Part 11 contained the Army Act and Rules of Procedure. Part 111 contained extracts from relevant statutes.

²⁴ Barton p.36

²⁵ Manual of Military Law, Chapter V, Paragraph 61, Latitude allowed in defence

²⁶ *Ibid*, Paragraph 62

which appeared to him necessary or desirable to elicit the truth. He was enjoined in fulfilling his duties to maintain an entirely impartial position

Clearly therefore there was in place an established legal infrastructure sufficient to ensure the conditions required for provision of a fair trial, albeit by military officers, with on the ground engagement from a judge advocate duty bound to act impartially. A retrospective view of the trials that did take place suggests that the procedures in fact adopted would not have survived contact with the rules of procedure applicable to a general court martial at that time.

A Court Martial of an Exceptional Kind

The Act also, however, provided for a 'court martial of an exceptional kind, termed a field general court martial'.²⁷ That court had the same power as a general court martial but was subject to exceptional rules under which the procedure was stated to be of a more summary character than that of an ordinary court martial. There was still an emphasis on the face of it, on the right of the accused to prepare and make a defence. Such a court was not as a rule convened for trial of an offence not committed on active service, in any place where ordinary civil justice was administered. The question arises as to whether Ireland was a place where ordinary civil justice was capable of being administered in May 1916, within a short time of the rising having been crushed. Speaking generally the rules which governed proceedings of ordinary courts martial were to be observed as far as possible

The accused in an ordinary court martial was to have a proper opportunity to prepare his defence and liberty to communicate with his witnesses and legal advisor or other friend. That liberty was expressed to be subject to the limitation that such persons were available, as the object of the rule was to give the accused full opportunity to prepare his defence, but not to enable him to postpone his trial. Eligibility to serve on a court martial depended on status as an officer, but disqualification of an eligible officer was a personal question, and depended on his being, or having been, in any manner a party to the case. In that regard it is noteworthy that Colonel Maconchy and General Blackader came to Dublin in command of troops that were fired on by the Irish Volunteers who were now on trial before them. Every court was obliged to consider the validity of their constitution and to adjourn and consult with the convening authority if not satisfied on any point regarding eligibility or disqualification. There is no indication that this point was considered by any of the courts martial convened.

A field general court martial consisted of not less than three members, The president was to hold at least the rank of captain and all members should have held commissions for at least one year, with preference to officers with at least three years commissioned service. The more summary rules of procedure applicable to field general courts martial still specifically guaranteed the two fundamental protections of the right to a trial in open court, and the right to make a defence. The more elaborate protective procedures guaranteed in a general court martial arguably remained available, but at the discretion of the convening officer and the presidents of each such court. Section 49 of the Army

²⁷ See Manual of Military Law, Chapter V, Paragraph 24. Refers to Army Act 1884 section 49 and Rules of Procedure 105-123.

Act stated that the object of the section providing for field general courts martial was to provide for the speedy trial of offences committed abroad or on active service in cases where it was not practicable, with due regard to the interests of discipline and the service, to try such offences by ordinary court martial. The dominant purpose of a field general court martial was the maintenance of army discipline in the field rather than the administration of justice.

Prosecution

Sean Enright has observed that the prosecution evidence came from four broad categories of witnesses: British military personnel and policemen held as captives during the week; a small group of G men of the Dublin Metropolitan Police who gave evidence of surveillance prior to the rising showing association between the leaders; British officers involved in taking the surrender who gave evidence about the prisoners they took into custody; Personnel who conducted searches of prisoners which yielded incriminating documents.²⁸ Barton characterised the evidence in a significant proportion of cases as entirely circumstantial, misleading, and inaccurate.²⁹

Defence

The defence case was extremely limited in each trial. Pursuant to the provisions of Section 2 of the Defence of the Realm (Amendment) Act 1915 a civilian was not entitled to give evidence on his own behalf. They were permitted to make an unsworn statement to the court.

All bar William Pearse pleaded not guilty. Some engaged with the process and did make statements and sought to contest the charges. Others declined to engage. A significant number, apparently genuinely, denied any knowledge of the intended rebellion and stated that they thought they were going out on a route march and manoeuvres. That position is corroborated by Wylie in his memoirs who said he was convinced that the majority did not know when marching out on Easter Monday morning that there was to be a rebellion. Others downplayed the nature and extent of their actions during the week and their rank and level of responsibility. It appears that the majority failed to address the critical issue of intention to assist the enemy. This was a clear indication of the dearth of legal advice available to the prisoners. Proof of such intention beyond a reasonable doubt was the standard of proof which the prosecution should have been required to establish in order to secure a conviction on the charge framed under Regulation 50 of the Defence of the Realm regulations. In the absence of legal representation or even advice, few of the prisoners recognised this line of defence. Notable exceptions were Ned Daly, Michael Mallin, Eamon Ceannt, Philip Cosgrave and Liam Cosgrave and a small number of others. Even when made however, the point did not avail Ned Daly who stated that all he had done 'was for Ireland, his own land'.³⁰

None of the prisoners had legal representation at their trial. Wylie raised the issue of representation on the evening of the first trials with the Attorney General James Campbell but Campbell would not hear of it and said that he would give the prisoners no public

28 Enright p.74

29 Barton p.48

30 *Ibid*, p.47

advertising. In fact, he said that he would not be satisfied unless forty of them were shot. Wylie claims to have responded by saying that ‘in addition to prosecuting I would defend them to the best of my ability and bring out every damn thing I could in their favour’.

Wylie initially advised the Court that a prisoner was entitled to have a soldier's friend at his trial or at least to take legal advice. He subsequently revised this position and the prisoners were allowed interviews outside of court only. A barrister was permitted to attend Richmond Barracks and spend a short time with William T .Cosgrave, Sean McBride and Eamon Ceannt.³¹ However, he was not given access to any prosecution papers and was not permitted to represent any of the prisoners at their trial. Many of the prisoners wanted legal representation and there is evidence that efforts to instruct solicitors were frustrated by the military authorities.³²

No proper note of the proceedings was taken or retained. Under the rules of procedure this was not strictly required for a field general court martial. The records that do exist are not transcripts of the trial proceedings but appear to be more akin to summary notes of the evidence and narrative. Neither of the presiding Officers Blackader or Maconchy had legal qualifications nor did any other members of the Courts. There was no judge advocate at any of the trials by field general court martial.

The Rules of Procedure permitted a prisoner to call any available witness for his defence. On the first day of the trials, the Court made no provision for the accused to call defence witnesses. On the second day, Wylie did succeed after the trial of Thomas McDonagh on 2nd May in ensuring that accused were permitted to call witnesses. The speed and circumstances of the trials however served to undermine the reality of this right in many cases. Poignantly the trial record of Eamon Ceannt shows: “the prisoner calls on Thomas McDonagh who was not available as he was shot this morning”. A few prisoners were able to get witnesses before the court. It is the case that no prisoners had free access to defence witnesses or any opportunity to prepare their defence. Generally they were given a typed copy of the charge sheet a few hours before the trial and had no proper opportunity to consider how the charge might be addressed or rebutted by calling evidence.

Most of the trials were very short and lasted only a matter of a few minutes. A number were tried together. The record of the trial of Con Colbert shows that the prosecution evidence extends in total to sixty three words. He was tried on 4th May and convicted of the standard charge and sentenced to death. The finding and sentence were confirmed by Maxwell on 6th May and promulgated to Colbert on the night of 7th May. He was shot at dawn the next morning.

Post Trial - Confirmation

The Army Act provided that a finding of guilty and the sentence consequent thereon were not valid until confirmed by superior authority. If the confirming officer considered that the proceedings of a court martial were illegal, or involved substantial injustice to an accused

³¹ Enright p.62. In a recent conversation at McKee Barracks in June 2016, former Taoiseach Liam Cosgrave, son of William T Cosgrave, confirmed to me a barrister named Ronayne had attended his father and others.

³² *Ibid*, p.62. This issue was also raised at the half yearly meeting of the Law Society on 6th May 1916.

person, he was obliged to withhold his confirmation. He had no power to alter or amend the finding of a court martial. In relation to the sentence however he had the power of mitigation to a less amount of the same punishment, remission of the whole or part of a sentence, commutation of the punishment to a different form of punishment lower on the scale of authorised punishments, or suspension of execution of a sentence.

It was open to any accused who considered himself aggrieved by the finding or sentence of a court martial to forward a petition to the confirming or reviewing authority. Independently of any such petition, the proceedings of all general courts martial before being filed in the office of the Judge Advocate General were required to be carefully reviewed there as a matter of course with a view to detecting any illegality or miscarriage of justice.

There was therefore in the normal course a significant post trial administrative process before any sentence, never mind a death sentence, was carried into effect. Maxwell effectively short circuited this scheme, which was designed to bring into play a level of review both by superior military authority and also by the independent office of the Judge Advocate General.

In this decision making process on confirmation, Maxwell took in to account police intelligence memoranda. These reports were not produced in court nor did the prisoners see them nor were they aware of them. Accordingly, they could not test the material by cross examination or contradict the material by giving evidence. This process of compilation of an overview of the prisoners' history was reflected in the memorandum he submitted to Asquith on 11 May 1916 to assist him in dealing with a debate in the House of Commons that day forced by John Dillon of the Irish Parliamentary Party. That memorandum was entitled 'Short History of rebels on whom it has been necessary to inflict the supreme penalty'. It contained in relation to each man a summary comment in relation to his involvement in the rising. It also contained however a generalised commentary on the nature of his involvement in and influence in the 'Sinn Féin' movement.³³

Ned Daly, for example was 'one of the most prominent extremists in the Sinn Féin movement'. Thomas Clarke was described in like manner and further as a man who... 'exercised a great influence over the younger members of the organisation'. Joseph Plunkett 'being of good education, exercised great influence for evil over the other members'. Even William Pearse who had effectively acted as aide de camp to his brother was 'associated with the Sinn Féin movement from its inception'. Although undoubtedly containing a measure of truth in each case, none of these comments were grounded on evidence led in the individual trials of the men. It is difficult to resist the implication that the opinions reflected in those comments were a significant factor in the decisions to confirm the sentence of death.

In normal course part of the process of review and confirmation involved scrutiny of the proceedings by the Judge Advocate General. This was in order for him to fulfil his constitutional role of providing legal advice to the sovereign as to whether court martial

³³ A copy of each of these summary comments is set out in the chapters dealing with the respective trials in Barton. All bear a date stamp 11th May 1916 Deputy Adjutant General Richmond Barracks

proceedings should be confirmed or not. That function, designed to impose legal and constitutional restraint on the military hierarchy, was not discharged by any representative of the Judge Advocate General in any field general court martial in Dublin in 1916.³⁴

Promulgation and Execution of Sentence

There were breaches of regulations and process also in relation to promulgation and execution of sentence. Promulgation was a process whereby an officer formally read out to the prisoner the finding and sentence of the court martial. Enright in his book refers to a number of instances of announcement of death sentence to a prisoner followed by a dramatic pause before announcement of commutation of that sentence.³⁵

Patrick Pearse, McDonagh and Clarke were all executed within minutes of each other by a single firing squad. No clergy were permitted at those executions although they were thereafter. The use of a firing squad to carry out more than one execution was a significant departure from existing convention and a direct contravention of orders issued by general staff. It is noteworthy also that all of the firing squads were comprised of Sherwood Foresters which was the unit which had suffered such heavy casualties at Northumberland Road and Mount St Bridge.

Royal Prerogative of Mercy

The discretionary power of the royal prerogative of mercy was vested in Baron Wimborne as Lord Lieutenant and Governor General. This was an extra judicial and non-legal power and it was open to every citizen sentenced to death to petition the Lord Lieutenant to exercise that power, and he was free to make his own decision on any such application. He was asked by John Dillon, deputy leader of the Irish Parliamentary Party to intercede with Maxwell and to seek clemency on behalf of condemned prisoners and to halt the executions. The power was not formally superseded or limited by DORA. It was however effectively eclipsed by Maxwell who ignored any assertion of any form of authority by Wimborne. On Sunday 7th May he dined with Wimborne who sought to intervene on behalf of condemned prisoners at the request of John Dillon. Maxwell failed to disclose to him that four men were due for execution that night. At 3.45am on Monday 8th May Michael Mallin, Eamonn Ceannt, Sean Hueston and Con Colbert were shot. Wimborne resigned that day.

Secrecy

There was no legal authority under the Rules of Procedure or DORA to hold any of the courts martial in camera. In fact the law specifically stated, even in the case of field general court martial, that the trial should take place in open court.³⁶ It appears that the individual courts martial failed to even consider the question of excluding the public and press, and just took their orders from Maxwell.³⁷ To Maxwell the decision to hold the trials in camera may have seemed like a pragmatic solution. In reality that decision gave rise to a double layered set of problems. Firstly, failure to allow any account of the evidence to be witnessed or published gave rise to the widespread belief that the prisoners had

³⁴ The absence of the JAG function from the trial process in Dublin in 1916 merits a separate study

³⁵ Enright p.76

³⁶ ROP 119(c)

³⁷ There was no contemporary court challenge on this issue. The point was run and lost in 1917 in a Habeas Corpus application. See *R v Governor of Lewis Prison ex parte Doyle* [1917] 2 KB 254. Adrian Hardiman described the much criticized judgement as the work of judges showing themselves more executive minded than the executive.

been shot in cold blood. Secondly, it led on to further problems regarding publication of the records retrospectively.

The reality is that the trials took place in Richmond Barracks in Inchicore, on the outskirts of Dublin. This was a secure location with every opportunity for adequate measures to deal with any security issues regarding presence of the public. There was however no basis whatsoever advanced, or indeed sustainable, for exclusion of the press as opposed to the public. Had the press been present it is possible that the perception at least of some of the executions would have been different. It is less likely that the impression of prisoners having been shot in cold blood would have taken hold. Also it is likely that some of the prisoners would not have been convicted of a capital offence at a public trial.

Unionist journalist Warre B Wells captured the essence of the effect of the decision to hold the trials in secret on ordinary Irish people:

I am not asking you to regard the executions of the rebel leaders, the sentences of penal servitude, the deportations, announced baldly day after day without publication of the evidence which justified the infliction of the capital penalty, from behind the closed doors of a field general court martial, from the point of view of their justice, or even of their expediency. I am simply inviting you to endeavour to understand their effect on that Irish public which read of them with something of the feeling of helpless rage with which one would watch a stream of blood dripping from under a closed door.³⁸

Following sustained pressure from the Irish Parliamentary Party in the House of Commons in July 1916 Aquith was compelled to make a commitment to publish the records. This was a commitment he was unable to honour. Both the political and military hierarchies were aware of the prospect that some of the verdicts might not withstand legal scrutiny and resisted publication. The War Office admitted that some of the evidence was 'extremely thin 'and that other elements would not make good public reading. The Adjutant General, Macready, had a real sense of the implications of publication. The inevitable result of publication, in his view, was that 'the nationalists would urge that the sole reason for trial in camera was that the authorities intended to execute certain of the Sinn Féiners whether there was evidence against them or not '. He displayed a significant degree of what would now be termed situational awareness in military terms, when he admitted that in his 'humble judgement ... this argument would be extremely difficult to meet successfully'.³⁹ Ninety years later Brian Barton was to succinctly characterise the wartime court martial process as 'a legitimising veneer with the outcome a foregone conclusion'.⁴⁰ That cap surely fitted the 1916 courts martial.

As it happened the records, such as they are, were not made public until 1998.

38 Townshend p.306

39 Ibid, p.295

40 Barton p.50

Timeline and Speed

The timeline of events regarding the trials gives an indication of the measure of Maxwell's military emphasis on completion of his mission. This arduous timetable was entirely of his own making and there was no requirement for such speed. The rapidity of the trials both collectively and individually was remarkable, even by the standards of the time and the circumstances that obtained. One hundred and seventy civilians were tried by court martial between 2nd and 17th May, ninety of whom were sentenced to death. Fifteen of these were shot between 3rd and 12th May. Individual trials usually lasted no longer than fifteen minutes. The normal court martial trial process would include trial, conviction, review by Judge Advocate General, confirmation by the convening authority, promulgation of sentence to the prisoner, petition to and consideration of the royal prerogative of mercy by the Lord Lieutenant, and finally execution of sentence. In the case of the first to be tried Patrick Pearse, his trial took place on 2nd May and he was executed at dawn on 3rd May. The trials and executions of the other leaders followed a broadly similar timeline although there was a gap of three days in the cases of Connolly and MacDiarmada and four days in the cases of Ceannt and Colbert.

That frenetic pace of trials and executions, punctuated by ongoing communications with Asquith and a summons to London on 4th May, was accompanied by a parallel regime of deportation of prisoners to internment in Frongoch and other locations at a rate of several hundred a day. An early warning by Asquith to Maxwell via Lord French on 4th May to avoid 'anything which might give rise to a charge of hasty procedure'⁴¹ in retrospect suggests a mind more keenly attuned to the broader legal and political implications of the military mindset than may have been credited .

He suspended executions on Wednesday 10th May and lifted that suspension on the two final executions of MacDiarmada and Connolly the following day. They were shot on Friday 12th May, the day that Asquith arrived in Dublin and visited Richmond Barracks .By then the authorities had become increasingly aware of shift in public mood, reflected in the political mood in Westminster. There was unease in the War office. Maxwell himself was alive to the shift which his military mind found difficult to rationalize.⁴²

Generals, at least at that time, did not usually have to deal with public opinion. Any direct engagement with public opinion could be a chastening experience. So it was for General Maxwell when he incurred the public wrath and disdain of Bishop O'Dwyer of Limerick. On 17th May the Bishop mounted a robust public defence of two of his clergymen criticized by Maxwell. He described Maxwell as a 'military dictator' responsible for proceedings that were 'wantonly cruel and oppressive'.⁴³ The change in public opinion was already underway but publication of the Bishop's letter certainly added impetus. The engagement was a significant blunder on the part of Maxwell and further evidence of his lack of understanding of the Irish psyche and the nuances of the Irish question.

41 Townshend pp.279-280

42 Ibid, p.302

43 Ibid p.305

Conclusions

Arguably there was a necessity for the imposition of martial law when proclaimed in Dublin at least, but the conditions justifying maintenance of martial law had ceased to exist following the completion of the surrender on Sunday 30th April. Never the less it remained in force for the duration of the trials which commenced on 2nd May, and beyond. By the date of the first trial, the British authorities had re-established control and conditions were such that the prisoners could have been tried either by a civil court and jury, or by a general court martial, had there been a mind to take either of those courses. It should be noted that several trials, including that of Eoin MacNeill, did take place before ordinary general courts martial. The means and resources were there if required. Even in a field general court martial the rules of procedure applicable to a general court martial could have been applied.

The well-established court martial procedures from statutory military law provided a readymade template for the trial regime mandated by DORA. Those procedures were selectively applied in a manner that suggests a marked reluctance to accept the restraints and protections inherent in them, and a definite leaning towards the free hand of martial law. It appears that the will of the general did prevail, even under DORA.

The trials were conducted by field general court martial ostensibly under DORA not martial law. Sean Enright summarises by saying that although Maxwell adopted the formal language and proformas of trial under DORA, the evidence suggests that the prisoners were tried under a trial regime of his creation. Charles Townshend has characterized the trials as quasi legal proceedings.⁴⁴ Although purportedly conducted in compliance with the Rules of Procedure, the records show that these rules were not fully applied and those designed to ensure fairness of procedures and protection of the prisoner were largely disregarded. The departure from established procedures, and the exercise of discretion to authorise that departure, was facilitated by the haste and speed of the process, the fact that the trials were held in camera and that a proclamation of martial law, albeit of questionable validity and effect, had been made. In military terms, the existence of the proclamation of martial law provided top cover for departure from rules of procedure designed to ensure a fair trial. The general usefulness of a proclamation of martial law had been recognised by the authorities, and here was an example of that.

In the context of the 1916 court martial trial process the British Army played the role of injured party, witness, prosecutor, judge and jury, court service, and prison service. It was also the appellate decision maker in the sense that Maxwell held, in the statutory process of confirmation, the power to confirm or commute a death sentence. Independently of the trial regime which he controlled directly, he eclipsed the royal prerogative of mercy vested in the Lord Lieutenant. There were within his regime inherent conflicts of interest with presidents of courts martial boards, and firing squads, drawn from members of units that had sustained casualties. The essential principles of the modern legal doctrine of natural justice – *nemo iudex in causa sua* (let no man be a judge in his own cause), and – *audi alteram partem* – (hear the other side), were enshrined in the principles inherent in the established court martial regime at his disposal. The *à la carte* regime he adopted however was an affront to the norms of fair procedures and due process, even of the time.

⁴⁴ RTE Hidden History: *The Man Who Lost Ireland*, Broadcast 18th April 2006

It has been said that Britain was doomed to lose the aftermath of the rising and so it came to pass. General Sir John Grenfell Maxwell played a central role in sowing the seeds of that loss. For ten days in May 1916 he literally held in his hand the power of life and death over those tried by court martial. For three months or so he was effectively the military ruler of Ireland. He had within days of his arrival accomplished his military mission by achieving the prompt suppression of insurrection in Ireland, at least in the short term. The application of his military mind to the second limb of his mission however, being such measures as seemed to him advisable under the proclamation dated 26th April 1916 issued under DORA, was to prove to be the genesis of the ultimate failure of the broader British political mission. His decisions in the application of that discretion were as crucial as the events of Easter week. The absence, by design or otherwise, of any independent legal input, whether from his own staff or the exercise of the function of the Judge Advocate General, was a significant factor in his decision making. The cause of his political masters, in both the long and the short term, would have been better served had the military mind embraced the rule of law rather than seeking to outflank it.

On a personal note his innate generals' distrust of politicians was well founded. He became the fall guy for the political failure of Asquith to exercise sufficient and timely control of an essentially political problem. Birdwood's sympathetic warning regarding politics, and particularly Irish politics, proved to be prophetic. Ultimately the end state of his mission was grounded as much in a failure of the political mind as in the manner of application of the military mind. The death of his mentor Field Marshall Lord Kitchener of Khartoum, the Secretary of State for War, in the sinking of HMS Hampshire by a mine off the coast of Orkney on the 5th June 1916, sealed his fate. His star had already begun to wane and ultimately he was relieved of his command and posted as General Officer Commanding North of England in October 1916.

Salus Populi Suprema Lex: Hard Times and Difficult Decisions Bring Drastic Action But We Must Look to the Future

ABSTRACT

Being in the midst of the ongoing 'decade of commemoration' affords an opportunity for reflection and introspection. Particularly so when juxtaposing this year's commemorations of 1916 with the approaching centenary of the Irish Civil War. The 'band of brothers', united in the struggles of 1916 and 1919-21 was to be torn asunder separating on the divisive issue of whether the Treaty was to be implemented. Harsh and cruel deeds occurred on both sides. This paper examines the response of the Government to the raging storm of the Civil War, including the standing up of the National Army, the Emergency Powers Resolution, the role of Military Courts and Committees, the establishment of the Office of the Judge Advocate General and the subsequent deployment of Legal Officers to the various formations. The 'good' of the people and democracy prevailed and the Rule of Law was established in Ireland in 1922-23 but the resulting dividend was sour and divisive. The voice and strength of democracy underpinned those who would bring the law, with extreme Emergency Powers to bear on the crisis. A severe regime of law and order enforced by the National Army, today's Óglaigh Na hÉireann, was to bring the situation under control but at what a price for our country. Those involved believed passionately in their respective positions; this passion would turn sour and its effects continue to be felt. Speaking at Beal na mBláth this year H.E. President Higgins has said that 'while we should never underestimate the challenge that it was to build the foundations of a stable democratic state in the midst of turmoil and in the shadow of a great power, we must never forget what a terrible price was paid in divided families and divided communities, leaving a legacy that was felt for generations.' The opportunity of commemoration brings remembering, a path filled with opportunity and optimism for the future. 'Ethical remembering' is a topic for which H.E. President Higgins has set out a vision of inclusivity, maturity and optimism. This needs to be addressed in historical, emotional and cultural terms. We must recognise and embrace our history.

**We had fed the heart on fantasies, the heart's grown brutal from the fare;
More substance in our enmities
Than in our love.¹**

Introduction

W.B. Yeats powerful poem recalls the sense of expectation engendered by the evocation of culture and history and its direct encouragement of a sense of republican expectation and idealism, and of how this was to become undone in the brutal reality that the Civil War brought in 1922. Micheal Hopkinson described the aftermath of the 1916 rising as giving birth to a vibrant nationalistic ideology which 'so vividly and dramatically articulated, particularly by Pearse and Connolly, became yardsticks by which future Irish nationalists were to be judged.'² This ideology was set on a collision course with hard facts and reality which became manifest with the signing of the Anglo Irish Treaty.

Context

In his 'History of the Irish Army' Lt Col John Duggan tells us that 'many patriotic Irishmen were genuinely deeply dissatisfied with the Terms of the Treaty. When it was signed, therefore, it provided a pretext for floodgates of antagonism and animosities to burst open.'³ The pragmatists saw what had been gained on the back of much suffering during the War of Independence; the idealists saw the treaty as the antithesis of the republican ideal for which the blood sacrifices had been made. As to the latter Helen Litton summarised their sense of disillusionment as one where 'no middle way was possible; the Treaty was either something Robert Emmett or Wolfe Tone might have welcomed, a step towards complete freedom, or it was a cowardly betrayal of Ireland's martyrs.'⁴ Minister Kevin O'Higgins, showing a firm grasp of reality as to the position the country was in said during the Dáil debates facilitating the passage of the first Constitution that 'many would have liked to do with the British what we read that Brian Boru did with the Danes, not far from here. But we did not do it. We were not able to do it. If we had been able to do it, the things that are in the Treaty and that are in the Constitution, which many here find irksome, would not be there.'⁵ And what of the people? For Helen Litton the fact remained 'that the vast majority of the people in Ireland were willing to accept the Treaty, whether they believed it was the best Ireland would ever get, or whether they were "stepping stoners", hoping that it would lead to better things.'⁶

The thoughtful and appropriate commemorative events that have occurred this year marking the Easter Rising of 1916 will in time give way to further centenaries and commemorations. What of the commemorations of 2022 – 2023? They will also need to be thoughtful and appropriate. In 1922 the young state faced its first and potentially fatal challenge, that of Civil War. Diarmuid Ferriter writing of the experienced with that of 1916 quoted Sean O'Faolain who in 1941 had written that the Civil War 'woke us from the mesmerism of the romantic dream.'⁷ Families were divided; brother fighting

1 Yeats, William Butler, *The Stare's Nest by the Window* from 'The Tower'. The collected Poems of W.B. Yeats, (2000) Wordsworth Poetry Library, Hertfordshire, UK, at p.173, extract from the final stanza.

2 Hopkinson Michael, (1988) *Green against Green*, Gill and Macmillan, Dublin, at p. 3.

3 Duggan, John, P., (1991) *A History of the Irish Army*, Gill and Macmillan, Dublin, p. 73.

4 Litton, Helen, (1995) *The Irish Civil War: an Illustrated History*, Wolfhound Press, Dublin, p. 9.

5 Provisional Government, Dáil Debates, Bill to enact Constitution, volume 1, cols 360-361 (18 September 1922).

6 Litton at p. 10.

7 Ferriter, Diarmuid., (2016) 'Higgins's reflection on Civil War highlights edgy issues; President was right to speak of the need to recognise the atrocities committed by both sides.' The Irish Times, 27th August 2016,

Retrieved from <<http://www.irishtimes.com/opinion/higgins-s-reflection-on-civil-war-highlights-edgy-issues-1.2769748>> [Accessed 31st August 2016], citing O'Faolain, S.,(ed.) The Bell, Vol. 2, No. 1, April 1941 at p. 10.

brother; bitterness pervaded the land; what a price was paid. This paper outlines the challenges then facing the state and the role entrusted to the Army to implement the policies and legitimate authority of the Provisional and later the Free State Government. Admittedly, it does suffer from a dearth of primary sources affected crucially by the fact that much material, including the proceedings of all military courts, committees (tribunals) and executions were ordered to be deliberately destroyed 'by fire' in 1932.⁸ However, there are a few excellent texts that deal specifically with the Civil War.

For reasons of confined brevity the subject of the atrocities committed on all sides is not addressed in detail, in this paper. These occurred, are an undoubted stain on our past and will doubtless be raised as we approach 2022.

There is also the question of what the nation remembers or indeed wishes to 'forget'. In a seminal speech in 2015 where he spoke of the impending 'Decade of Commemorations' President Higgins addressed the difficulties involved and recognising that 'while a terrible and heinous act cannot, for the most moral of reasons, be dissolved or forgotten, it is only through an act of imagination and creativity that we can prevent that tragic memory from colonising the future.'⁹ The President spoke of the importance to not forget and added that 'the desire to remember however, goes beyond a need for catharsis and a duty to 'not forget' in order to avoid repeating the mistakes of the past. While to ignore the past would be a betrayal of those who lost their lives and of those whose lives have been blighted by the loss or serious injury of their loved ones, we must also ensure our remembered past is not allowed to overshadow and define the issues of moral significance in either the present or in the future to which we aspire.'¹⁰

A paper such as this requires balance and consistency and it will not go unnoticed that the writer is a serving Legal Officer and thus part of an establishment whose predecessors played a key role in devising the legal instruments deemed necessary, and later providing legal advice on the implementation of the policies that were pursued. With this in mind, this paper is intended to meet the challenge of the Editor to, inter alia, contribute to the wider discourse and reflection on the events of 1916 and the subsequent emergence of modern Ireland as experienced by the predecessors of the Defence Forces of Ireland in the cauldron of Civil War.

Divisions Commence, Duty Calls and the People Speak

On 7th January 1922 the second Dáil narrowly ratified the Anglo-Irish Treaty by sixty four votes to fifty seven. The debate divided the country along pro-treaty and anti-treaty lines. Later that month the Provisional Government established the National Army on the 31st January. It would take several months for the organisation to take shape and be moulded into a fighting force. There were other areas that the Government set about organising itself for the conflict that many felt was to come.

⁸ Order from the Minister of Defence, Desmond FitzGerald, to his secretary, 7th March 1932 (U.C.D. Archives, Andrew papers, P91/86 (20)). In Breen, Timothy, (2010) *The Governments Executions Policy during the Irish Civil War 1922 – 1923*, Unpublished PhD Thesis, NUIM, at p. 281. Minister FitzGerald directed that 'as the above-mentioned documents contain information which may lead – if disclosed to unauthorised persons – to loss of life, you are hereby ordered to destroy same by fire, extracting therefrom previous to such destructions such particulars as you consider might be required hereafter in the conduct of the business of the Department of Defence.'

⁹ Higgins, President Michael D. (2015) '*1916 and the Ethics of Memory*' Address by President Higgins at Glencree, 27th June 2015. Retrieved from < <http://www.president.ie/en/media-library/Speeches/1916-and-the-ethics-of-memory> > [Accessed 7th June 2016].

¹⁰ *Ibid.*

Difficult decisions had to be made by those who were to serve the new state. Judge Cahir Davitt, a former Republican Court Judge later appointed as the first Judge Advocate General (JAG) of the Army of the Provisional Government and afterwards of the Free State, recalled that he 'eventually came to the conclusion that I should regard the task offered me as a duty – a duty with possibilities of unpleasantness no doubt – but still undoubtedly a duty.'¹¹ Davitt would proceed to establish the Office of the JAG and would recruit many barristers, solicitors and legal staff also possessed of a sense of duty who would staff the various Command Legal Offices and play a crucial role in the onerous duties that were to follow. He stated that many of those who accepted his offer of employment felt that 'once they had been given the opportunity of serving the State when it appeared to be in some danger, they felt it to be their duty as citizens not to refuse it'.¹²

On 31st March 1922, Westminster passed the Irish Free State (Agreement) Act 1922 which gave the force of law to the treaty. It also provided for elections in Ireland to what would become Dáil Éireann and to which the 'Provisional Government' established under that act would be responsible. In advance of the June election tensions were angrily expressed in the Dáil where in the course of one particular exchange Arthur Griffith stated that 'if men will come with force of arms against us to attempt or even prevent the Irish people expressing their opinion, all we can say is we are prepared to meet them on that issue.'¹³ The election of the 16th June gave a significant majority to the pro-Treaty side resulting as follows:

▪ Pro-Treaty:	56
▪ Anti-Treaty:	36
▪ Labour:	17
▪ Farmers Party:	7
▪ Independents:	6
▪ Dublin University:	4

The result of the election provided the Provisional Government with democratic backing and legitimate standing necessary; this was vital as the time to take action was looming. The tensions had exacerbated and deteriorated into a public show of force against the Provisional Government with the occupation of the Four Courts on the 14th April by anti-treaty forces. However Michael Hopkinson stated that the election 'greatly helped to facilitate the establishment of the Free State government during and after the war. It linked the government with the causes of majority rule and legitimate democratic authority and through the Republican's apparent resistance to the judgment of the electorate, caused the opposition to be associated with non-acceptance of stable, legitimate government.'¹⁴ Following the election those elected bar those who abstained met on 9th September 1922, and calling itself Dáil Éireann, sat as the Third Dáil.

War Begets Drastic Action.

Having ignored the Government ultimatum to evacuate, the attack on the occupants of

¹¹ Davitt, Judge Cahir., (1959), Statement to Bureau of Military History, Document No. WS 1,751, 9th January, 1959, page 3.

¹² Ibid at p. 24.

¹³ Hopkinson at p.97.

¹⁴ Ibid at p.111.

the Four Courts on the 28th June finally ignited the Civil War; much bloodshed would follow. John Dorney believes that ‘the anti-treaty IRA, particularly the faction in the Four Courts, had done much to provoke Civil War. Arguably, they had put the Provisional Government in an impossible position and made open conflict unavoidable.’¹⁵

The conflict was now read as that of the Free State versus those on the Republican side; the essential issue to be determined was whether the terms of the Treaty were to be implemented or not. The ‘band of brothers’ forged in the fire of 1916 and 1919–1921 had been torn asunder with Florence O’Donoghue believing that it was now a ‘war of brothers.’¹⁶ General Michael Collins assumed command of the Army as our first Commander-in-Chief (C-in-C) on the 11th July. Battle lines were now clearly drawn, with directives to the media organs that the state’s army was to be referred to as the ‘Irish Army’ or the ‘National Army’, and their opponents were always to be referred to as ‘Irregulars’, ‘Armed men’, etc.¹⁷ The formal distinctions made clear the divisions simmering for months and which would have tragic consequences for the country.

Peter Hart believed that the National Army was in a crucial position and was now ‘the keystone to state power.’¹⁸ Events moved quickly; by the end of the first two months Government forces had successfully taken all the territory held by Republicans and the war seemed all but over. However after the Anti-Treaty side resorted to guerrilla tactics in August, National Army casualties mounted and they even lost control over some of the territory taken in the initial offensive. The guerilla warfare took its toll: there were ambushes, destruction of roads and railways, individual killings or so called ‘unofficial executions’ (on both sides) and widespread seizure and destruction of property.

The escalating violence was a cause of much concern to the Government and it is interesting to note the appearance of the term ‘drastic action’ in various historical sources. Crucially, the deaths, firstly of Griffith and then of Collins on 22nd August 1922 hardened the resolve and approach of the Government. General Collins had tried to keep the country from splitting and had said that ‘I may say that I am in favour of drastic action being taken, but I am against the shooting of unarmed men in any circumstances when it is known to the Troops that the men are unarmed.’¹⁹ His death brought a significant change as identified by a British intelligence report on 26th August which concluded that ‘the tragic death of Michael Collin, following so closely on that of Arthur Griffith, will probably have one of two effects; it will either cause the Army and the Nation to lose its temper and take really drastic action against the rebels or it will dishearten them to a dangerous degree.’²⁰ Sir Alfred Cope, British Assistant Under Secretary in Dublin, had written to Winston Churchill that Cosgrave and his cabinet were ‘going to take the gloves off’ in their conduct of the war.²¹

15 Dorney, John., (2014) *Peace after the Final Battle; the story of the Irish Revolution 1912 - 1924*, New Island, Dublin at p 251.

16 White, Gerry, and O’Shea Brendan, (2003) *Irish Volunteer Soldier 1913 – 23*, Osprey Publishing, Oxford, p.57.

17 The National Army, (sometimes unofficially referred to as the Free State army) was the army of the Irish Free State from January 1922 to October 1924 until the enactment of the Defence Forces (Temporary Provisions) Act, 1923. Effective from 1st October 1924, it was not a new force: the legislation was explicit that the Defence Forces would have the same legality, organisation, personnel, orders and regulations as the 1922–24 force.

18 Hart, Peter (2005) *Mick, the real Michael Collins*, Macmillan, London, p. 400.

19 Letter from Michael Collins to William T. Cosgrave, 29 July 1922 (U.C.D. Archives, Mulcahy papers, P7/B/29(156)). In Breen, Timothy, (2010) *The Governments Executions Policy during the Irish Civil War 1922 – 1923*, Unpublished PhD Thesis, NUIM, at p. 127.

20 Extract from British Intelligence Reports, 26th August 1922, (UCD Archives, De Valera papers, P150/ 1646). In Breen, Timothy, (2010) *The Governments Executions Policy during the Irish Civil War 1922 – 1923*, Unpublished PhD Thesis, NUIM at p. 69.

21 Hopkinson, at p. 194. Sir Alfred Cope writing to Winston Churchill, 16th September 1922.

Cahir Davitt had felt this was escalation had been coming for several months and recalled a conversation with Ernest Blythe, then Minister for Local Government in early September 1922 where the Minister remarked that sooner or later 'drastic action' would have to be taken. When Davitt enquired as to the nature of this action, the Minister replied to the effect that it meant the severe punishment of those in arms against the Government.²² Giving a possible indication as to the mindset prevailing among the cabinet, Blythe stated that "once civil war is started; all ordinary rules must go by the board."²³

The new leadership (dominated by W. T. Cosgrave as Chairman of the Provisional Government, General Richard Mulcahy as C-in-C and Minister for Defence, and also Kevin O'Higgins as Minister of Economic Affairs) took the position that the Anti-Treaty forces were conducting an unlawful rebellion against the legitimate Irish government and should be treated as criminals rather than as combatants. Their view was that the Treaty had to be implemented. To further place the ruthless decisions that were to be made in the name of law and order in its context a legendary quotation from O'Higgins is worth recalling where he stated that 'the Government was simply eight young men standing amidst the ruins of one administration with the foundations of another not yet made, and with wild men screaming through the keyhole.'²⁴

The Provisional Government decided to bring the screaming to an end. General Mulcahy recommended to the cabinet that the civil war could only be ended by bringing the campaign to the Anti-treaty forces. To the forefront of this strategy was what Tim Pat Coogan describes as 'one of the most drastic pieces of legislation ever seen in Ireland', the Army (Emergency Powers) Resolution.²⁵ On September 27th 1922, three months after the outbreak of the war, the Dáil passed, by 41 votes to 18, this emergency legislation which allowed for the execution of those captured bearing arms against the State.²⁶ The Preamble to the legislation read that:

WHEREAS the Government has entrusted to the Army the duty of securing the public safety and restoring order throughout the country and has placed on the Army the responsibility for the establishment of the authority of the Government in all parts of the country in which that authority is challenged by force.

The legislation proceeded to provide for the establishment for 'military courts and committees',²⁷ and passed to Military Courts the right to impose the sentence of death, imprisonment or penal servitude on those found to be guilty of various listed offences, the sentence only requiring the confirmatory signatures of two Army officers. The resolution, also known as 'the Public Safety Bill', empowered these military tribunals with the ability to impose life imprisonment, as well as the death penalty, for a variety of offences. By imposing capital punishment for anyone found in possession of either firearms or ammunition, the Provisional Government effectively prevented anti-treaty sympathisers

²² Davitt at p. 24.

²³ Dorney at p. 289. See also Witness Statement 939 at the Bureau of Military History.

²⁴ Coogan, Tim Pat, (2004) *Ireland in the 20th Century*, Arrow Books, Dublin at p. 121, citing a quotation from Leon O'Broin, (1981) In *Great Haste*, Gill and Macmillan, Dublin.

²⁵ Coogan, at 121.

²⁶ Provisional Government, Army (18th October 1922) (Emergency Powers) Resolution, (also 'Public Safety Bill'). <<http://oireachtasdebates.oireachtas.ie/debates%20authoring/debateswebpack.nsf/takes/dail1922101800036?opendocument>> [Accessed 5th April 2016].

²⁷ Frequently collectively referred to as 'military tribunals'.

from storing any arms or ammunition that could be used by anti-treaty forces; possession of even a single sporting or civilian firearm or cartridge could result in execution by a firing squad.

The legal nature of the Resolution is worth examining. The resolution was also known as the 'Public Safety Bill', but no such Bill or Act can be found in the records of the Irish state. It was actually a mere resolution of the Dáil which was retrospectively legalised in August 1923. The Provisional Government (in place between January and December 1922 to make sure the Treaty was implemented) had no legal right under the Treaty to enact new legislation without royal assent, the King being represented in the person of the Governor General. In theory the Provisional Government's powers did not apply after the Treaty formally passed into law on December 6 1922. So technically speaking the Public Safety Bill was not a law but simply a resolution passed in the Dáil. However, since there was, as yet no Governor General who could give his assent, the legislation setting up military courts was passed anyway, but by Resolution of Dáil Éireann. The late Prof John Kelly addressed the creation of 'extraordinary criminal tribunals with no basis in statute' in his seminal work 'The Irish Constitution'. The principles applied by the Irish courts were summarised by him as, where '(1) the executive is entitled to repel force by force, either in war or in armed rebellion; (2) for this purpose the military arm of the executive may exert repression on civil populations in the areas affected; (3) this repression may be exerted through the modes of 'courts' of military personnel informally established; (4) the ordinary courts have no jurisdiction to interfere with or review the operations of such court martial.'²⁸

In the Dáil, W. T. Cosgrave, the head of the Provisional Government, told the heated debates that 'Although I have always objected to the death penalty, there is no other way that I know of in which ordered conditions can be restored in this country, or any security obtained for our troops or to give our troops any confidence in us as a Government. We must accept the responsibility.'²⁹

Framing the Regulatory Provisions & the Military Courts Commence.

Having completed the General Regulations as to Discipline for the National Army, Cahir Davitt also completed the General Regulations as to the Trial of Civilians by Military Courts which was issued as a General Order on 2nd October 1922.³⁰ The Regulation were limited to military courts, military committees were to be activated later in the War. In outline the regulations provided:

- The Military Court was to be convened by the GOC commanding the Command area within which the offence was alleged to have been committed.
- The court was constituted with an officer appointed by the Convening Authority with a rank not lower than Commandant; a Legal Officer nominated by the Minister for Defence and certified by the 'Law Officer' (later Attorney General) to be a person of legal knowledge and experience; one other officer of a rank not lower than Captain.

²⁸ Kelly, John M., (1994) *The Irish Constitution*, 3rd Edn. Butterworths, Dublin, at p. 652.

²⁹ Provisional Government, Dáil Debates, Precedence for Ministerial Business, volume 1, col. 802 (27 September 1922). Column 877.

³⁰ Provisional Government, General Regulations as to the Trial of Civilians by Military Courts, *Iris Oifigiúil*, no. 88 (21 November 1922), at pp. 698-702.

- No person was to be tried until after the expiration of 48 hours after his arrest. He was to receive a copy of the charge sheet and an abstract of any evidence at least 24 hours pre-trial.
- He could be represented by solicitor or counsel.
- The court was to determine its own procedure save that it was to be bound by the law of evidence. It also had to have regard to the procedure for the court martial of members of the Army in the ordinary sense as found in the General Regulations as to Discipline.
- On completion of the trial the Legal officer in the court was to sign the proceedings and have them transmitted to the Adjutant General.
- Every finding and sentence was subject to be confirmed by two senior officers of the Army Council.³¹ The sentence could of course be one of death but this also included penal servitude, imprisonment, deportation, internment and a fine.³²

As a result of the sentences of the first Military Courts four executions occurred on 17th November in Kilmainham of four members of the Anti-treaty forces all aged under the age of twenty two. In the Dáil General Mulcahy argued that he knew that people would be shocked and saddened by the executions but he believed that the executions policy 'brought a sudden, cold sense of reality to his opponents.'³³ Erskine Childers was executed on 24th November. He had been captured in possession of a pistol which Collins had apparently given to him. A remarkably brave man, on the eve of his execution he advised his then twelve year old son, also Erskine, never to do or say anything that would cause bitterness.³⁴ This little boy would later succeed President De Valera as Uachtarán Na hÉireann vested with supreme command of the Defence Forces pursuant to article 13.4 of the present Bunreacht Na hÉireann.

A legal challenge had been mounted to the Emergency Powers Resolution when Childers and eight others – also facing execution - appealed to the civilian judiciary by way of a Habeas Corpus application. O'Connor MR³⁵ examined the existence of the Provisional Government and its authority to act as proposed and execute the nine. He found in the affirmative, declaring that 'the Provisional Government now is, de jure as well as de facto, the ruling authority in Ireland and its duty is to preserve the peace, administer the law, and to repress, by force if necessary, all attempts to overthrow it.'³⁶ The court was asked whether a state of war actually existed, which, if not would undermine the legal basis for the Resolution. He found that a state of war did exist and also found that the maxims *salus populi suprema lex* and *inter armes silent leges*³⁷ applied with singular aptness to 'a state of affairs in which the ordinary law had been silenced by the sound of the bomb and the pistol shot'.³⁸ The good of the people must prevail.

31 Composed of the Commander in Chief, the Chief of Staff and the Assistant Chief of Staff.

32 Ibid.

33 Mulcahy, Risteard, (2009) *My Father the General*, Liberties Press, Dublin, p.165.

34 Coogan at p. 122

35 Master of the Rolls in Ireland, a judicial appointment, the equivalent today of the President (Presiding Judge) of the High Court. Charles Andrew O'Connor (1854 – 1928) was the last Master of the Rolls in Ireland and was appointed to the first Supreme Court of the Free State.

36 R. (Childers) v Adjutant General of Provisional Forces [1923] 2 IR 13: (1923) 57 ILTR 17.

37 In time of war, the law falls silent.

38 "The Provisional Government is now de-jure as well as de-facto – the ruling authority bound to administer, to preserve the peace and to repress by force, if necessary, all persons who seek by violence to overthrow it [...] He [Childers] disputes the authority of the Tribunal and comes to this Civil Court for protection, but its answer must be that its jurisdiction is ousted by the State of War which he himself has helped to produce. However doubtful the law may have been in the past it is now clearly established that once a state of war [arises] the Civil Courts have no jurisdiction over the acts of the military authorities, during the continuance of hostilities." Campbell, Colm, (1994) *Emergency law in Ireland 1918-1925*, Clarendon Press, Oxford, UK, at pp. 248-249. Also see Davitt at p. 45.

Hard Times and Difficult Decisions

Following these initial executions the anti treaty side reacted with an order for the execution of all members of the Provisional Government, any member of the Dáil who had voted for the Special Powers Resolution, and, given the role they played in advising the members of the Military Courts and the Government, of all Command Legal Officers.

Saorstát Éireann came into being on the 6th December 1922 but was to be plunged into further tragedy the next day when Brigadier General Sean Hales, T.D. was shot and killed on his way to the Dáil. A native of Knocknacurra, Ballinadee near Bandon, he had with his brother, Tom, been to the forefront of the fight against the British during the War of Independence. Tragically, and as with many families, the brothers took opposite sides in 1922. Tom Hales had been part of the earlier ambush that resulted in the death of Collins. The Government, initially shocked, rallied and acted with absolute determination, resolving to ensure that T.D.s would not be threatened in a democracy for which they were accountable to the people. They felt that the very core of representative government and Irish democracy was being threatened and they were determined, according to Maryann Valiulis, to “respond in such a way so as to make the price of a repeat occurrence much too high to pay.”³⁹ Their first response occurred the very next morning when the Government ordered the executions – without trial – of four anti-treaty personnel who had been held in Mountjoy since the fall of the Four Courts - Rory O'Connor, Liam Mellows Dick Barret and Joe McKelvey.

Were The Executions Legal?

The four men had been neither tried nor convicted before a court. They had been captured after the fall of the Four Courts and therefore well before the coming into being of the 'Public Safety' Bill. Difficult as undoubtedly this decision was the reprisal executions were authorised by the Cabinet as a warning that the Government was not to be attacked. Historian Michael Hopkinson reports that General Mulcahy had pressed for the executions and that Kevin O'Higgins was the last member of cabinet to give his consent.⁴⁰ Later on the same day the Dáil debated the executions and retrospectively approved them by a vote of 39-14.

International reaction was profoundly negative. 'Murder, foul and despicable and nothing else' declared the New York Nation.⁴¹ The London Times commented that 'The British Government never adopted such drastic measures, even in the darkest days of the fighting before the Truce'.⁴² However other opinions are worth mentioning. In a trenchant opinion, Cahir Davitt cast a heavy burden of responsibility upon the Four Courts leadership whom he held most responsible as bringing the 'curse of civil war upon the country' and stated that 'I was not in favour of executing anyone if it could be avoided; but if anyone were to suffer death it was they who deserved it most as a punishment for bringing about the tragedy of fratricidal strife. The reprisal execution of O'Connor, Mellows, McKelvey and Barrett was not merely the most justly deserved of all the executions; it was also the most justifiable. As a drastic means of ending the incipient campaign of assassination of Dáil deputies its success was immediate and conclusive.'⁴³

39 Valiulis, Maryann, (1992) *Portrait of a revolutionary, General Richard Mulcahy and the founding of the Irish Free State*, Irish Academic Press, Dublin, at p. 181.

40 Hopkinson at p. 191. Tragically, Rory O'Connor had been O'Higgins's best man almost a year previously.

41 Duggan, at p. 104.

42 Hopkinson, at p. 191.

43 Davitt, at p.83.

Further action came when recalling and relying on the Emergency Powers Resolution the Government issued a proclamation establishing Military Committees on the 7th Dec. This established a form of 'drumhead'⁴⁴ courts martial to deal summarily with persons arrested in possession of arms, ammunition or explosives. These 'mobile' committees composed of lower ranking officers, one of which could not be ranked lower than captain, would dispose of charges concerning the unauthorised possession of arms, ammunition and explosives. Even though military courts were favoured up until now these committees would permit a more summary application of the emergency powers on an increasingly decentralised and speedier basis. The military courts would continue but only in cases of where there was a doubt as to guilt.⁴⁵ Persons arrested in possession of arms would, as quickly as possible, be brought before a local committee of officers which would then analyse the arrest and subsequently report, in writing, if there had been a case of unauthorised possession. For those accused there seemed to be no provision for the accused to consult with a solicitor or barrister. However, the accused would have the opportunity to defend himself and could have an officer for that purpose. Upon receipt of a committee's report the officers would devise a punishment, which included a possibility of death, and this sentence was to be carried out summarily

In order to keep the system of Military Committees within the terms of the Emergency Powers Resolution each committee would also include an officer certified by the 'Law Officer' (now Attorney General) to be a person of legal knowledge – a command legal officer – who would ensure that committees were conducted appropriately and that reports were suitably presented.⁴⁶

On December 20th came the first news of executions following an investigation by a Military committee when seven men were shot in the Curragh Camp for unlawful possession of rifles, ammunition, and explosives. These were the first to occur outside of the capital and it was the largest individual set of executions during the Civil War. The initial executions had been restricted to Dublin, and resulted in the death of twelve men over a ten week period. This changed following the assassination of Brigadier General Hales. Facilitated by the introduction of the mobile military committee system sixty-nine additional executions occurred by May 1923, sixty-three of which occurred outside Dublin. In the month of January 1923, thirty four prisoners were shot in such places as Dundalk, Roscrea, Carlow, Birr, and Portlaoise, Limerick, Tralee, and Athlone. Writing of the effect of the executions Brian Murphy found that 'these killings had a marked effect on republicans: on the one hand it weakened their resolve to continue the fights, leading Liam Deasy, for example, to call for a cease fire on 18th January; on the other hand it strengthened the religious-like commitment to the republic.'⁴⁷

As the Civil War entered its eight month the Government decided that all efforts would be made to defeat the Anti-treaty forces and they decided to extend the jurisdiction of the

44 A drumhead court-martial is a term used to describe a court-martial held in the field to hear urgent charges of offences committed in action. The term originated from the use of a drumhead as an improvised writing table.

45 Military Committees dealt with people that were blatantly caught and as a result were to be tried by the committees at Battalion level. Other cases, where a doubt did arise were to be brought to Command HQ and dealt with before a Military Court.

46 Davitt at pp. 56 - 59. Davitt was concerned over the adoption of the committee system. He believed that they had no judicial function and were nothing more than drumhead courts martial. Davitt argued that as they merely investigated and reported, and as investigations were not legal trials, that the committees did not require any rules of procedure. Davitt also added that the legal officers supervising these committees should do so as troops obeying orders.

47 Murphy, Brian P., (2006) *The Irish Civil War 1922-1923: an anti-Treaty perspective*. Irishmen in War, 1800 – 2000, Essays from the Irish Sword, Volume II, The Military History Society of Ireland, p. 166.

Military Courts and Committees in order to include more than the immediate perpetrators of offences. On the 20th January 1923 what became known as the 'Stand Clear' order was issued. This General Order extended the jurisdiction of the military courts and committees and included a number of additional offences, including non-combatant Republican supporters carrying messages, assisting in escapes or using army or police uniforms; and also deserters from the National Army. Under the order 'any person' who shall:

Murder any person, or aid or abet the murder of any person, or attempt in any way to murder any person [...] Conspire to murder any person [...] Command, procure, incite, counsel, solicit, encourage, persuade or endeavour to persuade any person to murder any person [...] shall upon trial and conviction thereof by Military Court or Committee be liable to suffer death or any less punishment.⁴⁸

The Order was designed to ensure that Anti-treaty forces followers and sympathisers, i.e. civilians, would now stand an even greater chance of prosecution. While civilians were included in the original September resolution, none had been executed to date.

Ceasefire, Aftermath and Counting the Cost

The Anti-Treaty side called a ceasefire on the 30th April 1923 and ordered their men to "dump arms", ending the Civil War, on the 24th May. Nevertheless, executions of Anti-treaty prisoners continued after this time. The last executions took place when four men were executed in May after the ceasefire order and the final two executions took place on the 20th November, months after the end of hostilities.

In order to legalise and validate the actions taken which may have been subjected to legal scrutiny the government also felt the need to pass the Indemnity Act (1923) which stipulated that all sentences passed on military prisoners taken by the Provisional Government's forces, before the passing of the Act, were retrospectively 'valid'. This legislation stated that no action or other legal proceeding whatsoever, whether civil or criminal, could be instituted in any court of law in the Free State as a result of any actions that occurred during the Government's suppression of the rebellion. It covered the period from 27th June 1922, the day before the conflict started, until the day the Act was passed. Section 3(1) provided that:

Every military court or committee or tribunal [...] established since the 27th day of June, 1922, and before the passing of this Act [...] shall be deemed to be and always to have been a validly established tribunal, and every sentence passed, judgment given, or order made before the passing of this Act by any such military tribunal shall be deemed to be and always to have been valid and to be and always to have been within the lawful jurisdiction of the tribunal.

This section ensured whatever legal issues that may have existed with regards to the legality of the Public Safety Resolution, now no longer applied. Moreover, it guaranteed that acts carried out in accordance with the conventions of the emergency decree were exempt from legal reproach.

⁴⁸ Government of Ireland (Irish Freestate) Dáil Debates, Army Council General Order, volume 2, col. 876 (17 January 1923).

Seosamh O'Longaigh states that 'approximately 140 persons came before the military courts and 9 were executed, with 85% of suspects being convicted. Of the 1,039 who came before the committees, 64 were put to death, with about 46% of suspects being found guilty. In total, 77 were officially executed.'⁴⁹ In contrast with the executions by the Irish Free State government, the British executed only 24 IRA volunteers during the 1919 – 21 conflict. The reliance on military courts and committees and the policy of execution for the possession of arms and other crimes into the early months of 1923 has often been criticised, even by supporters of the army. However Ernest Blythe was emphatic about the need for what has been referred to as 'the executions policy' when campaigning for election in Monaghan in 1923, saying that 'any fellow who went out with the gun and petrol tin deserved the firing squad and none got it except who deserved it.'⁵⁰ Attempting to bring balance, Risteard Mulcahy, a son of the General later wrote that 'while there is justification in such criticisms, one must appreciate the state of the country at the time, where the war had deteriorated into widespread vandalism, murder, arson and intimidation, and where in many places law and order was difficult to uphold.'⁵¹ Of the reprisals and 'unofficial executions' carried out on both sides the nascent Geneva Conventions and Hague Regulations, which had not been ratified by the Government would have imposed strict standards of behaviour particularly in relation to the humane treatment of prisoners. Despite the fact that these were not in force on a formal legal basis, nothing absolves either side of the moral responsibility of ensuring basic standards of humane treatment to each other's personnel.

While it can be said that the Government's policy of executions helped to end the Civil War it came at quite a cost. The bitterness of the conflict and its aftermath has continued to divide this country. F.S.L. Lyons writing in the first edition of *Ireland since the Famine* wrote that 'so many of the divisions and hatreds that were to scar the political and social life of Ireland for the next two decades – and are visible even today – stem from these months of internecine warfare that charity and the interests of truth alike demand a certain reticence about events which are still felt profoundly and yet so little understood in their inner meaning.'⁵² Piaras Béaslaí believed the Civil War to be 'a story in which ... gleams of courage, chivalry, humanity, were rare on both sides', and citing Shelley's poem 'Mazenghi' he summed up the futility of residual bitterness among those 'who barter wrong for wrong, until the exchange ruins the merchants of such thriftless trade.'⁵³ Michael Hopkinson took the view that 'the executions policy ensured that the Free State would be tainted from its birth with the blood of Republican heroes and former colleagues.'⁵⁴ Memories run deep. When interviewed for a series of articles for the Irish Press in early 1969, former Taoiseach Sean Lemass, when pressed for his memories of the Civil War, became emotional, his eyes filled suddenly with tears and he said: 'terrible things were done by both sides, I'd prefer not to talk about it.' Lemass had lost his brother, Noel, who disappeared in 1922 and is believed to have been murdered by

49 O'Longaigh, Seosamh. (2006) *Emergency Law in Independent Ireland 1922 – 1948*, Four Courts Press, Dublin, at p. 32. Note that he does not include the four civilians executed for armed robbery bringing the total to 81. Neither does he include the executions of 5 National Army personnel who were court martialled in the 'ordinary' sense.

50 Dorney at p. 301 citing the Anglo-Irish Celt of 4th August 1923.

51 Mulcahy at p.166.

52 Lyons, F.S.L., (1985) *Ireland since the Famine*, Gill and Macmillan, Dublin, at p. 63.

53 Harvey, Dan, (2016) *Soldiers of the Short Grass, A History of the Curragh Camp*, Merrion Press, Dublin, p. 85, citing Béaslaí, Piaras, Michael Collins and the making of a new Ireland.

54 Hopkinson at p. 192.

pro-treaty elements.⁵⁵ Giving the oration in 2016 at Beal na mBláth President Higgins observed that “the atrocities of the Civil War were ones that we must recognise for what they were, on both sides: cruel, vicious, uncontrolled, and at times informed by vengeance rather than any compassion.”⁵⁶

As for the Government and the Free State, O’Longaigh observed that ‘the Provisional Governments use of extraordinary measures hastened victory and did not deligitimise its authority, unlike the British experience of 1916 to 1921.’⁵⁷ That being said, difficult decisions were made. Ristead Mulcahy wrote of his father and O’Higgins having much in common, that they ‘were dedicated to democracy and to the survival of the new Irish Free State; they both felt impelled to adopt a draconian approach to the Irregulars as the turmoil of the Civil War disrupted the nation...’⁵⁸

Cahir Davitt stood by the application of democracy and the rule of law believing that ‘like the majority of the people, I regarded the Provisional Government as being the de jure as well as the de facto government of the State. I believed that it was not only its right but its plain and manifest duty to assert its authority and to protect the citizens in the exercise of their fundamental rights to the undisturbed possession and enjoyment of their property and the lawful expression of their opinion.’⁵⁹

The National Army – the predecessors of the Defence Forces of today –had come through a turbulent time. Lt Col John Duggan summarised that ‘Óglaigh na hÉireann had had its baptism of fire in 1916. It was forged further in the War of Independence. It had now come through the most testing crucible of all: a civil war.’⁶⁰ Recalling in particular the loss of General Collins, Commandant Peter Young believed that this had the ultimate effect of ‘strengthening the resolve of the army and the Government and of copper fastening the sense of identity so necessary to the new state.’⁶¹ A formal legal status for the armed forces of the state came with the enactment of the Defence Forces (Temporary Provisions) Act of 1923 formally establishing Óglaigh na hÉireann. Judge Cahir Davitt would return to civilian legal practice and later be appointed to judicial office, serving as President of the High Court from 1951 to 1966. The Office of the JAG is not a full time appointment today with the Deputy JAG, (now the Office of the Director of Legal Services Branch) a serving Army officer filling the role of military legal advisor to the General Staff.

What of the military tribunals? There have been ‘special courts’ in the state since the military courts and committees of the Civil War, with the acceptance by the Government that the ordinary courts could be replaced by ‘special’ (including Military) tribunals, some of whose members needed no legal qualifications. This continued in the wake of the assassination of Kevin O’Higgins in 1927, and after Eamon De Valera came to power in 1932. The Offences against the State Act, 1939, replaced the Public Safety Act of 1927 but it provided for a

55 Horgan, John, (1997) Sean Lemass, *The Enigmatic Patriot*, Gill and Macmillan, Dublin, at p. 28.

56 Higgins, President Michael D. (2016) ‘*Remembering Michael Collins in 2016 - Oration at Beal na mBláth*’, Oration delivered on Sunday 12th August 2016, Retrieved from <<http://www.president.ie/en/media-library/speeches/remembering-michael-collins-in-2016-oration-at-beal-na-mblath-commemoration>> [Accessed Wednesday 31st August 2016].

57 O’Longaigh at p. 278.

58 Mulcahy at p. 167.

59 Ibid at p. 81.

60 Duggan, at p. 113

61 Young, Comdt Peter (1998), ‘Michael Collins; a Military Leader’, in *Michael Collins and the Making of the Irish State*, Gabriel Keogh and Dermot Keogh (ed.) Mercier Press, Cork, at p. 90.

‘special court’ which was availed of during WWII, when again the Special Criminal Court consisted of serving or retired military officers. This changed from 1972 when only Judges – serving and retired- have sat on the bench. The need for the severe application of the rule of law was stated later by the Hederman Committee which stated that ‘emergency legislation, special courts and distinctive restrictions on liberty, are features of the response of many legal systems to threats to the security of the state.’ The very essence enabling such action to be taken can only proceed where it rests on the basis of a “democratic state which has the support of the overwhelming majority of its citizens.”⁶²

A Final Word to Remembrance and Remembering.

Essentially the Civil War was ‘filtered out of collective memory.’⁶³ While in some areas such as Kerry the bitter memory endured’ but few wanted to remember the horrors of civil war and it was easier to remember a glorified version of the struggle with the British. This paper is a mere outline of certain aspects of the Civil War and further and more detailed study is undoubtedly required. The centenary of 1922-1923 is fast approaching. We would do well to be prepared to confront and address issues that we have long avoided or been uncomfortable with. Our understanding of this period is best served by remembrance, consideration and reflection.

As part of his leadership on this issue the President has encouraged ‘forgiveness’ and emphasised that ‘considering the decade of commemorations in its full context, we must allow too for the fact that it is through the prism of the War of Independence and of the Civil War that we construct perspectives of 1916. Considering these events in a spirit of forgiveness will pose particular challenges for all of us in the coming years.’⁶⁴ The next few years present a challenge for us all which he outlines as:

Finding a fair and comprehensive way of dealing with the past, one that will win the confidence of all, will be a huge challenge - but a challenge that cannot be shirked. In facing up to that challenge, let us at least ensure that our approach is characterised by a will to remember ethically, to view forgiveness as a true release from the past, and to move forward to a new chapter unburdened by any bitter memory of that past, free to make of our imagining, an emancipatory, inclusive achievement in conditions of an enduring peace.⁶⁵

President John F. Kennedy also saw the challenge of the future and the fruits of memory and commemoration; when addressing Dáil Éireann in 1963 he said that:

There are those who regard this history of past strife and exile as better forgotten, but to use the phrase of Yeats: Let us not casually reduce that great past ‘to a trouble of fools’, for we need not feel the bitterness of the past to discover its meaning for the present and future.⁶⁶

⁶² Dept of Justice, (2000) ‘The Hederman Report’ Report of the Committee to review the Offences against the State Acts, 1939 – 1998, and related matters Retrieved from <<http://www.justice.ie/en/JELR/hederman%20report.pdf/Files/hederman%20report.pdf>> [Accessed 5th April 2016], Chapter 2: Main issues in a Democracy, paragraph 2.1.

⁶³ Dorney at p. 321.

⁶⁴ President Michael D. Higgins (2015).

⁶⁵ Ibid.

⁶⁶ Dáil Debates, Vol. 203, No. 14. Also at Forester, Margery (1989) *Michael Collins; The Lost Leader*, Gill and Macmillan, Dublin, at p. 361 – 362. Extract from W.B. Yeats ‘*Three Marching Songs*’.

A Retreat from Revolution: Government and Army after the Civil War

ABSTRACT

The military and political institutions that evolved during the revolutionary period became focussed, not just on a common goal, but also on a strong independence from one another. The Civil War shattered the ideal of a patriotic armed struggle and now associated it with moral collapse and economic ruin. In its aftermath the government resolved that not alone would militancy be defeated, but would never again present a threat to the democratic institutions of the state, either from within or from without. The 1924 Army Mutiny allowed the government to establish political control over the army, although the claim that it was the sole proponent of this is an exaggeration of how it was achieved. The acceptance of their dismissals by the generals demonstrated the army owed allegiance to the civil authority, even while members of that same authority were actively engaged in undermining its reputation. It also confirmed the Volunteers had successfully made the transition from a politically motivated, guerrilla force, to the conventional army of a democratic state. The achievement of these remarkable years was the speed by which a relatively stable society emerged after a decade of guerrilla and civil war. Power within the new state could not have been transferred peacefully within ten years of the Civil War without the willing acceptance by a professional army of its subordination to political control.

Introduction

During the debate on the first stage of the Public Safety (Emergency Powers) Bill in June 1923, Kevin O'Higgins concluded that having undergone two revolutions there was: 'going to be a pretty ugly aftermath to this whole business, and that it will take this country some time to settle down with a general acquiescence in the reign of law.'¹ Less than a year later he found himself playing a central role in a drama that would test this belief and would result in a fundamental change to the relationship between two of the principal arms of the state.

The military and political institutions that evolved in early twentieth century Ireland became focussed, not just on a common goal, but also on a strong independence from one another. The tensions generated resulted in a lack of trust and indeed in many instances a mutual and personalised antipathy between soldiers and politicians. It was complicated, in the aftermath of the War of Independence, by a Civil War divide and

¹ Houses of the Oireachtas, Dáil Éireann Debates, Fri. 15 June 1923, Public Safety (Emergency Powers) Bill, 1923. First stage (<http://oireachtasdebates.oireachtas.ie/debates%20authoring/DebatesWebPack.nsf/takes/dail1923061500010>) (04 Jun. 2016).

remained unresolved with the establishment of the Irish Free State. As the country drifted into an uneasy peace, uncertainty lingered over the future of the government and of the Dáil. The question being asked by many was would the revolt of the republicans, which had precipitated the Civil War, establish the pattern for general military behaviour in the new state or would democratic norms prevail? Into this atmosphere of continuing political/military tension, the Army Crisis was about to unfold.

During the early part of the Civil War the government had been dependent upon the army for its survival. Now, as the military position improved, its detractors within that same government became vocal in their criticism, with the cabinet showing increasing impatience at the lack of information available to it on the war's progress. Although the third Dáil had been elected in June 1922, it did not convene until September. As a result, a political forum where the conduct of the military campaign could be debated remained unavailable for three critical months.² The army for its part deeply resented what it regarded as ill-founded political opportunism. With the cessation of hostilities, the need for a large, full-time army could no longer be justified. In September 1923 a defence order was issued giving notice of the demobilisation of officers.³ This led in 1924 to what became known as the 'Army Mutiny' which had as its centre a grouping of pre-Truce I.R.A. officers who felt aggrieved they had not been given position and status within the army which reflected their service against the British and later the anti-Treaty I.R.A. These officers held meetings during November and December 1922 and on 29 January 1923 formed the Irish Republican Army Organisation (IRAIO).⁴ The organisation aimed to stem what it claimed was the retention within the army of large numbers of officers with British army service and to counter the influence of the GHQ controlled Irish Republican Brotherhood (IRB), from which they had been excluded.⁵ The IRB had been brought under the control of the Military Council, as the General Staff was then known, in December 1922 with the stated aim of preventing it being taken over by the anti-Treaty side.⁶ It could equally be argued this was also done to prevent it coming under the influence of the IRAIO and to counter the IRAIO's activities within the army.

Towards the end of 1923 elements within Cumann na nGaedheal demanded the adoption of a revolutionary agenda by the government. This was set against the background to the party's poor performance in the August 1923 general election where it had secured just sixty-three out of a possible 153 seats and held power only because of the abstentionist policy of Sinn Féin. Sinn Féin had secured forty-four seats at that election, just twelve weeks after its military defeat in the Civil War. These party members hoped that a more populist and aggressive national policy from the government would placate the discordant supporters of the Treaty.⁷ The grievances of the IRAIO provided focus for this dissent and its members found themselves with some political support. Joe McGrath, the Minister for Industry and Commerce, became the self-appointed mediator between the government and the IRAIO. McGrath's friendship with its members dated

² Michael Hopkinson, *Green against Green: The Irish Civil War* (paperback edition, Dublin, 2004), pp 136-40.

³ Irish Defence Forces Handbook 1974, p.6.

⁴ John M. Regan, *The Irish Counter-Revolution: 1921-1936* (paperback edition, Dublin, 2001), pp 165-6

⁵ *The Truth about the Army Crisis* published by the Irish Republican Army Organisation, no date (Author's own copy)

⁶ Army inquiry, statement from Lieutenant General Seán Ó'Murthuile, late Quartermaster General, 6 May 1924 (UCDA, Mulcahy papers, P7/C/13)

⁷ John M. Regan, 'The Politics of Utopia' in Mike Cronin and John M. Regan (eds), *Ireland: The Politics of Independence, 1922-49* (London, 2000), pp 38-9.

back to a common association with Collins and his intelligence unit during the War of Independence. Mulcahy, the Minister for Defence, became concerned about the political encouragement being given to the IRAO by McGrath and predicted that unless he disassociated himself from them they would attempt to dictate terms to the government. The government appeared to stiffen its attitude when on 7 March 1924 it ordered the arrest of Tobin and Dalton, leading members of the IRAO, following their demand for the removal of the Army Council and the suspension of demobilisation.⁸ In protest McGrath announced his resignation as a minister. He claimed that although he did not agree with the ultimatum presented by the IRAO, the present situation had been brought about: 'by absolute muddling, mishandling and incompetency on the part of a Department of the State.'⁹ Following the announcement the government intended setting up a committee of inquiry, the IRAO declared it had only made its demands to expose the mismanagement of the army and now professed its loyalty to the state. The government's position also underwent a sea change. Despite claiming that it would never let a challenge to the authority of parliament go unanswered, it now adopted a conciliatory approach.

The army raid on Devlin's public house in Parnell Street on 18 March, an establishment used by Collins during the War of Independence, brought the crisis to a head. Mulcahy claims to have authorised this action on foot of intelligence received that the mutineers had gathered at Devlin's to stage a coup or to kidnap members of the cabinet.¹⁰ This intelligence would appear to have been based on reports that the IRAO had made approaches to NCOs to ascertain their attitude to a coup, to ex-officers then serving in An Garda Síochána for their support, and to elements within the anti-Treaty side on the possibility of staging a joint coup.¹¹ These reports could not be regarded as concrete evidence that action was imminent or indeed had been planned by the IRAO for this specific occasion. In retrospect it could be concluded that Mulcahy was rushed into a decision, based on rumour and speculation, just when the crisis appeared to be heading for a compromise from the government's point of view.

Whereas it is probable that some of the more extreme and unpredictable elements present at Devlin's may have proposed such a course of action, (a newspaper interview given in 1965 by one of the mutineers claims the purpose of the meeting had been to finalise arrangements for the kidnapping of the entire cabinet¹²) it is also reasonable to surmise, given the personalities involved, that talk of coups, kidnappings and assassinations was commonplace at such meetings. Whether this would have ever translated into direct action is difficult to determine. The fact that McGrath, who arrived at Devlin's during the raid, stood the prisoners a drink before they were taken away is perhaps indicative of the environment in which the meeting itself had been held.¹³ It has been hypothesised that Eoin O'Duffy, who had been appointed General Officer Commanding the Forces as well as its Inspector General, and who was a close associate of O'Higgins, orchestrated the arrests in order to discredit the Army Council. The fact the two officers leading the raid,

⁸ Maryann Gialanella Valiulis, *Almost a Rebellion: The Irish Army Mutiny of 1924* (Cork, 1985), pp 49-55.

⁹ Houses of the Oireachtas, Dáil Éireann Debates, Tue. 11 March 1924, the army position (<http://oireachtasdebates.oireachtas.ie/debates%20authoring/debateswebpack.nsf/takes/dail1924031100014>) (05 Jun. 2016).

¹⁰ Maryann Gialanella Valiulis, *Portrait of a Revolutionary: General Richard Mulcahy and the Founding of the Irish Free State* (Dublin, 1992), p.214.

¹¹ Valiulis, *Almost a Rebellion*, pp 65-6.

¹² Leon O'Broin, *Revolutionary Underground: The Story of the Irish Republican Brotherhood 1858-1924* (Dublin, 1976) p.212.

¹³ Valiulis, *Almost a Rebellion*, p.73.

MacNeill and Cronin, were promoted by O'Duffy to replace the Army Council members who resigned would seem to add weight to what must remain an interesting if unproven theory.¹⁴

The government now publicly regarded Mulcahy and the Army Council as representing the greater threat to the democratic foundations of the state. Political expediency governed their actions and dictated that the mutineers be portrayed as misguided innocents while Mulcahy and the Army Council, in permitting the IRB to continue to exercise influence within the army, were seen as the villains of the piece. Despite the fact the mutineers were in clear breach of military law, the cabinet contended the Army Council had acted in contravention of government policy and effectively dismissed them. Mulcahy was obliged to resign.

McGrath seems to have been motivated, in part at least, by a genuine ambition to help former comrades obtain reward for their service to the state. It is likely he was also driven by a personal political ambition where he saw himself coming to power either at the head of a new political party or as an influential force within a coalition. While these twin ambitions coincided, McGrath's support for the mutineers appeared resolute. However, when it came to defending his accusations of muddling, mishandling and incompetency before the Army Inquiry Committee, this resolution wavered and he wrote to its chairman offering the excuse of a severe cold for not being able to attend their sittings.¹⁵ McGrath appears to have realised that whereas it was relatively easy to make general accusations under the protection of parliamentary privilege, substantiating these under rigorous cross-examination was going to be far more difficult.

Contemporary newspaper reports of the Mutiny reflect their editorial line. The moderate nationalist Freeman's Journal, a supporter of the Treaty, backed the government's position:

Even though the members of the Army Council did not technically exceed their legal powers, nevertheless to use these powers, as Mr. O'Higgins put it, "to cut across the Government's policy," especially with a knowledge of the consequences that might ensue, was inexcusable.¹⁶

The Irish Times however, often at odds with the political establishment and reflecting its liberal voice, asserted:

Everybody will agree with Mr. O'Higgins that the establishment of discipline in the Army is a vital necessity; but most people, we think, will have much sympathy with General Mulcahy's position. Mutiny has been condoned, and resignation has been the fate of those responsible persons who refused to condone it.¹⁷

14 Fearghal McGarry, Eoin O'Duffy: *A Self-Made Hero* (Oxford, 2005), p.135.

15 Army inquiry, general progress bulletins and copy correspondence relating to witnesses and statements, April 1924 (UCDA, Mulcahy papers, P7/C/40)

16 Freeman's Journal, 20 Mar. 1924.

17 Irish Times, 20 Mar. 1924.

Hardly surprisingly the remit of the Committee of Inquiry did not include an examination of the events surrounding the Mutiny itself. This saved the government from having to account for its own actions. Instead, its terms of reference were confined to the causes of the Mutiny, the state of discipline and an evaluation of McGrath's charges of: 'muddling, mismanagement and incompetency' in the administration of the army.¹⁸

The testimonies of many of the witnesses called by the inquiry provide an insight into the military/political tensions that existed within the pro-Treaty side. Charles B. O'Connor, who was Secretary at the Ministry of Defence, maintains there were strong feelings within the army that GHQ should not be part of a defence ministry but should be a distinct and separate military office from which the army was commanded and administered. O'Connor suggests the ministry was viewed simply as a conduit by which the military communicated with the government. The mindset of the pre-Truce period was too strong to accept any changes to the existing arrangements and the turmoil brought about by the Civil War meant that military necessity took precedence over reform. An additional difficulty to reform presented itself in May 1923 when GHQ moved from Portobello Barracks to Parkgate, leaving the Minister's office behind in splendid isolation on the opposite side of Dublin city.¹⁹ The Director of Intelligence, Colonel Michael Joseph Costello, pointed out that with the ending of the Civil War it became necessary to demobilise almost two-thirds of officers. The fact that it had taken considerable effort to get many of these men to take the pro-Treaty side in the first place made demobilisation especially difficult. In the haste to demobilise the impression was given that sufficient care had not been taken to assess each officer's case for retention. Costello contends that because of their intimate association with politicians, these officers became susceptible to political influence.²⁰ The statement by Lieutenant General Seán Ó Murthuile, the dismissed Quartermaster General, reflects this where he maintains that certain officers, because of their past service, regarded themselves as being immune to discipline. He also felt the rapid demobilisation after the cessation of hostilities led to intense discontent. It may have been desirable to bring the army down by over 30,000 from an economic point of view; however, he maintained in his evidence that the rapid demobilisation was a contributory factor to the Mutiny.²¹ These testimonies confirm that the historic tensions between army and government remained in place in the aftermath of the Civil War. Thus, when the critical issue of the demobilisation of officers arose, relations between both sides were such that the army was unable to communicate its concerns effectively and the government did not have a trusted and informed assessment available to it on the impact of its decision.

In his evidence O'Higgins claims the government came to the view that the army was breaking up into factions and this was impacting unfavourably on discipline. He had to admit, when cross-examined, that the army had carried out all government orders, even to the extent of executing uncharged and untried prisoners. He made allegations that Mulcahy did not stand for stern impersonal discipline in the army and that during the Civil War there was in reality no civil ministry responsible for the army. He maintained

¹⁸ Report, the Army Inquiry Committee, 7 June 1924 (UCDA, Mulcahy papers, P7/C/41)

¹⁹ Army inquiry, constitution of the Ministry of Defence and the duties of its Secretary, 14 Apr. 1924 (UCDA, Mulcahy papers, P7/C/1)

²⁰ Army inquiry, statement from Colonel M. J. Costello, Director of Intelligence, 23 Apr. 1924 (UCDA, Mulcahy papers, P7/C/25)

²¹ Army inquiry, statement from Lieutenant General Seán Ó Murthuile, late Quartermaster General, 6 May 1924 (UCDA, Mulcahy papers, P7/C/13)

that it was a soldier rather than a minister that sat in the Dáil to give an account of what was happening in the army. O'Higgins alleged the attitude appeared to be that what went on in the army was no business of the other members of the government.²²

It could be concluded that O'Higgins's generalised expressions of concern had more to do with bringing matters to a favourable conclusion for the political side than in encouraging reforms within the army. By accepting their dismissals, the Army Council demonstrated the army owed allegiance to the civil authority, even while members of that same authority were actively engaged in undermining its reputation. In any event relations between army and government were now undergoing fundamental changes. Section 5 of the Defence Forces (Temporary Provisions) Act, 1923, placed command of the army unambiguously in the hands of the government.²³ In addition, section 8 of the Ministers and Secretaries Act, 1924, established a Council of Defence which reduced the role of the Army Council to that of an advisory body to the Minister for Defence.²⁴ By the election of the fourth Dáil on 27 August 1923 paragraph 51(3)(a) of the Electoral Act, 1923 disqualified members of the Permanent Defence Force from standing for election to the Dáil.²⁵ Subsequently, paragraph 10 of the Defence Forces (Temporary Provisions) Act, 1923 (Continuance and Amendment) Act 1924 stipulated that the oath to be taken by officers would include the proviso they would not 'join or be a member of or subscribe to any political society or organisation whatsoever, or any secret society whatsoever'.²⁶ These two latter pieces of legislation gave legal effect to the separation of the army, not only from politics, but also from the IRB and the IRAO. Soldiers now had to choose between a life in politics and a life in the army. Some, like Richard Mulcahy, and latterly Sean MacEoin, chose politics. Although they retained the title of their former ranks they were now, legally and practically, removed forever from their former state.

The report of the Committee of Inquiry is critical of the speed set by the government for demobilisation and concludes this did not provide sufficient time to examine each case in detail. Nevertheless, it found that the Army Council had dealt with demobilisation fairly. In relation to the IRAO it concluded its members did not regard the army as the non-political servant of the state, but a means of satisfying their own personal and political ambitions, and imposing them on the government. The committee was satisfied there wouldn't have been a mutiny but for the existence of the IRAO. However, it also found the organisation's activities were intensified by the revival and reorganisation of the IRB, with the encouragement of members of the Army Council, which it concluded was a 'disastrous error of judgement.' It found the general state of discipline within the army to be fairly satisfactory, that a steady improvement was being made, and that no evidence of 'muddling, mismanagement or incompetence' had been found.²⁷

A key element in these events was the relationship the Minister for Defence had with the government. O'Higgins had pointed this out in his evidence in the form of a personal attack on Mulcahy. It was however beyond the committee's terms of reference

²² Army inquiry, verbatim report of evidence given by Mr. Kevin O'Higgins, Minister for Home Affairs, 22 Apr. 1924 (UCDA, Mulcahy papers, P7/C/23)

²³ Defence Forces (Temporary Provisions) Act, 1923 (1923 no. 30) (3 Aug. 1923).

²⁴ Ministers and Secretaries Act, 1924 (1924 no. 16) (21 Apr. 1924).

²⁵ Electoral Act, 1923 (1923 no. 12) (17 Apr. 1923).

²⁶ Defence Forces (Temporary Provisions) Act, 1923 (Continuance and Amendment) Act, 1924 (1924 no. 38) (1 Aug. 1924).

²⁷ Report, the Army Inquiry Committee, 7 June 1924 (UCDA, Mulcahy papers, P7/C/41)

to consider this. Leaving the invective aside, O'Higgins's point is a valid one as there must be a contradiction in the post of Minister for Defence being held by a person who is only technically a civilian. In this dual capacity his leanings would naturally lie with the army rather than the government. One of the main functions of the Minister for Defence is to reconcile the conflict that frequently exists between military and civil points of view. It is always difficult for a minister to find a balanced view. In this case the problem was heightened. An office holder with Mulcahy's background would be inclined to look at matters from a purely military perspective with the result he was more Commander-in-Chief than Minister for Defence. The army was therefore given a seat at government rather than the government exerting control over its army through its Minister for Defence. The government appears to have made little effort to tackle this anomaly, even after the death of Michael Collins when it might have had the opportunity. By not acting it reinforced the military/civil divide within its own ranks.

McGrath continued to voice his support for the mutineers, particularly in the Dáil debate of 17 June 1924 on the Committee of Inquiry report. However, his contention that he was: 'at a disadvantage because of the fact that I did not give evidence,' rings hollow in the light of his hasty withdrawal from involvement in the inquiry.²⁸ Despite the committee's findings the IRAO cannot simply be dismissed as a group of disgruntled gunmen or the self-interested members of a former revolutionary elite. If this is all they stood for then they had been living a lie since 1919. They had accepted the Treaty as a stepping-stone towards a republic and, although their actions were clumsy and naïve, it is not unreasonable to conclude this was the ideal they clung to. By making their demands they were also seeking to ensure Collin's vision would be preserved.

With the passing of the crisis the government's gaze turned elsewhere. There was to be no reinstatement for the mutineers. They did provide some focus for continuing dissent within Cumann na nGaedheal and this led to the resignation from the party of McGrath and eight other deputies who professed to support the cases of the dismissed officers. However, this group's main reason for resigning was their view the party leadership had become authoritarian and elitist. Frustrated political ambition rather than concern for the rights of soldiers would seem to have been their primary motivation. Cumann na nGaedheal, under pressure from the Mutiny and the defection of TDs, regrouped behind the government. At local level the Mutiny scarcely impacted on the party or indeed on the population in general. The dominant concerns of the revolution – republicanism, gaelicism and national unity – had now given way to the more mundane and practical things of life. The politics of the revolution appeared to have evaporated.²⁹

The committee's report was raised once more in the Dáil on 26 June 1924 by Mulcahy. In a motion of censure he proposed that: 'Dáil Éireann condemns as contrary to the best interests of the State the ill-considered action of the Executive Council in removing the late Chief of Staff, the late Adjutant-General, and the late Quartermaster-General from their offices and the subsequent failure of the Executive Council to act upon the Report of the Army Inquiry Committee.'³⁰ The ensuing debate witnessed a restatement by

28 Houses of the Oireachtas, Dáil Éireann Debates, Tue. 17 June 1924, adjournment debate – army inquiry report (<http://oireachtasdebates.oireachtas.ie/debates%20authoring/debateswebpack.nsf/takes/dail1924061700034>) (05 Jun. 2016).

29 Regan, *The Politics of Utopia*, pp 38-41.

30 Houses of the Oireachtas, Dáil Éireann Debates, Thu. 26 June 1924, private business – motion by Deputy Mulcahy (<http://oireachtasde->

both sides of their respective positions and the motion, not surprisingly, was defeated. Cosgrave was probably reflecting most deputies' feelings when he said: 'That particular incident which occurred three months ago is an incident which, in my opinion, ought to be dead and buried and ought not to be resurrected, no matter what its influence was either at that time or now.' The Irish Independent, a newspaper closely aligned with the government party, had echoed these same sentiments a week earlier:

Serious as were the events which led to the inquiry, the citizens of the Saorstát are more concerned for the future of the Army than for its past.... An essential condition of peace and progress in any constitutionally governed State is that the Army, from the Commander-in-Chief to the humblest private, must at all times and without question submit to the authority of the civil authorities.³¹

Throughout the crisis Mulcahy found himself at odds with the direction in which his cabinet colleagues were moving. They had turned their backs on the militant revolutionary past espoused by the Volunteers and the IRA and were moving towards a definition of their party and their politics that had no place for this. By taking the high moral ground against the militarists and ignoring the imperfections and shortcomings of his own political state, O'Higgins manipulated these realities to good effect. In sacking the generals, on the false premise they had knowingly acted against the interests of the state, he appeared to achieve what no one else had done since the founding of revolutionary Sinn Féin in 1917, the assertion of political authority over the militarists.³² The handling of the Mutiny shows the government had decided the leaders of the army, and in particular the IRB, were no longer needed in the Ireland of 1924. The Mutiny was also a demonstration of the changes that had taken place within the army. The acceptance by the generals of their dismissal confirmed the Volunteers had successfully made the transition from a politically motivated, guerrilla force, to the conventional army of a democratic state. In the wake of the Civil War it was the army that had removed itself from the political arena. The example of the Army Council in adhering to democratic principles would help make possible the peaceful transition of power to Fianna Fáil in 1932, just ten years after the Civil War.

bates.oireachtas.ie/debates%20authoring/debateswebpack.nsf/takes/dail1924062600019) (05 Jun. 2016).

31 Irish Independent, 18 June 1924.

32 Regan, *The Irish Counter-Revolution: 1921-1936*, pp 188-91.

Establishing the Irish Military College

ABSTRACT

Irish military forces during the 1916 Rebellion, the War of Independence and the Civil War were not well trained. Diarmuid MacManus an acting Director of Training described the military knowledge of average junior officers during the Civil War as 'absurdly nil'. General Michael Collins recognised this fact and initiated a visit to Switzerland by Major General 'Ginger' O'Connell to study their training methods. He also planned a staff meeting to discuss the formation of an Officers Training Corps (OTC) on his return from his fatal inspection visit to Munster. General Richard Mulcahy continued with Collins' plans and set up an OTC which unfortunately had the invidious dual role of simultaneously selecting officers for demobilisation and for training. The OTC was short-lived and was transformed into the Army School of Instruction which also suffered from the demobilisation/training conundrum. Many senior officers shared the opinion of Michael Collins that outside input was required if the Irish Army was to become a truly professional army. As a commandant, a future Chief of Staff Major General Liam Egan, wrote that either foreign officers should train the Army or that Irish officers should attend courses at foreign armies. He claimed that without either of these alternatives 'we can never hope to have a really disciplined Army unless the private or NCO feels his Officers have other characteristics besides a Sam Brown and shoulder bars to distinguish them from the rank and file.' This paper examines the steps taken to fulfil the intentions of General Michael Collins which led to the establishment of the Irish Military College in 1930

Introduction: The Officer Training Corps (OTC)

Training and education occupied the early thoughts of the leaders of Óglaigh na hÉireann. Shortly after the ending of hostilities against the British Army in July 1921, a Potential Officers Course was established in Kilkenny Barracks under the command of a future Chief Justice of the High Court, Commandant Barra O'Briain. Following ratification of the Treaty this course was transferred to Beresford Barracks in the Curragh but was soon disbanded on the outbreak of the Civil War.¹ Training continued nevertheless, a Volunteer Reserve Depot was established in Beresford Barracks in the Curragh by July 1922, and plans were laid for the formation of an Officer Training Corps (OTC) also at the Curragh. The Curragh (Training) Command where the OTC was to be established was already organising courses such as Battalion Commanders, Company Commanders and Adjutants Courses. There is no indication of selection criteria for attendance on these courses. They went way beyond the elementary training envisaged at the OTC and officers selected as students would, on completing these courses, expect to be

¹ Capt Barry O'Brien, *The Origins and Development of the Cadet School, An Cosantoir*, September 1979, p.260

appointed to the command companies or battalions or as staff officers in battalions. These were significant responsibilities at a time of active operations during the Civil War. Were these students of a better calibre than those who were to be considered for the OTC? The necessary records are not available to differentiate between these students and those selected for the OTC, but it is unimaginable that known, inadequate officers would be selected for such courses. Nevertheless, An tÓglách of 10 March 1923 reported that:

It must be realised that these short courses are simply an outline, and cannot deal exhaustively with the work of any subject. When circumstances will allow, it is intended to put every Officer and Non-Commissioned Officer through a definite course of professional training with an examination following. The Curragh will become, as the Commander-in-Chief aptly describes it, 'The University of the Army.'²

The formation of the OTC had been enquired about by the Director of Organisation, Commandant General Diarmuid O'Hegarty in July 1922, and was to be discussed by General Michael Collins at a staff meeting on his return from his inspection visit to the south. The purpose of the Corps, at least as it was envisioned by Colonel J.J. Hunt its first commanding officer was, 'to enable existing Volunteer Officers and selected NCOs and men to qualify for Commissions in the Army.'³ Colonel Hunt had submitted a six-week intensive syllabus to General Headquarters which had the aim of providing training up to company level, with the successful students then being posted to active battalions. Continuing hostilities delayed the formation of the Corps and the first group of ten students did not report until 9 November 1922. While hostilities delayed the opening of the Corps, anticipation of post-hostilities conditions caused further difficulties. The original purpose was compromised by the ending of the Civil War, the consequent demobilisation of the Army and a resulting scarcity of commissions. Shortly after the first students reported Michael Collins successor, General Richard Mulcahy, queried on 11 November 1922 whether

the camp is going to be, as far as the first run goes, a kind of crèche for keeping innocuous officers until such time as they can be told that they are not fit to be officers, and passed back into civil life. In so far as it going to be a testing ground for picking out the officers that we are going to retain, it is advisable that we should have it generally known that after the 1st April next provisions can be made in the Army for only a limited number of Commissioned [sic].⁴

Mulcahy's insight proved correct. Following the cessation of hostilities, officers were posted to the OTC, which had a strength of 600 in April 1923. But many of them were discharged either voluntarily or compulsorily. It is easy to sympathise not only with the students but also with the instructors of the OTC. As had been foreseen they had been given a difficult, if not an invidious task, that of not only training officers but also of judging them suitable or rejecting them for commissioned rank in the newly established Defence Forces. Morale among the students, given the uncertainty surrounding their future and

² An tÓglách, Vol. 1. No 2 (New Series), 10 .03. 1923, p.3.

³ MA, DOD/A/5534, attachment to letter from McMahon to O'Hegarty, 30.07.1922.

⁴ MA, DOD/A/5534, Mulcahy to O'Hegarty, 11.11.1922.,

the increasing discontent among a group of senior officers, must have been difficult to maintain. It is not surprising that a decision was made by the General Staff to disband the OTC and issue a General Staff Organisation Memo No 8 on 14 November 1923 establishing a new school, the Army School of Instruction (ASI) in Kildare Barracks. In a transparent attempt to distance it both geographically and symbolically from the OTC, the new school was to be removed some two miles from the Curragh Camp. But a new school was no guarantee of an improved outcome. While Memo No 8 stated that the purpose of the ASI was 'For giving all Officers in the Army a general course of training'⁵ how it intended to achieve this proved inordinately complex, and inevitably led to the suspicion of students at the school that it was a continuation of selection for demobilisation.

Foreign Input

While grappling with the conflicting demands of officer education and demobilisation, and the apparent unsuitability of the OTC, GHQ continued its aspiration that the Curragh would become the 'University of the Army'. It early foresaw the need to look outside of the Army for guidance, and Cabinet files of August 1922 show that the Government had accepted from an early date a need for foreign involvement. It had approved, subject to Department of Finance agreement, of a visit by a 'military delegation composed of four or five officers which it is proposed to send forthwith to Switzerland in charge of Lt Gen O'Connell to examine into the Establishment, Training, Equipment, etc., of the Swiss Army.'⁶ The initiative for this visit came from General Michael Collins during the Treaty negotiations in London in 1921. According to Lieutenant General M.J. Costello, 'It was from there that General Michael Collins sent an instruction back to Dublin for the compilation of all available information on the Swiss system of military establishment and education.'⁷ The political attractions of a visit to the foremost neutral country in Europe must have been evident, but unfortunately, it seems that the visit did not proceed. A letter on the file from the Department of Finance indicated its lack of enthusiasm for the proposed expenditure and recommended that 'one officer of the delegation should be instructed to pay special attention to the financial system of the Army, and the means adopted to avoid waste in supplies and expenditure.'⁸ Lieutenant General O'Connell, the same 'Ginger' O'Connell, and a Mr Cronin did visit the Swiss Legation in London in August 1922, most likely with the intention of seeking approval for the visit. In the event, the visit to Switzerland did not proceed and an opportunity was missed for studying the political and military realities of neutrality.

The military authorities persisted in their desire to visit foreign military establishments, and the first such visit was conducted to France by the then Chief of Staff General Seán McMahon in July 1923. General McMahon led a delegation of five officers with the intention of attending the 14th of July review and of visiting military schools. He reported that they experienced some difficulty with permission to wear uniform, 'we learned that the invitations to attend the French Army review were not direct, but that two admission cards had been received through the British Embassy and that there

5 An tÓglách, Vol. 1, No 19 (New Series), 01.12.1923, p.8.

6 NAI D/Taoiseach, S1561, Mulcahy to the Secretary of the Provisional Government, 02.08.1922.

7 B. O'Brien, Capt, *The Origins and Development of the Cadet School*, An Cosantóir, (special commemorative issue) September 1979, p.260 and footnote number 1, p.266.

8 NAI D/Taoiseach, S1561, W.Brien to the Secretary of the Provisional Government, 25.08.1922.

was a difficulty about wearing uniform at the Review.⁹ It required a meeting between General McMahon and the British Ambassador Lord Crewe, and a delay of a week before the French Foreign Ministry granted permission. In the interval, the review was cancelled because of a heat wave and the delegation requested permission to visit, in uniform, some army establishments including École Spéciale Militaire, Saint-Cyr and the Centre d'Étude d'Infanterie at Versailles. If the Government did not implement any proposals from General McMahon's Paris report, most likely because of language issues, it continued to support the desire of the Minister for Defence and of the military authorities to advance officer education. In 1926 a decision was taken to avail of a visit by General Eoin O'Duffy, by then Commissioner of An Garda Síochána to the United States and to ask him to discuss the matter with the Government's Plenipotentiary in Washington. But before this visit took place, the Army School of Instruction (ASI) had been established at Kildare Barracks.

The Army School of Instruction (ASI)

The decision to establish the new school in the old British artillery barracks in Kildare and not in its more natural location at the Curragh can be seen as an attempt to divorce it from the stigma of culling attached to the OTC. But yet again a training school was to be faced with dual and contradictory missions; training and selection for rejection. It was intended that the ASI would open on 1 January 1924, but the unsatisfactory condition of the buildings and the lack of facilities at Kildare forced postponement of the opening. General Eoin O'Duffy who was appointed General Officer Commanding the Forces following the so-called Army Mutiny, quickly addressed the issue of the ASI and ordered Colonel Michael Hogan then stationed in Claremorris to report to Kildare as Officer Commanding the ASI. He arrived with the Instructors Course of twelve officers which began on 3 April 1924 and which constituted the first course conducted in the ASI. The school's Arrivals Book shows the first non-instructor students reporting on 12 March 1924. Critical of the conditions in which he found himself Hogan wrote to Major General Joseph Sweeney, GOC the Curragh Command on 24 April, less than three weeks after taking up command of the ASI.¹⁰ His judgements and opinions were uncompromising and unusual in their forthrightness and lack of bureaucratic circumlocution. He first addressed himself to the physical conditions of Kildare Barracks. The barracks was essentially a collection of huts which had fallen into disrepair since being evacuated by the British army. It had been occupied by artillery troops and contained some gun sheds which were also in a dilapidated condition. The proximity to Kildare town and the lack of a perimeter fence or wall meant that the location was effectively open to pilferage and vandalism, not just to the physical environment but also to supplies, food and equipment. It was also quite an extensive site with only some barbed wire protection, making it very difficult to secure, and demanded deployment of troops which could not be made available from the school staff. These defects would be difficult enough for any barracks but were particularly so in a supposed educational establishment, 'There is no proper sleeping premises, no Library, no recreational Halls, and last of all comparatively no furniture. These are the absolute needs of any Army School.'¹¹

⁹ NAI D/Taoiseach, S587, Report to President of the Executive Council by Gen Sean McMahon, 14.08.1923.

¹⁰ MA EB/23, Hogan to Sweeney, 24.04. 1924.

¹¹ Ibid.

In spite of Colonel Hogan's jeremiad, his much-maligned students and no doubt his staff continued their work, with 246 students from cadet to colonel reporting to the school between March and September 1924. An attempt was made to introduce general education into the course through which English, arithmetic and basic mathematics would be taught under the guise of technical military subjects. Requests for furniture and for textbooks, which bizarrely had to be routed through the Department of Agriculture, continued up through the channels to the Chairman of the Board of Works, Sir Philip Hanson. Bureaucratic delay, while often only frustrating can in certain circumstances be more damaging, as in the case of the ASI where it increased unrest among the students. It appears however, that Colonel Hogan's critical report had had some impact and that things were about to change at the ASI. This was confirmed in the minutes of an Army Finance Meeting on 12 May 1924 which recorded that 'it is understood that the Kildare School of Instruction would cease to function at the place. It was desirable that all such Institutions should as far as possible, be at the Curragh.'¹² This was effected, with the ASI transferring to Keane, later Pearse Barracks, the future home of the Military College.

The Military Mission to the United States 1926

While the ASI was continuing with its mission another mission, the Military Mission to the United States departed in July 1926 and continued until October 1927. Led by Major General Hugo MacNeill, the mission also included Colonel M.J. Costello, Major Joseph Dunne, Captain Patrick Berry, Lieutenant Seán Collins and Second Lieutenant Charles Trodden. The mission's objective was to study the defence system and military education system of the United States. It addressed its task by extensive visits and briefings given to MacNeill, and by actual attendance at courses by the remaining members of the mission. On its return and after submission of his report Major General MacNeill's attention was directed to the development of the Army's defensive plans and not, initially, to establishing the Irish Military College. The Defence Plans Division (DPD) was set up with the aim of considering 'the Defence Policy of the Government with a view to an examination of the steps which require to be taken by the Department of Defence to implement that policy.'¹³ The division's function was to examine defence policy and its possible implementation in the light of the experience gained by the Military Mission. It devoted considerable effort to disseminating the ideas absorbed by the mission's members during their year in the United States.

It is understandable from a political and a language point of view that the United States was chosen as a model. What is not so easily understood is an assumption that the American Army was the only suitable model for the Irish Army. One might have imagined that a fellow Dominion, Canada might have been chosen but the Council of Defence had considered this option as unsuitable.¹⁴ In his report on the Military Mission, MacNeill showed that he was well aware of this difficulty. He was careful not to make any comparison between United States and Irish defence requirements, 'because it appears to me to be obvious that the wide difference in the character of the problem which faces the two countries requires very different treatment in each case...but some study at least of the systems of other countries which have more in common with us will also be

¹² MA 20 Buildings/5, Minutes of Army Finance Meeting, 12.05.1924.

¹³ MA MM/34, Special Memorandum No.1, Preparation for War.

¹⁴ Memorandum by the Council of Defence on Irish Defence Policy, 22.07.1925, www.difp.ie No. 323 NAI D/Taoiseach, S4541, para 30.

essential.¹⁵ He was obviously referring here to the Council of Defence discussion - in which he participated - on co-operation with Britain and the subsequent statement of defence policy. MacNeill remained true to this aspiration and he embarked, with Colonel M.J. Costello on an extensive visit of United Kingdom military training establishments. They would also attend manoeuvres at Aldershot and Salisbury Plain in October 1928 with Colonel J.J. O'Connell and Major Dunne. The Department of Finance was sceptical of such a visit, pointing out that in spite of the considerable expenditure of the American Mission, 'so far as our official information goes we have so far seen no tangible results of that expedition' and 'the precise object of the present proposed examination of British Establishments is not stated.'¹⁶ Nevertheless, the official felt that as, 'the invitation from the British is a direct outcome of a request made personally by our Minister for Defence, I am afraid that we could not successfully resist the proposal.'¹⁷

Another element in the Department of Defence's desire to accept the British invitation is contained in the same Department of Finance minute. The Department claimed that the Secretary of the Department of Defence, the then retired former Chief of Staff, Lieutenant General Peadar McMahon had 'pleaded' that the visit should proceed because of its benefits both for the officers attending and for the Defence Forces. It also claimed that 'there was a certain pique that our Army had been in direct official association with the French, American and Canadian Armies but not with the British.'¹⁸ There was no evidence of this 'pique' from the British authorities, either diplomatic or military, as they went to considerable lengths to welcome and accommodate the visitors. There is evidence however, that not all British officers welcomed these erstwhile enemies. During their visit to the Staff College at Camberley Colonel Bernard Law Montgomery 'promptly ordered a boycott against, as his notice put it, "shaking the bloodstained hands of Sinn Féiners"'. The Irish visitors 'found the building deserted except for the Commandant and one student.'¹⁹ The one student was the future and controversial Brigadier General Eric Dorman-Smith, who as Dorman-O'Gowan was to deliver a lecture in 1968 at the Command and Staff School at the Irish Military College. Their reception at Camberley seems to have been mirrored by similar events during the manoeuvres. In a 1930 letter on a British Cabinet file the Cabinet Secretary Sir Maurice Hankey referred to, 'if not disagreeable incidents, at any rate unpleasant relations between British and Free State officers at Manoeuvres.'²⁰ These were likely to have been caused by a repeat of the Montgomery approach, as Sir Harry Batterbee of the Dominions Office replied to Hankey the following day that, 'I don't know what exactly happened at the manoeuvres last year, but I have no information to show that it was in any way the fault of the Irish Free State.'²¹ The Defence Plans Division completed its work and submitted a report on 20 June 1928 which included 'proposals for the military education of the Defence Forces.'²² A striking element of the final report was the decision to adopt the British army rather the army of the United States as a model on which to establish Defence Forces. The report stated, 'we are proposing to adopt the British Tactical Establishment and therefore Tactical

¹⁵ MA Report of the Military Mission, p.112.

¹⁶ NAI D/Taoiseach, S47028, Memo dated 11.09.1928

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Lavinia Greacen, *Chink a Biography* (London, 1989), p.101.

²⁰ TNA Cab 29/329, Hankey to Batterbee, 10.02.1930.

²¹ Ibid, Batterbee to Hankey, 11.02.1930.

²² Duggan, *Irish Army*, p.154.

Doctrines. We have already adopted their armaments and equipment. The application of American techniques is impossible.²³ Here again was a realistic recognition, that in any future conflict, the State would be obliged to align its military doctrine and training with that of Britain. The report also outlined full and precise proposals for officer education. Important elements of these proposals were that the Cadet College would follow the Canadian example and last for four years. 'It was considered essential that the Cadet College be located at the University Centres of either Dublin or Galway, in order to avail of the services of extra lecturers and to facilitate attendance by Cadets at University lectures.'²⁴ Each branch of the army, infantry, artillery, cavalry, etc. would have its distinct school for basic and advanced training. Farsseeing as they were, these proposals were also recognised at the time as unlikely to be fulfilled. Cadets were already in training in the ASI and as the framers of the DPD proposals were aware, material and financial stringencies were likely to prevail:

In practice, accommodation available demands that the Infantry School, the Command and Staff School (and probably the Cadet School initially) should be combined in one Establishment. For want of a better designation this combined Establishment could be known as the Irish Military College, although it is felt that this title should really be allotted to a separate Cadet College.²⁵

In keeping with this somewhat grudging recognition of its likely structure, it was to take a further two years and a radical change of Government before the establishment of Irish Military College.

Establishing the Military College

The first Cadet Class was formed in 1928 – not in the Cadet School, which was to await the establishment of the Military College – but in the Army School of Instruction in Pearse Barracks at the Curragh. It is possible to narrow down the actual establishment of the Irish Military College to a matter of weeks if not days. On 11 September 1930 Major General McNeill signed his correspondence as GOC Curragh Military District and then on 2 October Colonel S. MacLoughlin signed his as Officer Commanding Curragh Military District. Next, on 4 November MacNeill was signing his as Commandant, Irish Military College. DFR 64/1930, signed by Desmond Fitzgerald as both Minister for Finance and Defence on 7 October provided 'That personnel on the strength of or attached to the Irish Military College shall, however, be under the command of the General or other Officer for the time being commanding the College for all purposes.' It is reasonable then to suggest that the Irish Military College was established by 4 November and probably round about 2 October 1930. It is clear that while the evolution of the Military College followed a clear aspiration to provide training and education for a Defence Force capable of defending the State, as opposed to gaining sovereignty from Great Britain, its final structure remained unclear. Efforts were made, albeit unsuccessful, to move the Military College to the Royal Hibernian School and later to the Vice-Regal Lodge both in the Phoenix Park, Dublin. But the 1930s structure and format remained

²³ MA MM/37, 'Special Minute No.5.' Summary of Proposals Submitted, p.25.

²⁴ B. O'Brien, Capt, *The Origins and Development of the Cadet School*, An Cosantóir, (special commemorative issue) September 1979, p.264 and footnote number 25, p.266.

²⁵ MA, MM/36, Special Minute No 3, Territorial Establishment of the Defence Forces, p.7.

for another sixty years, until the establishment of the United Nations Training School Ireland and the amalgamation of the Military College with the General Training Depot in the 1990s. How the 'College' fulfilled its allocated responsibilities and duties is another story.

* NOTE: This article is derived from 'The College', A History of the Irish Military College 1930 -2000 due for publication by the History Press Ireland in Autumn 2016.

‘A matter of day-to-day and even hour-to-hour improvisation’: Ireland’s Experience of Dealing with the UN Secretariat during the Congo Crisis.

ABSTRACT

What does the Irish experience of Defence Forces overseas deployment tell about the relationship between national militaries, diplomatic services and the United Nations Secretariat during a peacekeeping mission? Using material from UN archives on the 1960 to 1964 Irish Defence Forces deployment to the Congo (ONUC), this paper will look at how Dublin and New York interacted during one of the United Nations’ formative peacekeeping operations. It will also examine how Irish departments of state, particularly the Department of the Taoiseach, the Department of External Affairs and the Department of Defence, interacted over the mission. Many Irish accounts of the Congo deployment, relying on national sources, fail to capture the critical interplay between national and international entities where overseas deployment is concerned. They see the United Nations Secretariat as essentially a passive agent in the mission. United Nations archival sources on ONUC instead show United Nations members and the United Nations Secretariat frequently at cross purposes, under false expectations and, critically, often uniquely out of touch during the deployment. In addition, Irish units on the ground in Congo faced danger and life-threatening scenarios on a daily basis which their national and international masters, remote from their area of deployment, could not comprehend. This complicated and difficult relationship shows the tensions and the real problems facing troop deploying states in their engagement with the United Nations. It highlights the need for a co-ordinated and realistic approach to peacekeeping at all levels. Such an approach was, arguably, missing from Ireland’s 1960 to 1964 involvement with ONUC.

Introduction

In late 1961 Ireland faced its biggest foreign policy crisis since the Second World War ended. Fourteen months after the Defence Forces began serving with the UN's ambitious ONUC mission in newly independent Congo in central Africa, Dublin received reports that UN peacekeepers in Congo's Katanga province were fighting urban warfare in the streets of Elizabethville, Katanga's capital city. Without Dublin's prior knowledge ONUC had gone to war and the Defence Forces were in combat for the first time since the Civil War. ONUC's Operation Morthor was designed to end Katanga's bid for independence from Congo. The hastily conceived operation had the covert support of UN Secretary General Dag Hammarskjöld. It went wrong: Katanga fought back. The 35th Irish Battalion, fighting alongside Indian and Swedish ONUC contingents, took casualties. Men were missing-in-action and an entire Company were hostages, threatened with execution, by 'the enemy', the Katangese Gendarmerie led by Belgian mercenaries. As if this was not enough for Taoiseach Seán Lemass, a general election was due in Ireland.

ONUC's Force Commander was Ireland's Lieutenant General Seán McKeown. The mission had taken the offensive in Katanga through the initiative of Irish diplomat Conor Cruise O'Brien, seconded to UN service as Hammarskjöld's Special Representative in Katanga. Underpinned by a mandate that allowed the use of force in certain circumstances, ONUC had gone off track. McKeown later admitted he had been sidelined by O'Brien. Though these two Irish officials had senior roles in ONUC, there were no Irish diplomats on the ground, few reliable communications links, and sketchy information on a rapidly unfolding situation.

Ireland, only six years in the United Nations in 1961, had no experience of multilateral military co-ordination or of international crisis management. Now Lemass and his idealistic Minister for External Affairs Frank Aiken faced problems they had never anticipated. As fighting continued and with public opinion turning against Irish participation in ONUC, they could not find out what was going on in Katanga. Without the diplomatic or military reach to undertake independent analysis of the worsening situation, Lemass despatched Aiken, alone, to Congo to find out what was happening. In his white suit Aiken looked the part. In reality he was floundering trying to piece events together. He did not provide a written report of his mission and the pages of his appointments diary are almost blank for his time in Congo.

Normally the relationship between Dublin and the UN Secretariat worked reasonably well. The reality also was that the UN cared little about Ireland. Hammarskjöld briefly met Taoiseach John A Costello in 1956. He had not met Lemass and never visited Ireland. Despite a good working relationship with Ireland's Ambassador to the UN Frederick Boland, Ireland was simply another name on a map to the Secretary General. The lack of emotion in Hammarskjöld's response to the November 1960 Niemba ambush is striking, and perhaps telling. He showed no human concern over the deaths of Irish soldiers in the ambush, he was only concerned with the larger strategic picture that Ireland might now withdraw from ONUC. It is telling that it was only in the aftermath of the Congo operation in 1962 that a UN Secretary General, Hammarskjöld's successor, U Thant, first visited Ireland. To the Secretariat Ireland was a small, non-problematic, UN member. Reliable,

supportive and safe, Ireland would not appear on the Secretariat's radar unless it wanted something. From July 1960 it wanted Irish soldiers for ONUC.

Dublin was content to let Irish ONUC deployments be solely a UN concern once battalions had embarked for overseas service. Ireland basked in the satisfaction of undertaking the obligations of UN membership. In reality Dublin was lax where the ONUC deployment was concerned. What Battalions were up to filtered through to certain offices at AHQ, but not elsewhere in the Irish establishment. Occasionally one finds the Department of Defence harp on Taoiseach's and External Affairs files, rarely the Defence Forces sunburst. The Director of Plans and Operations received reports from Irish Battalion Commanders, as did the Director of Intelligence, but they never made it beyond their respective offices.

Lieutenant Colonel Eugene O'Neill, OC of the 34th Irish Battalion, was the only Battalion commander from 1960 to 1961 who made an attempt to formulate what he learned of six months ONUC service and pass it on in written form up to the Taoiseach. He was primarily a staff officer, his staff experience and experience on the ground in Katanga made his reports and his suggestions among the most comprehensive sent from any Irish ONUC deployment. They had limited impact. On Aiken's orders External Affairs refused to discuss Congo with former and serving Irish UN soldiers. Aiken let valuable opportunities to gain intelligence go to waste out of idealistic loyalty to the UN.

This state of affairs could cope with a limited scale of crisis such as the November 1960 Niamba Ambush, but it could not cope with open hostilities, casualties and UN obfuscation. When news of Morthor arrived in Dublin via Frederick Boland, Lemass, Aiken and their advisors were caught unawares. The Department of External Affairs provided, with Lemass' agreement, a monthly analysis of events in Congo to senior political figures. These documents did not make their way to the Irish military or to Irish forces in Elisabethville.

When the 34th Irish Battalion was equipped with the FN automatic rifle, it was its description as 'the latest NATO-type' rifle which caught the attention of the Irish media; a story External Affairs anxiously damped down.¹ Here was a skewed set of priorities. Countering media concerns over a type of modern weapon because it was in NATO use was of more concern to External Affairs than providing adequate weapons for Irish soldiers in UN service. There was a definite disconnect on the Irish side when it came to ONUC. Departments of state kept information to themselves, operated independently, or without any thought for, other branches of the state.

The Department of External Affairs really knew little about Congo. Ireland had no diplomatic mission in Leopoldville, its nearest embassy was Lagos, Nigeria, 1,800 kilometres away. Dublin lacked, and would continue to lack, good first-hand information on Congo through the ONUC deployment. Boland's information from New York was diluted by distance and UN spin. The Secretariat and Secretary General were in no mood to provide an accurate picture of events in Katanga. The origins of and aftermath to Operation Morthor shows

¹ For example see Evening Mail, 11 May 1961.

the disconnected relationship between the UN Secretariat and Ireland as an ONUC troop contributing state. It also shows the limits of Irish engagement with the UN as Ireland went increasingly out of its depth in the Congo.

Half-truths and Lies: The Background to Morthor

The only effective channel of reliable communication open to Dublin over the Congo was via Boland in New York. Irish ambassador to Great Britain Hugh McCann assumed that Dublin would 'obtain private reports' from McKeown on the Congo.² The Secretary of the Department of External Affairs Con Cremin replied that it was Irish policy that Irish soldiers in Congo were 'detached entirely from our control.' Dublin knew that other countries ignored this, but Ireland would not do so. It was an honourable attitude, but it left the Irish authorities in the dark about Congolese affairs and culpable of wilful ignorance because of an idealistic desire to follow principle.

Neither did Dublin have contingency plans for any emergency in Congo. There was no crisis management structure to call on, nor was there any sign that the Irish authorities were aware they should create one. ONUC would be managed through normal External Affairs channels. Direct radio and telex communications with Congo from Ireland were almost impossible. Even what Boland was getting in New York was unreliable. The Secretary General and senior ONUC civilian and military officials engaged in complicated build-up to rationalise Morthor.

In the weeks before Morthor Aiken asked Boland to find out 'how far it is considered by UN authorities that use of force is permissible' in Katanga.³ A limited round-up of mercenaries, Operation Rumpunch, had taken place in Katanga in late August 1961. Aiken saw a danger that ONUC might now exceed its peacekeeping role outlined in its Security Council mandate.

Hammar skjöld maintained that 'it was untrue that any further UN operation was planned.' But he did foresee scenarios where the UN would have to act in Katanga. He authorised Operation Morthor on 10 September 1961. Boland asked later Senior UN official Ralph Bunche had Morthor 'been ordered by the Secretary General? I thought it might conceivably have been a local initiative. Bunche replied – "well, not exactly ordered - but authorised. We gave them the green light".⁴ This would later be denied vociferously by the UN Secretariat and subsequently by Hammar skjöld's biographers. Hammar skjöld allowed O'Brien to act on his own initiative. This later allowed Hammar skjöld to exercise plausible deniability when Morthor went wrong.

On the evening of 11 September the plans for Operation Morthor were refined in Elizabethville. Hammar skjöld played a game of bluff, telling those who sought his outlook on Katanga exactly what they wanted to hear, and not revealing to them his prior authorization of UN action in the province. Meeting Boland Hammar skjöld explained that, while 'the use of force had to be avoided at all costs', force remained an option 'in the very last resort.'⁵ This was the very situation towards which the UN was secretly moving.

² NAI DFA PMUN 387, McCann to Cremin, 10 Jan. 1961.

³ NAI DFA PMUN 387, Estero to Uneireann, 4 Sept. 1961.

⁴ UCDA P104/6410, Boland to Cremin, 18 Sept. 1961.

⁵ According to Hammar skjöld's desk diary it was Boland's first formal meeting by appointment with the Secretary General since 27 June 1961

But Hammarskjöld maintained that force must not be used and ONUC 'must achieve their objective by other methods - by holding vital points, controlling transport and, when required, by making shows of superior strength in critical situations.' It all sounded very much like the operation being planned. Yet Hammarskjöld concluded emphatically that 'there was no reason to think that the UN forces in Katanga or anywhere would become engaged in active hostilities.' The Secretary General had already given authorization for Morthor and was giving Boland the message he knew Boland needed for Aiken. Boland suspected that he was not getting 'a completely frank picture' from the UN.⁶

Who Fired First? The UN Spin on Morthor

Operation Morthor, the UN assault across Elisabethville in the early hours of 13 September 1961 was simultaneous and co-ordinated. It was not a response to a local one-off incident as the UN suggested. Accounts from Irish veterans show that ONUC opened fire first. The UN Secretariat nevertheless maintained that Hammarskjöld did not know about Morthor in advance, and that UN troops had been fired on and were forced to respond.

A telegram from the Irish permanent mission to the United Nations on the early afternoon of 13 September emphasized that ONUC had opened fire first as 'prior to [the] UN takeover UN troops mainly Indian engaged Belgian-led Katangese para-commandos and Gendarmerie.'⁷ This was shortly after 'clarified' by an explanation that 'trouble began when a machine-gun opened fire on Indian troops from Belgian consulate killing one Indian.' It added 'O'Brien had authority to occupy post office and radio station to ensure communications.'⁸ The telegram contains elements of actual events in Katanga and the developing UN cover story.

Boland told Dublin that the Secretariat was circulating a 'rather weak and unconvincing' story about Morthor.⁹ He tried to find out what had happened in Katanga, but news came in sporadically and was contradictory. UN sources maintained that 'a wide measure of discretion had been left to the UN representative in Elisabethville.'¹⁰ The exact nature of what Hammarskjöld thought he had authorised remains unclear, but he authorized ONUC to act.

The UN now had a major international incident on its hands in Katanga and it was ill prepared to deal with the consequences as its largest peacekeeping mission to date disintegrated. The looming loss of United States and British support for ONUC would be fatal. Hammarskjöld was in an impossible situation. He could not admit the truth that Morthor had been undertaken with his authorization. With the General Assembly about to open, he had somehow to draw the UN back from its military adventure in Elisabethville and preserve his own and the UN's position.

(NLS L179/175).

6 NAI PMUN 387, Boland to Cremin, 18 Sept. 1961.

7 NAI DT S16137/61, No. 316, Uneireann to Estero, 13 Sept. 1961.

8 Ibid., No. 317, Uneireann to Estero, 13 Sept. 1961.

9 NAI DFA PMUN 387, Boland to Cremin, 18 Sept. 1961.

10 Id.

Boland reckoned that Hammarskjöld had authorized Morthor and had kept this to himself. He 'fully expected the operation to go off with the same degree of smoothness as characterised the earlier arrest of foreign military personnel in Katanga in late August.'¹¹ The Secretary General knowingly, and fatally, deceived UN member states, including Ireland, as to UN intentions in Katanga.

Jadotville

Of particular concern to Dublin as Morthor continued to run off the rails was the position of A-Company of the 35th Battalion under the command of Commandant Pat Quinlan who were under siege in Jadotville as fighting continued in Elizabethville. They had been sent to Jadotville, a mining town north of Elizabethville, despite the objections of the Indian ONUC commander in Elizabethville, by McKeown on Hammarskjöld's orders. Hammarskjöld sought to cover a gap in force deployments to appease Belgian foreign minister Paul Henri Spaak. MacEoin replaced a stronger force that had withdrawn on its own initiative sensing the negative mood in the town with a scratch force that was going to be kept in Jadotville on Hammarskjöld's instructions to save the UN's face.

In Dublin External Affairs had only press reports about Quinlan's 'uncertain fate' to rely on.¹² Irish diplomats urgently sought information on the 'action contemplated to relieve Irish troops' in Jadotville.¹³ There was nothing to report. Hammarskjöld's military advisor General Rikhye had no information about 'any situation' at Jadotville and did not investigate further, instead leaving for Idlewild airport to see Hammarskjöld off to Leopoldville.¹⁴ The Defence Forces Director of Plans and Operations cabled the Irish ONUC Liaison Officer in Leopoldville looking 'at once' for the locations of 35th Battalion units.¹⁵ The following morning in New York it was the same story and as news of Morthor trickled through, the Irish permanent mission to the UN 'obtained some information regarding the situation in Elisabethville but no word of Jadotville.'¹⁶

The UN Secretariat had little interest in the position of A-Company. It remained unsure if there was any basis for reports of an incident in the town. Those planning Operation Morthor 'regarded the threat to A-Company as a calculated risk.'¹⁷ However A-Company was outnumbered and under attack. Quinlan refused all Katangese requests to surrender. Efforts at to relieve or reinforce Quinlan failed.

It seemed that A-Company had suffered casualties. Rumours spread around Dublin of heavy Irish losses in Jadotville. Katangese propaganda spoke of massacres of Irish soldiers in the town with those remaining held as hostages, ten being shot for every Katangese killed. The Department of Defence could not verify these reports. It leaked that Defence Forces short-wave communication with Leopoldville had collapsed some months ago.

11 NAI DFA PMUN 387, Boland to Cremin, 18 Sept. 1961.

12 NAI DFA PMUN 387, No. 232, Estero to Uneireann, 12 Sept. 1961.

13 Ibid.

14 NAI DFA 305/384/31, Report by Brendan Nolan, Sequence of events at Jadotville.

15 UNA S/791/43/4, teleprinter message, 12 Sept. 1961.

16 NAI DFA 305/384/31, Report by Brendan Nolan, Sequence of events at Jadotville.

17 Colonel J. T. O'Neill private papers, Egge to O'Neill, 22 Apr. 1998.

The absence of news in Dublin about A-Company angered relatives and resentment grew at the inability of the military to keep up with events in Congo. Army Headquarters insisted that no Irish soldiers had been killed and that five were wounded. Army Headquarters tried to contact Leopoldville but telex lines to the city were closed. New York could only say that there had been further fighting in Jadotville. Irish media reports were 'most disturbing' and families needed information.¹⁸ MacKeown angrily telexed Raja and McNamee: 'Get names and numbers of Irish dead at once ... Irish government [is] appealing for information.'¹⁹ Raja replied that three Irish personnel were 'missing believed dead' in Elizabethville.²⁰ He had no information on Jadotville.²¹

Aiken's Mission to Congo

Minister for Defence Kevin Boland spent 15 September at Army Headquarters reading reports trickling in from Congo. External Affairs relied on Irish and foreign press reports for its Congo news. The lack of information from Congo was causing problems. Questions were beginning to be asked about what Irish peacekeepers were doing in Katanga.²² Relief supplies of ammunition for the 35th Battalion were sent from Ireland under the cover of food supplies because the mood was turning against the UN.

Lemass announced that Aiken was 'to proceed as soon as possible to the Congo for discussions with UN officials.'²³ He had personally ordered Aiken to Congo because the reports coming in 'were so alarming' that Aiken's presence was required 'to secure reliable information on the situation.'²⁴ Aiken's nine days in Congo were an unusually hands-on visit for a minister who preferred the General Assembly to the ONUC frontline. British diplomats concluded that Aiken and Cremin were not 'very closely in touch with the changes in the political situation' in Congo.²⁵ The British ambassador in Dublin felt that before Morthor they were 'content to think of MacEoin and Cruise O'Brien as UN representatives who happened only incidentally to be from the Irish Republic.'²⁶ Dublin had 'never been closely in touch with the political situation in the Congo.'²⁷ It was a harsh judgment, but fair. It was Aiken's policy that once Irish soldiers and diplomats were seconded to UN service they were of no concern to Dublin.

Aiken now had single-handedly to find out what was happening in Katanga and 'confront UN officials on command decisions committing Irish [troops] to battle.'²⁸ With a general election only weeks away Lemass was worried. Discussing Aiken's departure with Hammarskjöld, his assistant Andrew Cordier put it bluntly: 'purpose is to get direct report developments Katanga. Election will take place Ireland in a few weeks.'²⁹

18 MA G2/E/55/IV, memo of telex conversation between Lieut Col Lee and General Rikhye, 14 Sept. 1961.

19 UNA S/840/2/7, FC533, MacEoin to Raja and McNamee, 1215, 15 Sept. 1961.

20 UNA S/840/2/5, O1066, Raja to MacEoin, 1630, 15 Sept. 1961.

21 Quinlan to McNamee, 1630, 14 Sept. 1961, quoted in Doyle, *Jadotville*, p. 63.

22 MA G2/E/55/IV/A, Quinn to Director Plans and Operations, Army HQ, Dublin, 2355, 17 Sept. 1961.

23 NAI DT S161371/61, press statement by Lemass, 9.45pm, 15 Sept. 1961.

24 TNA FO 371/154989, Lemass to Macmillan, 19 Sept. 1961.

25 TNA FO 371/154957, MacLennan to Chadwick, 19 Sept. 1961.

26 *Ibid.*

27 TNA FO 371/154932, MacLennan to Chadwick, 20 Sept. 1961.

28 *Chicago Sun-Times*, 16 Sept. 1961.

29 NLS L179/160, 6405, Cordier to Hammarskjöld, 15 Sept. 1961.

Irish diplomats in New York were unsuccessful in getting regular updates from the UN Secretariat on what was happening in Katanga. Boland felt that the UN had available in New York and Leopoldville 'information which they failed to pass on to us.'³⁰ The UN operations room in New York 'proved entirely unequal to the task' of countering 'alarmist and erroneous reports, owing to the extreme paucity of the information reaching them from the Congo.'³¹ Lemass was on the verge of withdrawing Ireland from ONUC unless Aiken got satisfactory answers as to why A-Company, who were now prisoners of the Katangese, were left in Jadotville and whether Irish troops had been deployed in accordance with the February resolution.

Aiken arrived in Leopoldville early on 17 September. Dublin remained worried. The British Ambassador informed London that 'if any further misfortunes should befall the Irish contingent the reactions on the electoral prospects of the Fianna Fáil Government are likely to be serious.'³² In a telex for Lemass and Minister for Defence Boland, Aiken's message was 'that early reports of Irish casualties in Katanga had been grossly exaggerated.'³³ Defence Forces Plans and Operations Section in Dublin now increasingly disregarded reports of casualties from Katangese sources. Aiken also told a reporter in Leopoldville that A-Company had 'held an "open camp" post under siege for almost a week.'³⁴ He felt 'their bearing under bombardment was exemplary.' These soothing messages were reported across the Irish media. Aiken had achieved a major success where UN sources had failed.

Conscious of public opinion, Lemass instructed Aiken that 'anxiety about [the] Jadotville prisoners' was rising in Ireland.'³⁵ Dublin learned from Aiken that A-Company was being well treated. The message arrived in Dublin at 1320 on 18 September and was circulated to opposition party leaders by 1500. This was quite a change in the speed of communication with Congo, a change of speed which showed the value of Aiken's mission.

Aiken arrived in Elisabethville on 22 September. He met O'Brien, saw where fighting had occurred and visited Irish troops. Some in the 35th Battalion were not to meet Aiken. Two key officers, Captain Art Magennis and Lieutenant Michael Considine were ordered to take leave in Leopoldville as the minister arrived. They were to be interviewed by senior UN officials as they were the only Battalion officers who had been in combat under Indian command in Katanga. Magennis was an armoured car commander during the UN assault on Elisabethville Post Office at the start of Morthor and confirmed that UN forces, himself included, had opened fire first. Considine, also an armoured car commander, had seen Indian troops execute Katangese prisoners at Radio Katanga.

Civilian chief of ONUC Sture Linner denied that there had been any UN atrocities in Elisabethville and O'Brien later wrote of pressure in the UN to tone down and in some cases give 'plainly false' reports of 'controversial events.'³⁶ O'Brien recalled 'a Colonel in

30 NAI DFA PMUN 387, Boland to Cremin, 18 Sept. 1961.

31 Ibid.

32 TNA FO 371/154932, MacLennan to Chadwick, 20 Sept. 1961.

33 UNA S/213/3/4, daily summary of events.

34 Irish Times, 17 Sept. 1961.

35 Ibid., Lemass to Nolan, 18 Sept. 1961.

36 Ibid., Colyton to Salisbury, 12 Feb. 1962 and O'Brien, Sacred drama, p. 135.

the Indian brigade under UN command' who told journalists that his men would take no prisoners.³⁷ The UN went through contortions to save its peace-loving image as it would have been awkward to accept the Indian's story. Any attempt to discipline him would have antagonized India, a major contributor to ONUC and led possibly to the withdrawal of the Indian contingent. It was the same with the killings at Radio Katanga – it was best not to hamper the UN in its pursuit of peace.

When Magennis and Considine got back to Elisabethville Aiken had gone. He had spent long enough in the city to get the public relations results required for Lemass but not so long as to see that which the UN did not want him to see. During Aiken's visit the crew of Considine's armoured car had been ordered to report to 35th Battalion Headquarters. After waiting for an hour they were told they were required and never saw Aiken. Aiken arrived back in Dublin on 26 September. Lemass told him to stay say nothing to the press on his return journey. If he learned anything untoward about the actions of UN forces he did not hint at it.

Firing Cruise O'Brien

After Operation Morthor's failure Conor Cruise O'Brien was a spent force in Katanga. Dublin felt that it was up to the UN Secretariat to sanction O'Brien's transfer. Lemass personally redrafted a press statement held in readiness for O'Brien's move to show that Dublin supported him. Boland initially acted in a positive manner towards his former colleague. By mid-October 1961 his outlook had changed as the international mood turned against O'Brien.

Boland thought O'Brien should request to return to New York. The stumbling block was Aiken's sense of obligation to O'Brien; he did not want him to be transferred in circumstances which might look like a slight. Boland began working behind Aiken's and O'Brien's backs, suggesting that the British ambassador in Dublin have a word with Lemass to remove O'Brien. British diplomats learned from the Irish United Nations delegation that the best way to get rid of O'Brien (whom incidentally they all hate) is somehow to get beyond the Irish Foreign Minister, Aiken, and to see that Lemass knows about the trouble. Apparently Aiken has taken a personal stand on the matter, but Lemass might think differently, particularly if he knew how unpopular O'Brien was among delegations here, specially those of the Common Market Countries.³⁸

O'Brien felt that he should move to Leopoldville so his ultimate departure from Congo to New York would not be seen as a failure. Criticizing O'Brien at the Security Council Spaak claimed that he had 'grossly exceeded instructions' over Katanga.³⁹ This ruined planning in New York, London and Dublin for O'Brien's recall. U Thant now had no alternative but keep O'Brien in Congo to save face.

³⁷ O'Brien, *Sacred Drama*, p. 135-6.

³⁸ TNA FO 371/154957, Dean to Stevens, 3 Nov. 1961.

³⁹ UNA S/219/7/15, O'Brien to Bunche, 18 Nov. 1961.

O'Brien wrote to Aiken on 25 November 1961 that he had 'come to the conclusion that I can no longer usefully represent the UN in Katanga. Should you request me to resume service in the Irish Department of External Affairs, I shall be happy to do so.' Aiken did not reply immediately. Three days later O'Brien's situation 'assumed very unfortunate aspects.'⁴⁰

On 28 November there was an attack on a UN party in Elisabethville. Two UN officials were injured and it transpired that Irish diplomat Máire MacEntee was with the party. In Ireland news focussed on what she was doing in Elisabethville. That she was the daughter of the Tánaiste Seán MacEntee, a senior member of Lemass' cabinet, gave the story added importance. External Affairs unofficially explained that her visit was private. It was common knowledge in Iveagh House that O'Brien and MacEntee were in a relationship and that O'Brien, separated, was not divorced.

On 30 November Aiken, now in New York, with the MacEntee story being telexed from Dublin and Secretary General U Thant upset, was forced to act on O'Brien's earlier letter. O'Brien learned from Aiken that the Secretary General had instructed him to recall O'Brien to the Department of External Affairs. If Aiken did not do so U Thant would call for O'Brien's resignation as he had shown himself 'to be so indiscreet as to be unsuitable for further service with the United Nations.'⁴¹ Aiken publicly used the excuse of shortages in top-level personnel at External Affairs to request O'Brien's release from UN service.

U Thant replied immediately, praising O'Brien for his 'devotion and courage.'⁴² There was serious discontent between Dublin and the Irish permanent mission to the UN over how O'Brien's departure was being spun by the Secretariat. Aiken's statement had gone down badly in Dublin. Cremin spoke 'rather strongly' to Boland conveying Lemass' instruction that in statements issued in New York about O'Brien's resignation 'the maximum responsibility for the charge should be placed elsewhere - and not here, where it does not belong.'⁴³ Lemass was not having Ireland's international reputation damaged by making it look as if Aiken was responsible for O'Brien's recall due to a human resources issue at Iveagh House. O'Brien's removal was a UN responsibility.

Yet Aiken had been truthful in his press release. O'Brien had written to him seeking to leave UN service and Aiken had supported this in his letter to U Thant. But it was the UN that moved first and pressurized Aiken into acting. Aiken did not act on O'Brien's letter until the Secretary General forced his hand after the revelations surfaced about MacEntee's presence in Elisabethville. In public U Thant explained that of course 'felt bound to accede to Mr Aiken's request', but this was duplicitous.

Aiken remained personally loyal to O'Brien to the last and, naively, he did not see that the UN had run rings around him to make him appear responsible for recalling O'Brien. He was deflecting criticism away from the Secretariat. The Irish Times hinted that there were international political pressures on Dublin behind O'Brien's recall and resignation.

40 NAI DFA P12/16/B/1, Cremin to Boland, 30 Nov. 1961.

41 O'Brien, Katanga, p. 326. In press conferences following his resignation O'Brien rejected suggestions that Dublin had come under pressure to secure his resignation on policy grounds.

42 NAI DFA PMUN 437, Thant to Aiken, 30 Nov. 1961.

43 NAI DT S161371/61, Nolan to Lemass, 4 Dec. 1961.

The paper could not understand how Dublin had supported him for so long and suddenly changed tack. The British embassy in Dublin 'had the feeling that the whole story was eluding us.'⁴⁴ What both missed was the pressure placed on Aiken by the UN, the institution the minister was devoted to and which was the centrepiece of Irish foreign policy.

Conclusion

Idealistically committed to the UN, Ireland nevertheless became a pawn in Hammarskjöld's, U Thant's and the UN Secretariat's plans for Congo. Hammarskjöld emerges from UN records on Congo and from his personal papers not as the neutral international civil servant with 'a halo, which is visible for a considerable distance', but as a calculating, pro-Western and at times Machiavellian operator; a side of his personality rarely commented on by his biographers.⁴⁵

Aiken had made a virtue of loyalty to the United Nations and his naive belief in the organisation was a fundamental reason for Ireland's inability to deal in a realistic manner with involvement in ONUC. A less idealistic minister might have ensured that by back-channel contact with MacEoin, O'Brien and other senior officials and officers, Ireland could have obtained a greater flow of information on Congolese and Katangese affairs. Had Aiken acted in this manner, Dublin could have ensured that Boland was working from a better informed position. Instead Aiken ensured that Ireland maintained its distance from ONUC and kept itself studiously in the dark when its citizens, whether in military green or in diplomatic grey, put their lives at risk under the UN flag. He was ultimately forced to revise this attitude amid the crisis over Jadotville during the September fighting and go to Katanga himself to investigate ONUC activities.

In the foreign policy crisis of 1960-61 caused by Irish participation in ONUC Taoiseach Seán Lemass took control of the direction of Irish United Nations policy. Aiken, previously Ireland's voice in the General Assembly, became Lemass' loyal lieutenant and flew off in haste on his leader's instructions to Congo. Lemass took control in cabinet concerning Congo and ONUC and his view directed the final collective cabinet opinion. He successfully limited the spill-over of events in Congo into domestic politics and, following the 1961 general election, limited the spill-over of ONUC and Congo into other aspects of Irish foreign policy.

Nevertheless Cabinet and civil service responses in Dublin over Congo and ONUC were ad-hoc and amateur. There was no Congo sub-committee of the cabinet, no process to streamline the distribution of what information on Congo came into Dublin. The picture that emerges is of a struggling permanent mission to the United Nations and weak liaison officers conveying snippets of information to a disconnected Iveagh House which stood aloof on the instructions of the minister. In economic matters the 1960s saw the pre-eminence of the 'Committee of Secretaries' led by Ken Whitaker at Finance, there was no such body co-ordinating Irish civilian and military policies toward ONUC and Congo or Katanga. Minister for Defence Kevin Boland, with his department, was often reduced

⁴⁴ TNA FO 371/155099, MacLennan to Chadwick, 4 Dec. 1961.

⁴⁵ Conor Cruise O'Brien, *Murderous Angels* (Boston, 1968), p. 147. Brian Urquhart's *Hammarskjöld* (London, 1972) remains the standard account of Hammarskjöld's life.

to a bystander. External Affairs traditionally looked down on the Department of Defence and the Defence Forces. The Irish civil service and military did not work in a unified and smart manner over the Congo crisis, it was seen as business as usual. Soldiers on the ground knew it was far from that.

Shortly before his death Hammarskjöld described Congo as ‘the sort of a problem-challenge that does stay in one’s blood.’⁴⁶ His bringing the UN into Congo brought the organization ‘into a nightmare of great power rivalry, post-imperial chicanery and lethal score settling by the Congolese politicians.’⁴⁷ What was required in terms of a streamlined crisis management group to deal with this situation was beyond what the Irish civil and military establishment could undertake at the time. A hierarchical and siloed existence meant such a co-operative approach was impossible to achieve.

The complicated and difficult relationship between Dublin and New York shows the tensions and the real problems facing troop deploying states in their engagement with the United Nations. It highlights the need for a co-ordinated and realistic approach to peacekeeping at all levels. Such an approach was missing from Ireland’s early involvement with ONUC.

Ireland was increasingly out of its depth in the Congo Crisis in the autumn of 1961. As Lt Col. Richard Bunworth, OC of the 33rd Irish Battalion, explained that ‘above all else we lacked experience, and consequently it was difficult for us to visualize what a UN peacekeeping mission entailed.’⁴⁸ It entailed more than simply deploying smiling troops; it required a hard-headed realistic outlook to world affairs and a willingness to take on Secretary General and Secretariat. Lemass showed, as he would do again over Ireland’s deployment to Cyprus in UNFICYP, greater determination and realism over Irish United Nations policy than the idealistic dogmatic Aiken could ever provide.

46 NLS L179/141, Hammarskjöld to Abbas, 30 Aug. 1961.

47 Michael Ignatieff, ‘The faith of a Hero’, *New York Review of Books*, 7 Nov. 2013, p. 38.

48 MA 33rd Battalion Unit History, foreword.

The Irish Army in the Congo, 1960-64: The Foundation for Permanent Defence Forces Peacekeeping Missions

ABSTRACT

On 17 July 1960, the Secretary-General of the United Nations Organisation requested the Irish government to contribute an infantry battalion to the nascent United Nations Emergency Force in the Congo (later ONUC). The Irish government acceded to this request: thus was set in motion a chain of events that, in Irish military history, would found and develop the Irish Army's renowned expertise in UN peace-keeping missions. This momentous event of first involvement of armed Irish troops in UN peacekeeping operations redounded greatly to the credit of the Permanent Defence Forces (PDF) and – perhaps more importantly – enhanced Ireland's international reputation and standing. This paper will explore the readiness of the PDF for the Congo mission and discuss PDF response together with the formation, movement and deployment of the early Irish contingents. The paper will then move to present Irish Army learning experiences in peacekeeping: the hard lessons of Niemba, offensive military action in Elisabethville 1960-61, the defence of Kamina airbase and the battle of Jadotville. Then, the paper will summarise the Irish Army's newly acquired military expertise in the Congo and show how this was transmitted as a learning experience to the first Irish Army units in the following UN mission to Cyprus and subsequent peacekeeping missions.

Introduction: An Overview of the Defence Forces in 1960

It is apposite to first consider the manpower of the Defence Forces in 1960, which then stood at some 60% of its establishment. The officer cadre was 20% below strength, and NCOs were 15% below strength. However, the most serious deficiency was that of private soldiers – standing at 54% below establishment.¹ Defence Forces manpower was indeed in a parlous state in 1960: from this unbalanced manpower pool the first Army contingents for the Congo; the 32nd & 33rd Infantry Battalions (32 & 33Inf Bn) were drawn.

In mid-1960, these officers, NCOs and men were mostly engaged in routine duties such as occasional ceremonial parades, barrack and special guards: maintenance of arms, equipment and vehicles, annual range practices - and some limited training. These limitations in training were highlighted in Director of Training's report for 1960 when he

¹ Military Archives Ireland (hereafter MAI), annual report from Adjutant General to Chief of Staff, 1960.

observed that the shortage of troops ‘Circumscribed the training of Commanders and Staff, necessitating the use of TEWTS² and cloth-model exercises.’³ He added that most units had some form of tactical training at summer camps – but did not detail the nature of such summer training.⁴

The 1960 reports from various Corps Directors highlight shortages of equipment, aging vehicles, and approaching obsolescence of arms. Quartermaster-General observed that ‘rifles, light and medium machine-guns were approaching the end of their useful lives as first-class infantry weapons, although the position regarding sub-machine-guns and mortars was satisfactory.’ Director, Supply and Transport expressed concern as to the overall state of the soft-skinned vehicle fleet ‘with most vehicles having between 8 and 25 years of service.’⁵ Director of Cavalry reported all marques of armoured cars at forty-five, of which thirty-three were light armoured cars.⁶ Of these, eight Fords were deployed to the Congo in 1961, attached to 34th Infantry Battalion.⁷ Armoured with half-inch boilerplate, equipped with a .303 Vickers MMG and not having four-wheel drive, these Fords could be more accurately described as scout cars for use on surfaced roads.⁸ Director of Plans & Operations reported that ‘we practically had to strip the Army in order to provide modern communications equipment to the 32nd and 33rd Battalions.’⁹

An overview of the then general outlook or mission of the Defence Forces is given in General Sean McKeown’s recall of the Congo mission:¹⁰

The request for a battalion was quite staggering ... I was prompted by the state of affairs in the army at that time, and the sense of lack of purpose in our minds, to say ‘yes’ to a battalion.¹¹

In essence, one sees the Irish Army in mid-1960 as undermanned, under-equipped, burdened with deficiencies in small arms, vehicles and insufficient training: certainly, no training in preparation for the experience to come – that of serving as UN peacekeepers in the Congo.

The organizational and logistical effort in forming and dispatching 32 Inf Bn was remarkable. The UN request for troops came on the evening of Saturday 16 July 1960: Minister for Defence and Chief of Staff met at GHQ on the following day to discuss the UN request. Volunteers were sought on 18 July 1960 – first chinks departed for the Congo on Wednesday 27 July 1960. Merely ten days had elapsed from the UN request to the first Globemaster aircraft taking-off from the Air Corps base at Baldonnell: this, before the advent of PCs, Internet and mobile phones.

2 Tactical Exercises Without Troops.

3 MAI, Annual Report from Director of Training to Chief-of-Staff, 1960.

4 Ibid.

5 MAI, Annual Report from Director of Supply & Transport to Chief-of-Staff, 1960.

6 MAI, Annual Report from Director of Cavalry to Chief-of-Staff, 1960.

7 Karl Martin, *Irish Army Vehicles: Transport and Armour since 1922* (Dublin, 2002), pp 33-42.

8 Ibid.

9 MAI, Annual Report from Director of Plans & Operations to Chief-of-Staff, 1960, p. 43.

10 Chief-of-Staff in 1960 - Sean McKeown, ‘Congo (ONUC): the military perspective’ in *The Irish Sword* Vol. XX, No. 79, (Summer 1996), pp 43-45.

11 Sean McKeown, ‘Congo (ONUC): The Military Perspective’ in *The Irish Sword* Vol. XX, No. 79, (Summer 1996), pp 43-45.

Volunteers for Congo service came solely from the Army element of the Defence Forces. Veterans of the Congo mission spoke of an almost overwhelming feeling of excitement as they departed: for almost all of them, it was their first experience of flying and of travel outside Ireland.¹²

Taoiseach Sean Lemass, speaking in Dail Éireann on Wednesday 20 July 1960 envisaged the mission of the 32Inf Bn in the Congo as ‘acting as an independent entity, protecting lives and property wherever they are endangered ...their role (in the UN Force) will be limited to that task, which will redound to the credit of the Irish Defence Forces and uphold our reputation as a loyal member of the United Nations’.¹³

It is of interest to note the early battalion commanders’ perception of service in the Congo. On his being notified of his appointment as O.C. 32 Inf Bn, Lt.Col. M. Buckley recalled that ‘it was a very big responsibility ... we didn’t even know where the Congo was’.¹⁴ Lt.Col. R.W. Bunworth, O.C. 33 Inf Bn described his Congo experience ‘as realizing the very considerable difference between the peacetime, barrack life at home in IRELAND and the active service type of operation with the U.N. in the CONGO (sic). Above everything else we lacked experience, and consequently it was difficult for all of us to visualize what a UN peacekeeping mission entailed’.¹⁵

This lack of experience was evidenced in the arrival of the first element, 32Inf Bn, in Goma, Kivu province, Congo at 08.30 hours on 29 July 1960:

As our CO, officers and men disembarked the aircraft, each carried a Gustaf (SMG), Bren (LMG) or rifle – but not a single round of ammunition. Fortunately, the pipe-band were first off the aircraft, they formed-up and began to play. This totally defused the situation, and the remainder of the first chalk disembarked, without incident.¹⁶

This situation was that hostile elements of the mutinous ANC¹⁷ in Goma had, menacingly, surrounded the stationary aircraft and the disembarking Irish troops.

Peacekeeping Experience Gained

Bearing in mind that the formation and dispatch of the early battalions was accomplished in very short time-frames, many men suffered adverse reactions to their tropic-specific inoculations. This was the experience of 32 & 33Inf Bns: many were sick on board aircraft and for some days after arrival in the Congo.¹⁸ Of these battalions, many had never before soldiered together; they went overseas without refresher or mission specific training or intelligence-led briefings. Units now going on peacekeeping missions, found from a single Brigade, prepare by undergoing mission-specific training, including mission-readiness exercises.

12 Interviews of Congo veterans - conducted by writer during 2012-13.

13 Dail Debates, 20 July 1960 <http://oireachtasdebates.oireachtas.ie/debates%20authoring/debateswebpack.nsf/takes/dail1960072000039?opendocument>

14 Quoted in David O’Donoghue, *The Irish Army in the Congo 1960-64: The far battalions*, p.15.

15 MAI, Unit history, 33 IrBatt, foreword.

16 MAI, Unit history, 32 IrBatt pp 17-19.

17 Armée National Congolais.

18 MAI, Unit history, 33 IrBatt, p. 88.

Although some Irish units were involved in offensive and defensive actions in Katanga province during 1961 and 1962, the Congo mission was essentially one of peacekeeping. All Irish units learned the art of practical peacekeeping: perhaps a steep learning curve at the outset, the curve flattened as experience was gained and expertise developed. It is suggested that practical peacekeeping is the art of ensuring that the daily life of a country carries on in an atmosphere free from conflict, or the threat of imminent conflict. Practical peacekeeping may be likened to police officers on patrol - whose very presence discourages strife. Peacekeeping requires its practitioners to be, and to be perceived as being, impartial and even handed – treating all of the population as equal citizens with balanced rights and needs.

Peacekeeping duties brought Irish troops into daily contact with all elements of the Congolese population - whether on patrol, road controls, guarding trains; succouring refugees, caring for the sick, feeding the hungry. This close contact with civil society was foreign to previous Defence Forces experience. It may be over-simplistic to propose that the innate friendliness of Irish troops was the bedrock of their success as peacekeepers. The theme of friendship featured in pre-embarkation address by Lt. Col. Buckley to the officers and men of 32Inf Bn - 'we are going on a mission for friends. Remember, when you get to the Congo, that everyone is your friend – until they prove otherwise'.¹⁹

Peacekeeping success was achieved despite language barriers. Local languages apart, French was widely spoken throughout the Congo; English speakers were rare. Some – very, very few - members of Irish units could speak French, but most soldiers acquired some words or phrases in local languages for daily, informal use.²⁰ Some of those words, such as mingi-box, survive in Irish military vernacular.²¹

Irish units in the Congo also acquired new military skills, readily transferable to subsequent peacekeeping missions. These skills included maintaining arms, equipment and vehicles in new and demanding conditions. They learned to establish secure lines of communication over distances far greater than those encountered on home service and tackled the logistical challenges of supply and billeting in often-adverse conditions. They became practised in mounting and carrying out patrols, sometimes ranging over hundreds of kilometres of very poor, un-metalled roads: they learned how to maximise the use of air transport.²² They developed liaison, co-operation, sports and social links with UN contingents of other nationalities.

Combat Experience Gained

On 8 November 1960, the deadly ambush near Niemba, Katanga on a patrol of eleven Irish soldiers of 'A' company, 33 Inf Bn marked 'the end of innocence' – not only for the Irish UN troops, but also for the wider Defence Forces family and the Irish nation. This attack by an unknown number of Katangese Baluba resulted in the direct loss of life of nine members of the patrol: the accidental shooting of another Irish soldier two days later is directly attributable to the ambush. The ambush perpetration suggested a planned, coordinated attack.²³

¹⁹ Irish Press, 25 July 1960.

²⁰ MAI, Unit histories of most Irish units refer to attached interpreters.

²¹ A box for holding soldiers' souvenirs, etc. Mingi –A Swahili word meaning 'plenty'.

²² MAI, Unit histories of 32, 33 and 39 IrBatt give examples.

²³ MAI, Unit history, 33 IrBatt, pp 86-102.

Analysis of available sources leads to the conclusion that – despite the patrol's superior weaponry, including two LMGs – the element of surprise was the deciding factor of this engagement.²⁴ ONUC²⁵ force commander, Gen. Carl von Horn, reacting to the Irish fatalities at Niemba said 'This would not have happened to the battle-experienced Tunisians or Moroccans...although the Irish had no combat experience ... I feel the tragedy might have been avoided ... had 33rd Battalion initiated a programme of rigorous training weeks earlier'.²⁶ During the period of late 1961 to early 1962, Irish troops of 35 & 36 Inf Bns were committed to a series of offensive and defensive actions in Katanga, principally at several locations in Elisabethville – of which the best known is the taking of 'The Tunnel'. In September 1961, 1st Inf. Group, notably, fought a protracted defence of the strategically important Kamina Air Base.²⁷ In contrast with events at Niemba of the previous year; many Irish soldiers were now on repeat tours of duty, and these actions reflected earlier overseas experience. Additionally, FN SL rifles were now standard Irish infantry weapons.²⁸

Of all the offensive/ defensive actions of 1961, possibly the most analyzed is the 'Siege of Jadotville'. This protracted defensive operation ended when the Irish infantry company's food, water and ammunition were exhausted. In these circumstances, a commander is faced with the dichotomy of 'fighting to the last man or capitulating with honour'. The salient lesson to be learned from the Jadotville experience is that a unit should never be placed in a position where they cannot be reinforced, re-supplied, relieved or withdrawn. Two attempts by Irish and Indian troops to relieve the siege were foiled by the robust defence of a bridge over an otherwise impassable River Lufira. The relief efforts, Force Kane 1 & 2, were mounted over one and two days respectively: the first attempt was at company strength, the second at two companies plus two armoured cars. There is no record of any attempt to co-ordinate Force Kane(s) with a fighting breakout by the beleaguered garrison at Jadotville.

Again, in late 1962, 38 Inf Bn was again involved in offensive action – mainly at the towns of Kipushi and Jadotville. Action by Irish – and also Indian and Ethiopian troops – across Katanga led to the ending of Katangese military resistance, collapse of the secessionist Katangese government and the eventual gaining of Congolese central government control of Katanga.²⁹

In the offensive and defensive actions of 1961 and 1962, Irish soldiers were closely involved with Indian and Swedish units and fought in mutual support. Arms and equipment of national contingents varied greatly: Swedish troops were best equipped with APCs and automatic weapons; by 1961, Irish troops then had FN SL rifles and Ford armoured cars; Indian troops had no armoured vehicles and carried bolt-action, short-magazine Lee-Enfield Mark 1 rifles. In action, Irish troops were just as effective as the better-armed Swedish and the more experienced Indian contingents. Taking two only examples of Irish military effectiveness: during the assault by 36 Inf Bn on 'The Tunnel' a platoon

24 MAI, Unit history, 33 Ir Batt, passim.

25 Opération des Nations Unies au Congo.

26 Carl von Horn, *Soldiering for Peace* (London, 1996), pp 212-3.

27 MAI, Unit histories of 35 & 36 Ir Batts and 1 Inf Gp.

28 MAI, Unit histories of 35 & 36 Ir Batts & 1 Inf Gp and (their) equipment tables.

29 MAI, Unit History, 38 Ir Batt, passim.

commander and his radio operator were killed by mortar fire; nevertheless, the platoon continued unflinchingly to their objective.³⁰ Despite the capitulation at Jadotville, it should be borne in mind that despite sustained attacks no Irish soldiers were killed there – which demonstrated high levels of both leadership and military competence.³¹

Military learning acquired from the above actions included the experience of exchanging fire; a battalion-in-attack offensive by 36 Inf Bn at 'The Tunnel'; defence of an airfield; enduring sustained siege by digging-in; operations with other national contingents, and from the ambush at Niemba – not everyone is your friend.³² The involvement of Irish soldiers in the above military actions was somewhat removed from Taoiseach Sean Lemass's perception, in July 1960, of their role with the UN in the Congo.

Knowledge Transfer

Histories of the Congo units do not reflect knowledge transfer by way of formal briefings or debriefings. Practical knowledge transfer, for units following 32 & 33 Inf Bns, was effected on the arrival of advance parties, on unit rotation. Knowledge transfer of a more informal nature took place as soldiers discussed their experiences with comrades: and, as Congo units rotated, many experienced soldiers volunteered for repeat service.

This element of peacekeeping experience is shown in a snapshot of an early unit serving in UNFICYP, Cyprus. The unit commanding officer had served in the Congo as a company commander: in one sub-unit of forty-two personnel, thirty-four were Congo veterans – an experience factor of 80%.³³ Experiences in the Congo, centring on arms and equipment, were reflected in hardware carried to Cyprus: Browning pistols replaced revolvers; FN SL rifles replaced bolt-action Lee-Enfields. The Ford armoured cars had been replaced with off-road Panhard-Levassor AML 60's, each equipped with a 60mm mortar and twin 7.62 MMGs.³⁴

Regarding Ireland's Enhanced International Reputation

Participation in ONUC helped to boost Ireland's international reputation. In course of his address to Oireachtas Eireann on 28 June 1963 U.S. President John F. Kennedy referred to 'Ireland's greater role in world affairs at the United Nations and sending its most talented men to do the world's most important work - the work of peace'. He paid tribute to 'the twenty-six sons of Ireland who have died in the Congo and to all of you for your commitment and dedication to world order'. Notably, the US President also stated that 'Ireland's influence in the United Nations is far greater than your relative size'.³⁵

Similarly, subsequent UN operations have demonstrated Ireland's commitment to the UN and have generated much good will amongst the wider international community. Thus, during his official visit to Ireland in July 2009, the UN Secretary-General, Ban Ki-Moon, described Ireland as 'An exemplary member of the UN' and he noted 'the Irish Defence Forces contribution to UN peacekeeping of more than half a century and their then

³⁰ MAI, Unit history, 36 Ir Batt: Post-action Report - Company commander, A coy. pp 75-78.

³¹ MAI, Unit history, 35 Ir Batt, Appendix 'B' - 'A' Company Commander's report on the action at Jadotville.

³² MAI, Unit histories of 33, 35, 36, 38 Ir Batts and 1 Inf Gp, passim.

³³ MAI, Unit history, 4 Inf Gp, p. 36.

³⁴ MAI, Unit history, 4 Inf Gp, Annex B - Equipment table.

³⁵ <http://oireachtasdebates.oireachtas.ie/debates%20authoring/debateswebpack.nsf/takes/dail1963062800003?opendocument>

participation in almost 50% of UN missions'.³⁶ While meeting with the Minister for Defense at UN headquarters on 25 May 2015, the UN Secretary-General thanked Ireland for 'Her long-standing contribution to UN peacekeeping'. He paid special tribute to the almost 90 Irish peacekeepers who had lost their lives serving in the cause of peace and to the dedication of Irish troops who continued to perform under challenging circumstances, such as in the Golan Heights. The Secretary-General also highlighted 'Ireland's commitment in promoting recruitment training, and deployment of women soldiers and police in peacekeeping missions'.³⁷ These examples are illustrative of the standing and high esteem in which Ireland and her Defence Forces are held on the international stage.

Esprit de Corps and Social Aspects

On 23 July 2010 some hundreds of Congo veterans gathered at Baldonnell airfield to commemorate the fiftieth anniversary of their mission.

On the following day, The Irish Times reported the words of one veteran:

The comradeship was sacred. We were like a family; we were very close to each other, we would do anything for the other fella, (sic) in good times or bad. I still have friends from those days. A day like today [the commemoration] is special.³⁸

These words, very succinctly, summed up the collective experience of the Congo mission.

Reflecting upon social implications and attitudes of the broader Irish population towards the Irish Defence Forces, two contrasts are presented. Firstly: on 5 November 1958 - a male defendant at Ballina District Court was accused of the theft of a ten-shilling note and a postal order. Sentencing, the district-justice offered this option - 'Go to jail or join the Army': the defendant, reportedly, undertook to join the Army.³⁹ Secondly: compare this reported 'jail or join the army' case to the Irish Press report of 27 July 1960 - describing the mood of the members of the public who lined central Dublin streets for the march-past and Taoiseach's review of the Congo-bound 32 Inf Bn:

All along the route from Castle Yard to Parnell Square, the green-clad troops, with bands playing and pennants flying were greeted by thousands of cheering citizens, young and old. The capital has never witnessed a greater outburst of enthusiasm and the cheering, which was continuous, mounted to a deafening climax as the troops passed the G.P.O. where the Taoiseach took the salute.⁴⁰

In a short space of time the army had become a symbol of pride for the Irish nation and not an alternative to prison.

36 Dept. of Defence/ Defence Forces Annual Report 2009 p.38

37 <http://www.un.org/sg/offthecuff/index.asp?nid=3959>

38 Veteran Corporal Séan Maher, quoted in The Irish Times, 24 July 2010.

39 Irish Times, 6 November 1958. <http://search.proquest.com.jproxy.nuim.ie/hnpirishtimes/docview/521305385/13CAFEFF46748FA1B7C/1?accountid=12309>

40 Irish Press, 28 July 1960

Closing Observations

In summary: it is argued that the experience of practical peacekeeping in the Congo during 1960-64 and the offensive military actions in 1961-62 formed the experience base for Cyprus and later UN missions. It is acknowledged that a more formal knowledge transfer process within the Defence Forces took some years to establish. The UN Training School at the Military College, for example, was not set up until 1993.

The quotations from speeches by President Kennedy and Secretary-General Ban Ki-Moon are clear examples of how Ireland's Defence Forces peacekeeping missions redound to, and augment, Ireland's international reputation and standing. However, of all the changes that Congo service brought to the Irish Defence Forces, perhaps the single greatest change was that of the level of esteem in which the nation held her soldiers: no more - 'Jail or join the Army'. The most significant evidence of this change of esteem was that some 300,000 citizens lined the streets of their capital city on 22 November 1960 to witness – in reverential silence, with some kneeling in prayer – the funeral procession of the Niemba fallen.⁴¹

⁴¹ (The) Irish Press & Irish Independent & Irish Times, 23 November 1960.

‘The Troubles’ – An Irish Inspiration for SOE?

A Re-examination of a Long Standing Theory Concerning SOE’s Origins.

ABSTRACT

The Special Operations Executive (SOE) was a British secret service created during the Second World War to wage clandestine warfare against the Axis powers. It was innovative in its doctrine, methods and equipment but Professor M R D Foot, its first official historian and most prolific author, propounded the theory that its origins were clearly to be found in the lessons learned by British officers during ‘The Troubles’. This paper seeks to re-examine Foot’s arguments in the light of the release of SOE’s archive to the National Archives at Kew and the expanding literature on the subject.

The late historian, Professor M. R. D. Foot, was the uncontested doyen of students of the work of the British secret service, the Special Operations Executive (SOE), and he has left an indelible imprint upon the subject. For half a century he remained the expert. His prominence was no matter of luck; a respected historian of 19th century British politics, he was chosen in 1960 to write the official history of a secret service that was for the first time tentatively intended for public readership rather than remaining classified and solely for government use.¹ Appointed to examine SOE’s activities in France, Foot already possessed some knowledge of the terrain having suffered an unfortunate operational experience in Brittany as a member of the Special Air Service.² He was therefore able to populate his texts with references to his first-hand, albeit brief, presence in the country during the war and his capture by the German occupying forces. Such would become the intimacy of his knowledge of SOE, allied to his membership of the wartime generation, that some journalists were wont to describe him as being an SOE agent.³ Foot also possessed two other important advantages; one was denied to his contemporaries and the second denied many of those who followed after him. The first was that he was accorded access to SOE’s closed archives when at that time they were in the custody of the Secret Intelligence Service (SIS). He does not

¹ An account of the gestation of the work appears in ‘*Classified: Secrecy and the State in Modern Britain*’, Christopher Moran, Cambridge University Press, Cambridge, 2013, Chapter 8. An earlier general work on SOE by W J M Mackenzie remained classified for some fifty years.

² ‘*Memories of an S.O.E. Historian*’, M. R. D. Foot, Pen & Sword, Barnsley, 2008

³ An article on Foot by Antony Beevor possessed the strap-line, ‘*M R D Foot – soldier, secret agent and grand old man of history is still uncovering treachery in the Second World War*’, ‘Daily Telegraph’, 6 December 2001

seem to have been given a completely free run of the papers and for both his official histories, 'SOE in France' and 'SOE in the Low Countries', he sat in an office and records were delivered to him for perusal.⁴ Nevertheless, he held the caché of being the man who had seen that which was withheld from other historians (and also the wartime veterans). The eventual release between 1993 and 2003 of the SOE archive to the Public Record Office (PRO – now the National Archive – TNA) under the Waldegrave initiative has allowed new generations of researchers free reign over what has survived the depredations of weeders, casual neglect and systematic mistreatment.⁵ So, while Foot was the sole oracle for many, many years, other historians have now been able to interpret the archives for themselves. It is perhaps a testimony to his scholarship that no major revisionist view of his work has been offered (although not a few French and Dutch writers have challenged some of his interpretations of individual episodes). The second significant advantage Foot possessed was his ability to interrogate survivors. Although there has been some debate concerning the access to veterans he was allowed for 'SOE in France' (sometimes he wrote of being forbidden contact, at others he averred that he had met more than enough), he summarised the situation in his Low Countries book,

The passage of time has eliminated most of the witnesses. Though my access to former members of SOE was sharply restricted when I wrote the earlier book, I was able while I prepared it to see several key figures, both on the staff and from the sharp end in the field. I then saw a larger proportion of former members of SOE than the Gallup organisation finds it necessary to see of the voting population when it conducts a national opinion poll. This time round, hardly any are left in a state to say much of historic importance. Instead of meeting representatives of each main class of secret agent – organiser, W/T operator, sabotage instructor – and talking to them in detail, I have only had chance meetings with a few agent-survivors and stalwarts on the staff.⁶

That said, his strongly held opinions, matched by the equally strongly held opinions of the veterans did not automatically ensure that he was always a welcome and trusted confidant. But his longevity and prominence resulted in his meeting and frequently befriending many, if not most, of the leading, surviving SOE figures. Although a not inconsiderable corpus of oral testimonies exists today, the number of SOE veterans is now infinitely smaller than during Foot's working life and those who played a significant part in affairs are even fewer.⁷

This preamble is intended to establish Foot's credentials and indicate the challenges facing later generations of historians when attempting to put his theories to the test. One of his major themes will now be examined.

⁴ 'SOE in France', HMSO, London, 1966, 'SOE in France' (second impression with amendments), HMSO, London, 1968, 'SOE in France' (revised edition), Whitehall History Publishing/Frank Cass, London, 2004 and 'SOE in the Low Countries', St Ermin's Press, London, 2001.

⁵ "Of Historical Interest Only" – *The origins and vicissitudes of the SOE archive*, Duncan Stuart, in 'Special Operations Executive: A new instrument of war', Ed. Mark Seaman, Routledge, London, 2006.

⁶ 'SOE in the Low Countries', M. R. D. Foot, St Ermin's Press, London, 2001, p.ix.

⁷ Hopefully the nadir of the latter type of memoir was reached with *The Secret Ministry of AG & Fish; My Life in Churchill's School for Spies*, Noreen Riols, Macmillan, London, 2013. A minor staff career in SOE is accorded disproportionate attention while the author's accounts of others' deeds are hopelessly inaccurate.

In many, if not most, of his works on SOE, Foot described the organisation's origins and very frequently expounded a thesis that two of its founding fathers, 'Jo' Holland and Colin Gubbins, derived their specialist interest in irregular warfare from the inspirational experience of serving in the British Army in Ireland during 'The Troubles'. In short, he proposed that first-hand knowledge of this type of conflict allowed them in later years to translate their personal insights into a military doctrine that would even result in the compilation of field regulations and handbooks for unconventional warfare.⁸ This paper will seek to examine whether Foot's assertions bear the test of time and if events and IRA tactics in Ireland in the early 1920s really did inspire the doctrine of a major British secret service in the Second World War; one from which most of post-war British (and not a few foreign) exponents of clandestine warfare have derived their inspiration.

M. R. D. Foot's writing on SOE is suffused with the theory of an Irish inspiration for the organisation's concept of clandestine warfare.⁹ On the first page of 'SOE in France', his first venture into the subject, he listed a selection of precursors to SOE's own type of warfare that ranged from the Trojan Horse to the rather more contemporary 'German-inspired sabotage of munition ships and the German-aided Irish rising in 1916'.¹⁰ But if this initial focus on 1916 was perhaps surprising, it was not long before he considered the impact of later events upon two pivotal figures in SOE's creation. The first, J. C. F. 'Jo' Holland, an officer in the Royal Engineers, had served on the Salonika front during the First World War, won a DFC with the RAF and then spent 'some time in Ireland during the Troubles'.¹¹ Holland's 'Dictionary of National Biography' entry (written by Foot) was more explicit, 'He was badly wounded in Dublin during the troubles of 1919-21, in which he admired the technical skills of his Irish guerrilla opponents'.¹² If Foot's assertion is correct, it was to be some seventeen years before Holland's admiration translated into something more substantive. In 1938 he was appointed to a staff post at the War Office where, supported by a typist who constituted his only colleague, he was General Staff (Research) – GS(R). Given a free hand at selecting a research topic, he elected to examine irregular warfare; a phenomenon of great contemporary interest given recent or current conflicts in China, Spain and Abyssinia. However, Foot considered the Irish connection as being of the greatest significance, 'His [Holland's] Irish experiences led his lively imagination well outside the normal range of military thinking at the time'.¹³ While subsequent events were to show the fecundity of Holland's imagination, it is less easy evidentially to prove the primacy of his time in Ireland in the formation of his theories. The second character was C. McV. Gubbins, a regular army Royal Artillery officer who had served with distinction during the First World War on the Western Front, then in Russia and Ireland.¹⁴ Unlike Holland who was to depart the scene as SOE was being formed, Gubbins became its mainstay and most potent driving force throughout its existence.

8 Gubbins's *'Partisan Leader's Handbook'* is reproduced in as Appendix 2 in 'SOE in the Low Countries'.

9 For an incomplete list of Foot's writing see *'Select Bibliography – 1998'*, Mirjam Foot, 'War, Resistance and Intelligence, Essays in Honour of M. R. D. Foot', Edited by K. G. Robertson, Leo Cooper, Barnsley, 1999.

10 M. R. D. Foot *'SOE in France'*, HMSO, London, 1966 p.1

11 *Ibid*, p.2

12 'Holland, John Charles Francis' in *'Military Lives'*, Selected by Hew Strachan, OUP, Oxford, 2002, p. 219. As is customary with the DNB, references are minimal and Foot offers 'Army Lists; private information'. In another essay on SOE, Foot related that his knowledge of Holland was informed by 'talks with his friends', 'Was SOE Any Good?', Michael R. D. Foot, 'Journal of Contemporary History', Vol.16 (1981), fn. 4, p.180

13 *Ibid*

14 'Gubbins, Colin McVean' in *'Military Lives'*, Selected by Hew Strachan, OUP, Oxford, 2002, p. 176.

Foot's theories on the Irish roots of SOE and its doctrine reached something of an apogee with a lecture he gave in Dublin on 9 January 1969 to the Irish Military Historical Society that was later recrafted into a paper, 'The IRA and the Origins of SOE', that featured amongst a volume of essays he edited.¹⁵ The work offers a lively and concise impression of Michael Collins's operational activity including a very brief mention of the 1920 'Bloody Sunday' but more of that anon. Foot's conclusion is clear, 'the British drew an offensive as well as a defensive lesson from the Irish difficulties, learning how to stimulate resistance to an occupying army when engaged in another kind of anti-imperialist struggle themselves.'¹⁶ But this statement is offered on the eleventh of a thirteen page essay and references to Holland and Gubbins only surface in the paper's concluding three paragraphs. Nevertheless, Foot once again affirmed that the officers' presence in Ireland during 'The Troubles' had a substantial impact upon them,

What Collins did in Dublin had a noticeable impact, in the end, on British secret service method... Both were profoundly impressed with the powerlessness of regular troops against resolute gunmen who could rely on the local population not to give them away; both had seen enough of the massed slaughter of Flanders to be sick of it; both saw the advantages, in economy of life and effectiveness of effort, of the Irish guerrilla they could not stem. And both determined that next time, if there had to be a next time, guerrilla should be used by the British instead of against them.¹⁷

Unfortunately these estimates of Holland's and Gubbins's thought processes do not readily seem to find corroboration in the surviving documents – nor even in Foot's favoured, cloaked footnote attributions, 'author's personal knowledge' or 'private information'.¹⁸ The absence of references is regrettable not least because of the 'certainty' of Foot's final assertion in his essay, 'The Irish can thus claim that their resistance provided an originating impulse for resistance to tyrannies worse than any they had had to endure themselves. And Irish resistance, as Collins led it, showed the rest of the world an economical way to fight wars, the only sane way they can be fought in the age of the nuclear bomb.'¹⁹ This concluding sentence has to be seen in the light of contemporary preoccupations with 1970s' burgeoning terrorist activity and guerrilla wars as much as from Foot's primary research for 'SOE in France' carried out a decade earlier.

Foot's espousal of an Irish connection to SOE doctrine was not solely confined to his visit to Dublin. An earlier series of lectures delivered at Manchester University in the autumn of 1967 was translated into a volume that included two essays by Foot, 'Special Operations/1 and /2' together with transcripts of the sessions' questions and answers. Gubbins also contributed a lecture and his responses to questions from the audience form part of the book's content.²⁰ In his own essays Foot again rehearsed his belief of

15 'War and Society, Historical essays in honour and memory of J R Western, 1928-1971', Edited by M. R. D. Foot, Paul Elek, London, 1973, pp. 57-69

16 Ibid, p.67

17 Ibid, p.68

18 'Was SOE any good?'

19 Ibid, p.68-69. A similarly extravagant claim was made in Foot's introduction, 'The editor sketches the permanent principles of subversion that underlay Michael Collins's successful guerrilla in Ireland in 1919-21, and seeks to show how the Irish provided an exemplar for later colonial revolt. They also, unintentionally, provided the inspiration for SOE, of which the first idea germinated on the banks of the Liffey.' p.x

20 'Special Operations/1' and 'Special Operations/2'; M. R. D. Foot and 'SOE and the co-ordination of Regular and Irregular War'; Major-General Sir Colin Gubbins in 'The Fourth Dimension of Warfare, Volume 1 Intelligence/Subversion/Resistance', Edited by Michael Elliott-Bateman, Manchester University Press, Manchester, 1970.

the impact of 'The Troubles' upon the tactical and strategic thinking of Holland and Gubbins. The theory had clearly taken on great personal importance, 'The aspect of this that I specially want to remind you of is I suppose, historically, the most interesting thing that I came upon when working on SOE.'²¹ Presumably caught up by his conviction of the importance of active service in Ireland, Foot could not resist installing himself into the minds of his two protagonists, 'Gubbins convinced himself that this was the sort of way in which future wars might have to be fought... Holland also felt himself absolutely helpless in the face of this Irish revolutionary movement. Gubbins and Holland meditated on the troubles that they had seen in Ireland and the end result was SOE, which they founded nearly twenty years later.'²² The juxtaposition of Foot and Gubbins in the same Manchester University lecture programme and its published proceedings provided an opportunity for clarification of the 'Irish connection' but it was not forthcoming. Gubbins's contribution was an impressive resumé of SOE's wartime activities but he made no reference to his doctrinal inspiration. His silence should not necessarily be interpreted as a denial of Foot's conclusions for Gubbins may simply have been adhering to a strict brief for the content of his paper.

So, if Foot did not offer up the evidence to support his theories, is it now possible to help substantiate his conclusions? First of all, the analysis of the evolution of the doctrine of clandestine warfare needs to be broadened out beyond MI(R) and whether other influential concepts were being forged beyond those of the personal experiences of two fairly junior officers in Ireland.²³ A crucial element (acknowledged by Foot) in the creation of SOE was the Secret Intelligence Service's (SIS) Section D. Created at almost exactly the same time as Holland was appointed to GS(R), this body was headed by another Royal Engineers officer, Laurence Grand. While Holland's ideas tended to remain within military parameters, Grand embraced a world of secret agents and a broad, Continental canvas. In many ways the SIS man's mind was as fertile as Holland's, making connections with opponents of Nazi Germany regardless of their political hue and establishing highly productive connections to British industry and engineering companies to develop innovative equipment for clandestine warfare. Grand possessed a wealth of operational experience in France, Russia, India, Kurdistan and the United Kingdom but not, specifically, Ireland. The apparent absence of first-hand experience of the 'Troubles' did not prevent it featuring in a paper he prepared for 'C', Sir Hugh Sinclair, in March 1939, 'It strongly emphasized the lessons to be learnt from the Irish Republican Army's methods during the 'Troubles' along with similar conclusions drawn from experiences in Russia and policing the Empire'.²⁴

Grand does not seem to have left any private papers to help with insights into his thinking. More importantly, due to Foot's specific focus on him, Holland does not appear to have left any personal records either. But of the two men, at least Holland possessed a public profile – his appointment was even mentioned in Hansard – and it is not unreasonable to anticipate finding evidence of his thought processes in his official paperwork. GS(R) and MI(R) files are included amongst SOE papers at the National Archives at Kew but,

²¹ Ibid, p.29

²² Ibid, pp.29-30

²³ For an examination of SOE's origins see, 'A New Instrument of War' by Mark Seaman in 'Special Operations Executive', Ed. Mark Seaman, Routledge, London, 2006.

²⁴ Ibid, p.11

although several of them record Holland's projections of future doctrines, they reveal little or nothing about the impact upon him of the Irish period of his life. An early paper by Holland, 'Investigation of the possibilities of guerrilla activities', written on 1 June 1939 offers a summary of his theory, 'guerilla [sic] warfare, when carefully planned and conducted with skill, can have a marked influence on a campaign, out of all proportion to the numbers of guerrillas [sic] actually engaged'. The document also claims 'examples from our own history give adequate proof' citing the Boer War, Palestine and Ireland.²⁵ A paper, 'Appreciation of the possibilities of revolt in certain specified countries by March 1941' produced by MI(R) on 25 July 1940 predicts opportunities for successful revolts, citing the precedents of 'unsuccessful and successful rebellions in Ireland, the Mufti's campaign in Palestine and other well-known instances of successful revolt in European history.'²⁶ These and other files reflect that the Irish experience was clearly important but do not corroborate its paramountcy as proposed by Foot. The paucity of primary sources about Holland invites examination of secondary sources and it will not be a surprise to learn that Foot is far and away the most prominent provider.²⁷ While a few elements of Holland's service record are offered in the DNB entry written by Foot, the details of the postings in Ireland are absent. It is therefore not easy to discern the extent of his activities and any lessons learned other than presumably the painful one of his being wounded. His subsequent postings in England from 1921 to 1938 seem quite mundane and no evidence is offered by Foot (or anyone else for that matter) that he continued to muse over his Irish experiences during this period.²⁸

We are obliged to turn to the comments of some colleagues in MI(R) for a little corroboration. Douglas Dodds-Parker, affirmed that the team's ideas stemmed in a pretty all-encompassing manner 'from personal service in the First War, and afterwards in Russia, in the Troubles in Ireland, and later in India and Palestine.'²⁹ Similarly, one of Holland's (and Gubbins's) earliest and closest collaborators, Joan Bright, wrote that the former's reports in GS(R) 'had grown from Holland's studies of Boer tactics in South Africa, of the Civil War in Spain, of the Sino-Japanese conflict and of his own experiences of the use made by the Irish of irregular troops during the 'Troubles'.³⁰ While confirming the Irish connection, it is clear from both these first hand witnesses that Holland drew on a wide range of material and but they fail to offer proof of the prominence of Ireland in his thinking.

Gubbins's principal biographers explored his service in Ireland in a little, but by no means comprehensive, detail.³¹ He had served with the Royal Artillery on the Western Front during the First World War and, subsequently, with the British Archangel Expeditionary Force during the Russian Civil War. The impression that the latter campaign (that comprised

²⁵ HS8/260

²⁶ HS8/259

²⁷ He does however have a fellow traveller in Simon Anglim, who describes Holland as 'an enthusiast for guerrilla warfare since fighting the IRA in 1920-22', *MI(R), G(R) and British Covert Operations, 1939-42*. 'Intelligence and National Security, Vol.20, No.4, December 2005, p.636. Another adherent to the IRA/SOE link is Ian F. W. Beckett, 'The IRA provided a model... for the founders of the British Special Operations Executive (SOE) during World War Two', *The Roots of Counter-Insurgency; Armies and Guerrilla Warfare, 1900-1945*, Ed. Ian F. W. Beckett, Blandford Press, London, 1988, p.7.

²⁸ Holland's 'Army Record' provided to the author by the Army Personnel Centre, Support Division is singularly disappointing and does not disclose any insights into his service in Ireland nor his being wounded.

²⁹ A member of MI(R) from 1940, 'Setting Europe Ablaze', Douglas Dodds-Parker, Springwood Books, Windlesham, 1983, p.35

³⁰ 'The Inner Circle', Joan Bright Astley, Hutchinson, London, 1971, p.32

³¹ 'Gubbins and SOE', Peter Wilkinson and Joan Bright Astley, Leo Cooper, London, 1993. His SOE Personal File HS9/630/8 is disappointingly meagre comprising less than twenty pages.

aspects of 'irregular warfare') made upon him is treated dismissively, 'In the five months or so that he had spent in North Russia Gubbins acquired the Order of St Stanislaw Class III of the North Russian Expedition, a smattering of the Russian language (which he was later to turn into an interpretership), and a deep hatred of Communism and all it stood for.'³² A month after his return to the United Kingdom, Gubbins was posted to Ireland and 'on 2 December 1919 reported to 47th Battery, XLI Brigade, 5th Division, RFA, Kildare.'³³ His biographers concede the limitations of their knowledge of his activities in Ireland, 'There is no open page relating to Gubbins' sojourn in Ireland', and they merely record two stints as Brigade Major RA at HQ 5th Division at the Curragh (November 1921 to January 1922 and March 1922 to October 1922).³⁴ The gaps in his service record offer much (and perhaps too much) room for conjecture. Apparently a three-day course in Guerrilla Warfare was organised by HQ 5th Division but his biographers do not make it clear whether Gubbins attended. Nevertheless we are assured, 'he settled in to learn all he could about clandestine warfare and the intelligence without which it could not function.'³⁵ It is perhaps ironic that a couple of salient episodes from Gubbins' postings in Ireland did not involve the weapons of irregular warfare such as pistols and explosives but conventional artillery pieces. He played a prominent role in furnishing the Free State Forces with 18 pounder field guns in order to bombard the IRA in the Four Courts. Another less welcome use, as far as Gubbins was concerned, was found for British Army equipment, 'What I did not like was having to provide a gun carriage and six black horses for the funeral of Michael Collins.'³⁶

Overall, it has proved frustratingly difficult to locate evidence to confirm Foot's confident and repeated assertions that Irish experiences underpinned the remarkably inventive theories of Holland and Gubbins. Rather, what emerges from the documents is the impression that the SOE doctrine was 'the sum of the parts' and it drew on a substantial range of personal experiences. This doubtless included the MI(R) officers' service in Ireland but the case for 'The Troubles' being the fons et origo of clandestine warfare seems unproven.

Suggestions that personal experience of IRA tactics offered a template for broader irregular operations in the Second World War seems questionable. Holland and Gubbins encountered the Irish experience as 'victims' of IRA tactics and there must be a presumption that their focus was, at least initially, how to defend against it. Almost twenty years later, the perspective had changed. The need was not to find models of how to neutralise insurgents within a national or colonial environment. Rather, it was to take the offensive into neutral or enemy states to confound the ambitions of a hostile country. Thus the challenge for Holland and Gubbins was to work abroad (frequently in concert with foreign states) against the threat from Nazi Germany, developing training programmes for civilian fighters and devising and manufacturing specialist equipment. Surely no helpful lessons were ignored in realising these objectives but the scenario does little to confirm Foot's assertions that the Irish experiences were primary.

³² *Ibid.*, p.25. However, one of his biographers went further in his BND entry, 'It was the Bolshevik revolution no less than his subsequent experience in Ireland in 1920-2 that stimulated his lifelong interest in irregular warfare.', 'Gubbins, Colin McVean', Peter Wilkinson, in 'Secret Lives', selected by M. R. D. Foot, Oxford University Press, Oxford, 2002, p.247

³³ Wilkinson and Bright Astley, p.26

³⁴ A rare documentary source on Gubbins's work at this time is a memorandum of 14 June 1922 written as Brigade Major, RA Dublin District concerning a shooting incident involving the GHQ guard, WO 35/180 Pt I/5

³⁵ Wilkinson and Bright Astley, p.26

³⁶ *Ibid.*, p.27

Holland departed from the world of clandestine operations in 1940 just as SOE was being formed. The decision to place SOE under the auspices of the ambitious Minister of Economic Warfare, Dr Hugh Dalton, left Holland and, especially, Grand, surplus to requirements. Holland returned to regimental duties and resumed a broadly conventional military career, rising to Major General by July 1943.³⁷ Grand followed suit while Gubbins stayed on 'in the shadows' and for the rest of the war became SOE's leading light.³⁸ Events were to show that the irregular warfare waged in Ireland during the 'Troubles' did not offer a template for Britain's special operations during the Second World War. Holland and Gubbins as professional military men devoted their efforts in GS(R) and MI(R) to novel concepts and, eventually, implemented them to forge guerrilla groups that would, in time, work with conventional forces and/or evolve into recognisable military formations. These officers' intelligent and imaginative processes – born of a wealth of experience and a willingness to apply their theories to various national struggles – elevated them above any simple, parochial Anglo-Irish doctrinal formula. Moreover, tactics and strategies of 'resistance' were but part of a rich palette of ideas that included exploration of the use of helicopters, specialist units trained and equipped to fight behind enemy lines, development of escape and evasion techniques, etc.

It seems fitting to conclude by briefly examining one historic event of the struggles in Ireland that possessed a very close SOE operational parallel but comparisons seem to have eluded Foot's attention and others examining the IRA/SOE link. The Irish event was the inaugural phase of 'Bloody Sunday' on 21 November 1920 in which Michael Collins ordered squads of assassins to kill British intelligence officers in Dublin while they were off duty and vulnerable to attack. According to a recent work, 'The primary objective was to relieve some of the pressure from the IRA; but it was also a calculated political gesture to demonstrate that the IRA was capable of large-scale operations in the heart of the capital.'³⁹ The aims were, at least in part, achieved; the body count eventually stood at twelve British personnel killed, four wounded with an additional two Auxiliaries shot by IRA lookouts and the Irish landlord of one of the targets being an innocent victim. No little debate has continued whether all the primary dozen fatalities were intelligence officers – a recent verdict being eight certain, two unsure and two victims of mistaken identity.⁴⁰ This tally seems to render the boast of the IRA man, Frank Thornton, that 'the British Secret Service was wiped out' as mere bombast. Moreover annihilation was hardly the objective; the intent was that key personnel be eliminated and the environment in which the British operatives needed to work be greatly restricted.⁴¹ But as it transpired, the implementation of more radical security processes and the reorganisation of the machinery of British intelligence/security ensured that the impact of 'Bloody Sunday' proved limited.

Some twenty-three years after the carnage in Dublin, another plot was hatched with a similar rationale and tactics but this time the canvas was much broader than one city and one set of targets. This operation, RATWEEK, was to take place throughout

37 Foot's DNB entry. It also includes a tantalising reference, 'in 1949-50 he was again employed, briefly, on secret planning'.

38 Grand and Gubbins obits/DNBs

39 *British Spies and Irish Rebels: British Intelligence and Ireland, 1916-1945*, Paul McMahon, Boydell, Woodbridge, p.40

40 "'English Dogs' or 'Poor Devils'? The Dead of Bloody Sunday Morning", Jane Leonard, in *Terror in Ireland 1916-1923*, Ed. David Fitzpatrick, Lilliput, Dublin, 2012.

41 *British Spies and Irish Rebels*, p.41

several countries in Nazi-occupied Europe and the originators were SOE's planners. As described by Foot in his first work on SOE, RATWEEK 'was a riposte by SOE all over occupied Europe against the SD [Sicherheitsdienst] that had been so troublesome to it. RATWEEK's object was to kill as many senior Gestapo staff as could be found in the last week of February.'⁴² There are two other references to the operation in this volume but, given his keen interest in Irish links, surprisingly Foot made no comparison with 'Bloody Sunday'. He also referred to RATWEEK in his 'SOE in the Low Countries', comparing it to a putative assassination programme orchestrated by the Dutch Section in the late summer and autumn of 1943 but, once more, Collins's masterplan is not considered as being a template.⁴³

The RATWEEK project was conducted in several countries across occupied Europe. The records are fragmented; some relate to the details of providing silenced weapons such as the Welrod while others reveal targets and assassins. A rare, measured examination of assassination in one of the countries, Norway, offers many insights.⁴⁴ Similarly a few traces have been found in the SOE archive although it is perhaps valid to assume that such a contentious operation was selected for excision from the records.⁴⁵

Michael Foot was too good an historian to advance such conclusive statements about SOE's Irish origins without due evidence. That the author has failed to replicate his research through parallel personal interviews, access to private papers or exploitation of closed archives must be conceded. Nevertheless, there must be some value in new generations of historians re-examining the 'givens' of their predecessors.

42 'SOE in France' 2004 ed. P.322

43 'SOE in the Low Countries' p.179

44 'Over Grensen? Hjemmefrontens likvidasjoner under den tyske okkupasjonen av Norge 1940-1945', Arnfinn Moland, Orion, Oslo, 1999

45 HS6/272 provides some details of RATWEEK in Belgium.

Caveat Emptor - Building Ireland's Small Navy 1945-49

ABSTRACT

Over recent years, the Irish Naval Service has experienced an unprecedented and accelerated process of naval fleet replenishment, resulting in a fleet redefined by smart technologies. The P61 class marks a paradigm shift in long range-offshore capability, driven by Ireland's expanding maritime resources and a smarter policy of ocean governance. However, this requirement driven procurement has not always been directed by a pragmatic approach which measured Cost Value Reconciliation (CVR) against operational readiness requirements. When established in 1946, the Naval Service developed around a core of wartime surplus Flower-class Corvettes, whose provenance and capabilities were largely under researched for the Irish requirement. This led to a bewildering period for naval defence planners, where naval policy and enforcement was driven by lack of maintenance, equipment & machinery failures, and ultimately a political and economic malaise towards naval fleet development which endured for almost three decades.

Introduction

The deficits in the seaward defence policy were only the tip of the iceberg for the post-Emergency state. In addition to the limited ability to provide suitable protection for Irish sea lanes so crucial to an island nation, the Irish state was similarly restricted with regard to the protection of territorial airspace.¹ The Army, being the principal arm of the Defence Forces, fared little better, requiring an agreement with the British War Office, the Royal Navy, the Royal Air Force and British Army for support from across the border with Northern Ireland in the event of a German amphibious landing and invasion during the war.² This ultimately led to the development of Plan W, which was a comprehensive battle plan to deal with the potential Operation Green by German Forces. This requirement for outside intervention by a former adversary to ensure national security is an indictment of the lack of suitable emphasis on defence matters by successive Irish Free State governments.³

During the World War II, Ireland's seaward defence relied on an incongruous collection of Motor Torpedo Boats purchased from the United Kingdom and the coverage of long-range patrol duties by two aging steamers. Taoiseach Eamon de Valera, his cabinet and the Department of Defence made the establishment of a militarized maritime security force a matter of low to medium national importance.⁴ The genesis of the Naval Service

1 Padraic Ó Conthaola, 'The Naval Forces of the Irish State, 1922-1927' (Unpublished PhD Thesis, N.U.I.M., 2009), pp 84-90.

2 Robert Fisk, *In Time of War: Ireland, Ulster and the Price of Neutrality, 1939-1945* (London, 1996), pp 237-244.

3 Fisk, p. 237.

4 Ó Conthaola, pp 84-90; Defence Forces Regulations GSR 4, Addendum 2, 14 November 1946 (NMA, S/459). On the day the Naval Service was established, no reference was made to the event at a meeting of Cabinet.

can be found in an unlikely place, Addendum 2 of the Irish Army's GHQ Report of 1945. This proposal concluded that to address the issues of 'the Emergency' with specific reference to maritime security, the Marine Service should become a permanent fixture within the Irish Defence Forces. The formal recognition of the Naval Service came on 14 November 1946 when the Department of Defence, headed by Minister Oscar Traynor, published DFR GS4. Addendum 2 of this outlined the Naval Service role in the defence of the territorial waters of the state, in addition to being an aid to the civil powers like the Garda Síochána and Customs. The Naval Service was to operate at brigade strength within the Army and to retain many of the administrative protocols used by the Army.⁵ This meant that its administration, standing orders and accounting system was directly modelled on the army system. The notion of the Naval Service being the most junior branch of the Defence Forces became apparent even before the first appointments or acquisition of a ship. In his Annual Report to the Minister of Defence, Chief of Staff Lt. General Daniel McKenna outlined that air power was the preferred influence on Irish defence strategy and tactics based on the experience of the 'Emergency' period: '[...] naval power alone no longer provides an effective guarantee against overseas invasion and that, as a weapon of defence, airpower will still be further developed.'⁶

The Selection of the Flower Class Corvette

In the years immediately after World War II Britain went through a period of immense demobilisation of its available war materiel. There was a rapid contraction of the Royal Navy fleet as early as May 1945 and the first significant branch to see these measures effected was the convoy escort system. This was logical as many of these vessels were designed to be cheap and expendable and had little value to the Admiralty outside the specific to task role of escort duty.⁷

Among the first vessels to be demobilised were the Flower Class Corvettes: these little ships had certainly fulfilled their assigned war-time role, but with the fall of Germany these underpowered, under-armed and cramped ships found themselves redundant. In particular, the early unmodified versions of the Corvettes were earmarked for disposal, as they were essentially worn out, having given Trojan service to the Admiralty in the period 1940-45. Their resale value was probably less than their scrap value, as many appeared to have suffered prolonged structural problems due to long service in the North Atlantic, Archangel and Canadian convoys.⁸

Tender Process

HMS Oxlip and Borage, the longest surviving examples of the early modified Flower Class Corvette design, were initially offered for sale by the Admiralty to any interested countries in the summer of 1945.⁹ This sale offer was certainly optimistic since these vessels were completely worn out due to significant service in virtually all western theatres of the convoy war. The decision by the Department of Defence to purchase the Corvettes has its root in early 1946, but the same vessels had been offered for

5 Tom MacGinty, *The Irish Navy: A Story of Courage and Tenacity* (Tralee, 1995), pp 115-118; Memorandum on Defence Forces, addendum 2, 1945 (NMA, S/459.), p.3.

6 Michael Kennedy and Victor Laing (eds.), *The Irish Defence Forces 1940-1949: The Chief of Staff's Reports* (Dublin, 2009, p.459.

7 'Sale of Corvettes: First Lord's remarks Re-Arrangements', 30 November 1945, (TNA., ADM 1/18564).

8 List A Corvettes to be scrapped in M.010443/45, 5 Feb 1946, (TNA. ADM 1/18564).

9 Foreign Office letter to the Admiralty regarding sale of surplus Corvettes to Greece, 29 January 1946 (TNA., ADM 1/19609).

sale to other foreign navies at a much earlier point than this, and for considerably less money. From the ships' envelopes it can be ascertained that the construction of an unmodified early Flower Class Corvette cost approximately £97,000 in 1940-41.¹⁰ In addition to this one must factor in the large scale depreciation caused by the heavy usage of these vessels during the course of four years' war service. The initial order was placed with the Admiralty for six Corvettes, and it has been believed up to now that the selection process was largely cost-based, and that economy demanded that the cheapest available vessels would suffice.¹¹ In fact, the procurement documentation at the National Military Archives reveals that the early proponents of the formation of the naval fleet requested a more suitable type of vessel such as the Castle class Corvette and possibly the Algerine class minesweeper but scarcity of resources made the decision for the service as the Royal Navy had an abundance of decommissioned Flower Class Corvettes, at seemingly bargain prices.¹² Some documentary evidence neglected by scholars reveals how in 1945 the Royal Navy had offered two of the vessels subsequently purchased by Ireland to other navies such as Greece, Chile and Mexico.¹³ However the prices quoted to these navies were considerably less than what was asked of the Irish government. The Greeks expected to be given the Corvettes as a gift, though the Admiralty was adamant that a token payment should be received. The Greeks ultimately purchased five Corvettes around the same time as the Naval Service collected the Irish vessels, the total contract for the five vessels purchased by Greece amounted to £25,000, possibly as part of British assistance to the Greek government during the civil war in that country.

A letter from the Foreign Office dated 29th January is enclosed. The suggestion here is that we should let the Greeks have 5 Corvettes either as a gift or for a purely nominal cost.

2. This proposal has been discussed with both Treasury and Foreign Office and we have agreed that in the first place, at any rate, we should not be justified in offering the Corvettes as a gift. The Treasury, in fact, feel strongly that this would not be justified.

3. We have already sold two disarmed corvettes to the Greeks for commercial purposes at £15,000 each; Greek estimate for conversion was not more than £10,000 to £15,000 a vessel. On this calculation the Greeks would be getting serviceable ships both quickly and cheaply.

4. However, there is a strong case for letting the Greeks have 5 Corvettes at a greatly reduced price. Director of Contracts is selling 2 Corvettes off the mud for just under £7,000 each and has just sold two corvettes in good condition to a Greek shipowner for £10,000. It is, however, most unlikely that all our corvettes will find buyers.

5. The Treasury and Foreign Office have been consulted, and see objection to an offer to the Greeks of disarmed corvettes in good condition at £5,000 in the first place, offering as an inducement for £35,000. If the Greeks boggle at this price we could, on Foreign Office advice, lower our price to £5,000 each. This proposal would mean that the Greek Government would be getting ships cheaper than they are paid by a Greek shipowner, but Treasury are prepared to accept this.

5. The 2 corvettes now at Gibraltar, BERGAMOT and JONQUILL, would be suitable and there will be 3 other corvettes available in U.K. in near future.

6. It will be recalled that the Canadians have already disposed of their Flower Class Corvettes (admittedly the vessels are in a bad condition) for between 50,000 dollars and 75,000 dollars each, according to the number purchased.

Figure 1: Admiralty Memorandum on sale of Corvettes to Greece.¹⁴

10 Accounts and Estimates for Job Nos. J 1160 & 1161, April 1942 (Glasgow City Archives, TD 865/8/219 & 220).
 11 Purchase of Naval Craft and Equipment, Correspondence to the Department of Finance, 27 November 1945 (NAI, S8/2/57).
 12 Memorandum on the Defence Forces, July 1949, cited by McIvor, p. 104.
 13 Foreign Office letter to the Admiralty regarding sale of surplus Corvettes to Greece, 29 January 1946 (TNA., ADM 1/19609).
 14 Memorandum on sale of Corvettes to Greece (TNA., ADM 1/19609).

Britain was aiding the restoration of the constitutional monarchy in Greece and aiding the increasingly violent opposition to Communist groups that were active in Greece in the aftermath of the Treaty of Varkiza in February of 1945.¹⁵ This suggests how little those responsible for the negotiation, like John Dulanty, Irish High Commissioner in London (Department of External Affairs), and Lt. Tom McKenna, understood the procurement requirements of suitable vessels for the Irish fleet.¹⁶

It was unfortunate that specialist naval advice was not taken, as Dulanty's experience at the Ministry of Munitions as Chief Establishment Officer and Assistant Secretary from 1916-20 (as well as his established reputation as an Anglo-Irish 'smoother') coupled with McKenna's experience as a master mariner, could have resulted in far more favourable terms for the state.¹⁷ There was virtually no naval guidance in relation to the purchase: this was outside the control of those employed to set up the Service and these individuals had to retrospectively adapt these vessels to the requirements for the specific patrol needs of the Irish state. This was especially difficult in the stringent post-war economic conditions faced by the Irish exchequer as it required extensive capital expenditure exclusive of the initial acquisition cost of £210,000.¹⁸

HMS Oxlip, Borage and Bellwort were designed in haste and with immediate requirements in mind: the naval equivalent of the 'bic biro' of a decade later, they were completely expendable, were never intended for long service and were constructed to operate with the bare minimum of maintenance in order to complete a busy wartime schedule of escort and ASW duty. Oxlip being an early form of this Class also had time against her. By the conclusion of hostilities she was completely worn out. Her hull structure was compromised in many ways. Her main machinery spaces had defects that could only be ascertained through detailed specialist evaluation onsite by an independent naval specialist. Had the technical data, which should have been transferred to the Naval Service, been made available early on it is unlikely that an independent engineer would have sanctioned the cost or even the purchase. It appears that the Admiralty had deemed that Oxlip was beyond saving because her pre-scraping preparation had already begun before the Irish government showed interest. She had given good service to the Royal Navy, completing well over 100,000 steaming miles during her wartime career. Therefore, the evidence strongly suggests that the accepted view of MacGinty and Mclvor that Oxlip and her sisters were sound, seaworthy and safe vessels is somewhat inaccurate.¹⁹ The procurement process showed little awareness of these vessels' deficiencies, all of them requiring significant capital investment to make them safe after their transfer to the Irish Naval Service in 1946-49. The procedural defects that characterised the process had significant repercussions, hampering the capacity of the Naval Service to participate in pressing national requirements like the maintenance of neutrality, fishery protection and dealing with security issues around the border with Northern Ireland.

¹⁵ Nigel Clive, 'British Policy Alternatives 1945-46' in Lars Bærentzen, John O. Iatrides and Ole Langwitz Smith (eds), *Studies in the History of the Greek Civil War, 1945-1949* (Copenhagen, 1987), pp 213-223.

¹⁶ Department of Finance sanction for the purchase of the corvettes, 6 April 1946 (NMA, 2/96757); Progress report on Corvettes to Department of Defence, 4 Nov 1946 (NMA, 2/96757).

¹⁷ Michael Kennedy, John Whelan Dulanty, *The Dictionary of Irish Biography* (<http://dib.cambridge.org.libraryproxy.mic.ul.ie/quicksearch.do?jsessionid=CB942BB7071DF89C6E1D09DB8A355553>) Accessed on 2 June 2015.

¹⁸ Letter from Department of Defence to John Dulanty High Commissioner in London confirming corvette purchase price, 6 April 1946 (NMA, 2/96757).

¹⁹ Aidan Mclvor, *A History of the Irish Naval Service* (Dublin, 1994), pp 100-102; MacGinty, p.131.

Procurement Process

The documentary evidence relating to the procurement process is not extensive so it makes researching this area quite difficult. It does appear that the Department of Defence began to prepare for the introduction of the fleet very soon after the decision was taken to incorporate the Naval Service into the Defence Forces.²⁰ Unfortunately, the civil servants involved in purchasing the Corvettes seem to have taken very little advice in reference to the selection of vessels suitable to Naval Service requirements.²¹ There was even a significant breakdown in communication regarding the actual decision to purchase the Corvettes since the Department of Defence had already opened a file, yet no official in the Department of Finance was aware of the decision or of the required funding:

We have no knowledge of the decision of the Government to which you refer – perhaps you could let us have a copy. We would, indeed, have expected that before any question was raised regarding the purchase of extra vessels for the Marine Service, the question of the future of the Marine Service itself would have been decided.²²

Little documentation appears to have survived indicating which section of the Department of Defence made the initial enquiry to the Admiralty regarding the acquisition of Corvettes from the Royal Navy Disposal List, though the earliest known direction relating to the specific vessels sets 14 January 1946 as the date. In fact, a visit to Devonport (where the ships lay) was undertaken on this day by the Chief of Staff, the Director of the Marine Service and the Contracts Officer of the Department of Defence, to investigate the possibility of purchasing vessels from the Admiralty. However, these approaches were without the sanction of the Department of Finance. The investigations regarding suitable vessels involved no advice from naval engineering specialist until the party was joined by a Lt. Barry. Little is known of his experience with vessels other than MTBs and patrol vessels, a most important point as the Corvettes were not comparable to the patrol vessels and MTBs of the Marine Service.²³ It is likely that there was some consultation with members of the Marine Service, but the extent and content is subject to conjecture. The approach to the Admiralty was made by the Minister of Defence, Oscar Traynor, and probably came from a decision made by the cabinet meeting that validated the formation of the Naval Service earlier in March 1946.²⁴

Most of the representation to the Admiralty appears to have been made through the Irish High Commissioner in London, John Dulanty, acting as a negotiator on behalf of the Department of Defence as well as the Department of Finance. The High Commissioner was notified on 6 April that the Minister of Defence had taken the outline offer from the Admiralty and was willing to formalise the arrangement with an agreed price of £210,000 for the first instalment of three Corvettes. In the short space of time between

²⁰ Correspondence between Department of Defence to Department of Finance discussing purchase of Corvettes for the Marine Service, 27 November 1946 (NAI, Department of Finance Supply Series S8/2/57).

²¹ Correspondence between Mr. J.E. Hanna (Department of Finance) and Lt. General P. MacMahon (Secretary at the Department of Defence) relating to the decision to purchase Corvettes, 3 December 1945 (NAI, Department of Finance Supply Series S8/2/57).

²² *ibid.*

²³ While Lt. Barry was an engineer, he was limited in his experience of larger vessels like a corvette, such large capital expenditure programmes would normally be overseen by a senior engineer.

²⁴ MacGinty, pp 115-118.

the initial enquiry and the agreement, which was finalised in two letters dated 6 and 11 April, there seemed to be no effort to negotiate the cost.²⁵ Additionally no direction was given to carry out a survey or inspection of the proposed ships' technical books, documents crucial in assessing the suitability of the vessels for immediate use. If the tone of this correspondence is assessed critically, there appeared to be an urgency to press the Admiralty to make vessels available immediately:

... the Minister will be glad if steps can be taken to have the best of the three vessels present under consideration put into commission and made available for delivery at the earliest possible date.²⁶

The documentary evidence available suggests that there were no informed review or procurement guidelines, a haphazard approach that had significant repercussions for the future service of the Corvettes under the Irish flag. The circumstances driving the rapid purchase meant the Naval Service had little influence on the development of its own operational capability during the initial phase of its establishment, despite an increasing availability of naval expertise with the later appointment of officers like Captain HJAS Jerome.

One of the primary concerns relating to the acquisition process soon emerged. On 20 June 1946, the acting director of the Marine Service, Commandant John A. Farren, wrote to the Marine Section of the Department of Defence, outlining his reservations regarding the purchase of the ships and, more specifically, the transfer to the Engineering Branch of the Naval Service, under the command of Lt. Cmdr. Cheb Forde, of all the relevant ship documentation pertaining to the service history and technical logs.²⁷ Based upon this correspondence it seems that none of these critical factors were considered as part of the procurement process. This was a very significant moment in the procurement of the Corvettes. These books were never transferred to the Department of Defence or to the Naval /Marine Service but were sent for archiving in the UK in early 1947, eventually finding their way into the National Maritime Museum Ships Archive at Woolwich Arsenal. They do not seem to have been consulted at any stage by a representative of the Irish government.²⁸ The presence of these documents in London confirms many of the criticisms of the restricted scope of the Irish procurement process. There appeared to be no cohesive or coherent policy, the right people were not consulted and consequently the ships were purchased as they lay with little in the way of survey or structural/machinery review. While the government lacked any naval architects, there was still a strong industry of shipbuilding in Ireland which might have provided advice. The Corvette design was essentially an adapted civilian design so most of the prerequisites could have been sourced within the state. In fact, the Cork Dockyard at Rushbrooke had in April 1947 carried out a conversion of a Flower Class Corvette for use as a cargo ship registered in Panama for a Greek ship-owner after the company

²⁵ Correspondence from J. B. Carr (Department of Defence) to the Office of the High Commissioner of Ireland in London, 15 April 1946 (NMA, 2/96757).

²⁶ Letter from Peadar Mac Mhathúna of Defence to High Commissioner John Dulanty, 6 April 1946 (NMA, 2/96757).

²⁷ Correspondence from Comdt. John A. Farren (A/Director Marine Service) to Marine Branch of the Department of Defence relating to the Taking over of the Corvettes, 20 June 1946 (NMA, 2/96757).

²⁸ HMS Oxlip (K123) Ship's Technical Book (MF 9907/34), 1941-1946 1944 (UK National Maritime Museum, Woolwich Arsenal ADMB0580).

had completed the conversion.²⁹ The Liffey Dockyard had similar expertise and though its operations had been disrupted by a series of labour disputes, there was enough experience there or elsewhere within the state to make a more comprehensive report on prospective vessels. Due to the haste with which the business was conducted, no such check was carried out and the direction of the Admiralty was taken as accurate.³⁰

The Role of the Naval Service and the Capability of the Organisation to Meet that Role at its Foundation

The Naval Service was assigned a specific set of war and peacetime responsibilities in the 1949 Memorandum on the Defence Forces. This document formalised the roles which the Naval Service had been carrying out since early 1947. The primary wartime roles set out the following:

1. Patrolling state coastal waters with the object of preventing their use by belligerent craft and also, with the intention of destroying belligerent mines.
2. Sweeping harbours and their approaches in order to keep open sea routes to and from the country.
3. The laying and operation of defensive minefields for the protection of state harbours.
4. Port control and the surveillance and examination of shipping entering or using state ports; including the operation of port war signal stations.
5. In the event of attempted invasion, offensive action in cooperation with coastal artillery, land and air forces against hostile surface craft attempting to land in the vicinity of state defended harbours.³¹

The selection of six Flower-class Corvettes, met a number of these roles albeit on a temporary basis. The huge strides made in naval technology during the Second World War continued into the new era of the Cold War. In order to fulfil roles 1) and 5) a clear policy on fleet development in line with technological advances was necessary. The Corvettes were of minimal value in roles 2), 3) and 5). The Macha (Borage) was the only vessel that had been equipped with an experimental bow mounted minesweeping suite, current research indicates that no attempt was made by the Department of Defence to acquire or develop this capability. Ultimately the state contracted the sweeping of the major Emergency era minefields to a fleet of Royal Navy Algerine-class minesweepers between 1947-49. The Corvettes had a minimal sweeping capability but the scale of the minefields, approximately five thousand off the south and west coast, necessitated specialised minesweeping vessels. Four thousand mines were destroyed during this period, a thousand remained unaccounted for, the Naval Service would contend with the scourge of mines for many decades to come.

²⁹ Kerryman, 12 April 1946.

³⁰ Pat Sweeney, *Liffey Ships & Shipbuilding* (Cork, 2010), pp 256-259 ; Irish Press, 2 December 1947

³¹ Captain Thomas McKenna, 'Memorandum on the Naval Service', 17 May 1962 (Irish Military Archives, C.S. 26), p. 1.

The Reaction of the Oireachtas and Chief of Staff to the Acquisition of the Corvettes

During the spring sessions of the Dáil in 1947, the emphasis on Defence spending as a result of the Emergency came under increased scrutiny by the opposition. The Oireachtas Committee on Finance frequently critiqued the spending on the Defence Vote, especially the £5,000,000 planned in 1947, the debate always ensuring a lively and entertaining spectacle despite the seriousness of the Irish defence predicament.³² The Minister of Defence, Oscar Traynor, came under increased pressure from the opposition spokesman on Defence, Thomas O'Higgins, a critic of all aspects of increased defence spending at a time of economic difficulty.³³ This political debate came to a climax on 25 March 1947, when the Committee on Finance debated the projected defence budget for the following year. The debate outlined the purchase of the Corvettes and the subsequent discussion highlighted the absolute lack of comprehension on the part of government ministers regarding the operational capabilities of the Naval Service. Traynor justified the selection of the Corvettes early in his presentation when he claimed that:

The reason for this is that like other countries we are relying for the present on the latest type of weapons which were purchased during the emergency.... Our policy in the future, as it has always been in the past, will be to await developments, and then to purchase the best available to ensure that what we buy is most useful for our needs and within our financial resources.....During the past year we have purchased 3 Corvettes for our Naval Service ...A Corvette is a small type of destroyer, about 950 tons, with a displacement of 1,280 tons, carrying a complement of four officers, one warrant officer and 43 naval ratings... The ships which we have acquired are fitted with the very latest type of equipment. They carry, for instance, the most modern radar and asdic devices.... Their armament consists of one 4" gun, one 2 pounder, two Oerlikon guns, and six depth charges. These vessels will be used not only for the defence of our coasts in an emergency but for the protection of our fisheries in peace.³⁴

Traynor's contribution contained a series of obvious fallacies: the comparison of the Corvette to a small 'destroyer type' was frankly absurd, the Irish Corvette being entirely different to a contemporary destroyer class like the Tribal Class in terms of size, speed and armament.³⁵ Traynor's comment that the Corvettes possessed the 'very latest type' of radar and Asdic was even more ridiculous; Cliona, Maeve and Macha were delivered with the Type 271 radar system and the Type 123 Asdic, both already being phased out of service in the middle of the war in favour of more advanced and capable designs.³⁶ The reference to the Oropesa minesweeping gear was equally questionable since there was never any drilling, let alone training, with this equipment.³⁷ The reality was that the Service possessed three vessels that provided minimal protection from foreign aggression. Traynor was attempting to make the Naval Service appear like a capable

³² The Committee on Finance met regularly in 1947. It discussed and scrutinised most facets of public spending with a view to taking a proactive stance on government policy, decisions and spending. The formation of the Naval Service provided some lively discussion in 1947.

³³ Irish Independent, 14 July 1947.

³⁴ Dáil Éireann debates, Vol 105, p. 45 (Traynor), Vote 63-Defence, 25 March 1947 (Tithe an Oireachtas Online) (Accessed on 14 May 2014)

³⁵ The Tribal Class was 177 feet longer, weighed in at almost 3000 tons, has a top speed of 36 knots compared to the Corvettes 16 knots. It had 8 x 4.7" QF main guns (latest series) to the Corvette's single WWI era 4" BL. Its AAA capability was up to 36 weapons of varying advanced calibres compared to the single 2" Pom Pom and four Oerlikon's of the Corvette

³⁶ McKay and Harland, *Anatomy of the Ship* (London, 1993), pp 16-17 ; Marc Milner, *HMCS Sackville, 1941-1985* (Halifax, 1998) pp 34-35.

³⁷ Interview with Michael Roberts, Pat McGuirk & Brian Keogh at Cathal Brugha Barracks, 1 December 2011.

maritime defence force when in fact it was little more than a symbol of national sentiment. However this symbolism came at the great expense of £200,000, something not lost on O'Higgins in his reply:

What is our first line of defence? According to the Minister for Defence what is it? Six Corvettes. He might as well have six rubber ducks and he knows it. There is no justification in spending a few hundred thousand pounds on six Corvettes and referring to them as the coastal or naval defence of the country. That would not cod a child of five years of age. If they are merely to be toys or show-pieces, then it is unjustifiable to be spending hundreds of thousands of pounds on them. The Minister in this House is talking to people with a certain amount of experience, with a certain amount of conscientious scruples. In asking them to accept six Corvettes, as the coast or naval defence for an island of this size, he is asking them to accept what no single Deputy in the Dáil will accept irrespective of how he may vote.³⁸

O'Higgins's remarks were echoed by his party colleague, Fintan Coogan T.D. for Galway, who also disputed the Minister's over-exaggeration of the Corvettes capabilities:

I think the Minister should take himself seriously in the case of terminology in relation to our Corvettes. We should not designate these Corvettes as a naval establishment. Let us call them what they are—fishery patrol vessels—and have done with it. Let us not give ourselves grand ideas or play up to the vanity of certain people by bluffing ourselves that we have a Navy... It certainly cannot be supported in any way ...as being in any shape or form essential to the defence of this country.³⁹

The analysis of the political debate from the period indicated the government's willingness to operate an illusory naval force. Due to the high expenditure required, the establishment of a professional navy capable of defending the territorial seas was not a feasible option in the context of the post war economic downturn, the Dollar-Sterling Crisis of 1947 and the continuing argument over Irish participation in the European Recovery Programme. Defence appears to have been a department that was relegated to a tertiary position in the national finances and consequently economies had to be found in the defence budget. As the newcomer to the Defence Forces and coming off the back of an expensive capitalisation project (the Corvette purchase), the Naval Service experienced an almost immediate contraction in its available budget.⁴⁰

The reaction of the Chief of Staff to the process of acquisition and establishment for the Naval Service was equally detached and blinkered. McKenna similarly overplayed the capability of the Corvettes in his 1946/47 Annual Report outlining that 'three Corvettes purchased with full armament and ancillary equipment of the most up to date pattern' had been purchased.⁴¹ Even at this stage the Service was grossly undermanned, with 335 all ranks against an establishment of 503. This was most apparent in the skilled officer and NCO cadre's without whose specialist skills it was impossible to put to sea. This shortfall was primarily driven by the Department of Defence's unfeasible age restrictions

38 Dáil Éireann Debates, vol. 105, pp 51-52 (Dr. O'Higgins), Vote 63-Defence, 25 March 1947 (Tithe an Oireachtas Online).

39 Dáil Éireann Debates, vol 105, p. 69 (Coogan), Vote 63-Defence, 25 March 1947 (Tithe an Oireachtas Online).

40 Ronan Fanning, *The Irish Department of Finance 1922-58* (Dublin, 1978), pp 397-404.

41 Kennedy and Laing, *Chief of Staff's Reports*, p.570.

for recruitment for the new service.⁴² The difficulty in recruiting suitably qualified mechanical artificers to operate the main engine, boilers and ancillary equipment was to have longstanding repercussions for the operational viability of the small flotilla beyond the early years of establishment. In 1946/47 of the 174 new recruits, only seven were qualified Petty Officer ERA's (Engine Room Artificers). This deficiency would have major implications for manpower redundancy and have tactical and strategic implications for the scope and reach of Naval Service war and peace capabilities.⁴³

However, as bleak as the personnel and skill set situation was, steps were being taken to address the shortfall in both mechanical and tactical capabilities. A competition was ran by the Civil Service Commissioners to recruit twelve Cadets, however only four suitable candidates were forthcoming, these were joined by two transfers from the Army military College at the Curragh. Also, four Sub Lieutenants were sent on introductory courses in the UK qualifying in ASDIC, Radar, Damage Control, Gunnery and Gyro-compass navigation.⁴⁴ Retention of men of technical capability was still proving difficult with better pay and conditions available in the civilian sector.

Caveat Emptor

In February 1948, Fine Gael formed a government after Fianna Fáil lost its majority and failed to get the support of National Labour and Independents.⁴⁵ The change of government brought the vociferous Thomas O'Higgins Snr. to the brief of Defence. True to his word in the debates a year earlier with Oscar Traynor, O'Higgins embarked on a savage slashing of the Defence budget. The Naval Service immediately felt the force of the Minister's economies, having one Corvette relegated to fishery protection duties, with the third laid up.⁴⁶ This third was the LE Maev: she had experienced significant boiler defects in 1947 which side-lined her for many months and necessitated costly repairs of £2,130.⁴⁷ The defect was caused by a collapse of the centre furnace of the boiler while the Maev had been on patrol off the south coast on 14 July and had to proceed under steam from the forward boiler to Haulbowline for an investigative survey. No suitably qualified naval engineer was available in the country, so a civilian engineer was employed to assess the damage and his conclusion was that the system was irreparably damaged, requiring total replacement of the centre firebox. This was a significant occurrence requiring a lengthy period at the Cork Dockyard at Rushbrooke, where the ship was opened to allow the removal of the old system.⁴⁸ A Court of Inquiry convened to apportion blame for the incident found that the responsibility for the failure should not be put on any one individual or department, the failure being attributed to 'large quantities of fuel oil entering the boiler with feed water'. However the Quartermaster General and Captain Jerome did not agree with the findings of the Court of Inquiry. They wished to put the blame on the stokers responsible for the boiler, outlining 'ignorance or carelessness arising from inexperience'.⁴⁹

42 *ibid*; Mclvor, p. 98.

43 Kennedy and Laing, *Chief of Staff's Reports*, p.570.

44 *ibid*, p. 588 (Appendix D).

45 Michael Gallagher, *Irish Elections 1948-77: Results and Analysis* (Abingdon, 2009), pp 46-47; Lee, pp 297-299.

46 Correspondence from Minister of Defence, Dr. O'Higgins, to Minister of Finance, Mr Patrick McGilligan, relating to the operation of the Corvette fleet, 6 August 1948 (NAI, Supply Branch Series S/8/2/57).

47 Request for sanction from Minister of Defence to repair furnace collapse on LE Maev, 28 June 1949 (NAI, Supply Branch Series S/8/2/57).

48 Synopsis: Collapse of furnace on LE Maev for the Comptroller and Auditor General's Report 1949, 9 June 1949 (NAI, Supply Branch Series S/8/2/57).

49 *ibid*.

Recent research into this incident raises some disturbing questions not only regarding the procurement of the vessels but also about the Naval Service's capacity to maintain them. The technical log in the Woolwich Arsenal indicated that prior to the Irish takeover the boilers were far beyond their programmed time between refits and the last dry docking report indicates that Maeve's boilers were far beyond the safe limits for inspection.⁵⁰ The oil feed that caused the problem is held at very high pressure to maintain sufficient suction to feed oil to the firebox, the mixing of these immiscible liquids being blamed for the failure in the Maeve's centre firebox.⁵¹ However, due to the high pressures, it is conceivable that in the absence of maintenance, these feed lines failed through fatigue. This was the responsibility of the Admiralty yet it also illustrates the levels of inexperience within the Naval Service and, more seriously, an attempt by Jerome and the Quartermaster General to blame a relatively voiceless crew (there were no officers representing the stokers in such situations).⁵² Interestingly, the only surviving example of the Flower, HMCS Sackville encountered a similar problem in July 1943, it transpired that the failure had caused the seams at the back of the same furnace (as Maeve) to part. A quick fix was attempted but ultimately the defective boiler had to be removed, Sackville operated with a single boiler for the rest of her career. Furnace collapses did occur, these were generally caused by fatigue or manufacturing errors, a legacy of their wartime service.⁵³

The failure of such a critical system at such an early stage was an embarrassment for the Naval Service, especially when it was made to appear at fault for the failure. This was not an isolated incident in the delivery period of the Corvettes. The incident was managed from a publicity standpoint and, fortunately for the reputation of the Naval Service, was not covered by the press, the newspapers focussing instead on de Valera's 1947 tour of the islands on the Macha.⁵⁴ The incident appears to have gone unnoticed in the Dáil also, opposition deputies like O'Higgins and Fintan Coogan, who had been critical of government naval policy over the previous twelve months posing no questions relating to the failure to the Minister of Defence.⁵⁵ It is also noteworthy that little mention of the technical defects appear in the Chief of Staff's Annual Report for 1947/48, this could have been an opportunity to further the case for making the service a more attractive proposition for the desperately required technical personnel as the report had direct access to the Minister and ultimately cabinet. Liam Archer had succeeded Daniel McKenna as Chief of Staff and there is a noticeable increase in analysis of the naval situation in his first report, however it was an opportunity lost to improve the technical development of the service.⁵⁶

50 'Extracts from Engine Room Registers S.467', Quarter ending March 1946 (UK National Maritime Museum, Woolwich Arsenal ADMB0580).

51 Synopsis: Collapse of furnace on LE Maeve for the Comptroller and Auditor General's Report 1949, 9 June 1949 (NAI, Supply Branch Series S/8/2/57).

52 Report from Department of Defence to Finance outlining synopsis of boiler failure on LE Maeve, 12 January 1949 (NAI, Department of Finance, S/8/2/57). Neither Jerome nor the Quartermaster General were satisfied with the findings of the investigation and outlined their belief that the failure was caused by 'ignorance and carelessness caused by inexperience'.

53 Milner, Sackville, p. 51, Report of Trials of Main Machinery at Sea, 16 August 1946 (UK National Maritime Museum, Woolwich Arsenal ADMB0580).

54 Irish Independent, 14 July 1947; The busy conditions prevailing in the British Dockyard at Devonport at the time of taking over the vessels (hundreds of ships were undergoing decommissioning, preparation for disposal and scrapping), meant that a detailed survey of the vessels did not take place (a monumental error). Consequently defects which were noted after the ships were delivered, were made good during the initial overhaul after the ships reached Ireland and should have been paid for by the Admiralty. Such an arrangement had been agreed by Tom McKenna during a Conference with the Admiralty in Bath during the autumn of 1946. The glaring error made by Morris, Lawlor and Barry (who inspected some of the vessels) resulted in the decision of Defence that 'as it would be difficult to contend that these defects were indispensable in connection to the seaworthiness of the vessels, it is not proposed to contest the matter further with the Admiralty, specifically the Director of Naval Construction at Bath.' The Admiralty continued with this line for the remaining years of the decade, despite a rapidly growing list of defects.

55 Dáil Éireann Debates, vol. 110, pp 822-926, Vote 63-Defence, 15 April 1948 (Tithe an Oireachtas Online). Accessed 24 July 2014.

56 Kennedy and Laing, Chief of Staff's Reports, pp 680-682.

In fact, all three vessels required further work immediately upon delivery to Haulbowline. Altogether the Corvettes required a further £3,272 to make them suitable for service. On 29 September 1948, representations were made to the Admiralty by the Department of Defence requesting that the Admiralty help to defray the costs.⁵⁷ However the Admiralty argued that the faults in the Corvettes did not relate to seaworthiness or safety and disavowed responsibility for the expense – a further indication of the rising cost of simply putting the Corvettes into service.⁵⁸

It is clear that the scope of the patrol activity was severely limited during this period by a combination of technical defects and reductions in operational funding, in line with the stringent budgetary conditions enforced by the Inter-Party government. Minister O'Higgins's distaste for excessive defence spending meant the operating budget (fuel and vessel maintenance) available stagnated, spending amounted to £37,640 in 1947, £51,742 in 1948, and £44,127 in 1949.⁵⁹ This hampered access to the fuel and provisions needed for vessels to carry out their prescribed patrol duties. As discussed, the *Maev* was unavailable for patrol duties until summer 1948 and the brunt of the long-range patrols was borne by the *Macha* and *Cliona* during this time. These two vessels experienced their own operational shortcomings; failure in the radar, sonar and weapon systems severely hampered their capability and the outgoing Fianna Fáil government was content to use them as a publicity platform, engaging the *Macha* in two high-profile cruises (The *de Valera* cruise in 1947 and the *Yeats* repatriation in 1948) which sought to exploit the ceremonial benefit of the operationally compromised Naval Service.⁶⁰

Conclusion

The purchase of the Flower Class Corvettes was a significant moment in the foundation of the Naval Service. They were the first vessels to be purchased expressly for the Service but the selection of vessels in such a bad state of repair led an extended period of inaction. This work has sought to assess the specific requirements of the Naval Service and compared these requirements to what the Corvettes could provide in the stormy political and economic conditions faced by post-war Ireland.

The birth of the Naval Service can be categorised as a missed opportunity, however, the economic and manpower impracticality of Ireland maintaining a feasible naval deterrent was not lost on the politicians, especially in the immediate aftermath of the Emergency. However, some of the most vocal critics of De Valera's post war Defence policy, in particular future Minister of Defence Thomas O'Higgins, were equally apathetic about the predicament faced by the Defence Forces when faced with the office. Between the foundation of the service in 1946 and 1950, the Naval Service was discussed only twice outside of the budgetary debates on Defence and Fishing.⁶¹ These two statements on the Naval Service occurred on the same day, 20 November 1946, and the service was

⁵⁷ Report of the Department of Defence, Accounting Section, 12 January 1949 (NAI, Department of Finance, S/8/2/57).

⁵⁸ Memorandum on information requested for Vote 63- Subhead P.2 (Naval Service), 12 January 1949 (NAI, Supply Branch Series S/8/2/57).

⁵⁹ Dáil Éireann Debates, vol. 105, pp 51-52 (Dr. O'Higgins), Vote 63-Defence, 25 March 1947 (Tithe an Oireachtas Online); vo. 165, p. 379, Oral Answers - Naval Service, 19 February 1958 (Tithe an Oireachtas Online). Accessed 24 July 2014.

⁶⁰ Repair to radar Installations on Naval Vessels, November 1947- January 1950 (NMA, 3/004101) ; Examination and Repairs of Lyno Com-pass on Corvettes by Admiralty expert, September 1948 (NMA, 3/006840).

⁶¹ Dáil Éireann Debates, vol. 103, pp 1101-1102, Oral Answers - Naval Service, 20 November 1946; pp 1087-1088, Oral Answers - Naval Service, 20 November 1946 (Tithe an Oireachtas Online). Accessed 24 July 2014.

not debated as a standalone topic again until 11 April 1951.⁶² Unfortunately the Naval Service remained in this uncertain position as it lacked the political and financial clout to obtain even a modest investment which might allow it to grow with the rapidly expanding brief of fishery protection. The rapid loss of interest in maritime governance and naval policy resulted in the unfortunate scenario at the start of the 1950s, where the very existence of the Naval Service was in question. The troubled birth of the Naval Service paved the way for a prolonged period of political and legislative ‘seablindness’ which would endure for at least three further decades. In the intervening period, the Naval Service fleet bore the brunt of disinterest and ridicule; caused in a large part by ill conceived and impractical decisions made during the procurement of the state’s first naval fleet.

62 Dáil Éireann Debates, vol. 125, pp 515-517, Oral Answers - Naval Service Recruitment, 11 April 1951 (Tithe an Oireachtas Online). Accessed on 24 July 2014.

The Evolving Operational Paradigm and The Defence Forces

ABSTRACT

This paper will seek to explore the evolving, postmodern operational paradigm facing the Defence Forces (DF) and to consider the resulting key organisational challenges facing its strategic leadership. It will reflect on the complexity inherent in postmodern military operations and consider the evolution of a postmodern paradigm of war and conflict. It will examine the role of transformation in preparing the DF to adapt to this evolving paradigm within the current policy construct while reflecting upon the importance of strategic leadership development in maintaining the DF as a force, “capable of deploying and sustaining high quality military forces on demanding national and overseas expeditionary operations in support of Government security and foreign policy objectives”.¹ The importance of a broad-based military and civilian education in preparing strategic leaders to manage transformational change will also be considered.

Introduction

The character of conflict undergoes continual change. Since the end of the Cold War, the distinctions between war, conflict and peace have become increasingly blurred. Large scale state-vs.-state, industrial based war has been superseded by more nebulous forms of warfare, with state and non-state actors engaged in a series of armed struggles for often ill defined objectives. This has been captured by the British Army as follows “Since the end of the Cold War the operational environment has been distinguished by its transparency yet diversity, complexity, interconnectivity, unpredictability and continually evolving character as groups seek to gain power and influence for a wide variety of political, ideological and practical ends”.² This evolution in the character of war presents significant challenges for western armed forces that must develop new mindsets and skill sets in order to succeed in the new operational environment. This evolution in turn has significant implications for the DF as it continues with Transformation as a key strategic enabler.

Modern War

The Treaty of Westphalia of 1648 marks the commencement of the period of modern war. Since Westphalia, the legal right to wage war has lain with nation states, with the Treaty both codifying the context and limiting the nature and character of state centric warfare. The Treaty also marked the beginning of the modern international system. It established the principles of sovereignty of states and the fundamental right of self-determination; of legal equality between states and of non-intervention of one state in the internal affairs of another. These principles continue to underpin the current Westphalian system of international relations.³

¹ Defence Forces (2012) *The Defence Forces Transformation Agenda*, p5.

² British Army Information Note (2009) *Understanding Hybrid Conflict: Hybrid Adversaries and Hybrid Threats*, p2.

³ See Howard, M (1975) *War in European History*, Oxford, Oxford University Press and Gray, C (2005) *Another Bloody Century*, London, Weidenfeld & Nicolson.

Modern war is the province of state vs. state violence, conducted within a Clausewitzian construct, regulated and legitimised by recognised codes of war. Modern war is inherently linear, (relatively) predictable and lends itself to reasoned and measured analysis. Thus, “Since Plato, the Western approach to war has been to discover unified, immutable, and absolute truths through rigorous and rational analysis, which can be applied to any condition of conflict”.⁴

Postmodern War

The growing importance of non-state actors in conflict in the late 20th and early 21st century has led to suggestions that we are seeing the gradual demise of modern war, the Westphalian system and its monopoly over the legitimate use of violence for political purposes.⁵ It is therefore argued that we may now be in a period of postmodern warfare.⁶ This concept of postmodern warfare is in keeping with the wider concept of postmodernism, an era “characterised by a rejection of absolute truths and grand narratives explaining the progressive evolution of society”⁷. Postmodernism “questions received wisdoms, including those reflected in the traditional approaches to science, research and human subjectivity”⁸ However, Booth et al in their consideration of postmodern militaries argue a distinction must be drawn between postmodernism and postmodernity, with the latter referring to “...a particular epoch or era in history, which is seen as following modernity” while “postmodernism, by contrast does not generally refer to a historical period but is instead a reference to a contemporary culture and its products which are seen as radically different from modern cultural forms”.⁹ In this light, postmodern war is radically different from modern war and has been characterised by a number of commentators as follows:

There is no longer a clear delineation between war and peace.

There is no clear definition as to what constitutes victory or defeat.

It is focused on state-vs.-non-state conflict, while the future battlespace is expected to be hybrid in form incorporating both state and non-state actors utilising all available means to prosecute their campaigns.

There is a continual blurring of the labels applicable between war, combat, peace enforcement, peace keeping, stabilisation, nation building etc.

The postmodern battlespace is hallmarked by complexity, ambiguity, uncertainty and volatility.¹⁰

4 Dickson, K (2006) *War in (Another) New Context: Postmodernism*, Journal of Conflict Studies, North America, 24, Feb. 2006 found at <<http://journals.hil.unb.ca/index.php/JCS/article/view/203/360>>. (online) (accessed 20 May 2016)

5 Van Creveld, M (1991) *The Transformation of War*, New York, Free Press.

6 See Kiszely, J (2007) ‘Post-Modern Challenges for Modern Warriors’; The Shrivensham Papers, also Sheehan, M (2007) ‘The Evolution of Modern Warfare’ in Baylis J, Wirtz J, Gray C and Cohen E (eds) *Strategy in the Contemporary World*, Oxford, Oxford University Press.

7 Burke B (2012) *Post-Modernism and Post-Modernity*, p 13 found at www.infed.org/biblio/b-postmd.htm (online) (accessed 20 May 2016).

8 Walsh, T (2012) *Military Education for a Postmodern World*, p10, Maynooth, MACE.

9 Booth, B; Kestnbaum M; & Segal D (2001) *Are Post-Cold War Militaries Postmodern?*, p 323, *Armed Forces & Society* 27 found at [www://afs.sagepub.com/content/27/3/319](http://afs.sagepub.com/content/27/3/319) (accessed 20 May 2016).

10 See Kiszely (2007) op cit; Biddel, S and Friedman, J (2008) *The 2006 Lebanon Campaign and the Future of Warfare*, Carlisle PA, Strategic Studies Institute; Hoffman, F (2009) *Hybrid Warfare and Challenges*, Joint Forces Quarterly, Issue 52; Hoffman, F (2009) *Hybrid Threats: Reconceptualising the Evolving Character of Modern Conflict*, Washington, Institute for National Strategic Studies, National Defence University found at <http://www.ndu.edu/inss> (online) (accessed 10 Jan 2011).; also Williamson, S (2009) *From Fourth Generation Warfare to Hybrid War*, Carlisle PA, US Army War College.

A Postmodern Military?

In evolving to meet postmodern challenges, Moskos and Burk argue that a postmodern military may be identified by five fundamental organisational characteristics:

The interpenetration of civilian and military spheres (specifically the growing integration of civilian specialists such as contractors within the military structure).

A decreasing emphasis on differences in service, rank, and combat versus support specialities.

A change in mission, from war fighting to lower-intensity humanitarian and/or constabulary missions.

The tendency for missions to be carried out in a multilateral rather than unilateral context, through a coalition of forces acting under international auspices.

The internationalization of military forces themselves.¹¹

This author would argue that the DF exhibits to an extent the latter 4 characteristics outlined above, with the interpenetration of the military and civil spheres (in particular the lack of interface between the DF and civilian contractors on operations) not relevant due to the modest scale of the DF. However, it does not necessarily follow that the DF can be characterised as postmodern within the wider meaning posited by Moskos and Burk.

Modern Solutions to Postmodern Issues?

Booth et al question the notion of a postmodern military. They argue that the military have reacted to the postmodern environment by sticking firmly to an essentially modern construct, “through rational, calculated structural adaptation, and without ever losing sight of their origins as the rationalized embodiment of the state’s claim to the monopoly over force within its territory”.¹² They further argue that “the military has, ironically, been spurred by ...large-scale social changes and by the dynamics of geopolitics to ...become modern, rather than postmodern”.¹³ It is therefore necessary for this paper to consider the security challenges of the postmodern operational environment to provide context for any understanding of organisational continuity and change within military forces.

The Changing Character of War: 4th Generation Warfare

The contested concept of 4th Generation Warfare (4GW) emerged in the late 1980’s and refers to a form of warfare conducted between states and non-state actors. 4GW is an “evolved form of insurgency that uses all available networks – political, economic, social, military – to convince the enemy’s decision makers that their strategic goals are either unachievable or too costly for the perceived benefit”.¹⁴ 4GW is a response to the “apparent disparities between the philosophies and resources of nation-states and non-state actors”.¹⁵ It sees decentralised, non-state actors adopt irregular and asymmetric methods to defeat the conventional superiority normally enjoyed by state actors. The

¹¹ Moskos and Burk (2000) cited in Booth et al (2001), pg 321.

¹² Booth et al (2001), op cit, pg 330

¹³ Ibid, pg 332.

¹⁴ Hammes, T (2006) *The Sling and the Stone*, pg 208, Minneapolis, Zenith Press.

¹⁵ Williamson (2009) op cit, pg 4.

focus of the non-state actor is on defeating a state actor's essential political, cultural and population targets, seeking to destroy the moral cohesion that binds the state based society together.¹⁶

The activities of actors who operate outside the state system, who do not recognise the norms associated with state vs. state war and who are focused on significant societal change through any means possible are said to threaten the status quo which has existed since 1648. Williamson argues that

4GW blurs the lines between war and politics, conflict and peace, soldier and civilian, and battlefield violence and safe zones. This new form of warfare has arisen from the loss of the nation-state's monopoly on violence; from the rise of cultural, ethnic, and religious conflict; and from the spread of globalization, particularly advanced technology.¹⁷

As 4GW has been posited as exemplified by "...it's jelly-like character; variable in shape and substance, and refusing to be nailed to the wall",¹⁸ then I suggest that 4GW sits comfortably within the postmodernist construct. 4GW requires military leaders to make sense of "the evolving and multifaceted nature of the phenomena [we] are trying to make sense of, and capture, in a coherent concept"¹⁹ and to adapt to meet the resulting challenges presented.

Hybrid Warfare

Hybrid Warfare is claimed to be a further evolution of 4GW where adversaries concurrently utilise all available conventional and non-conventional capabilities at their disposal. The US Government classifies Hybrid Warfare as "... any current or potential adversary, including state, non-state and terrorist, with the ability, whether demonstrated or likely, to simultaneously employ conventional and non conventional means adaptively, in pursuit of their objectives".²⁰ Hybrid threats may be defined as "the intent of hybrid adversaries to employ highly adaptive asymmetric strategies and tactics in order to gain power and influence over indigenous populations in the combat zone".²¹ This cross utilisation of conventional and non-conventional forces and capabilities is sometimes referred to as 'convergence', and it is argued that this convergence of physical and psychological means, kinetic and non-kinetic effects and combatants with non-combatants will shape future conflict.²² The resulting "blurring of the modes of war will involve the entire gambit of traditional military forces, irregular forces, terrorists, criminals and disruptive threats".²³ Future warfare will be multi-modal or multi-variant rather than the single dimensional form with which most Western armies have traditionally been pre-occupied.²⁴

16 See Hammes (2009) op cit; Williamson (2009) op cit and Lind, W (2010) *Understanding Fourth Generation Warfare* found at <http://antiwar.com/lind/index.php?articleid=1702> . (online) (accessed on 20 May 2016)

17 Williamson (2009), op cit pg 3.

18 Osinga (2007), *On Boyd, Bin Laden, and Fourth Generation Warfare as String Theory*, pg 1 found at www.au.af.mil/boyd/osinga_4gw_boyd_copyright2007.pdf (online) (accessed 01 Jul 12).

19 Osinga (2009), op cit, pg 2.

20 Government Accounts Office (GAO) (2010) Letter from James Q Roberts to The Honorable Loretta Sanchez Chairwoman and The Honorable Jeff Miller, Ranking Member, Subcommittee on Terrorism, Unconventional Threats and Capabilities

Committee on Armed Services, House of Representatives, pg 15 found at <http://www.gao.gov/new.items/d101036r.pdf> (online) (accessed on 20 May 2016).

21 British Army Info Note (2009), op cit; pg 5.

22 Williamson (2009), op cit.

23 Hoffman (2009a), op cit, pg 35.

24 Biddel, S and Friedman, J (2008) *The 2006 Lebanon Campaign and the Future of Warfare*, Carlisle PA, Strategic Studies Institute.

Complexity in the Postmodern Battlespace

Complexity is a key component of postmodern war but is not unique to the postmodern era. In the realm of defence and strategic studies, it has been argued that “complexity is the timeless companion of the national security strategist”.²⁵ Notwithstanding the enduring nature of complexity, the postmodern operational environment is recognised as “...a highly complex, interconnected and multi-layered phenomenon” with the role of the military in the twenty-first century “characterised by previously unheard of levels of complexity, uncertainty and inter-relatedness of phenomena”.²⁶ It is the complex and essentially non-linear nature of the postmodern era that differentiates it from that which went before. Such nonlinearity “...can generate instabilities, discontinuities, synergisms and unpredictability. But it also places a premium on flexibility, adaptability, dynamic change, innovation, and responsiveness”.²⁷ While Eco characterises modern war as “a thoroughly conventional, modernistic, state-centred enterprise...in which the object is...to attain complete domination” he argues that postmodern war can “no longer be characterised in modernist, Clausewitzian fashion, nor seen in terms of straightforward linear vectors of force operating between clearly defined rival centres of power” (emphasis added).²⁸ As Hoffman has argued beyond the 2006 Israeli – Lebanon conflict,

Future challenges will present a more complex array of alternative structures and strategies, as was seen in the battle between Israel and Hizballah (sic) in the summer of 2006. Hizballah clearly demonstrated the ability of nonstate actors to study and deconstruct the vulnerabilities of Western-style militaries and devise appropriate countermeasures.²⁹

The Evolving Operational Paradigm and The wider Response

The evolving postmodern character of conflict has profound implications for ‘conventional’ armies designed, configured, trained and equipped to fight modern (Westphalian) war. By extension, the evolving character of war also has significant implications for armed forces configured for crisis management and peace keeping operations such as the DF, as they deal with the consequences of postmodern conflict. Postmodern conflict has forced many military forces to undergo significant change to adapt to the new operational paradigm. Significant reform and remodelling of force design and capability has been necessary in order to deal with the new operational challenges of the twenty-first century. Within twenty-first century ‘Western’ military forces, it has required a significant departure from militaries configured solely to fight ‘conventionally’. This is reflected in the British Army’s Future Forces 2020 concept which states that for the future it will be tasked with providing “[light], specialist forces of short duration interventions; sufficient multi-role forces to provide flexibility for larger or more complex intervention operations or to undertake enduring stabilisation operations”.³⁰

25 Gallagher M, Geltzer J, Gorka S (2012) *The Complexity Trap* pg 9, Strategic Studies Institute, Geltzer and Gorka, (2012):pg9.

26 Walsh (2012), op cit, pg 11-12.

27 Beyerchen A (1997) ‘Clausewitz, Nonlinearity, and the Importance of Imagery’, pg 74 in Alberts D and Czerwinski T. (eds) *Complexity, Global Politics and National Security*, Washington DC, National Defence University.

28 Eco (1991), cited in Lucas G (2010) *Postmodern War*, Journal of Military Ethics, 9:4,289-298. Available from <http://dx.doi.org/10.1080/15027570.2010.536999> (online) (accessed 19 Jun 2010).

29 Hoffmann (2009), op cit, pg 5.

30 Strategic Defence and Security Review (SDSR) (2010) *Securing Britain in an Age of Uncertainty*, pg 24, London, HMSO.

Transformation

This rebalancing of force design began in the aftermath of Gulf War 1 and was initially intended to harness emerging western technologies that provided battlespace dominance and “offered the potential to revolutionise the conduct of warfare”.³¹ Originally referred to as a Revolution in Military Affairs (RMA), it was soon realised that the term was insufficient to describe the nature, scope and extent of the change involved. While RMA focused on exploiting emerging technologies, the change process required new thinking as well as new technology. The term transformation was adapted to describe this broader, more fundamental change. This process was accelerated by the seminal event that was 9/11 and subsequent Coalition operations in Afghanistan (2001-2) and Iraq (2003) which “focused Western military minds on the return of irregular warfare”.³² This required a very different approach to the conduct of operations than did traditional, conventional armoured warfare for which most Western forces were materially and psychologically equipped. This became transformation. US Defence Secretary, Donald Rumsfeld defined transformation in 2003 as “... a process that shapes the changing nature of military competition and cooperation through new combinations of concepts, capabilities, people and organizations that exploit our nation’s advantages and protect against our asymmetric vulnerabilities to sustain our strategic position” (emphasis added).³³

Rumsfeld’s definition recognises that postmodern war requires more than leveraging a technological advantage. It requires a new way of thinking and a new way of operating in order to succeed in the postmodern battlespace. This would be in keeping with Dickson, who argues that the postmodern context calls for “Military forces ... to discard modernist models whenever they no longer apply and realign plans and forces for defining, adapting and assessing what is known”.³⁴ However, it is counter argued that the transformational response to postmodern challenges has remained essentially modern in construct, and that “these very transformations of the military environment have spurred or facilitated organizational changes in the armed forces of a distinctly modern nature”.³⁵

The DF and The Complex, Postmodern Operational Environment: Operational Context

The DF has spent most of its existence operating in an internal security role or conducting peace support operations overseas. It was only during the 1939 – 1945 period that the army’s focus was on the conventional defence of the state against external aggression. However, the Irish government’s post-war decision to make military personnel and units available for UN mandated peace support operations was to fundamentally change the operational construct for the DF. In its earliest significant troop mission to the Congo in 1960, the army found itself conducting operations across the full spectrum of peace keeping and peace enforcement, (including ‘conventional’ offensive and defensive operations), concurrently dealing with rebellion, internal security, local militias, state supported mercenaries and inter-tribal violence.³⁶ As Hew Strachan has identified, in certain circumstances “...peace-support operations and peace enforcement look to

31 Terriff T, Osinga, F and Farrell, T, (eds) (2010) *A Transformation Gap?*, pg 2, Stanford, California, Stanford Security Studies.

32 Terriff et al (2010) op cit, pg 3.

33 Rumsfeld, (2003); cited by Terriff et al, (2010), op cit, pg3.

34 Dickson, K (2006) op cit.

35 Booth et al (2001), op cit, pg 320

36 See Bredin A (1987) *A History of the Irish Soldier*, Belfast, Century Books and Power (2005).

all intents and purposes like war”.³⁷ For the DF, the exposure to ‘war’ in the guise of peace keeping in the Congo was to have a profound impact on its future direction and development.

The Congo marked the beginning of a period of almost continuous involvement of formed units on UN mandated peace keeping / peace enforcement operations which continue to the present day. This engagement is now “a key element of Ireland’s contribution to international peace and security under UN authority”.³⁸ Latterly, this contribution has expanded to include UN mandated military missions conducted under the control of NATO and the EU and includes robust peace enforcement as well as the more traditional peace keeping operations. The DF has therefore served in a great many of the trouble spots of the world since 1958. While not direct belligerents, operating during and in the immediate aftermath of conflicts such as the Congo (1960-1962), Lebanon (1978–extant), Former Yugoslavia (1992–extant), Chad (2008-2010), Afghanistan (2004-2016) and Golan Heights (2013-extant) has brought home to the DF both the realities and consequences of both modern and postmodern conflict for belligerents and non-belligerents alike. This has been fundamental to the development of the DF and has been a major driver of organisational change and capability development since the White Paper 2000. This was reflected in the Defence Organisation’s Strategy Statement 2011-2014 which identified “In responding to the demands of the changed nature of peace support missions, Defence Forces capabilities have been enhanced to enable effective participation in UN Chapter VII peace enforcement missions”.³⁹

Transformation Within the DF

Strategic leadership driving transformational change in the complex, postmodern environment has been described as “a series of mechanisms within human systems that engage in the complex interactive structures held together by a balance of inducements provided to various groups of participants”.⁴⁰ Therefore, the need to position the DF in its postmodern context has seen it follow international best practice with its Strategic Planning Branch assigned the task by the Chief Of Staff (COS) of creating the DF’s own Transformation Agenda. The first Transformation Agenda was published in 2012 and recognised that

The rapidly evolving character of conflict and crisis management will make considerable demands on our Doctrine, Organisation, Training, Materiel, Leadership, Facilities and Interoperability (DOTMLPFI). This is of critical importance as we seek to deploy and sustain high quality military forces on demanding expeditionary operations in support of Ireland’s security and foreign policy objectives.⁴¹

It further identified “...the DF may find itself dealing directly and indirectly with the consequences of the multi-faceted threat environment that is currently emerging”.⁴²

37 Strachan, H (2011) *Introduction: The Changing Character of War*, pg 21 in Strachan H and Scheipers, S (eds) *The Changing Character of War*, Oxford, Oxford University Press.

38 Defence Forces (2011) *The Defence Forces Strategic Plan 2011 – 2013*, pg 13 Dublin, Defence Forces Printing Press.

39 Ibid

40 Simon (1997), cited by Hazy J (2011) *Parsing the ‘influential increment’ in the language of complexity: uncovering the systemic mechanism of leadership influence*, pg 166, *Int. J. Complexity in Leadership and Management*, Vol 1, No 2, 2011.

41 Defence Forces (2012) *The Defence Forces Transformation Agenda 2012 - 2014*, pg 3, Dublin, Defence Forces Printing Press.

42 Ibid

The Agenda recognised the modalities involved in transforming the DF's organisational structures; the development of single component and joint capabilities and the strategic and operational management of the DF. Critically, the Agenda identified the Transformation End State as:

By end of 2014, we will develop and maintain a DF that is Flexible, Deployable, Sustainable, Interoperable and Adaptable, capable of deploying and sustaining high quality military forces capable of delivering on the roles assigned by Government in the interests of the people of Ireland.⁴³

It appears that the DF has embraced Rosen's consideration of military innovation in adapting to the evolving operational paradigm. Rosen argues that peacetime military innovation involves a top-down campaign of military change led by a visionary military leader.⁴⁴ For the DF, that leadership is provided by the Chief of Staff and his successive Transformation Agendas have the status of an Army Order (subsequently titled Defence Forces Orders). This gives them both a formal legal standing and a degree of cultural resonance as they emanate from the office of the professional head of the DF.

It is apparent to this author that the DF is adopting a modernist approach to the challenges of the postmodern operating environment. The focus remains on "...rational, calculated structural adaptation" which has been identified as the hallmark of "the enduring modernity of the military as an institution".⁴⁵ While this approach mirrors that followed by other military forces, it remains to be seen if it will be sufficient to meet the challenges of the postmodern operational environment. In particular, it is uncertain if military forces, including the DF, are willing to "discard modernist models whenever they no longer apply and realign plans and forces for defining, adapting, and assessing what is known".⁴⁶ The apparent reluctance of military forces to consider the creative possibilities presented in postmodern thinking may prove to be a significant limitation in addressing the challenges of the postmodern environment.

The Strategic Challenge Managing Transformational Change

This author's reflections and experiences to date suggest that the DF faces three critical strategic challenges in transforming the DF to meet the operational challenges of the future: the challenge of concurrently operating while transforming; the complex nature of the inter-relationship between the DF and the Dept. of Defence (DOD), and how best to prepare current and future strategic leaders for the challenges of the postmodern world.

Continuity and Transformation

Maintaining continuity (delivering the DF's outputs with reduced resources) while concurrently transforming will be a significant leadership challenge within the highly complex postmodern operational environment. Stacey recognises what he refers to as "the paradox of continuity and potential transformation at the same time".⁴⁷ Resolving

⁴³ Ibid

⁴⁴ Rosen (1991) cited in Farrell T (2010) *Improving in War: Military Adaptation and the British in Helmand*, 2006-2009, pg 2 in *The Journal of Strategic Studies*, vol. 33, no. 4 (July 2010).

⁴⁵ Booth et al (2001), op cit, pg 33

⁴⁶ Dickson (2008), op cit, pg 8.

⁴⁷ Stacey, R (1994), *The Science of Complexity: An Alternative Perspective for Strategic Change Processes*, pg 492 *Strategic Management Journal* Vol 16 No 6.

this paradox will require strategic leaders who are capable of concurrently transforming and transacting, strategic leadership skill sets described by Kakabadse as “an absolute necessity”.⁴⁸

A major difficulty facing the DF’s strategic leadership is that the complex postmodern operational environment does not necessarily lend itself to predictive transformation. Mowels et al have identified that “Management theories and strategies based in systems thinking imagine that change can be predictable in advance and privilege the idea of wholesale transformation through the agency of leaders and managers ‘designing’ solutions to problems”.⁴⁹ This alas is not the operational environment facing the DF. With the evolving postmodern operational paradigm undergoing constant and often unpredictable change, ‘designing’ solutions will be immensely challenging. As Gray has said “The core problem for those charged with the strategic function of conducting defence planning...is the need to prepare prudently for a future about which almost everything in general is known, but nothing is known in reliable detail”.⁵⁰

Civil-Military Relations

There is also the complexity provided by the thorny issue of civil-military relations in the context of transformation. Farrell recognises that civilian policymakers can have a role in military transformation and are often the drivers of significant change. Indeed, he states that “civil policymakers are often more open to initiating and implementing transformation than military professionals as they have no stake in the status quo and will be relatively unaffected by the changes brought about”.⁵¹ Conversely, it would appear that the DF’s Transformation Agenda was written without any input from the Dept. of Defence. As the Dept. has the role of “the administration and business of the raising, training, organisation, maintenance, equipment, management, discipline, regulation and control according to law of the military defence forces”,⁵² it is difficult to see how true transformation can be successful without the active participation and support of the Dept. However, what is sometimes referred to as a “balance of trust” might prove to be an impediment to this desirable state of affairs. While a degree of friction in Civil-Military Relations (CMR) is normally present in most democratic states, the military’s fear of civilian micromanagement could be an impediment to effective collaboration on matters such as Transformation.⁵³

Stacey has identified that within the context of strategic change processes in a complex environment, agents are not always “free to choose strategy and its outcomes” and that “...choices [may] be determined by the nature of the system and the environment it operates in”.⁵⁴ The relationship between the DF and its domestic environment (in particular the political/policy construct controlled by the Dept. of Defence) may therefore have a significant bearing on future transformation. The traditional focus of the Dept of Defence on the day to day control of the DF to the neglect of defence policy per se,

48 Kakabadse A (2000) *From Individual to Team to Cadre: Tracking Leadership in the Third Millennium*, pg 6, Strategic Change Jan-Feb 2000.

49 Mowels C, Stacey R and Griffin D (2008) *What Contribution Can Insights From The Complexity Sciences Make To The Theory And Practice Of Development Management?* pg 807 in *Journal of International Development*, Aug 2008.

50 Gray, Colin S (2010) *War-Continuity in Change, and Change in Continuity*, pg 5, Parameters, Summer 2010.

51 Farrell in Terriff T, Osinga, F and Farrell, T, (eds) (2010) *A Transformation Gap?*, pg 8, Stanford, California, Stanford Security Studies.

52 Department of Defence, (2000) White Paper on Defence: para 8.2.2, Dublin, Govt Stationary Office.

53 Van Ekelén (2008) cited in Crumme D (2015) *Exploring Dissent in Civil Military Relations*, pg 144 in *The Defence Forces Review 2015*.

54 Stacey (1995), op cit, pg 478

has had a significant impact on the domestic context within which the DF operates.⁵⁵ This inevitably affects the DF's ability to deal with the multi-faceted challenges of its external, operational environment. The fear might be that any meaningful engagement with the Dept. of Defence on transformation will be difficult without the process aligning in support of the Dept.'s agenda at the fundamental expense of the DF. This fear may inhibit the DF from seeking the engagement of the Dept. in the matter of transformation and thereby reduce its effectiveness in driving significant change within the DF.

This then raises a more profound question, might the relationship between the DF and the Dept. be more creatively and productively managed to overcome the obstacles presented above? Might a broader, more inclusive approach to civil military relations lead to a wider transformation that changes the dynamic between the Dept and the DF? Kakabadse recognises the need for leaders that “fundamentally alter the parameters of the status quo” and invest “the time and effort in getting others to share that vision”.⁵⁶ Changing that status quo is perhaps the greatest challenge facing the DF's strategic leadership in positioning the force to meet the challenges of the future.

Developing Strategic Leaders and Leadership

The DF recognises the importance of strategic leadership within the organisation and the unique challenges that this level of leadership faces in developing the organisation. As the DF has stated:

Strategic leadership provides the vision to direct the Defence Forces and from this vision the strategic goals, plans and benchmarks evolve and are developed to progress the organisation. In an increasingly complex and inter-dependant world where everything is connected, effective strategy and its execution are paramount.⁵⁷

The DF further recognises that strategic leaders are:

...required to cope with the associated volatility and uncertainty of the Contemporary Operating Environment and must have the cognitive ability to understand strategic timing (knowing when to make a decision and when not to make a decision).⁵⁸

Hazy recognises the leadership challenges involved in the face of change and uncertainty, stating that an organisation's continued effectiveness in such circumstances “is dependant upon an ‘influential increment’, that is, organisational leadership to achieve its purpose”.⁵⁹ The DF will need strong strategic leadership if it is to successfully meet the challenges of the postmodern operational paradigm. As Kakabadse has identified “Effective leaders need to have developed highly attuned conceptual skills so that they can spot potential opportunities, analyse and verbalise them and turn them into future actual opportunities”.⁶⁰ So how will the DF develop the necessary leadership

⁵⁵ O'Halpin, E (1999) *Defending Ireland*, Oxford, Oxford University Press and (2011) *The Challenges Facing the Defence Forces in the Next Five Years in Defence Forces Review 2011*, Dublin: Defence Forces Printing Press.

⁵⁶ Kakabadse (2000), op cit, pg 6.

⁵⁷ Defence Forces (2016) *Defence Forces Leadership Doctrine DFDM-J2*, pg 8-1, Dublin, Defence Forces Printing Press.

⁵⁸ DFDM-J2, op cit, pg8-4.

⁵⁹ Hazy J (2011) *Parsing the 'influential increment' in the language of complexity: uncovering the systemic mechanism of leadership influence* pg 185, *Int. J. Complexity in Leadership and Management*, Vol 1, No 2, 2011.

⁶⁰ Kakabadse (2006) op cit pg 6.

skills required to increase organisational fitness within its postmodern, operational environment? It will be necessary to develop military leaders with the “ability to come to reasoned responses to unpredictable situations... to think beyond experience, plan beyond tenure and avoid failures of imagination”.⁶¹ Kiszely further identifies that the post-modern battlespace will require “a far greater breadth and variety of competencies” than in the past. This will require:

...practioners to have a high level of understanding across a wide range of subjects, including: the political context; the legal, moral and ethical complexities; culture and religion; how societies work; what constitutes good governance; the relationship between ones own armed forces and society; the notion of human security; the concept of legitimacy; the limitations on the utility of force; the psychology of one's opponents and the rest of the population.

Kiszely goes on to state:

Compared with large-scale, inter-state combat, therefore the challenges facing military professionals conducting post-modern warfare ... are certainly very different – not least, considerably broader and more cerebral, requiring far greater contextual understanding; and successful decision-making at all levels is likely to depend less on purely military expertise than on the application of wisdom.⁶²

Developing our ability to ‘apply wisdom’ will require the DF to continually develop the intellectual capital available to the organisation. DF officers will need to develop “...a hugely sophisticated level of analytical decision making in order to attend to the intricate decision making processes which are part of their stock-in-trade”.⁶³ Broad post-graduate education taken in tandem with professional skills development will continue to be a cornerstone of officer training and education. Level 9/10 education for senior officers is now the norm, with the DF's academic partners both supporting and challenging the DF in this regard. Strategic leader development within the DF has been formalised, “...to promote a culture of reflexive leadership among senior officers who have responsibility to define how the Defence Forces can best position themselves within an evolving globalised post-modern context...that is increasingly less amenable to predetermined or well established responses”.⁶⁴ Such an approach recognises the complexity and importance of the DF's response to the evolving, inherently postmodern operational paradigm.

Conclusion

This paper has sought to explore the evolving, postmodern operational paradigm facing the DF and to consider the key organisational challenges facing its strategic leadership. It has identified the role of transformation in preparing the force for the future, the challenges presented by the extant policy construct and civil-military relations, and the importance of strategic leadership development in delivering the future force. However, it

61 Graham AJN (2011) *The Importance of Military Education during a Period of Austerity*, pg 6 in *The Cormorant* (Issue 14), Northampton, Crest Publications.

62 Kiszley (2007) op cit pg 8.

63 Walsh (2012), op cit pg 11.

64 Galavan R and Ryan A (2011) *Welcome to the Certificate in Strategic Leadership*, Course Introductory Pack, NUI Maynooth.

is apparent that the DF has not formally embraced the concept of postmodernism, and it remains focused on presenting modernity as the solution to its postmodern environment. In any future transition to a postmodern construct, effective strategic leadership will be fundamental to operational effectiveness and the provision of societal security for the people of Ireland into our uncertain, postmodern future. A broadly based combination of military and civilian education will remain essential to achieving this key objective.

“All aboard... or not?” Why are Naval Service Senior NCO Students not Availing of Education Opportunities?

“Education is the most powerful weapon which you can use to change the world”.¹

ABSTRACT

This paper examines why some Naval Service students on the Senior NCO course do not avail of the opportunity to complete a Bachelor of Arts in Leadership, Management and Naval Studies (BA LMNS). The objective of the paper is to determine how to maximise student participation on the BA LMNS in order to encourage personal development and improve organisational performance. The paper begins by outlining the benefits of completing the BA LMNS for both the individual and the organisation. Despite this, a low percentage of Naval personnel have completed the programme in comparison to the Army and Air Corps since its inception in 2009. Literature is examined to establish why adult learners in general do not avail of educational opportunities and identifies a number of external barriers combined with various internal factors that inhibit adults from undertaking further education. Primary research amongst members of the Naval Service suggests that these identified factors apply to personnel serving in the Naval Service and impact on the low percentage of take up in the BA process. The paper provides a number of recommendations that can maximise future student participation with resulting improvements in personnel development and organisational performance. While directly pertinent to the Naval Service, these recommendations may apply at some stage to the wider organisation with regard to completion of further education as the current high percentage of Army and Air Corps participation in their equivalent BA process (Leadership Management and Defence at Carlow IT) may not persist over time.

Introduction

In 2009, the Irish Naval Service (INS) introduced a third level accreditation programme in partnership with Cork Institute of Technology (CIT) for its military career courses and associated Bachelor of Arts in Leadership Management and Naval Studies (BA LMNS). This programme, accredited by the Higher Education and Training Awards Council (HETAC) at level seven is awarded to INS personnel in recognition of completing their Defence Forces (DF) career courses. These courses, combined with recognised prior

¹ United Nations Resources for Speakers on Global Issues webpage (2015) Available at: <http://www.un.org/en/globalissues/briefingpapers/efa/quotes.shtml>
(Accessed 15 July 2015)

learning (RPL) and culminating with a five-thousand-word research project provide the learner with the required number of European Credits Transfer and Accumulation System (ECTS) that are essential for accreditation.

The DF is recognised as being a lifelong learning organisation, providing formal learning programmes and possessing rich work based learning environments. This was copper fastened when the DF introduced a work based learning portfolio in 2012 to record non-formal and informal learning. The INS has, for many years, been using a task book that is part of its accreditation process and there is scope for all personnel to pursue further external education. The first Irish White Paper on Defence, published in 2000 stated;

‘All personnel will be provided with the opportunity for personal development and associated professional experience in order to realise their full potential during their service in the Defence Forces’²

The DF recognises the advantages of accreditation and lists over fifteen benefits in a FAQ document published by the Directorate of Defence Forces Training (DDFT). The DF espouses the belief that the ‘accreditation process increases the academic and professional standing of the DF and its members, while simultaneously contributing to organisational and personal morale and increasing personal self-worth’.³ While educational qualifications are not listed as required competencies necessary for promotion, completion of the BA demonstrates an ability to successfully merge a number of these essential aptitudes. The DOD outlines promotional competencies as ‘leadership, planning and organisation, motivation and communication’.⁴ Additional benefits are providing the ‘learner with an academic equivalency for their military education and training, therefore resulting in their chances of appropriate employment increasing way beyond the current situation’.⁵ The INS, through a combination of work-based and accredited learning is providing a large number of career-orientated military courses on an annual basis and uses these to achieve academic accreditation. The success of the initial programme was demonstrated in June 2010 when thirteen INS personnel received their Level 7 (NFO), Ordinary Degree in Leadership, Management and Naval Studies.⁶ Despite these positive organisational and personal benefits, not all INS students stay ‘on-board’ the programme.

² Department of Defence (2000), White Paper on Defence, Dublin, Government Publications Office.

³ FAQ Document (2012) Dublin: Directorate of Defence Forces Training

⁴ Department of Defence (2012) CCA Promotional Agreement, Dublin

⁵ FAQ Document (2012) Dublin: Directorate of Defence Forces Training

⁶ Afloat Webpage (June, 2010) Available at: <http://afloat.ie/port-news/navy/item/13174-graduation-ceremony-at-national-maritime-college-of-ireland> (Accessed 16 March 2015)

Historical Background

Of the courses delivered between 2009 and 2014, fifty-six percent of eligible students completed the BA LMNS.

S/NCO Course & Year	Number of Students	Students that Completed	Percentage
18th 2009	24	13	54%
19th 2010	20	12	60%
20th 2012	9	8	89%
21st 2014	28	12	42%
Combined	81	45	56%

Table 1 INS S/NCO Course Statistical Data

Table 1 highlights the decline in the numbers that completed the BA LMNS particularly during the most recent courses. I was intrigued to see if this was indicative of a developing trend within the INS and whether it is replicated elsewhere in the DF. A comparison was made between the INS and students of the Army and the Air Corps who introduced their accredited BA programme in 2012 in partnership with Carlow Institute of Technology and these statistics can be viewed in Table 2.

S/NCO Course & Year	Number of Students	Number of Students that Completed BA	Percentage
33rd S/NCO 2012	31	28	90%
34th S/NCO 2014	42	34	81%
Logistics Accountancy 2013	20	20	100%
Logistics Accountancy 2014	20	19	95%
Combined	113	104	92%

Table 2 Army/Air Corps and Logistics Accountancy Course Statistical Data

It is clear that INS participation rates have fallen well below the equivalent rates in the Army/Air Corps programme.

Objective

The objective of my research was to consider 'how to maximise student participation on the BA LMNS in order to encourage personal development and improve organisational performance'. This paper examines why personnel do not avail of opportunities for CPD and proposes recommendations on how to increase participation. This is important because the DF as an organisation must be seen to enhance and encourage student participation in lifelong learning. Individuals can be made aware of the potential barriers that may be encountered during their BA programmes. This paper investigates the barriers facing adult learners in general, establish if these barriers, or others apply to the INS and DF personnel by reviewing pertinent literature and collecting data through

interviewing relevant NS personnel. The paper concludes by providing recommendations to address the challenges and maximise the number of students remaining 'on-board' the programme.

Barriers Affecting Adult Learners

This section examines the barriers facing adult learners in general and compares them with issues facing Irish learners before briefly stating why they may be relevant to DF personnel. Later, these barriers will be discussed to review their effect or otherwise on INS students.

The Colorado Christian University⁷ list four main barriers for adult learners:

- Situational are the everyday issues facing adult learners such as career implications, family life and time off work to attend classes.
- Dispositional refers to individual negative thoughts in relation to education, 'low motivation' and 'fear of failure' being just two instances.
- Examples of institutional barriers are admission qualifications and financial availability.
- CCU talks about educational issues, it lists 'poor prior educational experience' or 'learning difficulties'.

The Irish National Adult Literacy Association (NALA) identifies similar barriers to the CCU. Instead of dispositional and educational factors it refers to informational and contextual barriers respectively. Informational refers to inadequate or poorly available information on education and training opportunities, with the contextual reason being inadequate policies, inequality or educational disadvantage. It defines literacy as 'listening, speaking, reading, writing, and numeracy and using everyday technology to communicate and handle information.'⁸ These factors apply to INS personnel because some students on S/NCO courses may have left school many years previously and some have difficulty with IT and/or lack keyboard skills. Referring to adult literacy in the DF, Moran develops this point that if 'the assumption is made that members of the DF reflect the population of the society in which they serve, then up to twenty-five percent of the Defence Forces population could have the lowest level of literacy standard.'⁹ Williams captures the vulnerability that concerned personnel may suffer when he states 'where the fear of being classed as "slow learner" or in army terms (switched off) leads to high levels of stress and anxiety amongst those who have a Learning Difficulty'¹⁰. Spellman states 'that the pressure to provide for families and concentrate on coursework is overwhelming for some students.'¹¹ This is applicable in the current economic climate as Irish incomes have decreased or dried up since the economic downturn in 2008. INS personnel are

⁷ College of Adult and Graduate studies (2011) 'Overcome Adult Learning Barriers to Unleash the Leader in You' Colorado Christian University, 31 August. Available at: <http://www.ccu.edu/blogs/cags/2011/08/overcome-adult-learning-barriers-to-unleash-the-leader-in-you/> (Accessed 10 May 2015)

⁸ National Adult Literacy Agency (2015) Available at: <https://www.nala.ie/> (Accessed 10 July 2015)

⁹ Comdt Moran, M. (2010) *Danger, Unexplored Potential: Are there undiagnosed workplace literacy problems in the Irish DF?* Unpublished MA thesis. National University of Ireland, Maynooth.

¹⁰ Sgt Williams, D. (2013) *An Examination of Learning Difficulties and its impact on the Defence Forces* Unpublished thesis. Institute of Technology, Carlow

¹¹ Spellman, N. (2007) 'Enrolment and Retention Barriers Adult Students Encounter', *Community College Enterprise*, 13 (1), no page number available.

not immune to such factors, placing additional pressures on these families and limiting options for study.

Jonassen and Grabowski suggest personal motivation, or the lack of it, is another factor when emphasising that the individual willingness to achieve is key in deciding to undertake further education.¹² Mayes, opines that 'almost all learning will be motivated at some level by the desire to raise self-esteem'.¹³ If this desire is not present from the outset, it is difficult for an individual to enrol in education programmes. Lindeman captures the difficulties of adult education:

Working adults are motivated, experienced, practical people with many responsibilities and a shared concern - the necessity to work and engage in all the other activities that being an adult entail, puts constraint upon the amount of time available for study.¹⁴

Referring to the broader theme of CPD, O' Leary introduces a gender perspective when he suggests that males can be preoccupied with maintaining their social lifestyle.¹⁵ Note that there were no female students in the period under review. When one combines these broad motivational factors with a military life that includes continuous sea rotation, a picture emerges of the inherent challenges facing personnel when confronted with adult learning, particularly sea going individuals that face long hours in a difficult working environment. However, it is not all negative, the INS strongly encourages participation, internet access is available on board ships and there are a number of qualified and experienced personnel willing to assist.

Investigating Student Concerns

I considered that the best way to determine what concerns affected INS personnel was to survey and interview students themselves. This was done using a questionnaire and by interviewing past students. These personnel identified a range of concerns during the initial research. These primarily related to career goals, administration (including the provision of supervisors and mentors) instructors, and recognition. These issues are important not only from an individual perspective but also from an organisational one. For example, Felder and Brent highlight that 'students learn best when they clearly perceive the relevance of course content to their interests and career goals',¹⁶ yet 48% of students felt that completing the BA had no advantage when it came to promotion within their career. This may be the case, but one student who completed the BA, and was later selected for promotion was adamant that it was his ability to relate the work completed on his written project to the required competencies necessary for promotion during his interview that resulted in his success.

12 Jonassen, D. & Grabowski, B. (1993) *Handbook of Individual Differences, Learning, and Instruction*. Hillsdale, NJ: Lawrence Erlbaum Associates.

13 Comdt Graham, P. (2007) *Distance Education in the Changing Training and Learning Environment for the RDF*. Unpublished MA thesis. National University of Ireland, Maynooth.

14 Dinmore, I. (1997) 'Interdisciplinary and Integrative Learning: An Imperative for Adult Education', *Education*, 117 (3), no page number available.

15 Lt. Cdr O'Leary, R. (2008) *Exploring the introduction of Continuing Professional Development into the Naval Service* Unpublished MA thesis. National University of Ireland, Maynooth.

16 Felder, R. & Brent, R. (2012) 'Effective Teaching: A Workshop' North Carolina State University, 20 March, Available at: <https://engineering.purdue.edu/Engr/AboutUs/Administration/AcademicAffairs/Teaching/NB-One-Day.pdf> (Accessed 24 June 2015)

Regarding administration, there are challenges here but none that cannot be overcome. The biggest challenge is the lack of preparation time prior to the S/NCO Course. The regulation requires students on career courses to have twelve weeks' notice, however a survey of Routine Order (R.O) publications over the previous four S/NCO courses (2012-2015) show notice ranged from five to nine weeks.

Students also referred to the lack of available past papers, in contrast to the Army/Air Corps courses which retain a database of past topics available from the DFTC library. Since this was highlighted in the original research, this issue has been resolved by the INS by making past papers available on IKON. In relation to selecting research topics, the author believes this must remain voluntary and dependant on the student, however the production of a list of proposed topics by the organisation for research (particularly technical issues) would be beneficial and may assist certain learners. Past students firmly believed that if the INS provided a list of relevant topics that require research within the organisation it could encourage increased participation something acknowledged by the former commanding officer of the Naval College.

In relation to supervisors and mentors, the handbook provided to learners beginning the S/NCO Course from the Naval College states 'each student is assigned a supervisory team. This team will comprise of a member of Naval College Staff and a member appointed by their head of branch'.¹⁷ One past student described the process as "challenging" stating you had to "find your own supervisor and mentor". He cited this as "a huge factor that deterred people".¹⁸ Counihan attributes some of the difficulties with supervisors and mentors as 'simply not enough people volunteering and not least because they are taking on extra work to be completed in their own time'.¹⁹

Howell and Buck highlight the importance of instructor knowledge;

adult learners want to take courses from faculty and who have a depth of knowledge about the content, are keeping up with developments in the field, can explain and clarify difficult concepts, can organize course content, and come to class prepared. They expect to be taught by teachers who know their material.²⁰

None of the instructors involved in S/NCO Courses since 2009 have completed the BA process due to their selection and promotion prior to the introduction of the program. Over time it is envisaged this issue may be resolved as program graduates enter the staff cadre. In trying to positively address this factor in the meantime, the Naval College invite past students to return and discuss with learners on S/NCO Courses their experience of conducting the research paper. Having reviewed the relevant Training Syllabi (TS) TS 05/2010, TS 97/2011 and TS 70/2010 the total hours dedicated to instruction training are 130.5. This equates to 5.4 days of instructor training over the entire career of individuals that are required to instruct on courses that contribute to RPL and modules within the accreditation process. This is the lead instructor on the S/NCO course. The

¹⁷ Naval College Student Handbook Guide for the BA (LMNS) (2009) Cork: Naval College

¹⁸ PO McCarthy, J. (2015) Interview, 25 June 2015.

¹⁹ Cdr Counihan, M. (2015) Interview, 12 June (2015).

²⁰ Weimer, M. (2013) 'Course Satisfaction for Adult Students', Faculty Focus [Online]. Available at <http://www.facultyfocus.com/articles/teaching-and-learning/course-satisfaction-for-adult-students/> (Accessed: 16 June 2015)

selection of the Chief Petty Officer (CPO) within the Line Training School (LTS) is based solely on being a member of the Seaman branch and not on qualifications or experience. This appears to be the case with regards to the other appointments in the establishment. Greater effort is needed to select instructor staff with the right qualifications or to provide the necessary education / training for staff.²¹ Since completion of the original research paper the DF has taken positive steps to improve instructor qualifications with the introduction of a pilot scheme to enhance military instructor training (TS INF 062/2015). The final student concern is the perceived lack of recognition within the organisation for those completing the BA. According to Capobianco (2014) 'appreciation and recognition are major factors that motivate employees'²² and 'you should never underestimate the power inherent in executive recognition'. Counihan, when addressing internal recognition and achievement believes the process,

Must be supported by branch Warrant Officers (WO's), and by the heads of branch, the deputy heads of branch and certainly my experience would be that there is not one hundred percent support.²³

The result is that there appears to be an issue with recognition and support from some HOB and WO's who could encourage personnel to complete the BA and follow up by reading completed papers and promoting a culture of CPD within their specific branches.

Positive Aspects for the Military Student

This paper identifies a number of barriers facing learners, however not all of these difficulties affect INS personnel. Students have a number of advantages over their civilian counterparts and these positives should be communicated across the entire DF.

1. They are not required to take time off work, resulting in no reduction to salary.
2. There is no requirement for additional child minding arrangements as the programme is conducted in worktime with additional manageable home study.
3. The issue of inequality for selection does not arise, participants earn their right to commence the programme through completed career courses.
4. Students are in full time employment with a high level of job security.

When addressing why students do not avail of the BA opportunity, the head of the NC, Walsh states "it is not easy and not everyone would be equipped to work at level seven."

²⁴ This ties with Moran's observations on literacy within the DF, however, it may also reflect on factors of individual motivation that was outlined earlier. The author found enough evidence to establish that the four primary barriers identified by the CCU while relevant, are not the sole reasons why students of the INS do not avail of the educational opportunity. The author found that the decline of 47%, is due to a combination of internal administrative factors and structures which combine with some of the known external barriers. Since the original paper was completed in July 2015 there have been

²¹ PO Cummins, P. (2011) *Should Naval Service instructors receive more instructional training to maximise their instructional techniques?* Unpublished thesis. Institute of Technology, Cork.

²² Capobianco, E. (2014) *The next web*. Available at: <http://thenextweb.com/entrepreneur/2014/10/09/recognizing-your-employees/> (Accessed 26 June 2015)

²³ Cdr Counihan, M. (2015) Interview with Stewart Hamilton, 12 June 2015.

²⁴ Cdr Walsh, S. (2015) Interview, 24 June 2015.

some positive results within the INS with an increase in the number of personnel that completed the BA in 2015 (up 16% from 2014) or that have commenced the programme in 2016 (100%). In addition, the Naval College has published all available past papers on IKON, the Command and Staff school have made available a selection of eight papers since October 2015 with the DF learning and information centre doing the same in February 2016.

Recommendations

In order to maximise participation, the INS must use a holistic approach as the issues identified are not restricted to Naval College Command. The difficulties outlined require a consensus from all relevant actors in order to increase participation. One example is the timely selection of students where the college cannot act alone to resolve the issue. Nine key recommendations have been identified and will be briefly discussed in order to highlight possibilities for change management to increase participation.

A presentation could be delivered to prospective students outlining the potential barriers discussed in this project; methods of overcoming them and clearly communicating the advantages of being a military student. The presentation should outline the benefits of completing the BA and how this encompasses a range of the competencies required for promotion. The immediate accessibility of all DF past papers using IKON would provide two functions. It would allow interested students access to relevant topics for research and promote student familiarity with academic writing techniques. The INS could offer a list of pertinent topics (to remain optional) that require research by the organisation, this may target technical grade personnel for 'task specific' research and include a recommended reading list suited to individual concepts. Instructors on the S/ NCO Course should have a level seven qualification relevant to training and education. The CPO LTS should not be limited to a Seaman's appointment and should be selected on qualifications and experience. Organisational recognition of student success must become more obvious. HOB and Branch WO's should attend awards ceremonies and be encouraged by the Flag Officer Commanding the Naval Service (FOCNS) to read completed papers relevant to their branches with an aim to further develop research proposals. Invitations to become a supervisor and mentor should be published in WRO and include a brief outline on the benefits of these roles and possibly linked to individual annual appraisals in order to positively recognise their efforts. The Naval College making previous papers available to current students on IKON is something that all DF career course students could benefit from. While this is very positive, it is suggested that all papers should be available in one central location using the documents section of DDFT IKON page. The availability of these papers combined with a recommended reading list (similar to the Chief of Staff's) using the bibliographies from previous papers could all promote a more active reading and research tool. This tool could be used to assist potential students with learning difficulties by allowing them access to a range of topics, ideas and an earlier introduction to academic writing, whilst promoting internet use and keyboard skills in their own time. The introduction of a short course focusing on internet and keyboard skills with practical exercises available on IKON would be much welcomed. The use of IKON as a learning medium would provide assistance not only to students serving at home but would include personnel serving overseas or deployed at sea. The

issue of providing learners with suitable supervisors and mentors could be addressed at organisational level. Commanders could, on a regular basis link volunteering to be a supervisor or mentor to aspects of the recently published DF leadership doctrine focusing on the core values. In turn, volunteers could use the experience as part of their personal and leadership development when discussing their annual reports. Periodic use of WRO's to promote the benefits of being a supervisor/mentor could be used to seek suitable volunteers. There is scope for DDFT to investigate a policy of linking volunteers to official career recognition. The DF leadership doctrine (2016) informs personnel that 'leaders must practice lifelong learning as part of a learning organisation'.²⁵ Therefore, in order to enhance these concepts, it is recommended that a collective DF initiative driven by the DDFT when drafting the Annual Training & Education Directive (ATED) is investigated to address the issue of maximising participation on career courses focusing on resources, communication, availability of personnel and organisational recognition.

Conclusion

It is too early to directly link the increase in participation to any findings or recommendations contained within the original research and while this paper primarily focused on INS personnel, its themes and concepts may be applicable to the wider DF organisation in trying to increase participation on accredited courses. In keeping within the spirit of the second Irish White Paper on Defence and the DF leadership doctrine it is within the interest of the organisation at all levels to actively promote and encourage continuous adult education.

²⁵ Defence Forces Leadership Doctrine, Published by DFPP (2016) Dublin.

Troubled Waters – The Legal Issues Inherent in the Defence Forces Role in the Mediterranean Migrant Crisis

“Ireland has a lengthy history of humanitarian engagement and that record constitutes a tradition that has become strongly linked to the positive aspects of Irish national identity. The experiences of famine and of emigration are to be expected as influences on Ireland’s foreign policy in general.....Irish people have shown time and again an eagerness to offer their help to the suffering and most vulnerable”.¹

Michael D Higgins, President of Ireland

ABSTRACT

The scale of the humanitarian crisis created by the mass movement of migrants in the central Mediterranean in the summer of 2015 prompted an unprecedented emergency response from European Union Member States. Ireland was one of the first states to respond with the despatch of a Defence Forces naval ship to assist in the humanitarian mission. The subsequent involvement in the search of rescue of migrants in the Mediterranean captured the Irish public’s imagination and once again demonstrated the multi faceted capabilities that the Defence Forces offer as an instrument of Ireland’s foreign policy. The deployment to the Mediterranean displayed the ability and willingness to engage with the international community in undertaking humanitarian tasks in response to an actual or potential disaster or emergency. Ireland’s unique historical heritage of migration was certainly one of the factors that triggered the deployment. Since our first involvement with the League of Nations Ireland has consistently sought to influence world affairs. Despite our small size we have been unafraid to speak out and realize that a small nation can have a big voice. The progression from deploying Defence Force’s personnel to peace support operations around the globe to engaging in humanitarian rescue missions would appear at first glance to be a logical and small step. The reality was more complex with a legal tapestry ranging from international law of the sea, international human rights law and a changing legal context of migration governance in the Mediterranean all influencing operational decisions. For mariners the fact that the mission was not search and rescue in the classical sense but more focussed on interception of migrants in unseaworthy vessels - ‘engineered search and rescue’ was another complexity to be overcome. The deployment of the Defence Forces to search and rescue operations in the Mediterranean

¹ President Michael D. Higgins, “Preparing for the Global Humanitarian Summit - The Irish Response” Keynote Address at the Irish Humanitarian Summit, O’Reilly Hall, University College Dublin, 2nd July 2015

represents another chapter in the annals of an organisation that continues to proudly serve Ireland's interests at home and aboard.

Introduction

After an emergency European Council meeting to deal with the migrant crisis in the Mediterranean following the loss of over 800 peoples from a boat off the coast of Sicily in April 2015, An Taoiseach, Enda Kenny T.D., announced that Ireland would send an Irish naval ship to assist with the humanitarian rescue mission then led by the Italian authorities. Amongst the planning factors to be considered by Defence Forces Headquarters staff were the legal complexities inherent in sending a naval ship to engage in search and rescue humanitarian operations in waters outside those of the State. This included the necessity for a potential Memorandum of Understanding (MOU) with Italy and also perhaps Malta who control adjacent maritime search and rescue regions, command and control of the ship and any asylum obligations that Ireland would have towards persons rescued by its navy in international waters. Ireland was clear in declaring its intent from the outset that it was not participating in any form of border-control; the focus was on search and rescue and humanitarian tasks. The wording of Section 3 of the Defence (Amendment) Act 2006 precluded any members of the Defence Forces being despatched to form part of any other force operating within the Mediterranean. While this mitigated some of the legally complex issues such as status of forces agreements and command and control issues that are part of service by the Defence Forces with, for example, the United Nations or European Union Force, the lack of a standardised legal framework also created its own operational difficulties.

This paper will seek to explore the complex legal imperatives that underpin what on the surface appears to be straightforward humanitarian operation and to outline the role that law continues to play in planning for and conducting contemporary military operations. It will consider how the moral imperative of saving lives in peril at sea has been overtaken and codified by law, in particular international law of the sea, and latterly by international human rights law. The paper will also explore how both moral and legal imperatives have coalesced to place an onus on both rescuers and States to ensure that those rescued are taken to a place of safety. While reflecting on the competing legal and moral issues involved in operations of this nature, the paper will outline how relevant stands of international law were utilised in the military decision making and planning process for the deployment of the Defence Forces in support of an international humanitarian rescue mission in the central Mediterranean.

Environmental Context – Fatal Journeys

Migration is a constant and dynamic phenomenon that demands diversified policy intervention to maximise its potential benefits and minimize the related costs for migrants themselves and countries of destination and origin. Irregular movement by sea is commonly understood to refer to travel that includes unauthorized departure or arrival by sea.² The challenges inherent in protecting those travelling irregularly by sea, including refugees, asylum seekers, migrants and stateless persons are complex and increasingly ever more urgent. The Mediterranean migrant crisis has seen ever more desperate people

² United Nations High Commissioner for Refugees, Global Initiative on Protection at Sea,p3

risk death at sea by undertaking perilous journeys in unseaworthy and overcrowded vessels. They face this risk and others such as abuse, exploitation and violence due to the ongoing causes of such maritime flight. Ongoing conflict, statelessness, poverty, protracted refugee situations and the failure or absence of protection systems continue to act as drivers for what has now become a global phenomenon.

The Mediterranean Basin has always represented a traditional crossroads of cultures, societies and religions. The geopolitical landscape within the region has undergone considerable change within the last decade and population movements play an important role in such changes. For example, migration from Syria due to ongoing conflict has resulted in Syrians comprising the majority of Middle Eastern migrants seeking to enter Italy via the Mediterranean sea crossing route from Libya. The current security and political instability in Libya creates the conditions for smuggling networks to enjoy freedom of movement in parts of the country and makes it the main transit country for migrants seeking to get to Italy via perilous sea journeys. Politi succinctly describes Libya in mid 2016 as “consumed by political chaos as a government of national unity tries to establish itself amid the rise of Islamic State and a lingering civil war”.³

Migration has become one of the defining global issues of the nascent 21st century. Part of Europe’s comprehensive response to the Mediterranean migrant crisis was to launch EUNAVFOR Med Operation SOPHIA on the 22nd of June 2015.⁴ This is a military operation aimed at disrupting the business model of human smuggling and trafficking networks within the Southern Central Mediterranean. Through countering the smuggling of migrants it is intended as part of the European Union’s comprehensive approach to end the human tragedy that has been witnessed in the Mediterranean. Ireland is currently not a participant member of EUNAVFOR Med focussing instead on the purely humanitarian aspects of migrant rescue at sea while acting unilaterally but co-operating with regional search and rescue missions. Regional co-operation is essential to search and rescue and the United Nations High Commissioner for Refugees in the ‘Djibouti Summary Conclusions’ recognises the role that non-coastal States to the region where rescue is required can play in reducing loss of life at sea and in establishing protection sensitive responses to irregular mixed migration by sea.⁵

Legal Context

In determining a legal basis for the deployment the normally extant UN Security Council Resolution or EU Council Decision under Articles 42 - 44 of the Treaty on European Union (TEU) were not present at the time the decision to send a ship was made. This precluded reliance on Section 2 of the Defence (Amendment) (No.2) Act 1960 which ordinarily forms the legal basis for the despatch of members of the Defence Forces for service outside the State. Instead the focus was on Section 3(1) (f) of the Defence (Amendment) Act 2006 which based on the prior approval of and on the authority of the Government, permits the despatch of members of the Defence Forces for service outside the State for humanitarian tasks. The scale of the humanitarian crisis created by the mass movement of migrants in the Mediterranean fell within the meaning of Section 3(1)(f) which

³ James Politi *Over 700 Migrants Feared Dead in One Week*, The Irish Times, 30th May 2016,p10.

⁴ Council Decision 2015/778 dated 18 May 2015

⁵ *United Nations High Commissioner for Refugees, Refugees and Asylum Seekers in Distress at Sea – now best to respond? Summary Conclusions*, 5 December 2011

permits undertaking humanitarian tasks in response to an actual or potential disaster or emergency. It is important to note that Section 3 of the Defence (Amendment) Act 2006 limits engagement to purely humanitarian tasks such as search and rescue, there is no legal basis to engage in other tasks such as, for example, border control. This distinction was important because of the presence of the European Agency for the Management of Operational Cooperation at the External borders of the Member States of the European Union (FRONTEX) mission in the Mediterranean.⁶ Ireland is not a party to FRONTEX which is the EU Border Control Agency for the Schengen area and any participation by the Irish Defence Forces in the control of the borders of another jurisdiction would infringe upon sovereignty and would accordingly be considered unconstitutional. The focus of Section 3 of the Defence (Amendment) Act 2006 on members of the Defence Forces being despatched for the purpose of carrying out humanitarian tasks precludes any legal basis for command and control of the naval ship to be ceded to any other force or authority. Command and control, including operational control of the naval ship would remain fully with the Defence Forces at all times.

Another issue for consideration was the status of Defence Forces naval ships engaged in humanitarian tasks such as search and rescue. It is accepted, but not widely known, that under international law of the sea Defence Forces naval ships are legally classified as 'warships'.⁷ This classification is important because warships have a unique status in international law. The International Conventions that deal with search and rescue at sea permit merchant ships to disembark any persons rescued at sea at the nearest port which is considered a place of safety. However, warships differ from merchant ships in access arrangements to ports in that the standard diplomatic practice is that warships require consent to be allowed to enter ports other than those of their flag state. For example, Ireland requires foreign warships to obtain consent before entering our ports. At the planning stage it was accepted that it would be unfortunate and certainly awkward if having completed search and rescue operations and embarked rescued persons that the Maltese or Italian authorities refused access to their ports to a Defence Forces warship to allow their disembarkation. This necessitated a MOU or note verbale with Italy to inter alia facilitate prior authorisation for the Irish warship to enter port should it rescue persons in international waters. The agreement would need to agree the places of safety to which rescued persons could be brought and safely disembarked, clarify the necessary operational arrangements and authorise the entry to their ports by an Irish warship. Both Italy and Malta are parties to FRONTEX. The Schengen Member States and FRONTEX have an arrangement whereby FRONTEX co-ordinates centralised issues in relation to matters such as search and rescue while the operations are conducted by Member States in accordance with international law obligations under the various relevant Conventions, including the Convention on the Safety of Life at Sea (SOLAS)⁸ and the Convention on Maritime Search and Rescue (SAR)⁹ and UNCLOS. It would be lawful for Ireland to co-operate with Italy in the operational aspects of search and rescue on a bilateral basis and to share information with FRONTEX via the Italian authorities in the humanitarian context of search and rescue but not border control.

⁶ See Council Regulation (EC) No 2007/2004 of 20th Oct 2004, L 349/1 OJ(25.11.2004) – 2004 FRONTEX Regulation; subsequently amended by Regulation (EU) No 1168/2011 – 2011 FRONTEX Regulation

⁷ United Nations Convention on Law of the Sea, Article 29 (1833 UNTS No 3)

⁸ International Convention for the Safety of Life at Sea, (1184 UNTS No 278)

⁹ International Convention on Maritime Search and Rescue, (1405 UNTS No 23489)

Moral Obligations and The Law of the Sea

The moral obligation to engage in search and rescue of those in peril at sea has been codified from ancient custom amongst mariners to 'black letter law'. This duty to render assistance to any person found at sea in danger of being lost is now enshrined in Article 98 of UNCLOS. This obliges every State to require the master of a ship flying its flag to proceed with all possible speed to the rescue of persons in distress and to render assistance to any person found at sea in danger of being lost. While engaging in search and rescue appears straightforward there are important yet subtle legal complexities involved with the disembarkation of those rescued. The disembarkation of rescued migrants was a key mission planning issue that encompassed law of the sea, international human rights law and international refugee law. The principle of non-refoulement under the 1951 Geneva Convention dealing with the status of refugees became a key military planning concern. Non-refoulement is the principal protection granted under refugee law and it prevents States from expelling or returning a refugee or asylum seeker to the frontiers of territories where there is a risk that his or her life or freedom would be threatened. The principle is replicated in Article 19 of the European Union Charter of Fundamental Rights and in essence means that collective expulsions are prohibited; no one may be removed, expelled or extradited to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment. Decisions were required as to how to deal with a scenario whereby rescued persons could state to Irish Defence Forces personnel that they are seeking asylum and also the requirement for agreement by the Italian authorities that a Defence Forces warship with persons rescued would be permitted to enter their ports. The position on asylum applications onboard ship is unambiguous; it is not possible to process applications for asylum on board a ship. The United Nations High Commissioner for Refugees (UNHCR) has previously stated this position and it is also apparent in the decision of the European Court of Human Rights in the case of *Hirsi Jamaa and Others v Italy*.¹⁰ The Grand Chamber held that Italy was in violation of Article 3 of the European Convention on Human Rights concerning the prohibition of non-refoulement and also Article 4 of Protocol No. 4 concerning the collective expulsion of aliens. The complaints were raised by Somalian and Eritrean migrants who had been intercepted on the high seas by the Italian authorities and then returned to Libya. From a military planning perspective the decision of the Grand Chamber did not hold that a warship was 'territory' for the purpose of an asylum application and also it did not hold that rescued persons should be dealt with by the rescuing Flag State. This decision was important from a jurisdiction perspective. Undoubtedly Ireland has jurisdiction for all actions that occur on its warships irrespective of their location in the world. Such jurisdiction is claimed by the State and therefore the State may decide the areas of activity that are brought within such claimed jurisdiction. This jurisdiction is required to regulate relations between States and any actions conducted by an Irish Defence Forces warship is effectively an act conducted by Ireland. However, it does not follow by extension that a Defence Forces warship is effectively part of Irish territory. The jurisdiction on an Irish warship is the jurisdiction which Ireland's domestic law or international law specifies. Neither Irish domestic law nor international law requires a warship on the high seas to accept and assume responsibility for applications for international protection or asylum from persons

¹⁰ *Hirsi Jamaa and Others v Italy* (Appl.No.27765/09), Grand Chamber Judgement of 23 Feb 2012

that it has rescued. While asylum seekers are entitled under international law to apply for asylum under the 1951 Refugee Convention, there is no corresponding responsibility placed on States to grant such asylum. European law places a legal requirement on the Irish State to process any received applications for asylum and Irish domestic legislation giving effect to the 1951 Convention also requires it. The issue was not whether an application for asylum should be processed onboard the warship, rather it was the issue of State responsibility where an application for asylum was made to Irish Defence Forces personnel onboard an Irish warship.

Who Goes Where? Applying the 'Dublin Regulation'

If rescue were to be conducted within the waters of the Maltese or Italian territorial sea then any application for asylum made by rescued persons would be the responsibility of either Malta or Italy. This is based on legal interpretation of the revised 'Dublin Regulation' which holds that where entry to a state is not conducted lawfully, for example without the requisite visa, then the first Member State at which such person seeking international protection arrives is obliged to deal with the application.¹¹ On first reading this seems straightforward but in practice the Dublin Regulation is not without its critics who call for it to be updated to deal with the emerging migrant crisis. Professor Siobhan Mulally feels that the Dublin Regulation needs to be reformed in light of the current challenges posed by mass movement of migrants and to include obligations to combat human trafficking.¹² Following incidents in the 1980s when merchant ships were denied access to ports with rescued Vietnamese 'boat people' who were claiming asylum and brought to a head by the incident off the Australian coast involving the Norwegian flagged MV Tampa¹³ the Safety of Life at Sea Convention and the Search and Rescue Conventions were amended in May 2004. The effect of these amendments is that the Maritime Safety Committee of the International Maritime Organisation (IMO) now requires the State responsible for the search and rescue region in which the rescue occurred to take primary responsibility for ensuring that co-ordination and co-operation occurs so that survivors assisted are disembarked from the assisting ship and delivered to a place of safety and that such disembarkation should be effected as soon as possible.¹⁴ Assistance shall be provided regardless of the nationality or status of such a person or the circumstances in which that person is found. It would be a matter for the Italian authorities to determine places of safety within their search and rescue zone. A place of safety is defined as a location where rescue operations are considered to terminate, where the survivors safety of life is no longer threatened and where their basic human needs (such as food, shelter, medical needs) can be met and from which arrangements can be made for the survivors' next or final destination.

'Engineered Search and Rescue' – Law of the Sea utilised by Smugglers

The social and economic disparity faced by developing nations provides a strong incentive for irregular migrants to seek entry, however legal, into industrialized nations. Ongoing conflicts and destabilization adds to these already immense pressures and the huge profits generated from smuggling operations provides a strong incentive for smugglers

¹¹ Council Regulation (EU) No. 604/2013 of the European Parliament and of the European Council of 26 June 2013

¹² Law Society of Ireland Seminar 'The Refugee Crisis: A Challenge for Europe', 11 Nov 2015.

¹³ C.M. Bostock 'The International Legal Obligation Owed to Asylum Seekers on the MV Tampa', 14 International Journal of Refugee Law (2002) 279

¹⁴ Regulation 33 of SOLAS and IMO Guidelines on the Treatment of Persons Rescued at Sea.

to continue to provide their service. Migrants will continue to make perilous journeys either as a way of safety for persons in fear of their lives, or a gateway for others in search of a better life.¹⁵ Those encountered in search and rescue operations may constitute irregular migrants, victims of human trafficking, refugees and in their midst there may also be smugglers and other criminals. While those migrants traversing the Mediterranean in 2015 could be qualified under many legal categories and nationalities the universal theme was the overcrowded and unseaworthy nature of the vessels in which they were transported. It quickly became evident that those involved in smuggling these migrants were aware of the duty placed on States and mariners to assist persons in distress at sea. This duty to assist persons in distress at sea is a long established rule of customary international law which extends to other vessels and coastal States in the vicinity of the distress. UNCLOS prescribes the relevant duties for both flag and coastal States requiring the master of a ship to proceed with all possible speed to the rescue of persons in distress and for the relevant adjacent coastal States to co-ordinate the rescue. In the Search and Rescue Convention a distress phase is described as a situation where there is reasonable certainty that a person or vessel is threatened by grave and imminent danger requiring immediate assistance.¹⁶ Relying on this moral and legal obligation placed on mariners and States the migrant smugglers proceeded to create a model whereby they deliberately engineered a search and rescue situation at sea. Deliberately placing migrants in overcrowded and unseaworthy vessels without a professional crew the smugglers transported their charges to the landward side of the Libyan Territorial Sea, i.e. inside 12 nautical miles, before cutting them adrift into international waters. This permitted the smugglers to avoid interception by warships operating on the high seas through deliberately remaining inside the territorial waters of Libya. Entry into Libyan Territorial Waters was expressly forbidden without the consent of the Libyan Government or the authorisation of a United Nations Security Council Resolution. While Article 110 of UNCLOS codifies the customary right of a warship to approach and visit on the high seas, it is evident from the Convention that neither migrant smuggling nor human trafficking are contemplated as specific grounds for the right to visit a foreign vessel. Where the vessel used to transport migrants was unregistered or without flag or name, i.e. stateless vessels, then it could be assimilated to a vessel without nationality and intercepted. This was the reality faced by warships tasked with intercepting migrants on the high seas. They were not dealing with search and rescue in the classical sense where a vessel unexpectedly gets into distress and lives become in peril of being lost. Rather, they were focussed on the interception of migrants who were deliberately put to sea by unscrupulous smugglers in overcrowded and unseaworthy vessels, in effect an 'engineered search and rescue'. The smugglers used pre-programmed mobile phones to have the migrants unwittingly contact Italian Marine Rescue Co-Ordination Centre (MRCC) in Rome and use a set of pre-listed phrases to claim that they are in distress to then initiate a search and rescue mission. The normal procedure is for this call to originate while the migrant boats were in the allocated Libyan Search and Rescue Zone. The Italian MRCC contacts their Libyan counterparts and invariably receives no response which then triggers the Italian authorities to assume responsibility. Footage of migrant rescue operations at sea have erroneously portrayed the operations as occurring close to the Italian coastline when the reality is that they are far closer to the Libyan coast.

¹⁵ United Nations Office on Drugs and Crime 'Combating Transnational Organized Crime at Sea, Issue Paper, Vienna, 2013, p.17.

¹⁶ International Convention on Maritime Search and Rescue – The SAR Convention, (1405 UNTS No 23489) Annex Para 1.3.13

This creates a misperception in the public's mind that such search and rescue can be easily conducted, the reality is dramatically different. Search and rescue operations are clearly distinct from border control or counter smuggling operations although operations with different mandates may be present in the same operational area. The commonality between these differing missions remains that of assisting those in distress at sea in addition to the obligations created by international human rights and refugee law.

Transnational Organized Crime - Migrant Smuggling

Migrant smuggling and people trafficking has become an expanding global problem that affects a complex matrix of countries of origin, transit and destination. It is evident that migrant smuggling is taking place in the central Mediterranean. There does not have to be an element of coercion or exploitation present for smuggling to exist and the smuggling of migrants by organised criminal groups presents one of the most critical challenges faced by the international community.¹⁷ The illegal movement of persons by sea may broadly occur under three different headings; the slave trade, trafficking in humans and migrant smuggling.¹⁸ Migrant smuggling involves procuring a person's entry into a state of which they are not a national or permanent resident through crossing borders without complying with national migration law and doing so for financial benefit.¹⁹ The act of carrying migrants on the high seas is not per se an international crime and it is important to remember that illegal migration as such is not a crime under international law. However, there are specific international criminal law conventions dealing with the phenomenon of trafficking of human beings and the smuggling of migrants. For jurisdictional purposes the Protocols to the United Nations Convention against Transnational Organized Crime (UNTOC) deal with migrant smuggling and human trafficking.²⁰ The Protocol against the Smuggling of Migrants by Land, Sea and Air permits maritime interdiction.²¹ The conduct of migrant smuggling is criminalized by the UNTOC Smuggling of Migrants protocol but this only extends to the States who are party to the protocol. Nonetheless, this is arguably the most important multilateral treaty providing for the right to visit on the high seas for counter-migration purposes and is based on forming a reasonable suspicion that the vessel of interest is engaged in the smuggling of migrants by sea. However, there is no universal jurisdiction so for States to exercise jurisdiction the consent of the registered flag state is required for other States to board and search vessels suspected of smuggling migrants. This closely mirrors the provisions of Article 17 of the Vienna Convention.²² Boarding of a vessel that is suspected of being stateless may take place with the State party being permitted to take appropriate measures in accordance with relevant domestic and international law. Maritime smuggling is undoubtedly profitable; smugglers can move large numbers of people at lower cost without requiring forged documents or bribes for border officials. While the European Union grapples with how to lawfully disrupt the 'smugglers business model' there is a recurring tension between coastal states rights and obligations. The humanitarian obligations to conduct search and rescue at sea and the Refugee Convention obligations impact on the European coastal

¹⁷ J. Kraska and R. Pedrozo 'International Maritime Security Law', Nijhoff, Leiden, 2013, 689.

¹⁸ D. Guilfoyle 'Shipping Interdiction and the Law of the Sea' Cambridge University Press, London, 2009, 184

¹⁹ T. Obokata 'Trafficking of human beings as a crime against humanity: some implications for the international legal system' (2005) 54 ICLQ 445

²⁰ Entered into force 29 Sept 2003, www.undoc.org/en/treaties/CTOC/signatures.html

²¹ Migrant Smuggling Protocol, 28 Jan 2004 www.undoc.org/en/treaties/CTOC/index.html

²² UN convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1989) 28ILM 497; incorporated into Irish domestic legislation by the 1994 Criminal Justice Act

states rights to engage in actions to prevent irregular migration. Maritime interdiction of irregular migrants at sea without providing some form of refugee screening process is not in compliance with the State's obligations under the 1951 Refugee Convention. Disrupting the business model of smugglers involves an undoubtedly complex legal balancing act; nonetheless complexity should not be the reason not to engage with the task at hand.

Law of the Sea 'Catch 22'

When considering the mass movement of persons and international legal obligations under international law of the sea and international human rights the need for protection emerges as a key common duty. States which are party to the 1951 Convention relating to the status of refugees accept that those who leave their country of origin for fear of persecution are entitled to special protection. The European Court of Human Rights accepts that asylum seekers are a particularly underprivileged and vulnerable population group in need of special protection. A State that is minded to take action against smugglers and trafficking has duties towards the victims. A State which intercepts boats that it reasonably believes to be carrying irregular migrants has protection obligations over those it exercises authority and control over, irrespective of the legality or otherwise of the interception. It is clear from both law of the sea and human rights obligations that a State which "commendably engages in a dedicated search and rescue operation situates itself straightaway within the legal framework set by the UN Law of the Sea Convention, the Safety of Life at Sea Convention, the Search and Rescue Convention, the standards set by the IMO and the basic principle of disembarkation to a place of safety."²³ The question as to which EU State should be responsible for saving migrants at sea and the place of safety at which they should be disembarked has sparked intense debate focusing on the context of Europe's sea borders. The crux of the debate is centered on reconciling Europe's humanitarian aspirations with the largely unexpressed fear of having to carry the migrant burden. The Mediterranean migrant crisis has brought two key principles of international law into stark relief, the duty of mariners and coastal states to render assistance to those in peril at sea and the right of sovereign nations to control entry to its territory of non-nationals. Writing about the dilemma faced in the by shipmasters rescuing Vietnamese 'boat people' in the 1970s Pugash described their plight as the 'Catch 22 of the Law of the Sea'; "The shipmaster of a freighter in international waters off Indochina is obligated to rescue Vietnamese sea refugees but no nation is bound to take the refugees once they have been rescued".²⁴ The subsequent interventions of the UNHCR, IMO and the EU has largely mitigated this unenviable situation but there were numerous recent incidents of vessels with rescued migrants being denied entry to European coastal state's ports.²⁵ The impact of international human rights law has now reached into the legal framework that is the law of the sea. It is evident that the law of the sea does not fully constitute the appropriate framework on its own to deal with the migrant crisis. Nonetheless, the practicalities that the law of the sea offers in search and rescue at sea has enabled the complimentary role that international human rights law offers to protect those in distress.

²³ Guy S. Goodwin Gill *'The Mediterranean Papers – Athens, Naples and Istanbul'*, *Borders & Human Rights in Europe – Recent Legal Developments* Explored Conference Papers, All Souls' College, Oxford University, 23 Feb 2016

²⁴ J.Z. Pugash *'The Dilemma of the Sea Refugee: Rescue without Refuge'* 18 *Harvard International Law Journal* (1977) 577-604 at 578

²⁵ See for example T.Spijkerboer *'The Human Costs of Border Control'* 9 *EJML* (2007),p. 127-139

Conclusion – Embracing Responsibility as Global Citizens

The scale of the humanitarian crisis created by the mass movement of migrants in the central Mediterranean in the summer of 2015 prompted an unprecedented emergency response from European Union Member States. Ireland was one of the first States to respond with the despatch of a Defence Forces naval ship to assist in the humanitarian mission. Although the Defence Forces have previously responded to humanitarian crises this was the first time that the Naval Service was tasked with becoming the lead element. The subsequent involvement in the search of rescue of migrants in the Mediterranean captured the Irish public's imagination and once again demonstrated the multi faceted capabilities that the Defence Forces offer as an instrument of Ireland's foreign policy. Instead of the traditional peace support operations that the Ireland is now synonymous with, the deployment to the Mediterranean displayed the capability and willingness to engage with the international community in undertaking humanitarian tasks in response to an actual or potential disaster or emergency. President Higgins succinctly acknowledged Ireland's role and involvement by stating that "Irish people in making such a response are embracing their responsibilities as global citizens."²⁶ Ireland's unique historical heritage of migration was certainly one of the factors that triggered the deployment to the humanitarian mission in the Mediterranean. Since our very first involvement with the League of Nations Ireland has consistently sought to influence world affairs. Despite our small size we have been unafraid to speak out and have realized that a small nation can actually have a big voice that can trigger the conscience of other nations.

The progression from deploying Defence Force's personnel to international peace support operations to engaging in international humanitarian rescue missions would appear at first glance to be a logical and almost inconsequential step. The reality was more complex with a legal tapestry ranging from international law of the sea, international criminal law, international human rights law, national law and a changing legal context of migration governance in the Mediterranean all influencing operational planning decisions. Added to this complexity was the presence of other EU mandated and Non Governmental Organisation missions operating in the region where the search and rescue operations were to be conducted. The international legal regime of search and rescue, suppression of human smuggling, non-refoulement and prohibition on collective expulsion and designated place of safety were all factors to be considered in the operational planning for deployment. For mariners the fact that the mission was not search and rescue in the classical sense but more focussed on interception of migrants in unseaworthy vessels, an 'engineered search and rescue' was another complexity to be overcome. Where these rescued migrants were to be disembarked and their legal status under international refugee law were also critical factors for consideration. Decisions were also required on who would deal with any subsequent applications for refuge by rescued migrants where several States were involved in the rescue process in international waters as opposed to those of a national state. Despite the absence of a singular overarching legal instrument governing international migration there is in practice a wide range of legal norms that are individually and collectively relevant to migration. These diverse but relevant legal norms to migration are contained in regional agreements, customary international law and multilateral conventions and treaties. Military lawyers brief commanders on the

²⁶ "Preparing for the Global Humanitarian Summit - The Irish Response" Keynote Address at the Irish Humanitarian Summit, O'Reilly Hall, University College Dublin, 2nd July 2015

international law complexities from the law of armed conflict and international human rights law that underpin the conduct of contemporary peace support operations to ensure that military operations are conducted in accordance with the law. The conduct of search and rescue on the high seas brought its own complexities with the myriad of international law norms to be considered by Defence Force's planning staff prior to despatching an Irish warship. The obligation to render assistance to those in peril or lost at sea is one of the oldest and most deeply rooted maritime traditions, and for centuries seafarers have considered it their duty to assist fellow mariners in distress on the high seas. The deployment of the Defence Forces to humanitarian operations in the Mediterranean has to date directly resulted in almost 9,000 people being saved from drowning at sea and represents another chapter in the annals of an organisation that continues to proudly serve Ireland's interests at home and overseas.

Ireland - An Islander's Perspective

“Our island position has been a dominant factor in every development, cultural or economic, spiritual or political or social, in our history. This is as true of the events of Easter 1916, as of any great Irish movement, though the fact is not yet grasped by the majority of our fellow countrymen, any more than it was, indeed, by many of the leading participants in those events”.

John de Courcy-Ireland, *The Sea and the Easter Rising*, (Dublin, 1966)

ABSTRACT

Ireland is an island and therefore Irish people are islanders. How much of a bearing these unequivocal facts had on events in 1916 is somewhat unknown as the years that followed near eclipsed the sea from public consciousness. Article 6 of the Treaty of Independence in 1921 states that:

Until an arrangement has been made between the British and Irish Governments whereby the Irish Free State undertakes her own coastal defence, the defence by sea of Great Britain and Ireland shall be undertaken by his Majesty's Imperial Forces.

The Irish Free State was therefore born with little policy concern for the sea and so set forth on a journey to build a country on an island without full control of the very thing upon which so much of its survival and sustainability depended. When Padraig Pearse entered the GPO, he did not do so to sacrifice control over all of the water around the island of Ireland. Perhaps, ironically, it is arguable that the importance of Article 6 of the Treaty was underestimated by both sides. Whereas in 1916 the territory of Ireland extended to just 3 miles all around the island, Ireland's sovereignty now extends to more than 600 miles off our West Coast and has proved fundamental to Ireland's development. Although Pearse and the leaders of 1916 were unaware of such a consequence, Ireland's area of maritime sovereignty could perhaps ultimately realise more than even their wildest of dreams.

Introduction

Ireland is an island and therefore Irish people are islanders. The implications of this fact have often been only vaguely understood. As John de Courcy-Ireland made clear, they were not grasped by the leaders of the 1916 rising and even today most Irish people could be accused of being blind to the consequences of their island status. It is the contention of this paper that, from the outset, the Irish state and its leaders have displayed symptoms of “sea-blindness”, an inability to recognise or understand the importance of the maritime domain and that this has had a profound and a negative impact on policy.

In the first half century after independence the affliction was almost total, with important implications for national security and prosperity. In the 1970s accession to the EEC and commensurate responsibility for policing and enforcing fisheries policy over a wide area, allied to growing recognition of the security implications of an unpoliced maritime domain, particularly in the context of the Northern Ireland troubles, shook the state slightly from its complacent myopia. However, only in recent years has Irish policy really begun to reflect the reality that this is an island nation. This paper will explore some of the relevant history upon which this State was founded before looking at three distinct consequent eras of 'Sea-blindness', 'Awakening' and 'Opportunity' that shed some light on Ireland's relationship with the sea - from an islander's perspective.

The Sea and the Irish Revolution 1916 - 1922

It is evident that events on land in Ireland determined the outcome of the 1916 rising and also the subsequent War of Independence (1919-21). However, the sea set the context within which events in Ireland unfolded. It was British dominance at sea which determined that foreign assistance in 1916 would be limited to the arrival of Roger Casement by submarine and one failed arms shipment. In contrast, the British used the sea to deploy substantial reinforcements to Ireland, to move troops to crisis points within Ireland, to provide gunfire support in Dublin and Galway and also to offer a communications link for Dublin Castle, where HMS Adventure stationed at Kingstown (Dun Laoghaire) offered a wireless link to the outside world.¹

While the British understood the importance of the sea, and moved quickly to exploit it, there is little indication that the rebels had thought much about it. Their own lack of understanding was shown in the doomed attempts to change the arrival date of the gun running-ship Aud after that ship had sailed. This proved ill-advised as effective communications with a ship in such circumstances was futile and in this case impossible as the Aud did not have a radio. The request that the Germans should send a submarine to the Liffey showed a similar inability to comprehend naval matters and also a failure to understand the rather limited liability nature of German support for the rebellion.²

In fairness one might note that there was little that the rebels could have done to contest British sea control. They lacked weapons of sufficient range and calibre to challenge the freedom of movement of even very modest British vessels such as HMS Helga. Such use doomed the rising. Even had the rebels been better supported British sea control meant that they were free to move from Britain or France reserves sufficient to crush any dissent. Given that Britain was fighting for its life in a conflict for which control of the sea was critical, and for which continued access to Irish bases was seen as vital, there was no question that they could do otherwise. British compromise was inconceivable.³

Whereas British sea control played a key role in their victory over the rebels in 1916, it was less relevant during the War of Independence. In that conflict the rebels wisely eschewed attempts to hold ground and supported their political activity with a guerrilla campaign that could be sustained without spectacular arms shipments and which the (now much

1 Brunnicardi, D. (2012) "Haulbowline; The Naval Base and Ships of Cork Harbour", History Press Ireland 2012.

2 De Courcy Ireland, J. (1966), *The Sea and the Easter Rising, 1916*, Maritime Institute of Ireland.

3 Speller, I. (2016) 'The Maritime Aspects of the 1916 Rising' Conference Paper 02 April 2016.

smaller) British armed forces could not defeat using conventional means. The sea was not irrelevant but the nature of the campaign militated against rebel weakness in this respect. The campaign resulted in a form of stalemate and ultimately to a compromise that Britain could countenance because her vital arteries at sea were no longer threatened. The German Navy had been defeated and the Anglo-Irish Treaty of 1921 left the key naval bases of Cork Harbour, Castletownbere and Lough Swilly in British hands (the 'Treaty Ports')⁴ and kept Ireland safely within the Empire, for the time being at least.

Maritime forces played a critical role in the victory of Government forces in the Civil War (1922-23), primarily through the medium of seaborne landings in Cork, Kerry and elsewhere which facilitated the rapid defeat of the Irregular's attempt to hold ground.⁵ The Irregular's inability to challenge this, or to stop the Free State from using the sea for supply, reinforcement and redeployment purposes, gave the latter a one-sided advantage that could be exploited for strategic effect. That the post-war state failed to appreciate this may not be surprising. There was little money available to support even a small navy and the leaders of the new Defence Forces were all ex-guerrillas whose landward focus betrayed a limited understanding of the importance of the sea. This was already underpinned by the terms of the 1921 Anglo-Irish Treaty, article 6 of which stated that:

Until an arrangement has been made between the British and Irish Governments whereby the Irish Free State undertakes her own coastal defence, the defence by sea of Great Britain and Ireland shall be undertaken by his Majesty's Imperial Forces.⁶

Era of Sea-Blindness 1922-1973

The Irish Free State was thus born with little policy concern for the sea and set forth on a journey to build a country on an island without full control of the very thing upon which it depended for trade and security.⁷ The nascent navy, employed to good effect in the Civil War, was disbanded. The *Helga*, now renamed the *Muirchú*, was retained as a fishery patrol vessel but, being unarmed, suffered the indignity of being ignored by foreign crews and was, on at least one occasion, rammed. In the absence of a main armament a boiler pipe was placed on the deck in imitation of a gun until, belatedly, it was recognised that some form of actual armament was required if Irish attempts to assert sovereign rights at sea were to be credible.⁸

The return of the Treaty Ports and the assumption by Ireland of its maritime jurisdiction, in 1938, did surprisingly little to cure the prevailing sea-blindness. Having had little or no policy concern for the sea in the 16 years since the foundation of the State, Ireland now inherited full jurisdictional responsibility for all of the waters around its coast. In response a tiny Marine and Coast-Watching Service was established in 1939 to satisfy

4 It was the strategic location and geophysical nature of these ports that identified their importance to the British Empire. Adjacency and maximum landward reach to the busiest trade route in the world – the North American continent to the English Channel – was essential to the Empire. From such bases the British remained ideally positioned to control events in the North Atlantic.

5 See Hopkinson, M (2004) . *Green against Green. The Irish Civil War*, Gill & Macmillan.

6 Complete Article 6: "Until an arrangement has been made between the British and Irish Governments whereby the Irish Free State undertakes her own coastal defence, the defence by sea of Great Britain and Ireland shall be undertaken by His Majesty's Imperial Forces, but this shall not prevent the construction or maintenance by the Government of the Irish Free State of such vessels as are necessary for the protection of the Revenue or the Fisheries. The foregoing provisions of this article shall be reviewed at a conference of Representatives of the British and Irish governments, to be held at the expiration of five years from the date hereof with a view to the undertaking by Ireland of a share in her own coastal defence." Ireland (1921) *The Anglo-Irish Treaty 1921*, Government Publications.

7 99% of Ireland's Trade is transported by sea - *Harnessing Our Ocean Wealth, An Integrated Marine Plan for Ireland*, July 2012.

8 O'Confaola, P.(2009) *'The Naval Forces of the Irish State, 1922-1977'* unpublished PhD Maynooth University chap.2.

the minimum legal requirements of a neutral coastal state in time of war and this laid the basis for the Naval Service, set up in 1946. Unfortunately, however, the Service was too small and ill-equipped to protect Ireland from attack by sea or even to police or enforce the State's policy of neutrality. In practice Ireland remained protected from German external aggression by the distant cover provided by the Royal Navy. Similarly, Ireland's requirements for merchant shipping, essential for the maintenance of vital imports and exports, continued in the main to be provided by Britain.⁹ That this left the State vulnerable was reflected in the Taoiseach Eamon deValera lament in his 1940 St Patrick's Day address: "No country had ever been more effectively blockaded because of the activities of belligerents and our lack of ships."¹⁰

In 1941 Churchill, impatient with Irish neutrality, stopped British merchant ships from trading with Ireland.¹¹ He questioned why British lives should be put at risk to sustain a country whose neutrality he reviled. What naturally followed was an economic convulsion whereby without a substantial merchant fleet Ireland could not sustain itself. At that time Sean Lemass Minister for Supplies stated that "The creation of an Irish mercantile marine was necessary, as it was as important for the national safety as the Army".¹² The Government was therefore forced to establish its own merchant fleet at short notice in the midst of a crisis. Hence the Irish Mercantile Marine (later Irish Shipping) was established with great haste and little policy control. It is not difficult to understand that its genesis resulted in a poor foundation which dogged Ireland's ongoing efforts at merchant shipping for many decades. The Company ultimately came to grief in extraordinarily difficult circumstances in 1984.¹³

The establishment of the Naval Service in 1946 might seem to indicate a new interest in the maritime domain but, if this was the case, that interest was limited. The difficulties associated with the foundation of the Service are explored elsewhere in this volume, suffice to say that in the post Emergency decades the Naval Service suffered from a lack of priority and associated lack of funds. By the late 1960s it was in a notably parlous condition and for a period in 1970 the Service had no operational vessels.

Era of Awakening 1973-2008

Perhaps the greatest game-changer since independence with regard to Ireland and its relationship with the sea came when Ireland joined the European Economic Community (EEC) in 1973. As a consequence of this and the UN Convention of the Law of the Sea¹⁴ Ireland's maritime jurisdictional interest expanded from near coastal to 200 miles offshore (the Exclusive Economic Zone (EEZ)). Overnight Ireland inherited a vast area that is rich in resources as it extended over a continental shelf to the west. Expanding our maritime reach brought the Naval Service face to face with a vastly different security environment including over time: large scale fishing resource exploitation; increased responsibility for search and rescue; weather phenomena; unauthorised military manoeuvres; arms smuggling; illegal cargo transportation; illegal dumping and pollution; marine life

9 "At the outbreak of WWII only 5% of imports were carried by Irish ships." McIvor, A. (1994), "A History of the Irish Naval Service" pp. 85,

10 World Heritage Encyclopaedia (2011) 'Irish Mercantile Marine during World War II' Article www.worldlibrary.org - Reference WHEBN0023956566.

11 Excluding Northern Ireland.

12 Raymond, J. (1983) *DeValera and His Times* Cork University Press pp.129.

13 The Irish Government liquidated the Company resulting in the ships themselves being arrested.

14 UNCLOS 1982 www.un.org.

anomalies; protection of offshore infrastructure; drugs trafficking, and an awakening to the wealth and potential of, and responsibility for, our waters. Two of the more high profile events that stimulated this awakening were the Fastnet disaster in 1979¹⁵ and the Air India tragedy in 1985¹⁶ which each drew an international spotlight onto Ireland's maritime services and responsibilities. However, it was the repetitive exploitation of the sea as a resource and as a means of transportation that sustained the awakening. Activities such as arms smuggling for the Provisional IRA, the advent and growth of drug smuggling and fishing resource exploitation provide the most eye-opening examples.

The Provisional IRA and the Sea

Ireland's island status provides the strategic context for the Provisional IRA campaign that raged for almost 30 years through the 1970s, 80s and 90s. There was no other way for the IRA to arm itself effectively other than by gun running escapades across the sea. In 1973, and again in 1984, two major smuggling operations onboard the MV Claudia and trawler Marita Ann respectively, were intercepted by the Naval Service off the Irish coast. However, an altogether more decisive interception took place in 1987 when the MV Eksund en route to Ireland was boarded by the French Navy in the Bay of Biscay. It is arguable that this particular interception which represented the fifth of a batch of successful earlier shipments of arms from Libya was a decisive moment in Ireland's internal security struggle.

These shipments from Libya were to transform the IRA's capability. They consisted of up to 130 tons of arms including AK47 rifles, RPG rockets, heavy machine guns (HMGs), surface to air missiles (SAMs) and an extraordinary quantity of Semtex explosive. Worryingly, the sheer quantity and capability of these arms almost matched that of Ireland's own Defence Forces.¹⁷ For the 25 years that followed those shipments from Libya almost every bomb constructed by the Provisional IRA and associated splinter groups contained Semtex.¹⁸ Semtex produces a blast many times more powerful than the IRA's traditional home-made fertiliser based explosive. This newly imported variety had a more devastating effect that was to have a truly major impact. Semtex is one of the most useable and deadly IED's that have since become the benchmark for terrorist technology across the world.¹⁹ Stand-out examples of its devastating nature were the IRA bombings at the City of London in 1993 and Canary Wharf in 1996.

The maritime interception of the Eksund delivered two important reactions. Firstly, it informed Ireland's (and Britain's) security forces that the IRA had stockpiled an extraordinary quantity of arms and ammunition on the island of Ireland. However, more importantly, it informed the IRA that their sea supply lines had been interrupted again and that without control of these their ongoing strategy of armed struggle was fundamentally flawed. It is also arguable that the interception of the Eksund was a seminal moment in bringing the IRA to the peace table. Simply, if the IRA could not arm itself effectively,

¹⁵ A storm wreaked havoc on over 306 yachts participating in an Admiral's Cup yachting race between Cowes and the Fastnet Rock off the South Coast of Ireland resulting in 18 fatalities. With over 4,000 people of the rescue services involved including the entirety of the NS Fleet it was one of the largest search and rescue operation ever undertaken in peacetime.

¹⁶ An Air India boeing 747 was destroyed by a terrorist bomb and downed in Ireland's EEZ with the loss of 329 lives. The NS co-ordinated the search and recovery operation.

¹⁷ Cusack, J. (2005) *The IRA never really had need of its huge arsenal of weapons* Irish Independent 02 Feb 2005.

¹⁸ Harnden, T. (1999) *Bandit Country: The IRA and South Armagh* Hodder & Stoughton 1999.

¹⁹ Op cit 20.

its pursuit of its objectives through force was hopeless and so the arguments for the alternatives of political and diplomatic means outweighed the failed methods of armed struggle. Indeed, in the aftermath of the interception of the Eksund, another alternative, dreamed up by some more hard-line IRA leaders, of a purported 'Tet offensive' was mercifully avoided.²⁰ Maritime security may have been as important here as it had been for Britain in 1916, cutting the supply of arms to groups dependent for that supply on sea lines of communication. The inability to cut the supply sooner may have cost many lives.

Drug Smuggling

Drug smuggling began to manifest as a significant problem in the mid-1980s with intelligence reports indicating the emergence of suspected organised activity particularly within yachting circles. Following some high profile drugs seizures²¹ it rapidly became clear that due to its Atlantic seaboard Ireland represents an entry point to the rest of Europe and is viewed by some as Europe's "Achilles Heel for drug smuggling".²² In recent years the Naval Service has intercepted circa two billion euro worth of illegal drugs in Irish waters including a number of the biggest drugs hauls in the history of Europe²³. Law enforcement activity at sea has a disproportionate effect given that intervention before the contraband reaches the island and society dramatically reduces the harm caused to this country and to the wider European community as a whole. It is therefore seen as "vital that Ireland, as a European perimeter country, sustains its counter narcotics maritime competency and capacity".²⁴

Fishing Resource Exploitation

Patrolling Ireland's Exclusive Economic Zone (EEZ) brought the Naval Service face to face with fishery resource exploitation of an extraordinary scale leading to decades of high-profile detentions of foreign fishing vessels. As fish naturally exist in abundance in relatively shallow waters where light can penetrate, the west coast of Ireland with its extraordinary continental shelf feature is a natural resource representing one of the best fishing grounds in the world. As there is no continental shelf to the west of Spain, Portugal and the Bay of Biscay, the west coast of Ireland is the fishing grounds of choice for these countries and many others. To this day the level of non-compliance with fishery legislation and regulation remains a significant concern and requires constant monitoring. This monitoring burden is likely to increase as illegal, unregulated and unrecorded fishing is itself now being categorised by the OECD as organised crime.²⁵

Whereas these activities of illegal fishing, drugs smuggling and IRA arms smuggling stimulated the public's awakening it appears that the political awakening surrounds the economic opportunity. The economic collapse in 2008 forced political leaders to look towards new and under-explored opportunities and so, perhaps for the first time since

20 Moloney, E. (2007) "A Secret History of the IRA" Penguin Books 2007.

21 Yachts: Karma of the East 1991 - cannabis worth €9m; Brime 1993 - cannabis worth €25m; Nickoletta 1993 - cannabis €10m; Seamist 1996 - cocaine worth €125m; Gemeos 1998 - cocaine worth €61m; Posidonia 1998 - cannabis worth €20m; Lucky Day 2007 - cocaine worth €440m; Dances With Waves 2007 - cocaine worth €750m; Makayabella 2014 - cocaine worth €380. (List is non-exhaustive and does not include other type of shipment seizures).

22 Riegel R. (1998) "South Coast Exposed As Drug Smugglers Gateway" Irish Independent 07 Sept 1998.

23 Op Cit 20.

24 Leite J.F. (2013) "Maritime Analysis and Operations Centre - Narcotics - submission to Green Paper on Defence." www.defence.ie WP_sub82.

25 Teale, N. Phelps, Bondaroff (2015) "The Illegal Fishing and Organised Crime Nexus: Illegal Fishing as Transnational Organised Crime" OECD 2015.

the foundation of the State, they turned towards the sea in a meaningful way. Therefore, an era of opportunity began to dawn for this maritime nation.

Era of Opportunity 2008 – Today

In 2008 Ireland's already substantial maritime jurisdiction doubled and now extends out to over 1,000 kilometres over the extended and resource rich continental shelf. In 2009 the Government established the Inter-Departmental Marine Co-ordination Group (MCG) to bring together representatives of departments with an involvement in maritime/marine issues. In 2012 the Government published "Harnessing Our Ocean Wealth – An Integrated Marine Plan for Ireland" (HOOW) that seeks to double Ireland's GDP from its maritime sector by 2030. Coincident with this process the EU developed a Maritime Security Strategy (EUMSS) that seeks to secure the maritime security interests of the EU and its Member States against a plethora of risks and threats in the global maritime domain.

One of the pillars of HOOW is Maritime Safety, Security and Surveillance under which the State commits to having in place effective and efficient security and surveillance arrangements, within which our ocean wealth can prosper. The EUMSS describes maritime security as

a state of affairs of the global maritime domain, in which international law and national law are enforced, freedom of navigation is guaranteed and citizens, infrastructure, transport, the environment and marine resources are protected.²⁶

With this national policy and regional strategy now in place the exploitation of this era of opportunity for Ireland's maritime domain goes hand in hand with a decisive maritime presence that can enforce, guarantee and protect Ireland's maritime interests in its enormous maritime jurisdiction and beyond.

In addition to these maritime defence and security roles the Naval Service as the State's principal seagoing agency has embraced this era of opportunity by focussing on how it can itself better contribute to Ireland's economy. Through innovation and response, enabled by various Service Level Agreements and strategic collaborations with the academic, research and maritime industry communities, the Naval Service has managed to trigger a transformation from a position of being a cost centre towards becoming a profit centre through a policy of investment attraction.

Working 'cheek by jowl' with academic partners at the National Maritime College of Ireland (NMCI) at Ringaskiddy and University College Cork's (UCC) Coastal Marine Research Centre (CMRC) on the Naval Base at Haulbowline, the Naval Service was enabled to develop its innovation agenda towards a maritime cluster. In 2008, the Irish Maritime and Energy Resource Cluster (IMERC)²⁷ was established as arguably the centre of gravity of Ireland's emergent maritime quarter. IMERC's location in the second largest natural harbour in the world with its related infrastructure, attractiveness to maritime industry and its adjacency to the world's busiest trade route presents a winning formula.

²⁶ European Union Maritime Security Strategy pp.3 www.register.consilium.europa.eu

²⁷ See www.imerc.ie

The starkest reality of the importance of the sea to Ireland is its dependency on safe and secure sea lines of communication. With sea based transport accounting for 99% of Ireland's trade,²⁸ these routes represent the arteries or life-blood conduits of Ireland's economy. Should anything happen to interrupt these trade routes Ireland will suffer a metaphorical economic cardiac arrest and therefore an awareness of this vulnerability is essential to our destiny. On foot of 'Brexit' this reality is all the more important as the opportunity to explore new sea trade routes to and from Europe may be preferred to the current heavy dependence on 'land-bridge'²⁹ trade across the larger island of Great Britain.

Finally, perhaps the best evidence of Ireland's emergence as a maritime nation is where the transferable skills of our mariners and ships are now being deployed in a very real way to further Irish and international policy objectives in the maritime domain. Ireland's response to the migrant crisis in the Mediterranean is to send a Naval Service ship. The performance of Ireland in that mission³⁰ is an example of what this island country can deliver in the maritime domain and, somewhat poignantly, furthers the aspirations of the 1916 Proclamation in that it has achieved "exaltation amongst the nations".³¹

Conclusion

Perhaps the leaders of the 1916 Rising understood British control of the seas around the island of Ireland and knew that they would be defeated. Perhaps this understanding underpinned Pearse's idea of blood sacrifice - a sacrifice that ultimately proved effective. However, ironically, it is possible that the importance of the sea around Ireland was underestimated by both sides in that conflict and its aftermath. Whereas in 1921 the territory of Ireland extended to just three miles all around the island, today Ireland's sovereignty now extends to more than 1,000 kilometres off our west coast encompassing an area of continental shelf over 10 times the size of our landmass.³² When this landmass is taken into account, the land of Ireland is just a drop in its own ocean.

Irish people are islanders, yet although our Proclamation courageously and rightfully declares the right of the Irish people to the ownership of Ireland, including its enormous sea area, there remains a question as to whether we appreciate the enduring importance of the sea to our destiny. John de Courcy-Ireland's observations still ring true - a fact still yet to be grasped by the majority of our fellow countrymen.

Ireland should now rule her own waves.

28 *Harnessing Our Ocean Wealth, An Integrated Marine Plan for Ireland*, July 2012.

29 Land-bridge describes how much of Irish trade with Europe is transported across the Irish sea and English channel by using the transportation routes on the island of Great Britain in between.

30 Circa 10,000 migrants rescued by the Irish Naval Service to date - (July 2016).

31 Proclamation of the Irish Republic 1916.

32 'The Real Map of Ireland' Ireland (2012) "*Harnessing Our Ocean Wealth –An Integrated Marine Plan for Ireland*", pp.2 Government Publications 2012.

Just Flight Safety Culture and the Irish Defence Forces: It's A Question of Law!

"[I]f you are convinced your organisation has a good safety culture, you are almost certainly mistaken. Like a state of grace, a safety culture is something that is striven for but rarely attained. As in religion, the [journey] is more important than the product. The virtue – and the reward – lies in the struggle rather than the outcome"¹

ABSTRACT

Is the Defence Forces an incongruous anomaly when it comes to the concept of a just flight safety culture? The research reveals that there is a lack of legal structures supporting flight safety in the Defence Forces that is inhibiting an effective flight safety culture. As a result this article demonstrates that the Defence Forces stand apart in failing to have legal support for the provision of a just, energised, informed and questioning flight safety culture. The objective of zero accidents in aviation is only approachable in a just culture, requires suitable organisational structures and legal supports. Military forces are separate from the civil structures and legislation that create and enforce the civil safety management systems. Therefore each State ought to provide its military forces with the legal tools and structures to create a just safety culture. Key findings in the research show other representative military forces have implemented legal structures to promote a just culture. The keystone recommendation is that this legal situation can be addressed through organisational change and the provision of legislation to support the Defence Forces flight safety system in the form of a Defence (Aviation Safety) Bill. The Air Corps Flight Safety Office should move to be an adjunct to the Office of the Chief of Staff with legal authority to investigate accidents and promote safety. The Director of Military Aviation, as the regulator, should be moved from the Air Corps to Defence Force Headquarters, separating it from the operational units of the Air Corps. Operational Command and discipline would remain the responsibility of the General Officer Commanding Air Corps. The thesis demonstrates that a just culture is within reach and so is the asymptotic zero accident rate.

Introduction

In the past 25 years the Defence Forces (DF) has suffered 15 accidents or serious incidents have resulted in the deaths of eight aircrew.² This article analyses the interaction of safety, aviation, discipline and law. It aims to present a critical analysis of our system so that, if acted upon, it might help to improve safety and by extension reduce accidents.

¹ Reason, J. (1997) *Managing the Risks of Organisational Accidents*. Hants, England: Ashgate Publishing, pg 220.

² Cummins, P.J. and Maxwell, J. (2009) *The Irish Air Corps – An Illustrated Guide*, Dublin: Max Decals Publications and is updated to include the most recent accident of EC135 S/N 270 on 19th June 2012.

Organisationally, it is significant in seeking to discover potential weaknesses in the legal structures of the AC Safety Management System (SMS).

It is timely as the organisation considers a recent safety recommendation from the civilian Air Accident Investigation Unit (AAIU) of the Department of Transport. After the fatal accident in the Flight Training School of PC-9M 265 the report recommended that “GOC AC should review the operation of the Safety Management System within the IAC, including the auditing process, and should consider an external input.”³

In civil aviation, a major priority for authorities and organisational safety theorists is the reduction of accident rates. This objective is subject to widespread study and regulation throughout the world. These academics and regulators strive to effect positive change in aviation safety through many different lines of effort. Just one of these efforts is the development and nourishment of a flight safety culture. The underlying foundation of this culture is to encourage all those involved in aviation to be proactive in improving safety. The vice-chairman of the US National Transportation Safety Board (NTSB) defines this culture as “simply doing the right thing, even when no one is watching.”⁴

In civil aviation, this culture is supported by legal structures; which, in general, do not apply to the DF. Rather, the legal environment of the DF is focused on the maintenance of discipline and punishment for errors. This conflicts with a safety culture where, for organisations, punishing errors takes a lower order of priority over improving safety.⁵ While DF policy is to reduce aircraft accident rates it provides little legal structure to support a flight safety culture. The DF has instead focused legal structures on maintaining a culture of discipline. The military approach is an apparent contradiction because the organisation, through its legislative efforts, is conditioning personnel to believe that discipline has a greater importance than safety, even though AC/DF policies suggest otherwise. This alternative approach may affect how military personnel perceive the flight safety culture, reduce its effectiveness and render the objective of improving flight safety difficult to achieve.

In the context of the aforementioned, one might question: how does our SMS compare with civil aviation? The question posed is particularly focused on the fundamental legal structures which underline our SMS and is specific to the following flight safety concerns which form the essential themes that thread this article:

- confidential reporting;
- independent investigation, and;
- treating errors and violations in a just manner by separating the safety agency from the authority with responsibility for discipline.

³ AAIU Accident Report concerning Irish Air Corps 265, PC-9(M) Cornamona, Connemara, Co. Galway 12 October 2009 in particular Safety Recommendation: IRLD2011015, pg 63.

⁴ Sumwalt, R. (2007) ‘Do you have a safety culture?’, AeroSafety World, July, 37. [online], available at: http://flightsafety.org/asw/july07/asw_july07_p37-38.pdf [accessed 18 April 2013].

⁵ International Civil Aviation Organisation (2006) Chicago Convention on International Civil Aviation (9th edn. Doc 7300/9) Montréal: International Civil Aviation Organisation, [online] available at: <http://www.icao.int/publications/Documents/chicago.pdf> [accessed 30 Dec 2011].

The article structure is as follows:

- Legal Structures of Safety Culture in Civil Aviation - portrays the legal structures that regulate international civil aviation;
- Legal Structures supporting Safety Culture in International Military Aviation;
- Safety Culture Theory - illustrates the safety theories that those legal structures seek to implement and support ;
- Legal Structures for Military Discipline - demonstrates that our military culture is primarily concerned with discipline and its enforcement;
- Legal Structures for AC Safety Culture - reveals an unbalanced investment in disciplinary legislation over safety;

Legal Structures of Safety Culture in Civil Aviation

What are the legal structures supporting safety culture in international civil aviation? The International Civil Aviation Organisation (ICAO) is a specialised agency of the United Nations. ICAO is authorised by the Chicago Convention⁶ to promote the safe and orderly development of international civil aviation throughout the world. It sets standards and recommended practices⁷ necessary for civil aviation safety and requires member states to ensure co-operation with investigations by treating information obtained by the investigator as confidential;⁸ to have an effective reporting system for errors and incidents to facilitate the collection of information and afford protection to the sources of information.⁹ The Convention obliges member states to legislate¹⁰ for this protection in national law.¹¹ Finally, it also requires an investigation authority to have independence and “unrestricted authority over its conduct” of any investigation. Although, Dempsey points out that Annex 13 does not mandate institutional independence of the investigatory body.¹²

European Law, in respect of civil accident investigations and Article 4 of Regulation 996/2010, requires the body responsible to “neither seek nor take instructions from anybody and shall have unrestricted authority over the conduct of...safety investigations,” it shall be “functionally independent in particular of aviation authorities responsible for airworthiness, certification [and] flight operation[s].” When information is provided in a reporting scheme Article 8(1) of Directive 2003/42/EC requires it to be treated as confidential. Finally, the preamble to Regulation 216/2008 recognises the importance of a culture of safety and reporting in a non-punitive environment.

6 Chicago Convention on International Civil Aviation signed at on 7 December 1944. It came into force on 4 April 1947, the thirtieth day after deposit with the Government of the United States of America of the twenty-sixth instrument of ratification in accordance with Article 91(b).

7 International Civil Aviation Organisation (2006) Op Cit. Under Article 54 of the Convention ICAO is charged with developing Standards and Recommended Practices (SARPS) for implementation by the 190 member states. These are usually designated as Annexes to the Convention. Article 90, Chapter XX requires two thirds of the member states to agree to the adoption of an annex.

8 In Irish law the Air Navigation (Notification and Investigation of Accidents, Serious Incidents and Incidents) Regulations 2009 (S.I. No. 460 of 2009) require the AAIU not to make records available to any person, for any purpose except on foot of a High Court order. A witness who is questioned by the AAIU is required to answer any question put to him even if it might tend to incriminate him but the statement given “shall not be admissible as evidence in criminal or other proceedings.”

9 International Civil Aviation Organisation (2010) Annex 13 to the Chicago Convention on International Civil Aviation, Aircraft Accident and Incident Investigation (10th edn.), Montréal: International Civil Aviation Organisation, pg 8-1.

10 Ibid, pg E-2. The obligation in Attachment E to ICAO Annex 13 is balanced by an acknowledgement that information may be released in respect of criminal conduct, gross negligence or when an appropriate judicial authority considers that the release of information is necessary for the proper administration of justice.

11 European Communities (Occurrence Reporting in Civil Aviation) Regulations 2007 (S.I. No. 285/2007) Regulation 9(2) task the IAA as the competent authority for dealing with mandatory and voluntary reporting in Irish civil aviation. Under regulation 9(2) any information provided to it is not releasable under the Freedom of Information Act 1997 and is to be treated confidentially.

12 Dempsey, P.S. (2010) *‘Independence of Aviation Safety Investigation Authorities: Keeping the Foxes from the Henhouse’*, Journal of Air Law and Commerce, 75(2), 223, [online], available at: <http://ssrn.com/abstract=1799333>.

Structure of Civil Aviation

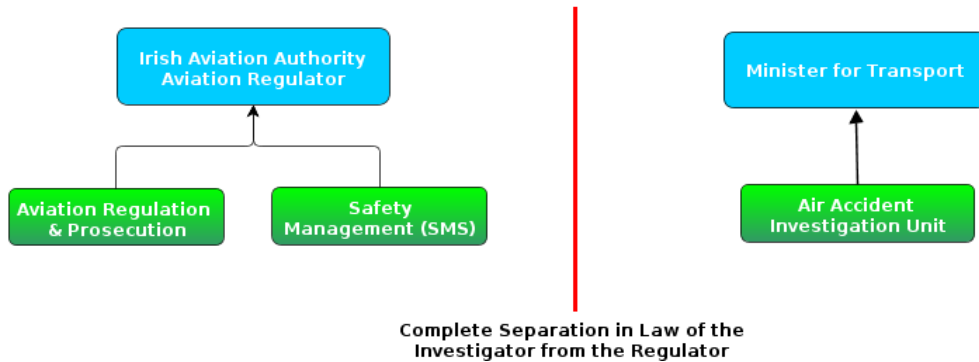


Figure 1: Irish Civil Aviation separating safety investigation from regulation

The result of these legal structures is that Irish civil aviation has legal supports that underpin and empower the SMS. Responsibility for regulation, discipline and safety investigation is broadly divided and the legal provisions make it clear where the dividing line is located.

Legal Structures supporting Safety Culture in International Military Aviation

Turning to an international context requires a focused approach. The following countries were chosen as they are culturally similar to Ireland and have legal traditions borne of the Common Law.¹³

Legal Structures in the Canadian Forces

In the mid twentieth century the accident rate in the Canadian Forces (CF) was very high, some 81 aircraft were lost in 1958. The Queens regulations called for the assignment of blame by investigators. This system was rejected in favour of a more just system and over time the accident rate has dropped dramatically – the following year in 1958 the losses of aircraft dropped to 42 and have reduced from there.¹⁴ The CF attitude is that the “whole Flight Safety Program is based on the primacy of having a just culture.”¹⁵

¹³ Hofstede, G., Hofstede, G.J. and Minkov, M. (2010) *Cultures and Organisations: Software of the Mind* (3rd edn), New York: McGraw Hill. To validate this process in an aviation setting, Helmreich and Merritt (1998) in a study of 22 countries among 8,000 civil aviation pilots, found correlations that largely confirmed the original country patterns revealed in Hofstede's research.

¹⁴ Canadian Forces (2012) *Directorate of Flight Safety – History of Flight Safety* [online], available at: <http://www.rcaf-arc.forces.gc.ca/dfs-dsv/page-eng.asp?id=1120>.

¹⁵ Canadian Forces (2011) *Flight Safety for the Canadian Forces*, Ottawa, Ontario: Directorate Flight Safety, [online] available at: <http://www.rcaf-arc.forces.gc.ca/vital/dfs-dsv/docs/aga-eng-1apr11.pdf> [accessed 16 Mar 2012], pg 31.

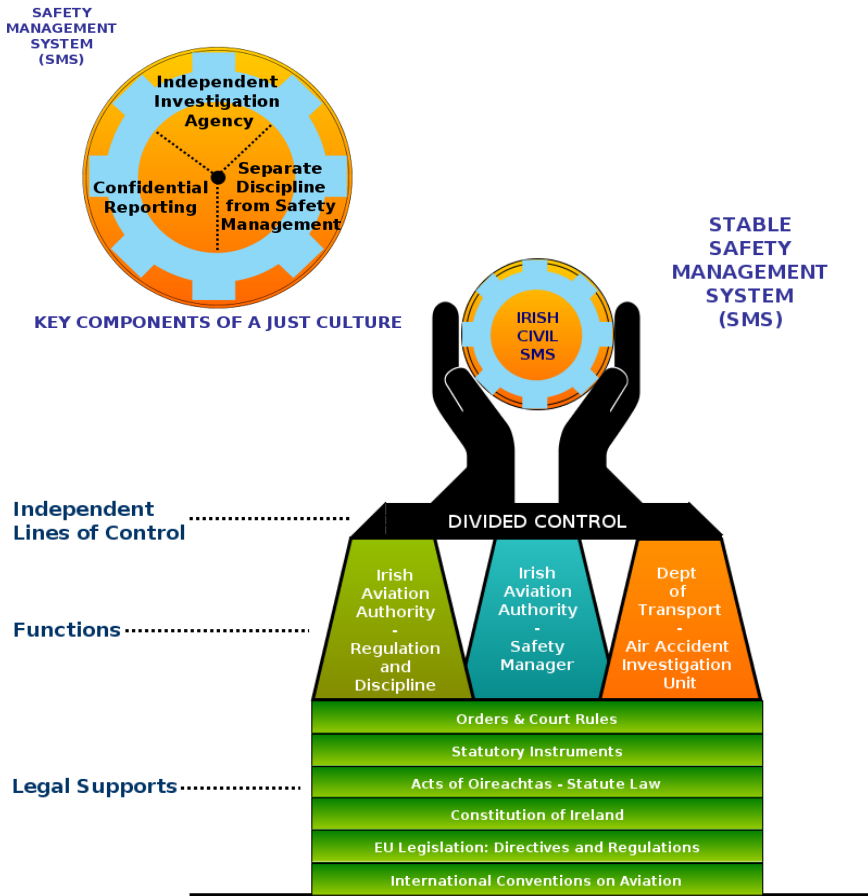


Figure 2: Stable Legal Structures supporting the Civil SMS in Ireland

Independent Investigation

The Aeronautics Act encompasses all military and civilian aviation in Canada. It charges the Minister of National Defence (MND) with responsibility “for development and regulation of aeronautics and supervision of all matters connected with aeronautics.”¹⁶ Under the Act, in 2005, the MND delegated his responsibilities to the Chief of the Defence Staff (CDS). The CDS created the Airworthiness Investigative Authority responsible for the independent investigation¹⁷ of airworthiness-related occurrences and for monitoring to identify deficiencies.¹⁸ The head of the authority is the Director of Flight Safety (DFS). In the opinion of the DFS “the one significant, negative factor has been our inability to retain, as a result of the Access to Information Act, the “privilege” status for Flight Safety

¹⁶ Aeronautics Act [1985] s.4.3.

¹⁷ In relation to civil accidents the Canadian Transportation Accident Investigation and Safety Board Act, 1989 makes provision for civil investigations and section 18(1) recognises that the MND shall investigate occurrences involving a military conveyance. Although under section 18(4) when the occurrence also involves a civilian aircraft or airfield the Canadian Transportation Safety Board becomes involved. In this case the investigations continue in tandem; while the Act requires the two agencies to coordinate their activities.

¹⁸ Canadian Forces (2010) *Annual Report on Flight Safety, Ottawa, Ontario: Directorate Flight Safety*, [online] available at: <http://www.rcf-arc.forces.gc.ca/vital/dfs-dsv/nr-sp/docs/S/annual-annuel/2010-report-rapport-eng.pdf> [accessed 16 Mar 2012].

Board of Inquiry which did so much to foster trust in the system.”¹⁹ In this respect the DFS has recognised this weakness and has sought legislation in Parliament to provide a comprehensive legal structure for voluntary reporting and the protection of information and sources.²⁰

Legal Structures in the Royal New Zealand Air Force (RNZAF)

There is a confidential reporting system in the RNZAF which, akin to the AC ARM, is provided for in their Manual of Flight Safety.²¹ RNZAF safety investigations have reported that commitments to confidentiality are “incompatible” with the requirements of military law. This is due to the fact that the promise in the manual is not provided for in legislation. A recent accident investigation recommended legal protection for all safety reports, from judicial proceedings, in order to foster open and honest reporting.²² The manual is currently being revised.

Independent Investigation

The RNZAF has the Directorate of Air Force Safety & Health (DASH) to whom responsibility for all aspects of flight safety is devolved. When an incident occurs the investigation is conducted by DASH investigators who are specifically appointed as members of a court of inquiry. This is a court established pursuant to the Armed Forces Discipline Act, 1971.²³ The RNZAF conducts peer reviews of their investigation reports. In a recent accident the Australian Directorate of Defence Aviation and Air Force Safety (DDAAFS) conducted a review of a RNZAF investigation and commented on its efficacy.²⁴ The result is that investigation reports are subject to an external check which enhances credibility.

Is the Disciplinary Authority Separate from Safety Agency?

Statute ensures that records and evidence collected by a court of inquiry, including any confession, statement, or answer to a question made or given by a person must not be admitted in evidence against any person in any other proceedings, judicial or otherwise.²⁵ Civil legislation concerning the investigation of transport accidents has application in the NZ Defence Force; for example, the use of voice and video recorder information in disciplinary investigations, against flight crew of military aircraft, is prohibited.²⁶ While the Directorate is within the Air Force chain of command the legal protections afforded to its investigation ensure that information is protected from use in a disciplinary setting. The

¹⁹ Canadian Forces (2012), Op Cit.

²⁰ Canadian Forces (2010), Op Cit.

²¹ The RNZAF Manual of Flight Safety (NZAP 201) advises: “Disciplinary action is incompatible with the full and free investigation of Flight Safety Events (FSE) essential to any safety programme. For this reason, results of flight safety investigations are not to be used as evidence to support disciplinary action of any kind....Care is to be taken to divorce any disciplinary proceedings from the (FSE) investigation. (NZAP 201:5.8)

²² RNZAF Redacted Report of the Court Of Inquiry Investigating The Accident Involving Iroquois NZ3806 Near Pukerua Bay on 25 April 2010 (2011), [online] available at: http://www.nzdf.mil.nz/downloads/pdf/public-docs/2012/Redacted%20COI%20report%20for%20ro%2006_UP-DATED.pdf, pg 89.

²³ Armed Forces Discipline Act [1971] section 200 ensures that the convening authority is any commanding officer in the Air Force or the Chief of the Air Force. Section 200A empowers the convening authority to establish the court for the purpose of collecting and recording evidence on any matters that the assembling authority refers to the court. Section 200I provides that a witness can be compelled to attend for questioning, if necessary.

The Commanders Handbook on Military Law, Volume 1, provides special orders in respect of aircraft accidents requiring the president to be a “qualified aircrew officer,” and that a member of the court will be nominated who has “expertise in the investigation of aircraft accidents,” (NZDF:11-6).

²⁴ RNZAF Redacted Report of the Court Of Inquiry Investigating The Accident Involving Iroquois NZ3806 Near Pukerua Bay on 25 April 2010 (2011) Op Cit, Annex C.

²⁵ Armed Forces Discipline Act [1971] s.200S(1).

²⁶ Transport Accident Investigation Commission Amendment Act [1999] s.14D, Admissibility of cockpit recordings, and certain investigation records supplied to Commission.

NZDF has significant legal structures for the investigation of accidents and incidents through the mechanism of the court of inquiry.

While the court of inquiry process provides protection from disciplinary action by virtue of the Disciplinary Act; for an investigation to utilise such structures then a court must be set up for each investigation. This is often a time consuming, expensive and inefficient process.²⁷ The view of one investigation is that – “there is no provision for the separation of flight safety and disciplinary investigations within the Armed Forces Disciplinary Act.”²⁸ As a result, outside of the formal court of inquiry process, there are no legal protections.

Legal Structures in the Armed Forces of the United Kingdom

On 2 September 2006, RAF Nimrod XV230 was on a routine mission in Afghanistan when she suffered a catastrophic mid-air fire, leading to the total loss of the aircraft and the death of all fourteen aircrew on board.²⁹ The subsequent investigation has led to a complete and radical overhaul of UK military aviation regulation and safety management. In 2010, the Secretary of State (SofS) for Defence established by Charter the Military Aviation Authority (MAA) as the single independent regulatory body for all Defence aviation activity. It is, independent of the acquisition, operation and capability delivery areas of military aviation.³⁰

Independent Investigation

The Nimrod report stated “it is vital that military accident investigations are independent, and seen to be independent and impartial. ... [otherwise]... it may give rise to questions as to real or perceived objectivity and partisanship.”³¹ Today, investigations of occurrences involving aircraft are carried out by service inquiries. They are provided for in legislation by the Armed Services Act 2006³² and regulations published by the SofS.³³ The service inquiries are supported by Military Air Accident Investigation Branch (MAAIB) which forms a branch of the MAA. The MAAIB assists in the technical investigation into the cause of aircraft accidents and provides specialist advice.³⁴ The MAAIB is co-located with their civil counterparts the AAIB in Farnborough.³⁵ Similar to New Zealand the UK makes use of what would be known in this jurisdiction as courts of inquiry legislation to empower the investigation. In order to protect individuals involved, a service inquiry is not intended to explicitly attribute blame and is to maintain separation between inquiries on one hand, and disciplinary or criminal investigations on the other.³⁶ Evidence provided to a service inquiry is not admissible in any disciplinary or criminal hearing.³⁷

27 RNZAF Redacted Report of the Court of Inquiry Investigating The Accident Involving Iroquois NZ3806 Near Pukerua Bay on 25 April 2010 (2011) Op Cit, pg 59.

28 Ibid.

29 Haddon-Cave, C. (2009) An Independent Review into the broader issues surrounding the loss of the RAF Nimrod Mr2 Aircraft XV230 in Afghanistan in 2006, House of Commons, London: The Stationery Office.

30 MAA, Military Aviation Authority (2011) MAA01: Military Aviation Authority Regulatory Policy, Abbey Wood (North), Bristol, UK.

31 Haddon-Cave, C. (2009) Op Cit, pg 524.

32 Section 343.

33 The Armed Forces (Service Inquiries) Regulations 2008 (SI No. 2008/1651).

34 MAA, Military Aviation Authority (2011) Op Cit.

35 Hoyle, C. (2011) ‘UK Military Aviation Authority boss outlines safety reforms’, Flight International, 8 July, available at: <http://www.flightglobal.com/news/articles/uk-military-aviation-authority-boss-outlines-safety-reforms-359165/> [accessed 19 April 2012].

36 Ministry of Defence (2008) JSP832 Joint Service Publication – Guide to Service Inquiries, Whitehall, London.

37 The Armed Forces (Service Inquiries) Regulations 2008 (SI No. 2008/1651) Regulation 12.

Legal Structures in the United States Air Force

The US has developed a unique safety privilege through the common law³⁸ as a result of court decisions which recognised that aviation safety is a matter of national security.³⁹ This legal privilege and rule of evidence, extends to all safety investigation activities and prevents access by outside parties including denying Freedom of Information Act requests.⁴⁰ In order to create the privilege, there must be a recorded promise of confidentiality prior to witness testimony.⁴¹ The system also provides penalties for those who lie to a safety investigation or who release privileged information.⁴² The objective of providing this privilege to witnesses is to “encourage their full cooperation and candid statements.”⁴³ In order to preserve the privilege Congress enacted a statute to allow for the publication of occurrence information but prohibiting the use of the investigators opinion in civil or criminal proceedings.⁴⁴

Independent Investigation

Within the US military most aircraft accidents are independently investigated⁴⁵ by two separate boards – one a safety investigation board (SIB), the other an accident investigation board (AIB) which, to avoid confusion, I will describe as the legal board.⁴⁶ The safety board provides all factual, non-privileged information to the legal board and has priority of access to evidence.⁴⁷ The safety investigation is aimed at preventing a reoccurrence while the other is an administrative or legal inquiry. In order to assist the conduct of an investigation all safety boards have an expert representative from the Air Force Safety Center which is the USAF centre of excellence for accident investigations.⁴⁸ Under statute⁴⁹ the legal board has certain requirements for independence and competence. While the safety boards are convened by the chain of command their reports are confined to the safety community of the Air Force thus information given under privilege is not provided to the disciplinary authority or his advisors including military police and legal advisors. A weakness in such a common law privilege is its liability to reinterpretation by a court or extinguishment by legislation. As a result, while the US has this common law option it can be removed by statute, as occurred in Canada. The Canadians are seeking its reinstatement through statute. In order to protect its existence, the US privilege is balanced against the public interest, by the release of some information to the public.

38 For a detailed discussion and oral argument of the principles involved before the US Supreme Court see *United States v. Weber Aircraft Corp.* [1984] 465 U.S. 792. This case built on previous case law originally finding the privilege in *Machin v. Zukert* [1963] 114 US App D.C. 335, 316 F.2d 336, cert. denied, 375 US 996 and confirmed in *Badhwar v. Department of the Air Force* 829 F.2d 182 (D.C. Cir. 1987).

39 *United States Air Force* (2008) Air Force Instruction 91-204- Safety Investigations and Reports, Department of the Air Force, Washington D.C.

40 Will, C.J. (2001) *'Privilege: The Cornerstone of Flight Safety'* Flying Safety, Sept issue.

41 *United States Air Force* (2008) Op Cit.

42 Punishable under Title 10 US Code § 892 - Art. 92. Failure to obey an order or regulation

43 *United States Air Force* (2008) Op Cit, pg 30.

44 Title 10 US Code § 2254 - Treatment of reports of aircraft accident investigations. The legislation arose after series of accidents in the 1990s where the safety privilege had prevented publication of information to families: 1992 C-130 crash into hotel/restaurant in Evansville, IN; 1994 C-130 gunship crash in Indian Ocean; 1994 F-16/C-130 midair collision at Pope AFB and 1996 C-130 crash in Pacific Ocean.

45 Title 10 US Code § 2255 – legislates for the independent investigation of accidents; that is, the investigation board is not comprised of persons from the same unit as the accident aircraft. Such investigations are reserved for Class 'A' accidents which are generally incidents at the serious end of the scale in terms of consequences; for example, where there is a destroyed aircraft, fatality, or permanent total disability.

46 *United States Air Force* (2011) Air Force Instruction 91-202 - The US Air Force Mishap Prevention Program, Department of the Air Force, Washington D.C.

47 *United States Air Force* (2006a) Air Force Pamphlet 91-211 - USAF Guide to Aviation Safety Investigation, USAF Safety Centre, Kirtland AFB New Mexico.

48 *Ibid.*

49 Title 10 US Code § 2255 - Aircraft accident investigation boards: composition requirements

Safety Culture Theory

What are the safety theories underlying these aviation legal structures? Reason⁵⁰ posits that the organisational culture or more particularly the safety culture within an aviation organisation makes the difference between the worst and the best in terms of risk of death or injury⁵¹. His theory on safety culture is widely accepted internationally and informs AC policy.⁵² These theories have equal application to safe operations in civil and military aviation.

The elements that constitute an organisation's informed safety culture are described by Reason as being reporting, just, flexible and learning elements of the safety culture.⁵³ His theory suggests that accident rates will not reduce unless the organisation is proactive in seeking to maximise safe operations. It must have a drive to maximise safety; the culture must be informed, energised and questioning. The informed culture is one which collects data, analyses it and disseminates the lessons to staff. It is crucially dependent on their willing participation.

A reporting culture is a climate where people are prepared to report their errors and near misses, which is highly dependent on how an organisation deals with blame and punishment.⁵⁴ This is the concept of a just culture with "an atmosphere of trust in which people are encouraged, even rewarded, for providing safety related information – but in which they are also clear about where the line must be drawn between acceptable and unacceptable behaviour."⁵⁵ This should not be confused with an ethos of 'no blame' which is potentially disruptive to safety. In a just culture personnel expect to be held accountable but in a fair manner.⁵⁶

The reporting culture utilises Heinrich's Triangle theory which holds that there are many 'low-level' errors which are precursors and portents of impending accidents. McDermid emphasises that "good safety management identifies these low level issues and feeds them back to reduce risk."⁵⁷ Figure 3 illustrates Heinrich's theory; a reporting culture facilitates the capture of data on these low level incidents, analysis of the data will help prevent accidents.⁵⁸ The triangle is likened to an iceberg – beneath the waterline, unseen, are the low level events that must be discovered through reporting. As a result, the quantity of data captured in the AC is symptomatic of the quality of its reporting culture.

50 Reason, J. (1997) Op Cit.

51 In 1995 the probability of becoming involved in an accident with at least one fatality varied by a factor of 42 across the world's airlines. 1 in 260,000 vs. 1 in 11,000,000 is the comparison of risk between the two extremes.

52 Irish Air Corps (2008a) Air Regulations Manual Part F – Flight Safety, Casement Aerodrome: Irish Air Corps, pg 13.

53 Reason, J. (1997) Op Cit.

54 Ibid. Marx, D. (1997b) 'Discipline: The Importance of Mens Rea', Ground Effects, 2(3), 1 and Marx, D. (1997c) 'Discipline: The Role of Rule Violations', Ground Effects, 2(4), 1.

55 Reason, J. (1997) Op Cit, pg 195.

56 Marx, D. (1997a) 'Putting Aviation Safety First: Developing an Effective Disciplinary System', Ground Effects, 2(2), 4. Marx, D. (1997d) 'Discipline: Why Process Is More Important than Outcome', Ground Effects, 2(5), 2. Dekker, S. (2007) Just Culture: Balancing Safety and Accountability, England: Ashgate Publishing.

57 Haddon-Cave, C. (2009) *An Independent Review into the broader issues surrounding the loss of the RAF Nimrod Mr2 Aircraft XV230 in Afghanistan in 2006*, House of Commons, London: The Stationery Office, citing McDermid (2007) pg 469.

58 Dekker, S. (2007) Op Cit.

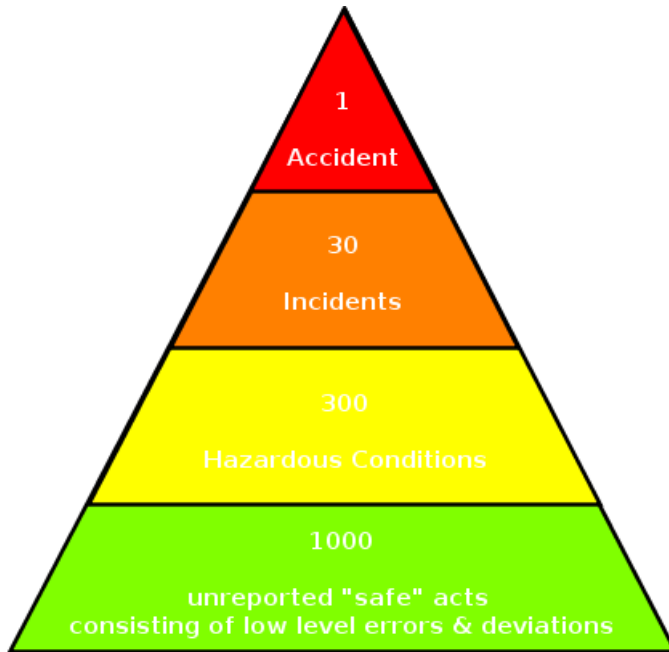


Figure 3: Illustration of Heinrich's Triangle

A flexible culture can adapt to changing circumstances while maintaining focus on safety; a learning culture has the competence to draw accurate conclusions from safety information and the willingness to implement major safety reforms. These four elements (reporting, just, flexible and learning) make up Reason's informed safety culture.⁵⁹ As the learning and flexible elements relate more to how a safety culture develops, as opposed to its initial structure and operation, this article will concentrate on the reporting and just cultural elements.

For Reason, a reporting culture has, inter alia, three characteristics: indemnification from disciplinary proceedings, confidentiality or de-identification and separation of the safety agency from those "with the authority to institute disciplinary proceedings and impose sanctions."⁶⁰ It is evident that these three characteristics are consistent with ICAO Annex 13 and the themes of this article. As O'Leary and Chappell explain "trust is the most important foundation of a successful reporting programme."⁶¹ The purpose of Reason's three characteristics is to promote an effective incident reporting programme, to create trust.⁶²

The just culture "strikes a sensible balance between a 'blame culture' and a 'blame-free culture'...between holding people properly accountable for their acts or omissions and

⁵⁹ Reason, J. (1997) Op Cit.

⁶⁰ Ibid, pg 197.

⁶¹ Chappell, S.L., O'Leary, M., (1996) 'Confidential incident reporting systems create vital awareness of safety problems', International Civil Aviation Organisation Journal 51, 11-13.

⁶² Reason, J. (1997) Op Cit.

ensuring the right lessons are learned for the future.”⁶³ Having a just culture has real tangible benefits, not least for a military force. The Chief of the Defence Staff (UK), Air Chief Marshal Sir Jock Stirrup is motivated by the effect of safety culture on the fighting power of UK military aviation.⁶⁴ He describes the moral component of fighting power as involving leadership, organisation, management and supervision. When these components fail, as can happen in an aircraft accident, the impact on fighting power is disproportionate. A just culture is one that reduces accidents and maintains fighting power. Stirrup explains⁶⁵ that a just culture is:

Based on trust...it should promote a sense that they will be treated fairly and with integrity while we investigate why mistakes have been made to make sure we get things right next time. But it is not a blame-free regime where no-one is ever held to account. Everyone must be clear where the line is drawn between acceptable and unacceptable behaviour.

Stirrup seems to echo Major General James’ concerns. When interviewed for a MA (LMDS) thesis as General Officer Commanding (GOC) AC in 2005, he urged caution on the potential abuse of a blame free safety culture, leading to the undermining of the chain of command, particularly within a military organisation.⁶⁶ The tension, for James, was clear “...any way to get a group of multi disciplined individuals to contribute to effective teamwork is to be applauded...the challenge is not to undermine the chain of command.”⁶⁷ This challenge of maintaining a valid command chain distinguishes military aviation from its civil counterpart.

Legal Structures for Military Discipline

The Defence Act 1954 was recently amended and now provides for a military judge and summary courts-martial. The organisation has, according to Shatter in Dáil Éireann on 13 July 2011, “radically overhauled the procedures for the investigation, summary disposal or trial by court-martial of offences against military law.”⁶⁸ The legislation provides for a Military Police force and Provost Marshal who is tasked with the prompt suppression of all offences.⁶⁹ Under the Acts the majority of offences in relation to aircraft are not disciplinary in nature but criminal. They are, with few exceptions, described as non-scheduled offences and, as such, are reserved for trial by courts-martial. They are treated with some gravity.⁷⁰

Within military forces discipline is valued highly to ensure effectiveness. The Minister for Defence, Alan Shatter stated in Seanad Éireann on 6 July 2011 that: “the importance of upholding an independent, effective and efficient system of military discipline cannot

63 Haddon-Cave, C. (2009) Op Cit, pg 573.

64 Stirrup, J. Chief of the Defence Staff, Air Chief Marshal (2009) ‘The cause is just – culture must be too’, Desider Magazine, issue 9, [online], available at: http://www.mod.uk/NR/rdonlyres/77E39892-7895-4D83-9C81-207BD553A06F/0/desider_09_Jan09.pdf [accessed 30 Dec 2011].

65 Ibid, pg 20.

66 Connors, N. (2005) Does Crew Resource Management have a place in the Irish Defence Forces? Unpublished MA (LMDS) thesis. National University of Ireland, Maynooth.

67 Ibid, pg 36.

68 Shatter, A., Dáil Éireann Debate Vol. 738 No. 3, 13 July 2011, [online], available at: <http://debates.oireachtas.ie/dail/2011/07/13/00009.asp> [accessed 30 Dec 2011].

69 Defence Acts [1954-2011] s.170.

70 Defence Acts [1954-2011] s.176A refers to the Eleventh Schedule to the Acts. This is composed of disciplinary offences; all others are criminal in nature. For example, s.151 (wrongful acts in relation to aircraft), s.152 (inaccurate certificate as regards aircraft), s.153 (low flying) and s.154 (disobedience of orders of captain of aircraft) are not in the Eleventh Schedule and are thus described as non-scheduled offences.

be underestimated.⁷¹ Discipline is the essence of a military force...it is underpinned by the legal authority given to commanders.” This quotation highlights the Ministers attitude to discipline and was made as part of a debate to introduce the Defence (Amendment) Bill 2011. This Bill has since become law and demonstrates the importance attached to discipline. It concerned a number of technical refinements of military law to enhance the effectiveness of the military justice system. Military aviation, while very technical, has had no such legislative investment. This contrast marks out the priorities of the organisation as outlined by the Minister for Defence.

Consequently, it is of major importance that the organisation has created a complex set of Hofstede structures and systems⁷² that are designed to support and maintain a culture of military discipline. These structures and systems are founded in law from a fundamental or constitutional level⁷³ through statute in the Defence Acts and down to a regulatory level in the Defence Force Regulations (DFRs). According to Kelly there is no doubt that such laws strongly influence the norms and behaviours within such a culture.⁷⁴ The enforcement of this discipline is, in the first instance, a matter for the commander of a unit. According to DFRs the GOC AC is responsible for discipline for all AC personnel.⁷⁵

Legal Structures for AC Safety Culture

With the complex military discipline structures in mind, it is necessary to consider the legal structures supporting AC safety culture. After the loss of a helicopter and crew near Tramore, Co. Waterford in the early hours of 02 July 1999 the accident investigation report went on to recommend that a fully resourced Air Safety Office be immediately created with “the remit of ensuring that a degree of independent audit [author's emphasis] of flight safety issues and operational standards is available to the GOC.”⁷⁶

The AC now has a policy for the management of flight safety. It is the responsibility of the Air Safety Office, now known as the Flight Safety Office (FSO) to implement this policy and to achieve and maintain a positive safety culture within the AC. The policy is published by the AC in a document called the ‘Air Regulations Manual Part F – Flight Safety’ (hereinafter ARM).⁷⁷ The policy notes the primary responsibility for safe operations rests with unit commanders but that “there is also an individual responsibility to Flight Safety.”⁷⁸

The policy acknowledges that the next higher officer in the chain of command “may issue written directives, which may conflict with this Manual.”⁷⁹ In this regard, it is critical to note that the FSO is just one office within AC Headquarters and reports to the GOC AC. The officer in charge of the FSO, usually of lieutenant colonel rank, is subordinate

71 Shatter, A., Seanad Éireann Debate Vol. 209 No. 4, 6 July 2011, [online], available at: <http://debates.oireachtas.ie/se-anad/2011/07/06/00010.asp> [accessed 30 Dec 2011].

72 Hofstede, G., (1994) *Cultures and Organisations: Intercultural Cooperation and its Importance for Survival*, London: Harper Collins.

73 Article 38(4) of Bunreacht Na hÉireann authorises the creation of military tribunals for the trial of offences against military law.

74 Kelly, A. ‘Organisational Culture, Goals and Objectives’, Senior Command and Staff Course: Command Leadership and Human Resource Management Module, 12 March 2012, The Military College, unpublished.

75 A7 Discipline Defence Force Regulations at para 1.

76 Air Accident Investigation Unit (2000) Accident: Eurocopter AS365Fi Dauphin, IAC 248, Nr Tramore Strand Co. Waterford, 01 Jul 1999: Report No 2000-011, available at: http://www.aaiu.ie/sites/default/files/upload/general/13091-REPORT_2000_011-0.PDF, pg 87.

77 Irish Air Corps (2008a) Air Regulations Manual Part F – Flight Safety, Casement Aerodrome: Irish Air Corps.

78 Ibid, pg 13.

79 Ibid, pg 14.

to the GOC AC and his two deputies,⁸⁰ each of colonel rank. The ARM states the FSO is to be unbiased in its outlook, to “retain its independent status,” but must be “directly under the GOC AC with the right of access to him on Flight Safety matters... [and is] free to retain authority in the field of aircraft accident reporting procedures and investigations.”⁸¹ However, the FSO has no particular special position within the organisational structure and is essentially on a par, at least in structural terms, with the Military Police.

Legal Status of the Air Regulation Manual (ARM)

The title of this document, issued on the authority⁸² of GOC AC, utilises the word ‘regulations’ to describe itself which has a particular legal connotation. A regulation is a formal order made by a Government Minister exercising a statutory power, given under legislation, and usually in the form of a statutory instrument.⁸³ In the case of civil aviation the Irish Aviation Authority (IAA) issues orders and regulations pursuant to an Act of the Oireachtas.⁸⁴ This power is delegated in order to implement the Convention on International Civil Aviation mentioned earlier. In a European context the institutions may also adopt regulations.⁸⁵

For the DF the Minister makes Defence Force Regulations (DFRs) pursuant to a power delegated by the Oireachtas solely to him under the Defence Act 1954.⁸⁶ The Fourth Schedule of the Defence Act 1954 authorises the Minister for Defence to make regulations for “the flying, certification and maintenance of service aircraft and the maintenance and certification of service material.” DFR CS 8 is a recent regulation issued under the authority of the Act.⁸⁷

Consequently, one might conclude that the title ‘ARM’ is a source of uncertainty. It is not a regulation in the legal sense nor is it a Defence Force Regulation (DFR). GOC AC has not been delegated legal authority from the Oireachtas to publish regulations rather they are standing instructions, known as air regulations, published for the information and guidance of personnel akin to administrative instructions. In 2006, the High Court ruled, in a judicial review application by a member of the AC, that an administrative instruction “could not in any sense be said to be an integral and indispensable part of the statutory intendment....It is a direction only.”⁸⁸

In the Supreme Court and deciding on the legal power of such directions, Henchy J held that where “a requirement is in essence merely a direction...non-compliance may be excused.”⁸⁹ As DFR S1 provides, such instructions are for “general information and guidance.”⁹⁰ Administrative instructions and, therefore, the ARM, are not especially strong legal instruments as non-compliance may be excused.

80 While the FSO reports directly to GOC AC his rank is inferior to each of the colonels who have responsibility for operations and support duties in AC Headquarters. Both colonels, as staff officers for GOC AC act with his authority. Their appointments are: Chief Air Staff (Operations) and Chief Air Staff (Support) respectively.

81 *Ibid*, pg 22.

82 Para 0.9 Letter of Authorisation, Air Regulations Manual Part A [14 April 2008] at 0-9 states that the manual is issued “pursuant to DFRs, [it] defines the organisation and procedures, which govern the operation of all aircraft on the Irish Military Register” (AC, 2008c:0-9).

83 Murdoch, H. (2004) *Murdoch’s Dictionary of Irish Law* (4th edn.), Suffolk: LexisNexis.

84 Irish Aviation Authority Act [1993] s.58(1).

85 Consolidated version of the Treaty on the functioning of the European Union [2010] Art 288.

86 Defence Act [1954] s.26.

87 Air Corps Military Aviation Regulations and Directives, Defence Force Regulations CS8 [2012]

88 *Carroll v. Minister for Defence* [2006] IEHC 334 per Herbert J.

89 *State (Elm Developments Limited) v. An Bord Pleanála* [1981] ILRM 108.

90 Government of Ireland. Defence Force Regulations, Regulations, Orders and Instructions S1 1994, Dublin; Stationary Office, pg 6.

Notwithstanding its status DFR CS 8 reinforces the Defence Organisations disciplinary priorities in reminding aircrew “that ignorance of published Air Regulations will not be admitted as an excuse for their non-observance;”⁹¹ it does not mention safety culture.

Legal Structures in AC for Reporting Incidents

I now return to Reason’s informed safety culture which requires a reporting culture within an organisation.⁹² This is a climate where people are prepared to report their errors and near misses. Such a reporting culture incorporates the three themes of the article including the operation of a confidential reporting system.

The reporting systems in the AC include a mandatory occurrence report (ACMOR) and a separate confidential system. The confidential reporting systems are known as the Confidential In-flight Incident Report (CONIFIR) relating to flight operations and the Technical Occurrence Report (TORque) for issues arising in aircraft maintenance. The ARM states that: “access to the hardcopy and database, of confidentially reported incidents is strictly limited to the ACFSO and Flight Safety Section staff.”⁹³

The promise of non-disclosure is on the basis that “persons reporting incidents must trust that the receiving organisation will not use the information against them in any way. Without such confidence, people will be reluctant to report their mistakes or other hazards they have noticed.”⁹⁴

As the ARM has no formal legal basis as a regulation then it cannot create a legal privilege or confidentiality that conflicts with superior legislation. It must submit to and be bound by such legislation. Therefore, an obvious example is that the FSO is subject to the full operation of the Freedom of Information Act 1997. The FSO upon receipt of a request for information under the Act will have to supply all such documentation to the decision maker in DF Headquarters, or head, as described in the Act. The head will receive the information through the chain of command, through ACHQ. These steps will essentially eviscerate any real confidentiality as the staff in the chain of command become aware of the information.⁹⁵ Should information be required by a military police investigation or if a more senior officer orders its production then the FSO has no lawful mechanism to prevent access to its records. Moreover, information and evidence collected may be used for prosecutions or civil legal purposes.

Thus, civil aviation safety has legal support while military aviation safety has no legal support; although military discipline has a complex legal architecture. The contrast in legal terms is noteworthy. Figure 5 demonstrates, in a schematic manner, how the lack of legal supports renders the AC safety system unstable.

The theory of just culture relies on the organisation being ready willing and able to treat information confidentially. As the ARM puts it “before employees will freely report incidents, they must receive a commitment from top management that reported

91 Air Corps Military Aviation Regulations and Directives, Defence Force Regulations CS8 [2012]

92 Reason, J. (1997) Op Cit.

93 Irish Air Corps (2008a) Op Cit, pg 38.

94 Ibid, pg 36.

95 It is acknowledged that the Freedom of Information Acts provide for the non-release of information relating to preserving a system of safety. This example is concerned with the internal effects.

information would not be used punitively against them.”⁹⁶ Consequently, any guarantee within the ARM that information will be treated as confidential is open to question.

The nexus between the FSO as an adjunct of AC Headquarters raises a further question of the independence of the office. Consider the original safety recommendation from the Tramore accident report which required “a degree of independent audit of flight safety issues and operational standards.”⁹⁷ Consequently, I would conclude the FSO stands apart from its civilian equivalent in having no legal support and questionable independence.

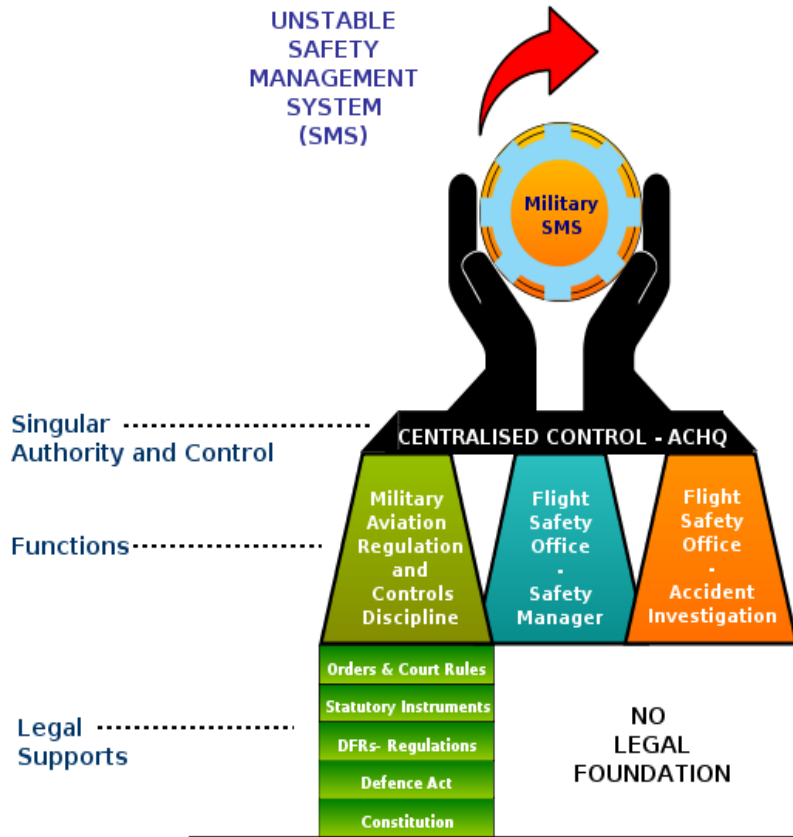


Figure 4: Dropping the SMS Ball – Lack of Legal Support for the AC SMS makes it unstable

An analysis of the reporting rate can act as a measure of the safety culture. The evidence is that AC personnel are not engaging with the voluntary reporting system. Dekker explains “getting people to report is about building trust: trust that the information provided in good faith will not be used against those who reported it.... Keeping up the reporting rate is also about trust.”⁹⁸

⁹⁶ Irish Air Corps (2008a) Op Cit, pg 37.

⁹⁷ Air Accident Investigation Unit (2000) Op Cit, pg 87.

⁹⁸ Dekker, S. (2007) Op Cit, pg 44.

It's a Question of Trust...

The question of trust in the flight safety system is of value as it measures the system's effectiveness and the confidence of personnel in that system. As O'Leary and Chappell explain "trust is the most important foundation of a successful reporting programme,"⁹⁹ essential to a reporting culture; which is a climate where people are prepared to report their errors and near misses. This is highly dependent on how an organisation deals with blame and punishment.¹⁰⁰ Returning to the iceberg analogy, without active voluntary reporting of incidents from below the waterline the approaching accident is hard to prevent. Figure 7 presents the rate of voluntary confidential reporting in the AC from 2002 to year end 2011.

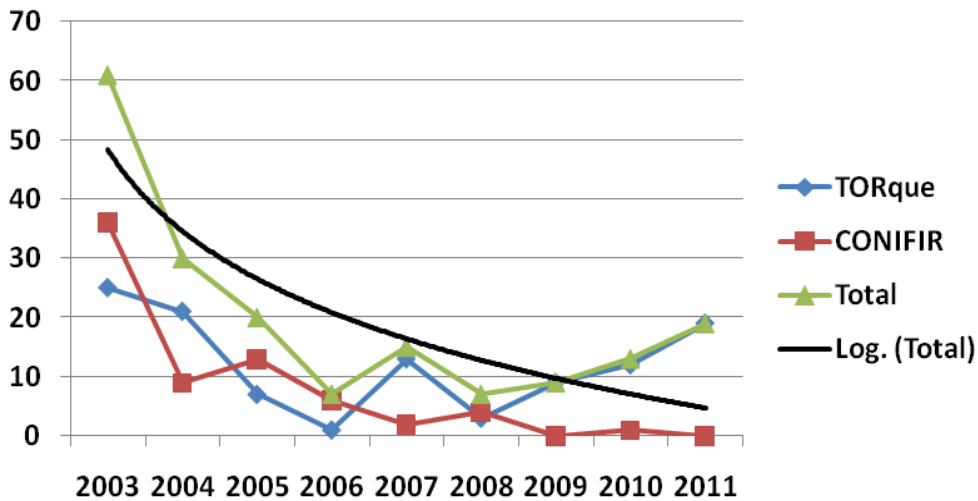


Figure 5: Use of Confidential Reporting Systems in the Air Corps

The trend in the voluntary reporting rate since 2002 is downwards.¹⁰¹ In the four years since 2008 only five voluntary reports have been submitted by aircrew through the confidential system.

Let us now consider the accident rate and how it is linked to the reporting rate. Considering an average of 10,892 hours is flown each year the current accident rate¹⁰² equates to one accident every five years with the last accident in 2009.¹⁰³ In addition, there was a serious incident in late 2006 during the delivery of two new helicopters. Thus, there have been two major events over approximately five years. Applying the ratio from Heinrich's triangle theory, reviewed in Chapter Two, indicates that the number of reports submitted in the last five years should be of the order of 2000. However, only 1367, predominately mandatory reports, were submitted.¹⁰⁴

99 Chappell, S.L., O'Leary, M., (1996) Op Cit, pg 11.

100 Reason, J. (1997) Op Cit.

101 The TORque system concerns technical personnel and the CONIFIR system concerns aircrew. It must be acknowledged that the use of the TORque system indicates a rising trend, in recent years, while the CONIFIR system has little, if any, interaction with personnel. The usage rates may also be affected by the mandatory reporting system (ACMOR) that has operated since 2003 although its focus is on aircrew not technicians which may explain why the TORque rate is rising for technicians.

102 Irish Air Corps (2011) Air Corps Flight Safety Annual Report, Casement Aerodrome: Irish Air Corps. The current five year moving average accident rate is 0.186 accidents per 10,000hrs flown. The respective annual hours flown from 2007 to 2011 inclusive is: 12,841; 11,021; 11,045; 9,900 and 9,655 providing an annual average of 10,892hrs.

103 Ibid. The most recent accident was in June 2012; however, it is not included in these figures.

104 Irish Air Corps (2007, 2008, 2009, 2010 and 2011) Air Corps Flight Safety Annual Report, Casement Aerodrome: Irish Air Corps.

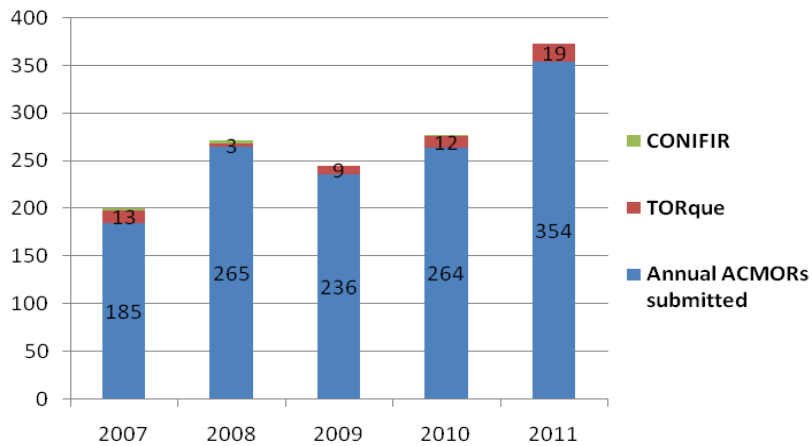


Figure 6: Mandatory and Confidential Reporting Rate 2007 – 2011 Total of 1367 reports

The comparison of the total number of reports received with the number predicted by Heinrich's ratio indicates that there is a general problem with under-reporting, whilst the low rate of voluntary reporting, allied with the results of previous studies, suggest that there is a low level of trust in the AC flight safety system. Without trust the required reporting culture is not present. One might, therefore, conclude that occurrence information is not being reported which means the safety system cannot function as an informed safety culture.

Conclusions

While the DF might aspire to such a just culture, it does not have a legal or organisational framework to support it. In fact the emphasis, in legal terms, is not on safety but on discipline.¹⁰⁵ The organisation has developed an elaborate legal framework to enforce discipline which demonstrates its priorities to military personnel and by extension influences the culture within.

Discipline, aviation regulation and safety are unified under one chain of command emanating from AC Headquarters. Structurally, such an arrangement is not conducive to developing trust amongst personnel – it is not in their interest to confess mistakes to those that might punish them, especially as there are no legal obstacles to such punishment. The FSO cannot guarantee the promise of confidentiality nor is it prohibited by any legal provision from releasing information. Such an organisational structure is not one that fosters trust in a just culture.

It is in this context, the research reinforces the findings of previous studies by suggesting that trust is at a low level in the AC/DF – personnel are not utilising the voluntary reporting system to any substantial degree.¹⁰⁶ In addition, research of similar military aviation

¹⁰⁵ By way of illustration, five Acts have been passed since the FSO was established, two of which specifically focused on discipline: Defence (Amendment) Act 2007 and the Defence (Amendment) Act 2011. The others dealt with the European Defence Agency (Defence (Miscellaneous Provisions) Act 2009); despatch of overseas contingents (Defence (Amendment) Act 2006) and the Defence Forces Ombudsman (Ombudsman (Defence Forces) Act 2004).

¹⁰⁶ Ciancy, M., D'Arcy, B., Prendergast, M. and Sills, B. (2010) *A Clash of Cultures- Flight Safety in the Irish Air Corps*. Dublin Institute of Technology, Dublin. Connors, N., Furniss, D., Griffith, P., and MacIntyre, A. (2009) *Mandatory Occurrence Reporting, hindrance or help to flight safety?* Dublin Institute of Technology, Dublin.

organisations, with similar cultures and legal systems, indicates that the AC/DF is an incongruous legal anomaly amongst its peers. Other military organisations researched have made some legal provision for their safety system and introduced organisational structures that strive for the creation of a just culture. The AC/DF structural issues can be solved with thought and the careful application of legal power – trust will then follow. The variety of law and structures used internationally provides a rich source of ideas and concepts to learn from.

Recommendations

The SMS in the AC/DF requires a legal foundation and structure that echoes the themes of this study in order to achieve a just culture. Keeping in mind that Kelly advises “laws also influence the acceptance of new norms or values and reinforce their acceptance within a culture,”¹⁰⁷ Any recommendations should be set firmly within a legal and structural architecture. The unified nature of the organisational structure could change; functions might be separated into distinct areas but only in a manner that does not threaten the commander’s authority.

Legal Structure

The lack of legal structure can be addressed through legislation. As the AC/DF is subject to the requirements of the Freedom of Information Acts and the Defence Acts, then statute is the only legitimate answer to this need. Moreover, statute has the necessary power to create a legal privilege over information and amend the disciplinary process. It is also relevant that any such safety legislation should have similar status to the Defence Acts to highlight its importance.

Consequently the preparation of a Defence (Aviation Safety) Bill¹⁰⁸ is proposed as a possible solution. It attempts to address systemic requirements; empower safety and regulatory authorities and fundamentally, enable a just culture.

Independent Safety Investigations

The ICAO standard requires investigation authorities to have independence.¹⁰⁹ The investigation authority must be separate from the disciplinary authority and have legal supports and powers to protect its function and position. In light of these thoughts and the prevailing experience in other culturally similar military organisations, the structure in figure 8 might be considered. It places the safety officer, who would become the Inspector of Flight Safety on the staff of the Chief of Staff, thereby removing him from the disciplinary line of authority. This change, in itself, would send an important message to AC/DF personnel about the value placed on flight safety by the organisation. It is imperative that the line between the safety and disciplinary systems is a bright one. There must be clarity in how the two systems interact.

¹⁰⁷ Kelly, A. ‘Organisational Culture, Goals and Objectives’, Senior Command and Staff Course: Command Leadership and Human Resource Management Module, 12 March 2012, The Military College, unpublished.

¹⁰⁸ A draft Defence (Aviation Safety) Bill was produced as part of the thesis presentation but is not reproduced here. It is indicative of the type and form of legislation that is required to meet the thesis recommendations.

¹⁰⁹ The ICAO standard for investigation authorities is functional independence; it does not mandate institutional independence (Dempsey, 2010). The term ‘functional independence’ means the investigation body may be part of an organisation yet is guaranteed freedom of action for its activities, thus having sufficient independence. The independence envisaged requires separation from regulatory functions; as such a regulator may be the subject of a safety investigation.

Proposed Structure of SMS

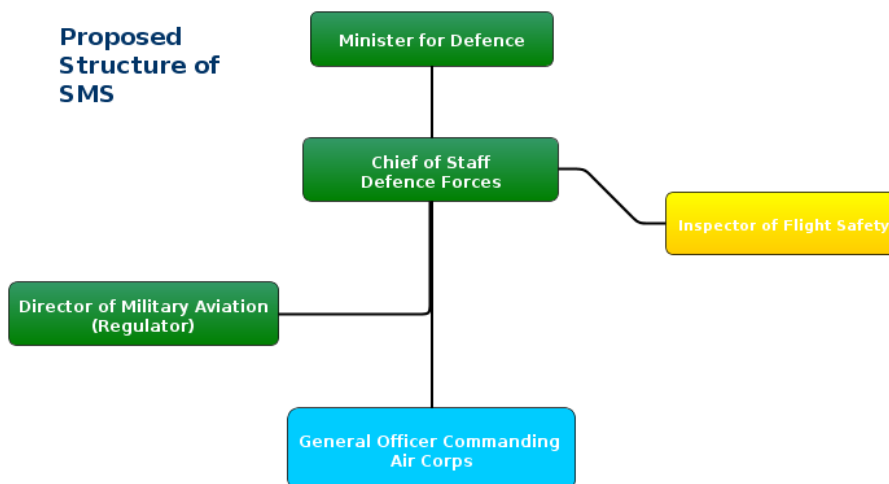


Figure 7: Proposed New Just Culture Organisational Structure

Confidential Reporting

The ability to protect safety information by providing confidentiality and preventing the use of such information for disciplinary purposes is a sine quo non for developing trust in the safety system. The use of legal privilege to achieve this protection, albeit balanced with the public interest, is a flexible and proven approach.

Independent Regulation

In civil aviation, an organisational tension exists between investigator, regulator and operator – this tension ensures the status quo cannot be accepted easily. The Director of Military Aviation should independently regulate operations and maintenance and have an appropriate legal basis. This basis, in statute, will demonstrate organisational commitment to safe operations and provide appropriate legal power. The Director should actively monitor and audit implementation of rules and standards.

Reflection

Other military organisations have introduced safety initiatives and systems after the loss of lives from major accidents. Our aim should be to learn from those lessons without further loss of life. During the last 25 years in the DF there have been many fatal accidents. More recently the loss of two pilots was reported on.¹¹⁰ The investigation recommended a review of the AC SMS; perhaps this article may contribute to that review.

It is not suggested, however, that this thesis will be a panacea to the thorny issue of reducing the accident rate in the AC/DF rather, to paraphrase Reason, these recommendations hold the promise of such a result and the reward of establishing our safety culture on a sound footing.¹¹¹ It is then up to the leadership of each person in the organisation to make it the way we do business around here.

¹¹⁰ AAU Report No. 2011-016 concerning accident at Connemara, Co. Galway on 12 Oct 2009 of PC-9(M), 265.

¹¹¹ Reason, J. (1997) Op Cit.

Rethinking Irish Civil-Military Relations in the 21st Century

ABSTRACT

Civil-military relations in Ireland are customarily discussed largely in terms of the inner workings of what is now officially termed the 'Defence Organisation'. This article argues that those relationships also require consideration within the wider framework of Irish internal and external security and foreign policy interests and commitments, where the last two decades have seen noticeable developments in the extent and nature of military involvement. These merit discussion in tandem with the more familiar questions of how the Department of Defence and the Defence Forces interact.

Structural tension between the Department of Defence and the Defence Forces may be attributed to six main historical factors. The first was the shock of financing the new national army during and after the civil war of 1922-3, where haphazard and unplanned expansion and development left the new state with a disproportionate, costly and inappropriate unbalanced set of forces: a large infantry army, a miscellany of aircraft for which almost no use had been found during the conflict, and no maritime capacity whatsoever despite the fact that Ireland is an island, that maritime security was at the heart of British preoccupations during the Treaty negotiations, and that separatists had always believed that an independent Ireland should harvest the riches of the surrounding seas. The new state had no option but to cut back savagely and arbitrarily, reducing a 55,000 man force to about 7,000 soldiers and a few hundred air corps personnel by the late 1920s.¹

The second was a long-standing fear of an over-mighty military, arising particularly from the army 'crisis' or mutiny of March 1924, itself largely a reaction to the cutbacks, and also from enduring Irish (and British) concerns that too large and purposeful an Irish army might aspire to recover the 'lost province' of Northern Ireland. The fact that the military became embroiled in intrigues relating to the Northern Ireland issue in 1969 – machinations which caused the 'arms crisis' in 1970, resulting in the dismissal and arrest of two senior ministers, the enforced resignation of another and the resignation in protest of a fourth – must have reinforced sentiments within Defence that the army had always to be very carefully watched and controlled. The immediate shock of the 'arms crisis' was such that a recently retired and generally level-headed British ambassador predicted 'a Greek authoritarian phase' of military rule, although in the event civilian authority was not threatened or jeopardised.²

¹ These are addressed in more detail in Eunan O'Halpin, *Defending Ireland: the Irish state and its enemies since 1922* (Oxford, 1999). On the dismal history of experiments in air operations, see Michael O'Malley, *Military Aviation in Ireland, 1921-1945* (Dublin, 2010).

² Eunan O'Halpin, "A Greek Authoritarian Phase": the Irish Army and the Irish Crisis, 1969-70', *Irish Political Studies* vol. 23 (2008), issue 4, pp. 475-90.

The third, which arises from the complete absence of a long-term policy on how independent Ireland should be defended from external as well as internal threats, is probably attributable to unrealistic military ambitions for land forces and equipment supposedly capable of defending the state unaided from external aggression.³ The conflict between military ambition and financial and political feasibility was compounded by the unwelcome additional cost under legislation in 1924 and 1934 of pensions and related benefits for veterans of the Irish revolution and their dependants. Besides the outlays involved, because such financial awards were made only sparingly – less than one in five applicants received a penny – the pensions system generated widespread grievance, resulting in constant political pressure upon successive Ministers for Defence about individual cases. On higher questions of national defence, there was almost no discourse or deliberation.⁴

The fourth is the administrative culture of central government in independent Ireland. As long ago as 1969 the Public Service Organisation Review Group (the Devlin Group) decried the inefficiency and duplication inherent in the way that the state dealt with the Defence Forces, arguing that all departments of government including Defence should abolish the ‘dual structure’ approach whereby professional and technical expertise was constantly second-guessed and overruled by non-specialist, cheese-paring administrators, whose focus should instead be on high level policy issues and strategic thinking. The Devlin report is long forgotten, but in substance the ‘dual structure’ continues to flourish, at any rate in the Department of Defence.⁵

The fifth is that Defence has always had constantly to fight on two fronts, simultaneously watching the Defence Forces, and protecting them as best it could from the depredations of the Department of Finance, where all defence spending was treated as intrinsically frivolous and unproductive. In recent decades, Defence’s relationship with Finance cannot have been helped by the tsunami of ‘army deafness’ claims, which some commentators in the 1990s predicted would exceed £1 billion in costs to the exchequer. In the event, Defence appears to have performed an exemplary containment operation: as of November 2009, by which time most claims had been dealt with, the total cost was estimated at £389 million.⁶ Besides damaging the Defence Forces’ public standing – to the public ‘army deafness’ appeared to be the military equivalent of whiplash claims in traffic accidents, and nothing more – this costly saga must surely have had a negative impact on civil/military relations within the Defence Organisation, and diverted energies from long-term planning.

The final reason is that the very term ‘defence policy’ has always been and remains politically sensitive. Until the twenty first century – to be precise, the year 2000, when the first White Paper on Defence was issued – sensitivities were such that ‘defence policy’ in the form of an explicit alignment of the state’s defence resources and planning with perceived external and internal threats and with wider foreign policy obligations and opportunities, was never formally articulated or explored. In 1946 the powerful Chief

3 Theo Farrell, *The Model Army: Military imitation and the Enfeeblement of the Army in Post-Revolutionary Ireland, 1922–42*, *Irish Studies in International Affairs*, vol. 8 (1997), pp. 111–127.

4 The intricacies of pensions legislation and administration are outlined in Catriona Crowe and Patrick Brennan (eds.), *Guide to the Military Service Pensions Collection* (Dublin, 2012, but actually published in 2014).

5 Report of the Public Services Organisation Review Group [the Devlin report] (Dublin, 1969), p. 247.

6 ‘Written Answers – Hearing Impairment Claims’, *Dail Debates* vol. 695, no. 2, 19 Nov. 2009.

of Staff Lieutenant General Dan McKenna observed that ‘while it may be impolitic to be specific as to the actual threats that existed to this country ... it would be well’ if the general public were aware that had not ‘the Government ... raised and equipped Defence Forces and equipment to the limit of their resources’ from 1940 onwards, ‘the United Nations would have been forced in the interests of their own security to occupy, garrison and hold this country’. He continued: ‘if we are not prepared to garrison and defend our country someone else will come in and do it for us!’⁷ But such words, although coming from the man acclaimed for his prodigious work in building up the Defence Forces almost from nothing in 1940, fell on deaf ears. Instead Defence concentrated on tight control of every aspect of military affairs, and the Defence Forces just ticked over as best they could. In 1971 a perhaps jaundiced British military attaché wrote that

I am not sure that the Irish forces themselves have a defence policy. They have no staff organisation to speak of, except for administration, and thus there is no equivalent of our defence planning staff; there is no assessments apparatus ... and no continuing liaison with other Government Departments such as the DEA [Department of External Affairs]. There is no continuous planning or grading of priorities ... In practice I think Irish Defence Policy and priorities are decided “ad hoc” to suit situations as they arise.⁸

Does that remain the case? A combination of factors, of which the European integration process and the Northern Ireland crisis were the most significant, have induced marked changes in both the civil and military sides of the Defence Organisation, and in how they individually and jointly relate to other elements of the state, to international organisations, and to the deliberative and co-ordinating mechanisms of the European Union.⁹ ‘Army deafness’ and other instances of problematic military management of resources or personnel may continue to fuel Defence’s concerns about the detailed administration of the Defence Forces, but it is clear from publicly available sources that the last twenty years have seen a broadening of the department’s perspectives and preoccupations.

This is demonstrable when the White Papers on Defence of 2000 and 2015 are considered in parallel. The 2000 White Paper, the first such attempt at a public overview of defence policy since the foundation of the state, aspired to ‘the development of a policy-led Department’, but in practice it focussed very largely on questions of effective asset management, procurement, consolidation of units and reduction in Defence Forces numbers, and of administrative changes necessary to achieve this.¹⁰ Media coverage at the time suggested that the document was drafted with limited military involvement, resulting in acute difficulties between the military and civil sides of the Defence Organisation before some adjustments were made in key areas.¹¹ We should also note that the long-overdue programme of phased closure and disposal of redundant military installations generated far more public controversy and political pressures for successive Ministers for Defence than did more substantive issues of military organisation, capacity

⁷ Chief of Staff to Minister for Defence, 18 Apr. 1946, in Michael Kennedy and Victor Laing (eds.), *The Irish Defence Forces 1940-1949: the Chief of Staff's Reports* (Dublin, 2014), p. 440.

⁸ The National Archives, London, FO33/1616, report by British military attaché, Dublin, 6 Jan. 1971.

⁹ Eunan O’Halpin, ‘Ireland and EU intelligence assessment: the politics of an undeclared Petersberg task’, *Irish Political Studies* vol. 17, no. 2 (2002), pp. 35-58.

¹⁰ Department of Defence, White Paper on Defence (Dublin, 2000), p. 81.

¹¹ *Irish Independent*, 19 Feb. 2000.

and policy arising from the White Paper. As late as 2011, a minister of state resigned his position and quit his party because of the long-heralded closure of Colum Barracks in Mullingar.¹² While the 2000 White Paper noted the reduction in the domestic and cross-border terrorist threat arising from the Good Friday Agreement of 1998, it had very little to say on the wider European security environment, or indeed on what overall Irish defence and security policy actually was.

There is a marked contrast with the 2015 White Paper, which in the Minister's words set out 'a policy framework that will deliver the flexibility, support and modernisation needed to respond to a complex and changing environment both at home and abroad over the next decade', and which offered 'a comprehensive security assessment that provides the context for the defence policy response ... it builds on an all-embracing Government response and effective engagement with international organisations ... it situates defence policy within the State's broader security framework'.¹³ That document indicates that, if the Defence leopard has not really changed its spot, it has at least added to their number in the realm of serious reflection on wider policy, particularly as regards increased Irish involvement in discourse on defence, security and international humanitarian affairs within the framework of the European Union. Such matters have drawn Defence officials as well as the military into transnational discussion of defence and security issues, and have also brought them into closer contact with the Department of Foreign Affairs and Trade (DFAT) in Dublin and in the Irish Permanent Representation in Brussels: the secretaries general of the two departments recently co-hosted an open forum on security issues in Iveagh House. The 2015 White Paper on Foreign Policy also specifically referenced the Defence Forces not only in terms of participation in international peacekeeping, but of defending Ireland and her partners from threats including terrorism.¹⁴

Since 1923 the Defence Forces have been routinely deployed in aid of the civil power, both for security and for other purposes, to an extent very unusual by western European standards. Their highly visible performance in many ACTP security roles, paradoxically, tends to be overlooked as a key function precisely because for four decades it was so routine to see cash shipments accompanied by military escorts, and military details protecting sensitive installations such as the Special Criminal Court and Portlaoise Prison. The very success of such operations in maintaining security have probably led to their being discounted in the public mind. The same applies to border duties, where military support for An Garda Síochána was a crucial element in national security.

Relations between the Garda and the military have never been other than distant. Whether in the struggle over responsibility for monitoring internal subversion in the late 1920s, won decisively by the Garda, or the management of Ireland's delicate intelligence and counter-espionage relationships with the wartime allies between 1939 and 1945 where army intelligence in practice prevailed due to the support of the Department of External Affairs, the state's two security institutions have been competitors rather than partners. Indeed the late Taoiseach Garret FitzGerald was fond of observing that, in the light of the arms crisis revelations, it was important to have an element of tension between the civil and military organisations dealing with security issues, so that 'they could keep an eye on

¹² Unlike the great majority of his former Labour Party colleagues, Willie Penrose TD retained his seat in the 2015 General Election.

¹³ Ministerial Foreword by Simon Coveney TD, White Paper on Defence (Dublin, 2015), pp. v-vi.

¹⁴ *The Global Island: Ireland's Foreign Policy for a Changing World* (Dublin, 2015), p. 27.

each other'. To some extent such turf wars are unavoidable, and probably not dissimilar to friction between British defence, police and security organisations during the Northern Ireland troubles: in 1979 a former head of the British intelligence agency MI6, sent to Belfast to reform the security system, wrote that 'I always knew that Northern Ireland had many religions but I never realized that it could give rise to so much theology – and a good deal of it pretty dogmatic'.¹⁵ The arms crisis cast a long shadow over military/police relations in the sphere of national security. Grave problems of demarcation, co-ordination and co-operation were flagged by Mr Justice Finlay's inquiry into national security arrangements in 1974, but few of his recommendations regarding improved army/Garda liaison and information-sharing were enacted in form and none in substance. Indeed, even after 9/11 had radically redefined European and Irish perspectives of international terrorism, it is striking that a senior Department of Foreign Affairs official should effectively indicate that the state lacked any integrating mechanism for assessing security issues. Disclosing Irish views on the notorious Northern Bank robbery in Belfast, he explained that the official Irish

judgement on the robbery was based almost exclusively on UK intelligence. He also said that intelligence is handled very differently in the British and Irish governments. In the Irish government, many officials, including himself, do not receive any intelligence reports. The tradition instead is to take the word of the Garda.¹⁶

We may wonder whether existing Irish security structures, practices, doctrine and culture have changed all that much since 2005, but the increasing complexity of external threats to national security suggests an urgent need to recalibrate relations between the civil and military arms of the national security system.¹⁷

The state is justly proud of the exemplary performance of Defence Forces' personnel in a wide range of international peacekeeping roles since the first group observers were despatched to the Lebanon in 1958. Such service quickly brought reputational benefits for Ireland, not only with the emerging states of the world but with superpowers: when President Nixon visited Ireland in October 1970, his National Security Advisor Henry Kissinger wrote that 'Ireland's influence in the general international scene is far greater than its actual political or economic strength ... you should indicate gratitude for Irish cooperation in the maintenance of world peace, especially through participation in peace supervision and peacekeeping operations in the Middle East, Cyprus and previously in the Congo'.¹⁸

Such praise should not obscure the fact that for about two decades after 1958, the Defence Forces were essentially hapless brides in a succession of arranged marriages negotiated by Irish diplomats, mainly under the aegis of the United Nations, with absolutely

¹⁵ Quoted in Eunan O'Halpin, *British intelligence, PIRA, and the early years of the Northern Ireland crisis*, in Paul Maddrell (ed.), *The Image of the Enemy: intelligence analysis of adversaries since 1945* (London, 2015), pp. 162-191.

¹⁶ United States Ambassador, Dublin, to Washington, 4 Feb. 2005, accessed via https://search.wikileaks.org/plusd/cables/05DUBLIN143_a.html, 7 January 2015.

¹⁷ Michael Mulqueen, *Re-evaluating Irish national security policy: affordable threats?* (Manchester, 2009), passim; Eunan O'Halpin, *Ireland 1945-2015: plus ça change*, in Bob de Graaff & James M. Nyce (eds.), *The Handbook of European Intelligence Cultures* (Lanham, 2016), pp. 183-196.

¹⁸ United States National Archives and Records Administration, Nixon National Security papers, President's Trip Files #469, undated memorandum by Henry A. Kissinger.

no knowledge of the environments where military personnel were to be deployed, nor of any aspects of military organisation and operational requirements, problems graphically borne out in a recent study of Ireland's Congo commitment.¹⁹ Matters have changed very considerably. The United Nations Training School within the Military College now plays a pivotal role in preparing officers for international service, and for facilitating the sharing of Irish peacekeeping expertise with other armed forces. Since 1978 Irish officers have routinely been seconded to the Department of Peacekeeping Operations in United Nations headquarters. A military adviser is now attached to the Permanent Representation of Ireland to the United Nations, and the Permanent Representation of Ireland to the European Union in Brussels includes a number of military personnel and Defence officials who deal with relevant European Union institutions and processes.²⁰ The nature of Ireland's international military involvements has also expanded since May 2015 through the Naval Service's rescue operations in the Mediterranean, burden-sharing activities which not only boost Ireland's humanitarian record but strengthen bilateral relations with the state's southern EU partners.

The complex negotiations on the Anti-Cluster Munitions Convention provide a useful case study of what might be termed the growth of military 'soft power' within the Irish policy system, illustrating how Irish military expertise can contribute to the pursuit of national policy in wider international affairs. Matters were finally brought to a successful conclusion at a conference in Dublin in May 2008 chaired by the Irish government. Beforehand a senior Irish diplomat, 'true to the Irish view of themselves in the world ... portrayed Ireland's intended role as one of an honest broker striving for reasonable consensus'.²¹ Minister for Defence Willie O'Dea was 'non-committal' about the likely outcome because of the complexity of the underlying technical and political considerations, not least the positions of governments such as the United States and Finland which still had cluster munitions.²² In the event, an American diplomat wrote that 'the Irish Government was both relieved and delighted with the outcome of the conference. With considerable behind-the-scenes arm-twisting ... Ireland's two main objectives were realized'. These were the drafting of a workable convention outlawing the use of such munitions by the signatories, and its framing in a manner which would enable non-signatory states gradually to align their policies and practices with those encapsulated in the draft convention.²³

Ambassador Daithi O Ceallaigh, who oversaw the Irish team, said that the Defence Forces' role in this successful negotiation was crucial in two respects.²⁴ One was the prosaic but important matter of conference logistics for over 900 delegates, where as usual the military excelled. The other was in the substantive business of the conference. Negotiators had to address matters which were highly technical in nature, such as the definition of cluster munitions. Here Foreign Affairs were entirely reliant on military personnel with extensive international experience in ordnance and de-mining when

19 Michael Kennedy & Art Magennis, *Ireland, the United Nations and the Congo: a military and diplomatic history, 1960-1* (Dublin, 2014).

20 These are listed at <https://www.dfa.ie/prep/brussels/> (consulted 28 July 2016).

21 United States ambassador Foley to Washington, 8 May 2008, https://wikileaks.org/plusd/cables/08DUBLIN251_a.html, accessed 27 June 2016.

22 United States ambassador Foley to Washington, 28 May 2008, https://wikileaks.org/plusd/cables/08DUBLIN306_a.html, accessed 27 June 2016.

23 United States embassy, Dublin, report to Washington, 26 June 2008, https://wikileaks.org/plusd/cables/08DUBLIN398_a.html, accessed 27 June 2016.

24 Interview with Daithi O' Ceallaigh, 28 July 2016.

negotiating with the representatives and technical specialists of other states, and they had to trust that other states recognised Irish military expertise. The outcome was a document, ultimately signed in Oslo on 3 December 2008, which satisfied not only the 108 signatory states but others like Finland and the United States, with both of whom Ireland had very strong bilateral relations which she wished to protect. The American embassy concluded that ‘the Irish worked hard (and successfully) ... to achieve an outcome that addressed their concerns, but was workable for the United States and other holders of cluster munitions’.²⁵

There are both continuities and discontinuities in the pattern and nature of civil-military relations in independent Ireland. One might take the view that, like a long-married couple, within the Defence Organisation each side takes a kind of pride in complaining about the other. But we should also ask how different are Irish civil-military relations to those which pertain in other modern European democracies: is ‘Irish exceptionalism’ once again to be deployed to explain the pattern of relations, or is it just that Irish commentators are unaware of or dismissive of comparable matters in comparable states? Some years ago Amos Permuter remarked that ‘the Israeli Defence Forces have played a disproportional role’ in shaping Israel’s Middle Eastern policies.²⁶ While the obverse is historically true of the Irish Defence Forces, to this outsider it appears that wider and developing set of relationships between the Irish military and other arms of the state, as well as the Defence Forces’ increasingly sophisticated dealings with the European Union, the United Nations, and other international organisations, mark a very significant transition.

There remains a clear requirement for enhancing civil/military cooperation regarding military, Garda and diplomatic assessments of emerging security challenges for Ireland and for Europe arising especially from new varieties of international terrorism, crime and mass migration associated with to regional instability in the Middle East and North Africa. Ireland is already involved in such integrating processes within the European Union. As Section 3.2 of the 2015 White Paper on Defence recognises, the state needs to ensure that a comparable approach applies at national level.

²⁵ United States embassy, Dublin, report to Washington, 26 June 2008.

²⁶ Amos Perimutter, Review of Yehuda Ben-Meir, *Civil-Military Relations in Israel* (New York 1995), *Middle East Journal* Vol. 50, no. 1 (Winter, 1996), p. 117.

A Few Good Women: Female Leadership in the Irish Defence Forces

ABSTRACT

Some authors suggest that military organisations have provided the opportunity for female leaders to break through the 'brass ceiling' and display innovative leadership in a male dominated work environment. Others would suggest that the masculine nature of military settings tends to epitomise barriers facing women leaders elsewhere. Utilising a purpose built theoretical model, this case study addresses the dynamics of female officer's leadership in the Irish Defence Forces (DF) and investigates a deeper understanding of how these women describe their leadership experience. What influences their leadership practice and their learning of leadership? What strengths do they bring to their leadership roles? How do these leading women negotiate and navigate their leadership 'route' within such a male-oriented organisational culture? What resources do they access for support? What barriers exist to their advancement to senior leadership positions? The intention is to shift discussions of military women and leadership towards a more nuanced view of how female officers in the DF lead, and what enables or hinders them in their leadership practice and in their career progression. This study produces a number of key findings, chief amongst which is that female officers, as leaders in the DF, are an experienced, well qualified, highly motivated and positively-oriented resource within the organisation, who see themselves as bringing particular strengths, as women, to their practice of leadership, both at home and abroad. Many of these officers, however, have concerns about their future service in the DF based on the numbers of senior women 'opting out', in terms of career progression, and the resultant dearth of military women progressing to senior military leadership. The implications of these broad-ranging findings, for the literature, for these female leaders themselves and for the organisation are considered, and a number of recommendations for action are presented.

Introduction

Studies into women and leadership are enjoying a long overdue renewed focus partly fuelled by recognition that leadership research pays limited attention to women's experiences.¹ In recent years, a concern to redress this imbalance and to extend critical understandings of leadership has produced a number of important works outlining the complexity of women in leadership roles. Eagly and Carli's research explores how women negotiate what they term the labyrinth of leadership.² Stead and Elliot's critical analysis

¹ Elliot, C. and Stead, V. (2008) 'Learning from Leading Women's Experience: Towards a Sociological Understanding', *Leadership*, 4 (2), 159-80.

² Eagly, A. H. and Carli, L.L. (2007) 'Women and the Labyrinth of Leadership', *Harvard Business Review*, 85(9), 62-71.

of in-depth accounts from prominent UK women leaders shows clearly how issues of gender are fundamental to theorising leadership and informing leadership development.³ Klenke's recent work underlines the continuing need to ask questions about why there remain relatively so few women in leadership roles across a number of spheres, including the military.⁴

Given that a context is regarded as increasingly uncongenial for women leaders if it is male dominated; if the woman is a token or solo, if the task is masculine stereotypic, and if hierarchy and power are stressed over egalitarianism and influence, nowhere is this observation of greater relevance than in military organisations.⁵ Female military officers remain a small minority group in militaries across the world, the Irish Defence Forces (DF) included. Currently there are 476 women in service in the DF, 146 of whom are officers, constituting 6.2 percent of the overall strength of the organisation. This figure has grown only marginally since the initial intake of women in 1981.

Walker in her study of female US Marines, posits that the scarcity of women in military leadership positions warrants a unique leadership approach that calls for aspects of femininity, self-efficacy, emotional intelligence and teamwork.⁶ Confidence in their femininity as opposed to trying to be 'one of the boys' can be an advantage for female leaders as it displays sincerity in self-reflection (considered essential for authentic leadership by such scholars as Avolio et al⁷; Walumba et al⁸) and leadership abilities. Hoyt suggests that self-efficacy is "an internal belief regarding one's job-related capabilities and competencies", which can shield women from negative perceptions and evaluations of themselves as leaders.⁹ Emotional Intelligence described women's willingness to listen to subordinates and make decisions through collaboration or using a team-oriented focus, consistent with practices of transformational leadership and EI as discussed by Mayer.¹⁰ According to Walker, teamwork described women officers' transformational leadership style, which is more likely to focus on team-oriented goals within the organisation.¹¹

In addition to Walker's individual-focused model of female leadership, Gheraldi and Poggio emphasise the importance of attending to leadership as "contextualised in specific relational situations and systems".¹² To that end, Stead and Elliott categorise a relational model based on three overlapping interconnected spheres of influence in women's leadership: Relationships to others, in which women's leadership experiences are framed by their relationship as a female to others, including family, the presence or

3 Stead, V. and Elliott, C. (2009) *Women's Leadership*, Basingstoke: Palgrave Macmillan.

4 Klenke, K. (2011) *Women in Leadership: Contextual Dynamics and Boundaries*, Bingley, UK: Emerald Group Publishing.

5 See Kanter, R.M. (1977) *Men and Women of the Corporation*, Vol 5049, New York: Basic Books; Yoder, J. D. (2001) *Making leadership work more effectively for women*; Journal of Social Issues, 57; Eagly, A. H. and Johnson, B. (1990) *Gender and Leadership Style: A meta-analysis*; Psychological Bulletin, 108; Eagly, A. H., Karau, S. J., & Makhijani, M. G. (1995) *Gender and the effectiveness of leaders: A meta-analysis*; Psychological Bulletin, 117.

6 Walker, K. M. (2009) *Women Leading Men – Combat leadership through aspects of femininity, self-efficacy, emotional intelligence and teamwork*; Marine Corps Gazette.

7 Avolio, B. J. Gardner, W.L., Walumba, F. O., Luthans, F. and May, D.R (2004) *Unlocking the Mask: A look at the Process by which Authentic Leaders Impact Follower Attitudes and Behaviour*; The Leadership Quarterly, 15(6).

8 Walumbwa, F. O., Avolio, B. J., Gardner, W. L., Wernsing, T. S., and Peterson, S. J. (2008) *Authentic Leadership: Development and Validation of a Theory-Based Measure*; Journal of Management, 34(1).

9 Hoyt, C. (2005) *The role of leadership efficacy and stereotype activation in women's identification with leadership*; Journal of Leadership and Organisational Studies, 11(4); also Newstrom, J.W. and Davis, K. (2002) *Organisational behavior: Human behavior at work* (11th edn.) Boston: McGraw-Hill.

10 Mayer, J. (1995) *A Framework for the Classification of Personality Components*; Journal of Personality, 63.

11 Walker (2009), op cit.

12 Gherardi, S. and Poggio, B. (2007) *Tales of Ordinary Leadership*; in Reynolds, M. and Vince, R. (eds), *The Handbook of Experiential Learning and Management Education*, Oxford: Oxford University Press.

absence of role models and mentors and the development of networks and alliances; Relationship to place, where women's accounts illustrate the importance of physical locations where they practice leadership (in the case of military leaders, this might refer to training institutions and /or overseas deployments) and; Relationship to work, or the barriers women encounter and the ways in which they negotiate such barriers, through professional networks and alliances, within which role models, mentor or sponsorship and social capital are all relevant.¹³

Combining these insights from both feminist and military literatures progresses research into women's leadership in the Defence Forces to result in a framework that examines their experience of leadership at three interacting levels; the personal, the social/relational and the organisational. In examining the significance of these variables, three focus groups and six follow-on interviews with key informants were conducted. Participants were of Commandant or Captain rank, with 12 to 24 years service, including overseas, from the Army and the Naval Service. Key findings on women's leadership experiences in the DF are outlined in detail below.

Personal Leadership Experience

Participants in all three focus groups indicated that their leadership experience in the DF had been positive and affirmative, if at times challenging. This bears out Walker's, assertion that women officers in the military have no particular difficulty in leading men.¹⁴ A number of participants acknowledged their belief that the experience of military leadership was, however, different for women than for men, with female officers having to work harder to prove themselves to their male colleagues, at least initially.¹⁵ Also, one officer said she believed that because there were so few female officers, one tended to represent the whole, which could be positive or negative but either way constituted an additional pressure on an individual woman to perform, and to be seen to perform. Another participant suggested that women tended to doubt themselves and their ability to lead more than their male colleagues.

In terms of leadership development, many focus group participants referred back, without prompting, to their Cadet School experience as formative, if not entirely positive. One participant described how in the Cadet School, where physicality is a highly valued competency, female cadets who don't/ won't 'man up' in physical capability terms, often experience significant backlash from their more physically capable male colleagues, which had a detrimental impact on their self-confidence which they carried with them into their subsequent leadership careers, at least until they had established themselves. A key informant reinforced this and suggested that female cadets who are physically strong and able to compete 'on male terms' are more readily accepted and respected by their male colleagues at that stage of their military training. Participants agreed that this situation was redressed on subsequent training courses with a more academic focus wherein female officers played to their, by now more valued, academic strengths. The concept of 'manning up' ('acting like a man' as posited by social role congruity theorists discussed in the literature review) emerged from this study as being of far greater relevance in the

¹³ Stead, V. and Elliott, C. (2009) *op cit*.

¹⁴ Walker (2009), *op cit*.

¹⁵ Catalyst, (2005) *Women 'take care', men 'take charge': Stereotyping of US Business leaders exposed*, Catalyst, New York.

earlier stages of the participants careers than it became subsequently when competence and self-confidence (which can be equated to Walkers 'self-efficacy') were identified by participants as being much more relevant to the performance of one's leadership role, and indeed the perception of one's effectiveness as a military leader.

In addition to the full complement of military skills, all focus group participants identified particular strengths that, they believed, they brought, as women, to their leadership roles. Amongst these were better communication and organisational skills and often greater efficiency.¹⁶ Persuasiveness, as opposed to adopting a dogmatic approach, was also identified as an important strength, as was the ability to connect with and relate to other people. The ability/willingness to listen to subordinates and make decisions through collaboration or using a team-oriented focus for problem-solving was raised consistently by participants.¹⁷ Significantly, these characteristics are those, Loughlin and Arnold posit, called for in the military leadership of the future.¹⁸ However participants were of the opinion that these are not skills necessarily valued or overtly promoted by the organisation.

The literature notes that successful women sometimes pay a 'likeability penalty' specifically in arenas considered to be male domains.¹⁹ On this issue one participant commented "The qualities celebrated in men as leaders mark a woman as a bitch, the ultimate attack against women who are not 'feminine'. If you're stern with your soldiers, people think you are a bitch, but if you're a guy and stern... people are like, wow, I respect him for being a good leader". This would appear to indicate a 'double bind' for many women leaders. Some focus group participants acknowledged that sometimes they felt they had to work harder initially as a woman leader to get 'buy in' from their colleagues/subordinates but suggested that once rapport was established, they were generally respected for their abilities.²⁰ For the most part however, participants were much more concerned about being regarded as proficient at their jobs than being liked. Although counter indicative to Silva's work, these findings would appear to be in keeping with Walker's contention that through self-efficacy, that is, by believing in their capabilities to lead successfully, women can confront some of the negative stereotypical expectations and gender biases within leadership roles highlighted in other studies.²¹

As emerged from Walkers study, many participants in this study agreed that accepting their femininity and being confident in it and being comfortable with it, as opposed to trying to be 'one of the lads', was essential to being respected as a military officer overall. It is suggested in the literature that this confidence can be an advantage as it displays sincerity in self-reflection (considered essential for authentic leadership by Avolio; Walumba et al), and leadership abilities.²² Several female officers in the three focus groups spoke of 'negotiating' their femininity in the military environment. "Femininity is ...a huge, huge issue, because the picture that we are given [in the Cadet School] and then that we [as women] carry of a military leader is not a female picture. It's a male...

16 Klenke, K. (2011) *Women in Leadership: Contextual Dynamics and Boundaries*, Bingley, UK: Emerald Group Publishing.

17 Catalyst (2005), op cit

18 Loughlin, C. and Arnold, K. (2007) 'Seeking the Best: Leadership Lessons from the Military', *Human Resource Management*, 46 (1).

19 Klenke (2011), op cit; also Sandberg, S. (2013) *Lean In: Women, Work and the Will to Lead*, UK: WH Allen.

20 Loughlin and Arnold, (2007), op cit.

21 Silva (2008) op cit; also Walker (2012) op cit.

22 Avolio et al (2004) op cit; also Walumba et al (2008) op cit.

That is our picture of a military leader, and unfortunately we women carry that as well...". Some younger participants felt that they had to compromise their femininity in order to be taken seriously - 'Doing girl' isn't always a good idea...especially if you want to be taken seriously in this job!" while a more senior officer commented "I remember there was a kind of an epiphany, I suddenly thought - 'I don't need to dress like a man to be in this job'... [it was] almost as if we internalised the male stereotype ourselves..." One cohort of more senior female officers had consistently refused, despite significant pressure, to wear trousers, rather than a skirt as part of their Service Dress Number One, believing it to impinge on their identity as military women. Such a stance highlights the importance of symbols to gender identity, particularly in a predominantly male work-space.

Relational Aspects of Women's Leadership

As Stead and Elliott suggest - the old model of the self-reliant individual (usually male) leader is immediately challenged when we learn how leading women draw on personal and professional networks and alliances that span their relationships to others, to place and to work²³. The findings presented here reveal the public and private resources female officers in the DF access for support. They highlight a range of relationships, which women deem to be significant either by their presence or by their absence.

Moreover, female officers were highly aware of power relationships within their 'communities of practice'. Several participants gave accounts of how they believe women may be hindered from gaining entry to senior leadership roles whilst others acknowledge the importance of encouraging and supporting women in their leadership roles. These accounts link to research that has noted the importance of attending to broader social network and relational practices to gain career advancement.²⁴

Having role models that showed leadership at a senior level was possible for women in the DF, that it could be balanced with family life and that it could inspire better leadership practice was viewed as important for many of the focus group participants; "looking at how they behave and conduct themselves - I think to myself - can I learn something from that?" However many of the research participants did not have easy access to other senior women, because of the lack of same "Because I was the first woman in the job I had to find my own way. I don't have role models... I've had to develop my own style, warts and all...". Despite the relative absence of professional role models, many of the female officers have enduring personal networks that they rely on as critical supports, including family and friends, who are not necessarily work related but are personally supportive. Participants of FG One spoke of providing positive support for each other by getting together frequently as a group in what their male colleagues, perhaps tellingly, referred to as 'the Coven'.

Sandberg suggests that effective mentorship and sponsorship are crucial for career progression for both male and female leaders but that men often find it easier to acquire and maintain these relationships.²⁵ Schipani et al also discuss the difficulties woman

²³ Stead and Elliot (2008), op cit.

²⁴ Beer (1999), op cit; also Khuruna, R. (2003) *Searching for a Corporate Saviour: The Irrational Quest for Charismatic CEOs*, Princeton, NJ: Princeton University Press.

²⁵ Sandberg, S. (2013) *Lean In: Women, Work and the Will to Lead*, UK: WH Allen

leaders can have with mentorship, particularly in predominantly male work environments, where there are some potentially sensitive issues, including the perceived sexual context of male-female relationships, to be solved.²⁶ Participants expressed their concern about their perceived lack of access to either within the DF at present. “Sponsors in the DF are generally at the senior level... and naturally tend towards people who are similar to themselves. In the DF these are almost always male. It's not deliberate... it's just a human inclination. But where does that leave us [women]?”. Eagly and Carli articulate the consequence of this exclusion; “gender affects social capital (and) women usually have less of it”.²⁷ Timberlake concurs “...women are hindered in their efforts to achieve career advancement and its associated benefits due to their inability to access social capital, a valuable organisational commodity and source of the knowledge, resources and networks that are essential for career development and maturation”.²⁸

These exclusions resonated strongly with some of the female officers in this study, especially those with longer service, one of whom suggested that “It's hard to resist the feeling sometimes that at meetings, at conferences, in the Mess, that we women are gatecrashers”. Another observed that ‘The old boys’ network is still alive and well... the golf club, the rugby, the football...it's still there and very strong and...lots of decisions are made there, when women aren't present...we have got to look at different ways of doing business, haven't we?’ The overall paucity of women leaders, in the DF means that there is no real equivalent to the ‘old boys’ network’ which has the corresponding effect of fewer role models and mentors in influential positions within the organisation from whom aspiring women leaders may gain the type of career sponsorship or mentoring referred to earlier.²⁹ This in turn equates to fewer opportunities for women to learn from the experiences of other women on how to deal with the barriers, both internal and external, raised by essentially gendered processes. This ultimately compromises the ability of women to gain or sustain senior leadership positions within such organisations.

Organisational Issues Impacting on Women's Leadership

Eagly and Johnson argue that an organisational context can be evaluated as more or less congenial for women leaders if it is male dominated; if the woman is a token or solo, if the task is masculine stereotypic, and if hierarchy and power are stressed over egalitarianism and influence.³⁰ By such criterion, participants in the focus groups acknowledged that the DF might not be regarded as a context congenial for women's leadership, yet several participants indicated that their service in the DF had afforded them unique leadership opportunities that they may not have had elsewhere and that, overall, they enjoyed working in and leading in this predominantly male environment. One female officer suggested it was this sense of challenge that had attracted her to a career in the DF. A number of participants expressed concern, however, that the DF was failing to attract larger numbers of women in recent recruitment drives and suggested that, the still overtly masculine image of the DF, might be responsible by feeding into a public perception of its non congeniality for women. Often being the only or ‘token female’ in leadership was frustrating for some respondents. Whilst one officer spoke positively of

26 Schipani (2006), op cit.

27 Eagly, A. H. and Carli, L.L. (2007) ‘Women and the Labyrinth of Leadership’, Harvard Business Review, 85(9).

28 Timberlake, S. (2005) ‘Social Capital and Gender in the Workplace’, The Journal of Management Development, 24(1), 34-44.

29 Vinnicombe, S. and Bank, J. (2003) *Women with Attitude: Lessons for Career Management*, London: Routledge

30 See Eagly and Johnson (1990) op cit; also Kanter (1977) and Yoder (2001) op cit.

'the power of one', she also acknowledged the angst of many women in the DF at being 'trotted out' as the 'token woman' on occasions, especially during media-focused events and then having to deal with the inevitable backlash from male colleagues. "Every time there's an exercise, the token female is rolled out. And overseas you get the call to do the [media] interview just because you're a woman. I know the media love it but...the lads hate it and we hate it..."

A further organisational factor that impacts on women's participation is the extent to which an organisation owns its own gendered nature. Eagly and Carli note some organisations present themselves as 'gender neutral' as having no bias in favour of either sex.³¹ However Stead and Elliott note that conceptualising any organisation as gender neutral is problematic as the reality is often not a conceptualisation of the ideal worker as gender neutral but as implicitly male.³² The DF as an organisation "prides itself on providing a gender neutral working environment.³³ In reality this claimed context for women's leadership, provoked lively debate amongst participants with one officer commenting that "As long as you look like a man, talk like a man and walk like a man... then we're gender neutral". Another suggested that the official policy was one of gender blindness as opposed to gender neutrality in a "there are none so blind as those whom do not want to see" kind of way." All three focus groups agreed that the DF was not a gender-neutral organisation in practice, even if so in policy terms. One participant said she felt that the such a policy could, in fact, be construed as an 'organisational cop out', serving to 'close down' rather than 'open up' mature and reasoned discussion on gender issues in an organisation that remains 6.2 percent female after thirty two years of female service and with still fewer women in senior leadership positions.

Concurring with Silva's thesis, one respondent suggested that women leaders had learned to navigate and negotiate their leadership routes in the DF but had not fundamentally changed the organisation's male-oriented structures or mindset.³⁴ "For the most part, women see themselves as fitting in, so there's no reason, they believe, to draw attention to themselves. In fact, most are adamant that they don't". Certainly, this was a view expressed by some of the younger officers who participated in this study, one of whom suggested that gender was not an issue for her in the DF. This confirms Sandberg's view that "anyone who brings up gender in the workplace is wading into deep and muddy waters as the subject presents a paradox, forcing us to acknowledge differences while trying to achieve the goal of being treated the same".³⁵ Many women leaders, especially those at junior levels, worry that raising gender issues makes them appear unprofessional or as if they are blaming others. Some participants felt that pointing out the disadvantages some women face in the (gender neutral) workplace might be misinterpreted as 'whining' or asking for special treatment. "We need to be able to talk about gender, [and gender differences] without people thinking we are crying for help, asking for special treatment, or about to sue".³⁶

31 Eagly and Carli (2007), op cit.

32 Stead and Elliott (2008), op cit.

33 Dáil Éireann Debate, 14 Mar 2012; 759, (2):141

34 Silva, J. M. (2008) 'A new generation of women? How female ROTC cadets negotiate the tension between masculine military culture and traditional femininity', *Social Forces*, 87(2), 937-960.

35 Sandberg's (2013), op cit.

36 Ibid.

In considering other organisational factors that might hinder women's leadership progression in the DF, two specific factors were identified; completion of the Senior Command and Staff course and overseas deployments required to complete the necessary career profile to enhance promotion prospects. All participants agreed that one of most obvious barriers to senior leadership positions was access to, and the structuring of, the Senior Command and Staff Course, which is a pre-requisite for eligibility to compete for promotion beyond Commandant/Lieutenant Commander. "It's a critical career course; you have to do it to get promoted but there is no option other than [to complete] a nine-month residential course. So you are putting a bar on people's careers if they're at a certain life stage where they can't manage a nine-month residential course". Similarly the conflict between the demands of military service and familial responsibilities was raised in all three focus groups. One respondent commented "If I was running this organisation I'd say...look at the amount of money we've spent on her, look at the experience she has, look at her technical knowledge. Let's use this...even if we have to be flexible to do so, now that she has family responsibilities".

It emerged from this research that although younger female officers admitted to having a strong commitment to both their future career and their future families, they anticipate that combining the two will be difficult and will require significant tradeoffs. Cross and Linehan referred to this as the concept of a 'self-imposed glass ceiling', or 'leaving before you leave', where individual female leaders are actively weighing up the costs and the benefits of moving to the next level of leadership within an organisation.³⁷ Based on their analysis of this information, they are individually deciding whether or not to engage in the activities which will assist their career progression. This finding was confirmed by both Heneghan and Gleeson in the DF context.³⁸ Specifically, being required to spend extended periods away from home and family was identified as a major concern in FG 3: "I know if I was to have children, I couldn't imagine leaving them. I just couldn't imagine going overseas with my children at home". The level of acceptance that these barriers will not be removed in the foreseeable future and indeed the level of internalisation of such barriers to senior leadership positions was a significant finding.

Conclusion

Whilst accepting that greater gender balance within the DF would be to the ultimate benefit of all, participants in all three focus groups were unanimously opposed to positive discrimination measures, such as introducing a quota system for women, or fast tracking women's promotion, viewing such measures as counterproductive. One officer described herself as 'anti – profemale'. A number of participants said they felt the DF could do more in terms of proactive public relations and advertising campaigns to attract high caliber female candidates, but insisted that 'longer term' strategic issues should be addressed concurrently. Notwithstanding women's reluctance to use positive discrimination measures to level the playing pitch of gender inequality, there are a number of key implications that remain to be addressed.

³⁷ Cross, C. and Linehan, M. (2006) 'Barriers to advancing female careers in the high-tech sector: empirical evidence from Ireland', *Women in Management Review*, 21(1), 28-39.

³⁸ Heneghan, H. (2012) *The Decision Point - Why Female Officers 'opt out' of a career in the Defence Forces*, unpublished MA (LMDS) Thesis, NUI Maynooth; also Gleeson, M. (2013) *Advancing Female Officers to Senior Management Roles in the Irish Naval Service – Is a Mentoring Initiative Required?*, unpublished Masters in Human Resource Leadership Dissertation, Sheffield Hallam University.

Attending to social network and relational practices for career advancement purposes has implications for female military leaders, in terms of individuals taking the initiative in developing such networks, formally or informally. The fact that it is in their professional interest to build social capital, despite its gendered nature, is a key takeaway. The implications of women not progressing to senior leadership positions within the DF are significant: if women are consistently absent at the critical points of the decision-making process at the highest level, policies will hardly reflect the perspective of women, which comprises women's life experiences, priorities and values, which clearly are different to men's. As O'Brien suggests, those who create policy do not hear about specific experiences of women or men.³⁹ It is vital that they do hear because, according to how we perceive women and men to be different, we behave, think and design policies that reflect that point of view.⁴⁰ Acknowledging the existence of internal as well as external barriers for women leaders, it is recommended that the issue of self-limitation, or the 'self-imposed glass ceiling', as emerged in this study, be investigated further.⁴¹

At an organisational level, these broadly-based findings raise a myriad of issues across the entire human resource spectrum – recruitment, selection, retention, training, employment and the career advancement of female leaders. The strategic advantage female leaders bring to particular types of overseas missions must also remain a significant consideration.⁴² Cross and Linehan's conclusion, quoted by Gleeson that "if senior management continues to ignore that career paths of females differ from those of their male counterparts then organisations will experience unacceptable rates of female turnover" is one that might well be analysed by the DF based on the findings of this study.⁴³ As indicated also in this study, Heneghan identified the trend of female officers "opting out" in the army⁴⁴ and Gleeson indicates that this is likely to be replicated in the Naval Service (NS) in the coming years. This is a serious loss of talent and organisational diversity at a time when the DF is proactively pursuing a transformational agenda requiring both.

Time alone, without the support of active interventionist strategies, will not address many of the issues raised in this study. Gleeson reiterates that the introduction of initiatives aimed at encouraging more female officers to strive to compete for senior management promotions may prove to be very beneficial to the organisation from a return on investment and a diversity of thinking perspective.⁴⁵ Returning full circle to Eagly and Carli's imagery of women's leadership the best metaphor for what really confronts women in their professional endeavours, and I speak here from bittersweet personal and professional experience, is the labyrinth. It conveys the idea of a complex journey toward a goal worth striving for but passage through a labyrinth is not simple or direct, it requires persistence, awareness of one's progress, and a careful analysis of the puzzles that lie ahead. For women who aspire to top leadership, routes to that goal exist but are full of twists and

39 O'Brien, M. (2008) *UN Security Resolution 1325: Just add women and stir – A recipe for gender stereotyping in Peacekeeping Operations*, unpublished MA (LMDS) Thesis, NUI Maynooth.

40 Skjelbaek, I. and Smith, D. (2001) *Gender, Peace and Conflict*. Sage, London.

41 Cross and Linehan (2006), op cit.

42 NATO (North Atlantic Treaty Organisation) (2013) *Women for Peace and Security: Interview with Mari Skare, NATO Secretary General's Special Representative for Women, Peace and Security*, NATO Staff Centre Brief, NATO HQ Brussels.

43 Cross and Linehan's (2006) op cit; also Gleeson (2013) op cit.

44 Henegahn (2012) op cit.

45 Gleeson (2013), op cit.

turns, both expected and unexpected. This metaphor acknowledges obstacles but is not ultimately discouraging. Because all labyrinths have a viable route to the centre, it is understood that goals are attainable... eventually.

‘We Can Thank Pearse For That’: The 1916 Easter Rising in Historical Perspective.¹

ABSTRACT

This paper examines the way in which the perceived historical record of the past two centuries weighed heavily upon the imagination of those who would have a role to play in the Easter rebellion of 1916. In particular, the oft held view that Irishmen were effective militarily only when serving abroad, in other people’s armies, served as a factor motivating those who wanted to correct past mistakes and to ensure that the Volunteers were effective soldiers with the discipline required to succeed where past generations had failed. At the same time, the dismal record of previous rebellions may have encouraged the British to be complacent before and during the rising, a view that was to cost them dearly. This paper argues that the events of 1916 finally laid to rest the accusation that the Irish were militarily useless at home.

In his foreword to Professor F.X. Martin’s edition of documents *The Irish Volunteers, 1913-15*, a volume published in 1963 to mark the fiftieth anniversary of the setting-up of the Irish Volunteers (Óglaigh na hÉireann), Éamon de Valera, then president of Ireland and the sole surviving commander from the Easter Rising of 1916, seized the opportunity to reflect on the Volunteers’ origins. He traced these to three sources. Two of these would have been conventional enough at the time: first, he stated that there were those who ‘seeing our people being robbed of the fruits of decades of patient constitutional endeavours by an arrogant defiance of constitution and law simply wanted to counter force by force’, and second, there were those, not the largest group, he admitted, but the ‘most earnest and persevering’, who single-mindedly wanted a disciplined armed force in order ‘to strike another blow for Ireland’s freedom’. Neither of these insights could be described as controversial or as especially piercing. His third point, however, may have raised eyebrows in 1963, and almost certainly would cause some puzzlement today. De Valera wrote that there were those in 1913 who saw in the creation of a new Volunteer army ‘a heaven-sent opportunity to repair the mistake made when the Volunteer Organisation of 1782 was allowed to lapse’.² He was of course referring to the Volunteers raised for defence during the American War of Independence, a force, overwhelmingly Protestant, that had quickly become an armed political pressure group, and one that was subsequently credited with achieving ‘a Free Trade’ for Ireland in 1779, and then legislative independence in 1782. In so referring, de Valera was no doubt mindful of the degree of scrutiny devoted to those earlier Volunteers at the time the

¹ G.A. Hayes-McCoy (ed), *The Irish at War* (Cork, 1964), quotation at page 105.

² Foreword by Eamon De Valera to F. X. Martin (ed), *The Irish Volunteers, 1913-1915* (Dublin, 1963), pp. v-vi

formation of the Volunteers of 1913 was being mooted: indeed in November 1913, in his famous article 'The North began', Eoin MacNeill, Professor of Early Irish History at University College Dublin, along with calling for a nationalist Volunteer force similar to the Ulster Volunteer Force, had explicitly evoked the earlier Volunteers and warned the new force against making the same mistake as their predecessors: '[the Volunteers of 1782] became the instrument of establishing self-government and Irish prosperity', ... [but] ... their disbanding led to the destruction alike of self-government and of prosperity'. Six months later, speaking at Dungloe, county Donegal, Patrick Pearse was more extreme: if the Volunteers of 1782 had not handed in their arms then there would have been no Union, no Famine and no mass emigration.¹³

The remarks of Éamon de Valera in 1963, Eoin MacNeill in 1913 and Patrick Pearse in 1914 serve to remind us how heavily the perceived historical record of the last two decades of the eighteenth century weighed – and played – upon the imagination of those who would have a role to play in 1916. The period 1780-1803 was characterised both by amazing triumphs and catastrophic failures: the winning of legislative independence was followed by the failure to reform parliament, with the result that when the French Revolution burst upon the scene in 1789 – and even more so the French wars from 1793 on – the British government after an initial success in tackling the Catholic Question quickly found itself unable to control the Irish parliament, while the Irish parliament discovered that it could not control Ireland. The foundation of the United Irishmen with their non-sectarian message, their republicanism and their alliance with their 'gallant allies in Europe', their 'Partners in Revolution' as one historian has called them,⁴ was matched by the emergence of militant loyalism, the establishment of the Orange Order and the beginnings of Unionism. Parliamentary union was to be the solution to this crisis. Meanwhile, the failure of the 1798 Rebellion and even more, the grisly outcome of Robert Emmet's rebellion in 1803 were matters for recurring private reflection and for on-going public debate in a way that we one hundred years on cannot fully understand or fathom. The lessons of this period of Irish history were constantly mulled over, and the reasons for the defeat of rebellion in 1798 and in 1803 were continually debated.

In 1966, the historian Maureen Wall asked, 'how far was the thinking of the leaders influenced by the history of previous risings?' and she answered her own question by pointing to the impact of numerous 'popular histories of Ireland' dealing with Irish rebellions in which the devastation wreaked by informers was detailed, the non-arrival of foreign allies was bitterly criticised and the lack of support from the Catholic clergy was gravely noted. Even bad weather was frequently adduced. Certainly Patrick Pearse was all too well aware of previous failures; according to Pearse the Volunteer movement was simply abandoned by Henry Grattan, while, later on, in 1848, Thomas Francis Meagher had hesitated in Waterford and James Stephens in 1865 had 'refused to give the word'. His conclusion from his researches was that Irish rebels had always 'struck too late': an accusation, he determined, that would not be laid at his door. The insurrection of Robert Emmet was a particular study for Pearse, and in early 1914 on his visit to the United States, along with lectures on 'Wolfe Tone and '98' and on 'the Irish Volunteers

³ MacEoin's pamphlet is reprinted in Martin (ed), *Irish Volunteers*, for Pearse, see Joost Augusteijn, *Patrick Pearse, the Making of a Revolutionary* (Basingstoke, 2010), p. 232

⁴ Marianne Elliott, *Partners in Revolution, the United Irishmen and France, 1793-1815* (New Haven, 1983)

1778-1914' he also gave addresses on the example of Emmet, the manner of his death and the shame of Dublin for abandoning him to a public execution. Dublin had to atone for this, and in Easter week 1916 it finally did: Pearse was exultant: '[The insurgents] have done a great thing . They have redeemed Dublin from many shames and made her name splendid among the names of cities'. (Perhaps the final redemption came in 1919 when Michael Collins launched the republican bonds on the wooden block on which Emmet had been beheaded.) As for Tom Clarke and Seán MacDermott, they too had drawn a key lesson from their reading of Irish history and of historians of the eighteenth-century Irish revolutionary movement such as W. E. H. Lecky, W. J. Fitzpatrick and R. R. Madden: 'strict secrecy' was vital to the planning of any insurrection, and this secrecy was one of the distinguishing features of the planning of the Easter Rising. And, of course, these lessons from history had been refreshed quite recently in the minds of Pearse, Connolly, Clarke and MacDermott: as Bulmer Hobson, founder of the Fianna, later recalled: 'the celebration in commemoration of the United Irishmen in 1898 was the first thing that turned the minds of many Irishmen from the futile faction-fighting of Parnellite and anti-Parnellite' to a renewed consideration of the earlier struggles of Wolfe Tone and Robert Emmet. Still, for all the examples and lessons of the last twenty years of the eighteenth century, and the analysis of subsequent attempts at insurrection, one apparently incontrovertible fact remained unchallenged, a cause of gnawing anxiety to would-be rebels and of great comfort to the authorities. Put simply, it was axiomatic that while the Irish might fight bravely abroad and that the Irishman made a fine soldier in other people's armies, they had always proved militarily useless at home. Hence, Irish rebels had always shown themselves to be incompetent, and Irish rebellions were always futile, tragic or farcical, 'insane or immoral' (Hobson) or as Pearse put it, either 'a bloody debacle like '98 or a dreary fizzling out like '48 or '67'.⁵

This fixed view that the Irish were only militarily effective when serving abroad, fighting other nations' battles, was a long-standing one. Indeed it might be encountered in the writings of the twelfth century apologist for English invasion, Gerald of Wales, and it was one that could easily be supported by statements from sixteenth and seventeenth-century commentators such as Edmund Spenser and Sir John Davies. Even foreign authors subscribed to the notion: it is difficult nowadays to recall the vexation caused to Irish nationalists by Voltaire's throwaway remark that 'les irlandais que nous avons vus de si bons soldats en France et en Espagne ont toujours mal combattus chez eux'. In 1845 Mathew O'Connor published his *Military History of the Irish Nation* in which from first page to last he relentlessly attempted to refute Voltaire's 'calumny', and O'Connor's contemporary Thomas Davis lent his literary skills to that task; and later still J. C. O'Callaghan in his *History of the Irish Brigades in the Service of France* published in 1870 (and a best-seller) added his authority to the debate. However, despite these persistent efforts at rebuttal the vicious taunt showed no signs of going away. The perceived, apparently historically proven ineptitude of Irish rebels at home was both a powerful psychological weapon in the hands of the British government and an effective deterrent to Irish insurrection, though not, of course, to Irish conspiracy. Surely only a madman would dare brave the ridicule, the derision, the ignominy and the scorn that were

⁵ See Augustejn, Pearse; and see also more generally my 'Ormuzd abroad ... Ahriman at home; some early historians of the 'Wild Geese' in French service, 1840-1950' in Jane Conroy (ed), *Franco-Irish Connections: Essays, memoirs and poems in honour of Pierre Joannon* (Dublin, 2009) pp. 15-30.

inevitably attendant on any attempt at an armed rising? Bulmer Hobson later conceded that Irish people 'had been really brought to believe that armed resistance to the English occupation of Ireland was both insane and immoral' while Pearse noted grimly that Irish people had been taught to accept that 'rebellion in all its forms is silly'.⁶

For Pearse the crucial rejection of the allegation of Irish military inferiority at home came not from literary sources but from the setting up of the Fianna and then the Volunteers in 1913. '[We] in Ireland today', he told Volunteers in Tralee in July 1914, 'were learning the nobility and dignity of military discipline. It seemed almost like a dream coming true – they had at long last an Irish army'. With the Volunteers came drilling, marching, parading, arms training and the wearing of uniforms: Irishmen, he noted glumly, had hitherto fought heroically and had always lost, but that was 'because they were not SOLDIERS'. This was not about to happen now, and the Volunteers – the remnant that had not followed John Redmond's call to fight 'wherever the firing line extended' – unlike their eighteenth-century predecessors, the last 'Irish army', would never disband or be disarmed. They were destined for action.

If we pull some of the preceding points together answers might be tentatively offered to some of the more enduring puzzles of Easter Week 1916. The rising took Dublin Castle entirely by surprise, but this is not to say that the British authorities were unaware of what was going on. The United States was the weak link in the rebels' planning, for the German Embassy in Washington D.C. had had its telegraph cables comprehensively intercepted by British naval intelligence and Roger Casement's mission to Germany for arms and volunteers was closely monitored. Casement's arrest in Kerry and the scuttling of the arms-carrying *Aud* two days before the planned Easter Sunday (April 23) rising were the products of this intelligence; but there was no suggestion that naval intelligence would compromise its valuable cable interceptions by alerting Dublin Castle to what was being planned. The Castle slept on, no doubt reassured by the arrest of Casement, then by recent intelligence from none other than the Inspector-General of the RIC who concluded a month before Easter 1916 that while the leaders of the Volunteers were indeed 'a pack of rebels who would revolt and proclaim their independence' at the drop of a hat, but without substantial reinforcements 'it is difficult to imagine that they could make even a brief stand against a small body of troops'; and finally of course, by Eoin MacNeill's countermanding order to the Volunteers not to assemble on Easter Sunday. And in any case, they were dealing with Irish rebels whose innate propensity to foul up was historic and whose incompetence was legendary. Hence the complacency of Dublin Castle at Easter 1916: known subversive ring-leaders would be seized but not on the Sunday – after the Bank Holiday Monday would do: no need to disrupt the planned beanos to Fairyhouse races. The British contempt for Irish Rebels and their farcical rebellions was to cost it dear.

What of the would-be rebels? Their plans for a nationwide rebellion had been thrown into utter disarray by the capture of Casement, the sinking of the *Aud* and, especially by the countermand issued by Eoin MacNeill: Easter Sunday, the planned date for the rising, passed without Volunteer mobilisation and hence without incident. Undeterred,

⁶ See the statements by Hobson and Pearse published in Martin (ed), *Irish Volunteers*.

though presumably rather agitated, the military council in charge of the Rising, the secret group within a select group of the IRB, met at Liberty Hall and determined unanimously to strike the following day, Easter Monday. We can only guess at their motives, for none left a detailed statement of the thinking behind that decision.⁷ Undoubtedly a factor, perhaps the major factor in their fateful decision, was not to be subject to the jibes and derision attendant on calling-off or postponing action: the humiliating hallmark of Irish revolutionaries had to be scotched once and for all: but the rising would be staged in Dublin only, for a countrywide insurrection was now impossible.

'Apart from its general ultimate futility, the conduct of the insurrection showed greater organisation, ability and military skill than had [previously] been attributed to the Volunteers': so Matthew Nathan, Under-Secretary at Dublin Castle, to the Royal Commission inquiring into the rebellion. There was much in this: for first time, Irish rebels looked like professionals, while British regulars were made to look like amateurs. The British cavalry charge down O'Connell Street and the frontal onslaught by the Sherwood Foresters on Clanwilliam House at Northumberland Road exhibited the usual contempt for Irish foes, and were to prove very costly in casualties. By contrast, the rebel seizure of St Stephen's Green, overlooked on all sides, may have been their only mistake, and given the haste with which the insurrection was put together may in fact be excusable. The reality was that the Volunteers and the members of the Citizen Army were in fact well drilled: for the first time in history Irish rebels were better trained than their British opponents; and thus were able to hold out for six days against, with pardonable exaggeration, the might of the British Empire. No wonder that when Gerry Hayes-McCoy, the doyen of Irish military historians, came to consider the Irish military tradition and the slur that had lain on it since the days of Voltaire and even earlier critics, he was able to claim that the old jibe that the Irish were militarily useless at home had finally been laid to rest: 'we can thank Pearse for that', he wrote.

⁷ See the detailed accounts by Maureen Wall and G. A. Hayes-McCoy in K. B. Nowlan (ed), *The Making of 1916: studies in the history of the Rising* (Dublin, 1969), pp. 201-338: Charles Townshend, *Dublin 1916, the Easter Rebellion* (London, 2005) is the best recent account.

From Hijack to Attack: Bloodier Terrorist Strategy... a Product of New Media?

ABSTRACT

This paper examines the influence of new media on terrorism in recent years and establishes whether or not it can account for the emerging trend of a bloodier terrorist strategy. Rapoport's 'Wave Phenomena' is utilised as a framework to examine the parallel evolution of both terrorism and the media in order to understand their symbiotic relationship. Ytreberg's understanding of the 'media event' is utilised to explain the decline in Airliner Hijackings since the advent of the Religious Wave in the late 1970s. Hijackings, which were primarily utilised to gain publicity for a cause, are less frequently used by terrorists as a result of mass-communicated instantaneity, resulting in shorter and sharper attacks. This paper also examines terrorist's ability to manipulate the narrative of the media event as a result of new media 'tools'. The aim of this analysis is to identify the emerging challenges that face security and counter-terrorist units across the world.

Introduction

Images of the blood stained floor at the Bataclan, coupled with chilling footage of a nineteen ton cargo truck being deliberately driven into crowds along the Promenade des Anglais, point to a trend of bloodier terrorism in recent years.¹ So much so, that Jenkins, in applying his original 1977 theory on terrorism to that trend, has been forced to invert his original hypothesis to now state 'today's terrorists want a lot of people watching and a lot of people dead'.²

Terrorism is predicated on a 'message of violence (that) necessitates a victim, whether personal or institutional, but the target or intended recipient of the communication may not be the victim'.³ It is a 'spectacular public action directed to the psychological and emotional state of the audience observing the disaster',⁴ and the audience, rather than the physical victims, are the true targets.

Laqueur states that 'the success of a terrorist operation depends almost entirely on the amount of publicity it receives'⁵ and it is the media that presents this action to the audience. These spectacles capture the attention of the world⁶ and form what is known as a media event.⁷

1 Brian Michael Jenkins. *The New Age of Terrorism* (Santa Monica, CA: RAND Corporation, 2006), 117.

2 Ibid, 119.

3 Philip A. Karber. 'Urban Terrorism: Baseline data and a conceptual framework. *Social Science Quarterly*, Vol. 52, No. 3, (1971), 529.

4 Jonathan Matusitz, *Terrorism and Communication: A Critical Introduction* (Thousand Oaks: SAGE Publications, 2012), 78.

5 Walter Laqueur. 'Terrorism' (London: Weidenfeld and Nicolson, 1977), 109.

6 Gabriel Weimann: 'Media Events: The Case of International Terrorism' *Journal of Broadcasting & Electronic Media*, Vol. 31, No. 1, (1987), 22.

7 Espen Ytreberg. 'Towards a historical understanding of the media event'. *Media, Culture and Society*, (2016), 1.

In order to understand the 'symbiotic relationship'⁸ between terrorism and the media, this paper reviews their parallel evolution, focusing primarily on the emergence of new media in recent years.⁹ The decline of commercial airliner hijackings in the early 1980s is examined and is attributed to the emergence of new media. This paper posits that due to the emergence of new media 'tools', today's terrorists can manipulate the narrative both during and after the media event as they see fit. Finally, this paper establishes whether the influence of new media can account for 'bloodier' terrorist strategy.

There is a requirement for security and counter-terrorist (CT) units to understand current terrorist strategy. Military and police CT units must be able to adapt to new terrorist strategy in order to combat it. Traditional CT capabilities, which have generally focussed on Hostage Rescue Operations (HRO) must be continually reviewed in order to meet the challenge of current terrorist strategy.

In order to understand the influence the media has on terrorism, their symbiotic relationship must be understood. This paper first examines terrorism, and its evolution from 'old' to 'new'.

A Wave Farewell to Old Terrorism

The word 'terrorism' originates from the Reign of Terror from 1793 to 1794, during the French Revolution, in which 16,000 to 40,000 people were killed in just over a year.¹⁰ However, 'accounts of terrorism existed before the word itself was invented',¹¹ making it a widely contested and controversial field. The sheer width and breadth of the subject allows for an ever-expanding scope to explore all aspects of this abstract concept.¹²

Throughout the ages, terrorism has assumed many forms across the world, which has resulted in the term being defined over two-hundred different ways. This paper accepts the definition of terrorism as 'the use of violence to create fear (i.e., terror; psychic fear) for political, religious, or ideological reasons'.¹³

Laqueur proposes that, 'there has been a radical transformation, if not a revolution, in the character of terrorism'¹⁴ in recent years, which therefore requires a new understanding.¹⁵ 'New terrorism',¹⁶ which is generally accepted to be religiously inspired, cellular in organisation and results in mass casualties, is due to a paradigm shift which occurred in the 1990s as a result of religious fanaticism.¹⁷ Out of sixty-four international terrorist groups that existed in 1980 examined by Gurr and Cole, only two of them were classed as religious organisations. By 1995, out of the fifty-eight that were examined, it had increased to twenty-five. This showed a 40% increase in religious terrorist groups over

8 Mike O'Donnell. 'Paris attacks: Same threat, new media as terrorism moves online' stuff.co.nz, November 20, 2015.

9 Lev Manovich, 'What is new media?' *The New Media Theory Reader* (Berkshire, England: Open University Press, 2006), 6.

10 Jonathan Matusitz, 'Terrorism and Communication: A Critical Introduction' (Thousand Oaks: SAGE Publications, 2012), 1.

11 *Ibid.*, 7.

12 Wilson Mwenda Kailemia, 'The Spectacle of Terrorism: Exploring the Impact of 'Blind Acting Out' and 'Phatic Communication'', *Journalism of Terrorism Research*, Vol 7, Issue 2 (May, 2016), 91.

13 Matusitz, 'Terrorism and Communication', 24.

14 Walter Laqueur. 'The New Terrorism: Fanaticism and the Arms of Mass Destruction' (London: Oxford University Press, 1999), 4.

15 Martha Crenshaw, 'The Debate over "New" vs. "Old" Terrorism', (paper presented at the Annual Meeting of the American Political Science Association, Chicago, Illinois, August 30-September 2, 2007), 1.

16 Laqueur, 'The New Terrorism', 4.

17 Matusitz, 'Terrorism and Communication', 11.

a fifteen year period.¹⁸ In addition, 'terrorists have evolved new models of organisation'¹⁹, which have become 'ultra-flexible networked and less hierarchical (in) organisational structure, enabled by state-of-the-art technologies.'²⁰ This cellular structure provides increased secrecy and security from state security or law enforcement agencies.

Proponents of new terrorism also argue that 'old terrorism' 'strikes only selected targets', whereas 'new terrorism' adopts a more violent and indiscriminate strategy that 'causes as many casualties as possible'.²¹ Crenshaw forms a contradictory contention in the debate between 'old' and 'new' terrorism. She states that 'the departure from the past is not as pronounced as new terrorism proponents think' and that terrorism today 'is not a fundamentally or qualitatively 'new' phenomenon but grounded in an evolving historical context... the differences are of degree rather than kind'.²²

Terrorist organisations, like all organisations, go through various stages of change and are subject to the influences of the political economy of their operational environment.²³ Terrorist also influence one another, as is the case with the emergence of ISIS. Both Somalia's Al Shabbab and Nigeria's Boko Haram have sought 'to endear themselves to more sophisticated and wealthier jihadist' groups.²⁴

The evolution of terrorism should therefore be examined in its entirety, in order to understand the broader 'evolving historical context'. Rapoport's model, the 'Wave Phenomena', presents the evolution of what he classifies as 'modern' terrorism, in four similar, consecutive and overlapping waves.²⁵

The first wave of modern terror began with the Anarchist Wave during the 1880s, in Russia, and subsequently spread to Western Europe, the Balkans and Asia within ten years. Assassinations of prominent officials formed the anarchist's modus operandi which revealed a new form of communication that has remained a central theme of terrorist strategy today: 'propaganda by deed'.²⁶ The first wave only lasted a generation however and the early 1920s saw the emergence of the second of Rapoport's waves; the Anticolonial Wave. Although 'nationalist organisations in various numbers appear in all waves',²⁷ the second wave exhibited the most successful of them, given that some resisting states during this period became ambivalent towards the maintenance of their colonial status. The campaigns waged by the IRA in the Irish War of Independence and later in Northern Ireland exemplify this wave, which was generally confined within national geographical boundaries.

The New Left Wave emerged in the 1960s and introduced terrorism that crossed international borders. Stimulated by the Vietnam War, this wave gave rise to radical groups that 'saw themselves as vanguards for the third world masses'.²⁸

18 Nadine Gurr & Benjamin Cole. *The New Face of Terrorism: Threats from Weapons of Mass Destruction* (London: I.B. Tauris. 2000)

19 Jenkins. 'The New Age of Terrorism', 122.

20 Matusitz, *Terrorism and Communication*, 14.

21 Matusitz, *Terrorism and Communication*, 11.

22 Crenshaw, *The Debate over "New" vs. "Old" Terrorism*, 5.

23 Kailemia, *The Spectacle of Terrorism*, 93.

24 Ibid, 93.

25 Rapoport, *Attacking Terrorism*, 47.

26 Roger N. Baldwin, *Kropotkin's Revolutionary Pamphlets: A Collection of Writings by Peter Kropotkin* (New York: Dover Publications, 1970), 245.

27 Rapoport, *Attacking Terrorism*, 47.

28 Ibid, 56.

Finally, the Religious Wave, which began in 1979, 'is symbolized by religious justification for killing, international scope, unparalleled gory tactics and weapons, and dependence on technologies of modernity'²⁹. It is within the latter part of this wave that proponents of 'new terrorism' argue the 'radical transformation' of terrorism.³⁰

Even though Rapoport's thesis does not embrace the 'idea that the Religious Wave is qualitatively different from preceding waves, he does see a process of replacement rather than coexistence'.³¹ Rapoport's model covers the full spectrum of the evolution of modern terrorism, unlike Laqueur's model, which only focuses on the recent shift from 'old' to 'new'. This paper will use the 'Wave Phenomena', to outline the influence the evolution of the media has had on terrorism over the four waves, focusing primarily on the emergence of new media during the Religious Wave.

A Parallel Evolution within the Media

In 1839, Louis Daguerre introduced his reproduction method; daguerreotype to Paris. Within days of his demonstration at the Palace of the Institute, many Parisians could be seen at their windows mimicking his process, utilising the external light in order to capture their first photographs. The 'media frenzy had begun'³² Paris, the birthplace of 'practical photography'³³ and also a city that fell victim to acts of terror during the French Revolution, witnessed the physical manifestation of the symbiotic relationship of the media and terrorism first hand, during the attacks in 2015. The media, as is the case for all modern terrorist attacks, was crucial in presenting the event to the terrorised world audience.

As terrorism has evolved over the four waves, the media has been in a constant and concurrent 'state of technological, institutional and cultural change';³⁴ resulting in a parallel evolution. Richard Hoe's steam-driven cylindrical rotary press, which made modern mass-circulation newspaper possible, came into existence in 1833;³⁵ the newspaper was born. Within fifty years, stories of the first anarchist assassinations would make the newspaper headlines, thus becoming 'critically publicized by the mass media of the time'.³⁶ The telephone, patented by Alexander Graham Bell in 1876,³⁷ played a prominent role towards the end of the first wave and allowed for hastier and more accurate journalism. The first commercial motion picture, which opened in the U.S. in 1913 was another milestone in the evolution of the media and greatly influenced the second, third and fourth waves. ³⁸ In the wake of the IRA 'terror attacks' during the Anticolonial Wave, short British-made films of the Black and Tans firing their weapons and patrolling the streets of Dublin, were shown to audiences in Ireland. These films are an early example of a state's use of the media to project counter-terrorist propaganda.

29 Ibid, 12.

30 Laqueur. 'The New Terrorism', 4

31 Crenshaw, 'The Debate over "New" vs. "Old" Terrorism', 8.

32 Manovich, 'What is new media?', 6.

33 Robert Hirsch, 'Seizing the Light: A History of Photography' (England: McGraw-Hill College, 2008), 3.

34 Martin Lister, Jon Dovey, Seth Giddings and Kieran Kelly, 'New Media: A Critical Introduction' (New York: Routledge, 2003), 10.

35 W. Russell Neuman, 'Theories of Media Evolution' University of Michigan Press (2010), 3.

36 Jeff Rigenbach, 'Anarchism and Terrorism in the 1890s', Mises Institute, October 15, 2010.

37 Neuman, 'Theories of Media Evolution', 3.

38 Ibid, 4.

Regularly scheduled radio broadcasts began in 1920,³⁹ which extended the media's reach beyond the physical constraints of the written word and also opened a doorway to the illiterate audience.

The introduction of television in 1941 changed the media drastically in the twentieth century.⁴⁰ The combination of sound and picture would slowly take precedence over the newspaper and would form the foundation of modern day media.

The New Left Wave, was the first to be presented to the audience primarily by television. The iconic television imagery of isolated hijacked airplanes on runways, was beamed into the homes of audiences across the world; terrorism's reach had been considerably extended. Although this wave witnessed many advances in technology in comparison to the first two waves, the media was still 'slow moving' compared to today. Live television coverage of media events was seldom broadcast from isolated locations, given the limitations of communication equipment of the period.

It was also primarily broadcasters, rather than members of the public that possessed camera equipment, which were large, awkward and cumbersome. This meant that it took time to move to an area, set up and begin coverage; thus there was a need for terrorists to prolong the media event in order to maximise exposure. The advent of the Religious Wave witnessed a temporal acceleration⁴¹ in media events, which allowed terrorists direct and immediate access to the target audience. Mass-communicated instantaneity became a trait of the media, whereby the time of the event and the reporting of it, coincided.⁴²

The term 'new media' was coined in order to capture a sense that from the 1980s, the media had begun to adopt a different form. The prevalent understanding of new media 'identifies it with the use of a computer for distribution and exhibition rather than production'⁴³. The advances in digital media distribution and exhibition vastly improved the media's reach and the Internet, which emerged in 1993,⁴⁴ embodied this major evolution in the media: terrorism was forever changed.

Terrorists have exploited the Internet for 'recruitment, financing, propaganda, training, incitement to commit acts of terrorism, and the gathering and dissemination of information for terrorist purposes'.⁴⁵ It has also equipped its users with the tools needed for 'citizen journalism', allowing them to become regular contributors to mainstream news, provide information as well as some of today's most iconic images.⁴⁶ The Internet also made censorship exceptionally difficult for the traditional 'gatekeeper' of the media, the state. By 2008, camera phones outnumbered stand-alone digital cameras by more than 4 to 1.⁴⁷ Combined with the Internet, the camera phone gave the public the power to create a media event from the palm of their hands.

39 Neuman, *Theories of Media Evolution*, 4.

40 Ibid, 4.

41 Ytreberg. 'Towards a historical understanding of the media event', 5.

42 Ibid, 6.

43 Manovich, 'What is new media?', 5.

44 Neuman, *Theories of Media Evolution*, 4.

45 United Nations, United Nations Office on Drugs and Crime 'The Use of the Internet for Terrorist Purposes', Vienna, 2012, 1.

46 Nadine Jurat. 'Mapping Digital Media: Citizen Journalism and the Internet', Open Society Foundations, No. 4, (April, 2011), 2.

47 Tomi T. Ahonen. 'Mobile as 7th of the Mass Media: Cellphone, Cameraphone, iPhone, Smartphone' (Futurtext, 2008), 4.

This paper has demonstrated that there has been a parallel evolution in both media and terrorism and will now examine the influence that new media has had on terrorist strategy.

From Hijack to Attack

The limited media technologies of the New Left Wave meant terrorists required a tactic that could fix an audience's attention over an extended period. Publicity for their cause, as well as the use of hostages as leverage for political demands, were the two traditional motives for terrorist hijacking.⁴⁸ Jenkins identifies that 'taking and holding hostages increases the drama...the hostages themselves often mean nothing to the terrorists'.⁴⁹

In an age when the media was comparatively slow-moving, hijacked airplanes were the perfect platform to 'play out' this drama, in doing so, they captured the attention of their target audience. The airplane is a symbol of 'internationalism'.⁵⁰ They are highly mobile and provided they are refuelled, can reach anywhere in the world, allowing terrorists unrestricted freedom of movement. Terrorists were therefore not just stepping onto an airplane, they were stepping onto the world stage.

From a tactical point of view, an airplane is a sufficiently sustainable defensive position and is suitable for a prolonged siege; there is generally food and water stocked on-board; access can be restricted by removing the steps or jet-bridge; the cabin and cockpit windows provide an all-round field of view; and the exits are narrow which can be easily controlled by the hostage takers.

During the first half of the New Left Wave in the 1960s, there were a total of one-hundred and forty-eight commercial airliners hijacked.⁵¹ By the conclusion of the third wave, at the end of the 1970s, this figure had increased to three-hundred and forty-seven. Initially spearheaded by Cuban criminals and refugees, this 'headline grabbing tactic'⁵² was soon adopted by Palestinian terrorist groups who attempted to use passengers as leverage for the release of Palestinian prisoners. After the successful hijacking of an El Al airliner in August of 1969 by the terrorist group Fatah and the subsequent release of sixteen imprisoned terrorists two months later by the Israeli authorities, Palestinian terrorist groups launched over a dozen more hijackings within two years. This period became known as the 'Golden Age of Hijacking'.⁵³ Many countries established CT units within their military and police forces. The rescue of hostages in hijack situations became the main focus of these special units. There was a steady but notable decrease in commercial airliner hijackings from the early 1980s however, which coincided with the shift from the third to the fourth wave of terrorism, but more importantly with the emergence of new media.

48 James D. Ciment. *World Terrorism: An Encyclopaedia of Political Violence from Ancient Times to the Post-9/11 Era* (Routledge, 2011), 679.

49 Brian Michael Jenkins. *International Terrorism* (Los Angeles: Crescent, 1975), 4.

50 Roger E. Bilstein. *Flight Patterns: Trends of Aeronautical Development in the United States 1918-1929* (Georgia: University of Georgia Press, 1983), 165.

51 All statistics pertaining to airliner hijackings was obtained from: Airline Hijackings Statics, Aviation Safety Network: Flight Safety Foundation (2016).

52 Ciment. *World Terrorism: An Encyclopaedia*, 679.

53 Brendan I. Koerner. *The Skies Belong to Us: Love, Terror and the Golden Age of Hijacking* (New York: Crown, 2013), 8.

Heightened security by governments from the mid-1970s, especially post-9/11, can also account for an element of this decrease. In 1973, it became obligatory for all airports to scan passengers with metal detectors prior to flights. The success of this procedure was demonstrated the following year, when twenty-five attempted hijackings were foiled.⁵⁴

Hijackings of commercial airliners further decreased to two-hundred and forty-four by the end of the 1980s and to two-hundred by the end of the 1990s. Terrorists began to exploit other early forms of new media in order to convey their message of terror: websites, online forums, videos and blogs were just some of the new tools that drew terrorists away from the tactic of hijacking, thus influencing their strategy.

As the Internet was enhanced and became more popular during the 2000s, the number of hijackings concurrently dropped to just seventy-nine for the entire decade, notwithstanding the heightened security after 9/11. Terrorists no longer needed a hijacked airplane as a platform for their cause; new media offered new tools as well as almost unrestricted access to the audience. There were only nine commercial airliners hijacked from 2010 to 2015.

The 9/11 Attacks were an isolated phenomena in the history of hijacking. Instead of using the hijacked aircraft to fix the audience's attention over an extended period, they were used to inflict mass casualties. The timeframe that was needed in previous waves to create a substantial media event was no longer required. Al-Qaeda's plan was therefore 'suspicious of being conceived with the media in mind',⁵⁵ in that they were aware that the gravity of the spectacle alone would draw inevitable and instantaneous coverage from the media.

In the case of the 2015 Marauding Terrorist Firearms Attack (MTFA)⁵⁶ in Paris, most of the imagery was captured by those who were directly targeted. This suggests a profoundly disturbing sentiment; the attackers may not have made any provision of their own for capturing images of their action, because they knew that they could rely on 'citizen journalists' to create the media event.⁵⁷

The modern media event provides terrorists with instant access to their audience. It requires no momentum or build-up, which allows the action to be short and sharp. Terrorists can now use 'bloodier', but yet simpler 'hit-and-run' tactics, with limited firearms and explosives, on the public; maximising the casualty count. The emergence of MFTAs in Norway, Tunisia, France and Belgium in recent years, illustrate this shift in strategy. Given that the primary focus of CT units has been HRO since the 1970s, mobilisation generally takes time. The CT response to MFTAs is an emerging problem and is exemplified during Anders Breivik's attack in Norway on Utoeya Island in 2011, where it took CT units over an hour to arrive at the incident.⁵⁸

In addition to the emerging MFTA threat, terrorists have learned to exploit the Internet's 'social-media forums like Twitter, Diaspora and Facebook',⁵⁹ to manipulate the narrative

54 Ciment. *op cit*.

55 Ytreberg. 'Towards a historical understanding of the media event', 9.

56 Christopher Dickey. 'Jakarta, Paris, San Bernardino: The Age of 'Marauding Terrorist Firearms Attacks'', The Daily Beast, January 14, 2016.

57 Jason Burke, "How the changing media is changing terrorism". The Guardian, February 25, 2016.

58 Peter Hutchison, "Norway shooting: police response criticised". The Telegraph, July 24, 2011.

59 Haroro J. Ingram. 'Three Traits of the Islamic State's Information Warfare'. The RUSI Journal 159:6 (2014).

of the media event. One such early example of this is Osama Bin Laden's construction of Al-Qaeda's 'post' media event narrative of the 9/11 Attacks. During his web-based video message, his anti-western rhetoric framed and contextualised the attacks in the minds of the target audience. Similarly, ISIS claimed responsibility within hours of the Paris Attacks (November 2015) on Twitter by simply stating 'eight brothers, wrapped in explosive belts and armed with machine rifles, targeted sites that were accurately chosen in the heart of the capital of France.'⁶⁰ The instant access to the target audience provided by Twitter immediately after the attacks, allowed ISIS to magnify the effect by claiming responsibility and inferring follow-on attacks.

This approach is advanced even further during the beheading of British Army soldier Lee Rigby in 2013. Rigby's killer, Michael Adebolajo, offered a 'live' media event narrative during the attack when he turned to a bystander's camera phone and stated the political and religious motivations for the attack, while making further threats of terror; a prime example of 'citizen journalism'.⁶¹ Similarly, ISIS provides the audience with a 'live' media event narrative during the executions of their prisoners by reading statements of their justification and future intent.

Mass Casualty Media Events

Mass casualty violence is not caused by the media, it is a result of terrorism. The media is not accountable for the actions of terrorists. Nevertheless it constitutes 'the key arena in which the struggle over symbolic power is played out'.⁶² The influence of new media has re-shaped this 'arena' by compressing the media event, making it substantially shorter than previous waves. Due to 'citizen journalism', the link to the target audience is continuous and instant. Terrorists therefore require their attacks to be increasingly more violent in order to produce substantial and spectacular media events. The increase in casualties can be attributed to this necessity.

Jenkins states that 'the need for headlines (has) demanded higher body counts'.⁶³ Should we therefore 'rethink the sensationalist coverage of terrorism and stop providing terrorists a free media platform'?⁶⁴ Escalation of violence is inevitable as the audience become desensitised to previous attacks. As the saying goes, 'violence begets violence'. Terrorists will always seek to provide a spectacle that attacks 'the psychological and emotional state of the audience observing the disaster'.⁶⁵

⁶⁰ Rukmini Callimachi, 'ISIS Claims Responsibility, Calling Paris Attacks 'First of the Storm''. New York Times, November 14, 2015.

⁶¹ Kailemia, 'The Spectacle of Terrorism', 98.

⁶² J.B. Thompson. 'Political Scandal: Power and Visibility in the Media Age. (Cambridge: Polity, 2000), 105.

⁶³ Jenkins, 'The New Age of Terrorism', 118.

⁶⁴ Jamie Doward, 'Media coverage of terrorism 'leads to further violence''. The Guardian, August 1, 2015.

⁶⁵ Matusitz, 'Terrorism and Communication', 78.

Conclusion

By using Rapoport's 'Wave Phenomena' as a framework, this paper establishes that there is a symbiotic relationship between the media and terrorism, which is epitomised by their parallel evolution. With the emergence of new media, media events have become shorter, thus there is no requirement for terrorists to prolong their attacks in order to maximise exposure; the decline in commercial airliner hijackings since the 1980s demonstrates this. Therefore the 'Golden Age of Hijacking' has been replaced by the 'Age of Marauding Terrorist Firearms Attacks'.⁶⁶

This paper has also shown that terrorists have exploited new media and can manipulate the narrative of the media event, both during and after the attack. This allows terrorists the ability to magnify the spectacle of their action and instill fear in their audience with threats of further attacks. The influence of new media on terrorism can therefore account for 'bloodier' terrorist strategy. The medium with which terrorists use to attack the psychological and emotional state of their target audience has evolved, compelling them to change their strategy. The 'arena' that is the media, has inadvertently caused this strategy to be 'bloodier'. Counter-terrorist units around the world must continually adapt to this shift in strategy. An emphasis on immediate mobilisation to an incident is vital, in order to minimise mass casualty counts. While the threat of terrorist hijackings still exists, the swift interdiction of MTFAs constitutes the next challenge for counter-terrorism.

⁶⁶ Dickey. 'The Age of 'Marauding Terrorist Firearms Attacks'.

Abstracts

72 Senior Command and Staff Course

MA in Leadership, Management and Defence Studies

Proportional Representation – Single Transferable Vote - An Examination

ABSTRACT

This study seeks to examine the Irish electoral system to see if it creates second order effects and if in turn these create third order effects in other aspects of public service.

Current literature focuses on the first order effects of this system such as proportionality the correlation between a party's share of the vote and number of seats won, or representation, which measures the social make up of the parliament against that of society. There is less written about second order effects. These include issues such as government stability, strategic versus short-term thinking or clientalism/brokerage.

Brokerage is examined to see if it is a second order effect of the Irish electoral system. The Defence Forces is then used as a case study of the third order effects generated as General Routine Order (GRO) 43/1955 prohibits serving members from contacting members of the Oireachtas on service matters.

The a post-positivist methodology was used in this study. A survey that used both information extraction and shared understanding methods of data collection was used to get the views of middle ranking officers in the Defence Forces. The results of this survey informed the semi-structured interviews that followed with politicians and the permanent staff of RACO.

The findings indicate that politicians make representations on behalf of the members of the Defence Forces as a matter of routine. This is despite GRO 43/1955 and the existence of approved mechanisms for troops to raise issues.

The findings also indicate that soldiers are incentivised by the system to seek political representations, undermining the chain of command. Officers in particular are uncertain as to how to react, with fearing they will be adversely affected if they don't process the representation appropriately.

In light of the findings a number of recommendations are made. Further consideration should be given to third order effects when considering the issue of electoral reform. In the meantime, the Defence Forces can put measures to reduce the negative impacts of representations.

Crisis Decision Making: Cockpit Lessons for the Boardroom

ABSTRACT

Amalgamating the complexity of the human/technology interface in aviation, with Stern's finding that "...crises are...highly complex events in terms of institutional...informational and problem complexity;" this thesis considered the hypothesis that problem complexity in aviation to be analogous to organisational complexities.

Ubiquitous information does not guarantee better outcomes, rather it is the manner in which it is collated, analysed and responded to, which dictates its power. It appeared axiomatic that the crisis decision making lessons of aviation had applicability in non-aviation organisations. Specifically, this thesis explored whether aviation crisis decision making processes had applicability in non-aviation organisations using a post-positivist research paradigm.

The efficacy of aviation crisis decision making processes was researched to ensure its continued validity across complex cockpit environments. While the research supported this perspective, it yielded an unforeseen experiential process exploit: experienced flight crew adhered to the decision making processes, but moved through the process steps with differing speeds based on scenario experience.

The research engaged with senior leaders from multinational energy and banking sectors, as well as medicine and aviation. The research conceptually supported the adoption of aviation crisis decision making processes in non-aviation organisations.

Practical organisational realities were found to be barriers to adoption, including: implementation cost; unofficial networks; trust between crisis response personnel; professional heterogeneity and disparate geographic and cultural perspectives. Cost was seen as the overriding barrier to the introduction of such processes.

The research findings indicate that non-aviation organisation size, unofficial networks, professional homogeneity and culture will likely impact the effectiveness of using aviation crisis decision making processes. Arising from the research findings, the author recommends engagement with private organisations to conduct industry specific research; facilitating the transfer of the bitter lessons of aviation and the importance of Jawaharlal Nehru's observation that "every little thing counts in a crisis."

Coordination Gap: A Need for Joint Military and Civilian Coordination Doctrine for Major Emergency Events in Ireland

ABSTRACT

Purpose – Major emergency events in Western societies have shown an ever increasing use of military resources in support of civilian authority response efforts. However, gaps in coordination arrangements between military and civilian authorities in a major emergency event are a well recognised problem. Deficiencies in joint military-civilian coordination management are known to adversely impact on emergency response efforts despite any pre-existing good-will or willingness to coordinate. This concern warrants further exploration and explanation as to the robustness of Ireland’s Defence Forces (DF) coordination arrangements in support of the civilian authorities (as the lead agency) response to a major emergency event. The study provides an opportunity to construct a conceptual model that will facilitate the design of DF doctrine to address vulnerabilities in DF coordination arrangements that support the civil authority’s response efforts to a major emergency.

Design/methodology/approach – The adopted research philosophy regarding epistemology is that of an interpretivist approach, while the ontological stance is subjectivism. The values of the researcher as a serving member of the DF were considered from an axiology perspective. The research approach will be that of inductive, the research strategy employed is a case study. The research choice was that of the multi-method approach. The data collection techniques were qualitative using semi-structured interviews and reports as sources of primary and secondary data respectively. Qualitative analytical tactics of within-case and cross case pattern analysis were used to analyse the qualitative data collected from the interviews and reports.

Expected contribution – This dissertation is a detailed work of qualitative analysis on the robustness of DF coordination mechanisms in support of Ireland’s civilian major emergency authorities. The study provides an understanding of vulnerabilities present in DF and civilian authority major emergency coordination arrangements. Also, the study proposes a conceptual model to facilitate doctrine design to support future civilian authority led major emergency response efforts.

Originality/value – This research is an original proposal on Ireland’s DF major emergency coordination arrangements in support of civilian authorities in the event of a major emergency event.

Confidence versus Competence: The Influence of Overconfidence, its Effectiveness, and Could Today's Military Organisations be Placing too much Confidence in the Overconfident?

ABSTRACT

An Unsinkable ship, a Reich that would last 1000 years, a war that will be over by Christmas, these are only some of the historical examples associated with overconfident incompetent human behaviour. It is no surprise that overconfidence can have these consequences. Confidence moves markets, bluster elects politicians, and self-assured leaders reassure anxious followers. It can be easy to associate talent, knowledge, and competence with confidence. But can overconfidence mask competence?

The review of the literature peels back the curtain on confidence and examines its real relationship with competence, and how it affects leadership. It looks at the rivalry between the constructs, explores the existing leadership theory and its requirements from competence versus confidence, setting up the study for further research.

Leadership is intrinsic to the Defence Forces, and as in the wider military community, the confident, robust leader leaves an inefaceable impression. Which questions whether the Defence Forces could be at risk from the dangers of the overconfident type, exposing the organisation to the confidence trick at a cost of competence.

The research methodology was conducted from a post-positivist position, utilising a focus group discussion, and interviews with subject matter experts, selected on account of their unique position, experience and education.

The study indicates that overconfidence can indeed mask competence, and this can mean that less confident more competent personnel can be overlooked or subdued. However, the confidence trick can have a temporary place in unknown or stressful situations. This result presents a paradox represented by the Competence-Confidence Line Model, proposed by this thesis as a diagrammatic representation of the complicated relationship. The relationship exposes other required leader attributes, such as credibility, judgement and character. The importance of character is understated in its role as the strongest communicator with followers, often framing, and even overcoming the competence and confidence effects.

An Investigation into the Awareness of Followership Behaviour in our Non Commissioned Officer Ranks

ABSTRACT

Regardless of rank, all members of the Irish Defence Forces are subordinate to someone whether it is the Chief of Staff or a newly promoted Corporal. Within all military organisations, all Officers and Non Commissioned Officers (NCOs), despite the appointments and positions they hold can and should be considered as followers.

This research focuses on how followership concepts are perceived and understood within the Non Commissioned Officer (NCO) subset the Defence Forces (DF). Additionally, the potential introduction of followership theory into DF NCO career courses is also explored to determine if it could maximise leadership potential and contribute positively to the leader-follower culture that exists within the Defence Forces today. Finally, constructive dissent, an espoused essential element of effective followership, is examined in order to discover whether this phenomenon is currently present and active within the NCO cohort of our organisation. This research question is important as it focuses on followership, which many contributors to the literature believe is the other side of the leadership coin.

The research is qualitative in nature and utilises a hermeneutical phenomenological approach. A mixture of focus groups and semi-structured interviews comprising of NCOs of all ranks were conducted to gather appropriate data. Due to the sensitivity of the subject, anonymity was afforded to all participating candidates in order to best guarantee full disclosure during the data collection process.

The findings show that there is a very limited appreciation of followership within the DF and the perception of the concept is vague and inconsistent across the ranks sampled. Additionally, the positive benefits of courageous dissent is not fully recognised or understood within the NCO cohort. Difficulties with the term itself which is automatically associated with insubordination and the prospect of career stagnation due to the associated disciplinary process were issues highlighted. Finally, there was a positive response to the prospect of introducing awareness of followership theory onto future NCO career courses.

The implications for the Defence Forces is that the organisation needs to consider introducing followership onto career NCO course in order raise awareness of how the concept can enhance the leadership within the organisation and contribute to the improvement of the leader follower culture within the Defence Forces.

The Defence Forces have Introduced the Theory of Emotional Intelligence in the New Defence Forces Leadership Doctrine; How should the Defence Forces develop and Apply this Theory in Practice?

ABSTRACT

Emotional Intelligence (EI) refers to the capacity for recognising our own feelings and those of others, for motivating ourselves, and for managing emotions well in ourselves and our relationships. The construct is divided into domains of intrapersonal competencies (self-awareness and self-management) and interpersonal competencies (social awareness and relationships management). This thesis is based upon an examination of the construct of EI as defined in Defence Forces Leadership Doctrine and its link to leadership development. The thesis was undertaken to understand the theory of EI and to establish to what extent it can be used in a Defence Force context.

The research was conducted by carrying out a literature review to ascertain currently held views with respect to EI and to identify the main models, competencies and measurements of EI. This was followed by an in depth look at the numerous academic writings on the question of whether or not individual or group EIs are developable traits or competencies, and whether EI is a driver of performance.

Leading with a Cadet focus group, followed by semi-structured interviews, it was identified that a significant link exists between EI and Military Leadership and how it is currently developed and applied in the Defence Forces. The analysis determined that EI as part of the Empowerment Programme and Command and Leadership Block, on the Cadet Syllabus, has helped to develop Cadets intrapersonal skills and introduced them to a socialisation process that is Military training. It was evident that interpersonal skills and leadership skills develop with experience and service in the organisation and through continued engagement with personnel.

These findings provide a better understanding of the construct of EI; its value and application with respect to leadership practice and development in the Irish Defence Forces today and are processes that should be further developed in Defence Forces Training and Human Resource Management Practices.

Should We Be Afraid? Examining the Threat to Ireland from Returning Foreign Fighters

ABSTRACT

Terrorist attacks in European cities in 2015 and 2016 coupled with the significant number of disrupted terrorist plots have highlighted the threat that EU faces from radicalised violent extremism and Militant Islamist inspired terrorism. From an Irish perspective the deaths of Irish Muslims on the battlefields of Syria as well as reports that Irish citizens have joined the terrorist group the Islamic State in Iraq and Syria (ISIS) serve to highlight a willingness amongst certain elements of the Muslim community in travelling to foreign conflicts to engage in combat operations. The research aim of this thesis is to examine the threat to Ireland from returning Foreign Fighters and in doing so find out what we do know, which will assist in informing opinions and subsequent actions.

The research question developed a theoretical framework from which to examine and critically analyse the concepts of Islam, Foreign Fighters, terrorism, motivations for travelling and radicalisation and pathways to radicalisation. In examining such complex topics as radicalisation and extremism from terrorists who claim allegiance to a militant Islamic viewpoint the research adopted a post-positivist, qualitative research methodology utilising semi-structured interviews.

The significance of this thesis emerges from the findings which indicate that the threat to Ireland from returning Foreign Fighters is low. Understanding the motivations for becoming a Foreign Fighter is particularly complex as motives and reasons are so wide-ranging and diverse and unless you have the cooperation of the Muslim community identifying and addressing the issues will be extremely challenging. The debate around radicalisation is one that is complex and the use of correct terminology is important to describe the concept.

On the basis of these findings, it is suggested that the Defence Forces continues to develop its understanding and expertise in the area of radicalisation and violent extremism leading to terrorist acts as well as planning and training to counter any potential threat from international terrorism. It is also suggested that the state adopt an integrated comprehensive approach to address the area of returning Foreign Fighters.

A Preliminary Investigation of Motivational Climate: Can the Irish Defence Forces Draw Lessons from Elite Sport?

ABSTRACT

Organisational climate describes how it feels to be a member of a team. It has significant effects on the motivation, satisfaction and performance of individuals comprising teams. It also predicts the quality of the overall team performance. Climate is created by complex factors, but the team leader plays the most significant role in its genesis. The climates of successful sports teams represent the coaches' values, their attitude towards achievement and which motivational techniques they employ. This study examines high performance sporting climates, in Ireland, and compares them with those found in the military in order to investigate whether the leadership climates in sport can provide a model for Defence Forces climates.

Theory drawn from studies into motivation, organisational and sporting psychology and leadership revealed close alignments between the themes of: clarity of vision; empowerment; innovation and; cohesion, in high performance sporting and military teams. A qualitative phenomenological study was conducted by interviewing successful coaches in a variety of Irish sports. Thereafter, a comparative analysis of this data, with information extracted from interviews with military participants, was performed.

The research results indicate that aspects of transformational leadership are present in both sporting and military contexts. However, only the sporting leaders create climates which define success as developing followers by inspiring them towards mastery of their sport. By contrast military climates focus more on outcome. Further findings show that components of mastery oriented climates are familiar to the military but usually associated with overseas, rather than home, service.

This thesis proposes that mastery oriented climates have utility in the Defence Forces. It further describes a model for the creation of such climates which is recommended for leader education within the Defence Forces. The adoption of such a model will meet the Defence Forces Leadership Doctrine requirement for a positive and ethical climate.

Can We Improve the Defence Forces NCO Promotion Competition for the Benefit of the Organisation and its Personnel?

ABSTRACT

The Defence Forces (DF) introduced a new Non Commissioned Officers (NCO) promotion competition in 2012. The system based on meritocracy, uses generic competencies at file perusal and interview to create an Order of Merit list. Whilst benefits have accrued from the transformation of the process, the experience of some NCOs has been less than positive. The purpose of this thesis is to consider whether the DF can improve the NCO promotion competition for the benefit of the organisation and its personnel.

The opening chapter introduces the researcher's motivation and acknowledges the consequential bias. The literature review explains the NCO promotion process, considering it through the academic lens as a selection process. The researcher identifies the progression of selection processes from the 'traditional fit', through the 'processual' to the 'right fit' approaches. The themes of validity, suitability and reliability are utilised to consider the current NCO promotion competition with a view to transitioning to a holistic approach. A mixed methods approach comprising of quantitative and qualitative research shaped the methodology. An online survey of all NCOs and commissioned officers of the DF yielded a high response. Semi-structured interviews were conducted with representatives of the Department of Defence, Permanent DF Other Ranks Representative Association, academia and commissioned officers with experience in Enlisted Personnel Management Office and Conciliation & Arbitration. Post collection of the data, a thematic analysis using key themes was undertaken to produce the findings.

The research reveals the change from the previous NCO promotion process was driven by a number of reasons. The advantages include more personnel being promoted in a shorter space of time and a decrease in the time taken to fill vacated appointments. However, there is a perception that the process is unfair. Personnel have greater clarity of a career path within the DF but the process may have created a generation with unbalanced focus on their careers. The conclusions and recommendations indicate that adopting a holistic approach to the process should consider the diversity of specific job roles. This should be reflected in the number of interview boards and the board constituents. Training in all aspects of appraisals should be provided to DF personnel. The significance of this research is reflected in the feedback from members of the DF at all ranks. The suggestions and recommendations from the survey illustrates that it is possible to improve the DF NCO promotion process for the benefit of the organisation and its personnel.

Developing Strategic Military Leaders - The Genesis of Effective Civil-Military Relations

ABSTRACT

This study explored the complexity and current climate of civil-military relations (CMR) in order to examine a perceived gap in professional military education (PME).

The Irish CMR environment is complex in its structural design and susceptible to the human disposition of trust. Consequently, Defence Forces officers' accurate understanding of the policy process at play is critical for future military performance and reputation in CMR engagements. This understanding mitigates the risk of officers operating at the strategic level with inherent misperceptions of civilian interference and ensures the military voice at the CMR negotiating table is not muted due to unfamiliarity, naivety or negligence.

The research utilised the phenomenological approach to conduct qualitative research. In depth semi-structured interviews were conducted with individuals who were intrinsically involved in the most recent high-profile CMR collaboration, the 2015 White Paper on Defence. Accordingly the currency of their CMR knowledge coupled with the experiences of their CMR competency development provided a rich description of the intricacies of the Irish CMR domain.

The findings indicate that a collaborative climate exists within the current CMR dynamic. Accordingly a convergence of thought and intent is evident across the civil-military divide towards continuing collaboration, capitalising upon the success of the recent White Paper process.

Central to this ambition is the need for CMR stakeholders to appreciate and navigate the influences that shape and impact Department of Defence policy considerations. These influences are coined as the "grey space". In identifying potential barriers to collaboration the Ministerial Advisory Group, advocates the enhancement of the essential strategic skills of communication, negotiation, advocacy and consensus building across the civil-military divide. These skills are seen as essential in the never ending challenge in process collaboration, power compromise and underpinning trustworthiness.

Consequently the DF recognises the depth of the strategic level and the associated gaps in CMR capability that exist. Accordingly a need to incorporate CMR in PME from the post induction phase of their careers is identified to complement professional experience and appropriate mentoring of strategic competency.

Top Secret! An Exploration of the 'Disclosure Dilemma' for Gay Men and Lesbian Women of the Defence Forces.

ABSTRACT

This thesis explores disclosure realities for gay men and lesbian women of the Irish Defence Forces (DF) considering motivations, processes and outcomes in both their personal and professional lives. Understanding the "disclosure dilemma", the coming-out decision for gay men and lesbian women, of the Irish Defence Forces (DF) is highly important from an organisational perspective in order to build an effective inclusion policy and culture and enhance cohesion within the DF. Nine DF members were interviewed using an episodic interview technique to best understand their experience of coming-out in a military context. Research findings highlight two contrasting tensions which lie at the heart of the disclosure dilemma for non-heterosexual DF personnel; identity management and conflict within the military culture. Despite many positive changes in DF culture this study indicates that the perception persists within the DF LGBT community is that the organisation is not yet ready for the coming out of gay and lesbian personnel. On the basis of such findings a number of recommendations are presented, which may assist the Defence Forces in developing a culture more facilitative of workplace disclosure

A Modern Study of the Military Leadership of General Owen Roe O'Neill

ABSTRACT

This thesis is a modern study of the military leadership of General Owen Roe O'Neill.

Owen Roe O'Neill was appointed the General of the Ulster forces of the Confederation of Kilkenny in 1642. He raised and maintained a field army from scarce resources, relying greatly on his natural abilities and the reputation he had earned as a soldier in the Spanish service. He died on campaign against Oliver Cromwell on 06 November 1649.

The thesis posits that studying Owen Roe O'Neill's military leadership can benefit the Defence Forces Command and Staff Course (C&S), and in particular the Command, Leadership and Human Resource Management (CLHRM) module. It also proposes that the modern leadership theory taught on that course can be applied to the historical sources as a technique to interrogate those sources for insight relating to historical military leaders.

The literature review includes primary source materials from contemporary authors (including O'Neill's own correspondence), major biographies of O'Neill and a selection of historical studies relating to Ireland and to warfare in the seventeenth century. It also includes a review of modern leadership theory guided by the requirements of the CLHRM module of the C&S Course.

The findings place O'Neill within a modern leadership framework as a charismatic leader at the strategic level with mixed charismatic/ ideological tendencies at the operational level and a tendency to pragmatic leadership at the tactical level. In leadership terms, the findings identify Owen Roe O'Neill as the first discernibly modern Irish general and suggest that it would be beneficial for the Defence Forces to make a more concerted claim for his legacy.

Finally, application of this methodology is suggested for the study of other historical figures both from this period and later.

Adapt or Die: Surfing the Edge of Chaos

ABSTRACT

Carl von Clausewitz likened war to a chameleon, highlighting the changing character of war as a social phenomenon. War is changing, but how? This thesis attempts to understand the changes in war and warfare. These efforts are reflected in the creation of new terms to define war and new concepts through which to win it. The thesis will critically analyse the shift from the framework of deterministic mechanics, linear causality and reductionism to the new scientific concepts of trends and probabilities as embedded in complex systems theory. While the Newtonian metaphor of the 'Majestic Clockwork' has shaped military theory over the last 200 years, research in quantum mechanics now suggests that the world is composed of complex systems that adapt to and interact with, each other. The interconnectedness and interaction of the variables within the operational environment create a tangled web of dynamic challenges that increase complexity.

Throughout the analysis, it will be argued that military organisations must be innovative and capable of dynamic adaptability to cope with and overcome complex problems to ensure success on the 21st-century battlefield, "The Army's capacity to adapt to changing operational environments and adaptive threats is fundamental to achieving organisational success ... Regardless of the nature of the threat faced ... the army will have to adapt." Complex systems theory can assist in determining the fundamental limits to the predictability of war, prompting militaries, to reinvest efforts away from anticipating the unknowable towards increasing resilience and adaptive options. Surprisingly, little systematic research on this topic exists. The ambition of this thesis is thus limited to presenting an experimental analysis, which will shed light on this highly complex issue.

It may very well be that this hypothesis raises more questions than it answers, but this is in no small part a reflection of the field of research with which it deals, and such an inquiry can pave the way for future research. By challenging the simplifying assumptions of current approaches to anticipate the future operational environment, complex systems can stimulate a richer understanding of the phenomena of war. In this thesis, I wish to examine the ability of the Defence Forces to adapt in this era of complexity and continual change. The postmodern operational environment has forced many militaries to undergo significant change to adapt to the new paradigm where "the old Darwinian view of "survival of the fittest is now being cast aside to survival of the best informed." The thesis main aim is to analyse the terms and concepts of complex systems theory and determine if these theories tell us something important about the development of war and how wars can be won.

Moving Beyond Peace Enforcement: The Rationale For The United Nations Deployment Of The Force Intervention Brigade In The Democratic Republic Of Congo

ABSTRACT

This thesis set out to study the impact of increasing authorisation of military force by the United Nations was having on peacekeepers authorised to act in its name. As the United Nations continues to adapt to an ever changing global situation it has come to rely on increased use of force when attempting to solve the dynamic problems it is encountering in conflict zones across the world. Whilst this approach may have some merits the effect this is having -not just on the organisation - but in particular on its Peacekeepers may not be fully understood at an organisational level. The existing literature provides excellent insight into some of the effects these changes are having on the UN as an organisation but this author identified a number gaps in the area of implementation of these changes. In order to bring a fresh perspective to the existing debate presented in the literature it was decided to use an instrumental case study to examine the nuances of this evolving situation – namely, the Force Intervention Brigade’s deployment in Eastern Democratic Republic of Congo and the opinions of senior military officers on how such a deployment could impact UN Peacekeeping. Through a lack of uniform understanding and application at an organisation level high levels of ambiguity across all levels of Peacekeeping has occurred, leading to confusion on the ground. In essence, increased ambition by the UN has not been matched with an associated increase in deployment investment, which in turn has a detrimental effect on the organisations credibility. Whilst cultural differences amongst peacekeepers have long been a factor these changes are further exacerbating the cultural frictions that exist. UN peacekeeping continues to evolve, if the effects that this is having at the tactical level of peacekeeping are not understood then the organisation may never achieve its goals on the ground.

Self-Defence and Lawful Killing In Ireland post “Nally” Case; The Implications For Irish Military Operations

ABSTRACT

Not much has been written in Ireland on the use of force and particularly lethal force in Ireland in self-defence in the past ten years. While the Defence Forces have reviewed its use of force in the early 1990s and 2011, nothing much has changed since the ATCP days and the Attorney General's advice of the 1970s.

Military commanders need to know the legal basis for the use of lethal force, and to train personnel and command them in operations within these parameters. The “Nally” case resulted in the acquittal of Padraig Nally in circumstances that would normally indicate excessive use of force. This “perverse” judgement showed that the judge looked at Nally defending himself, his property, and preventing himself being disarmed as being excessive in those circumstances in accordance with the law. The jury acquitted him indicating that jury verdicts are difficult to predict.

The thesis examines the law and the application of force in difficult cases by Irish and other security forces and the issues that arose.

Research was done using document analysis, case studies, and interviews. Taking a critical analytical approach, the legal basis for the use of force by the Irish Defence Forces and the consequences of the use of lethal force by other security organisations was examined.

The study showed the high degree of command and control required; the depth that tribunals and investigations went to after the event, and the close examination of the organisations' protocols and rules. The Non-Fatal Offences Against The Person's Act 1997 being the current standard for the use of force in Ireland and the requirement for Irish Rules of Engagement (ROE) and protocols for operating in Ireland and abroad emerged, and for all personnel to understand the ROEs and the legal use of lethal force, and to act accordingly.

Is the Perceived Roll Out of UNSCR 1325 in line with the DF Organisational Goal/Vision?

ABSTRACT

In October 2000, the United Nations Security Council unanimously adopted Resolution 1325, the first resolution in what has become its Women Peace and Security agenda. This indicated an important move in the way that the UN viewed issues related to women, war and peace. The Security Council now directly addresses the situation of women and girls during armed conflict and the need for women to be involved at all levels and stages of decision-making with regard to peace keeping and conflict resolution. Sixteen years on, this thesis aims to examine the perceptions of the implementation of UNSCR 1325 and Ireland's 2nd National Action Plan in the DF. It explores the level of knowledge and understanding of the resolution within the DF and the range of responses to it. The review of the literature highlights the discourse that surrounds UNSCR 1325 and examines the legal status of it and the use of language within the document. It presents the significance of gender within society and how it is a social construct which impacts on how people view the world. This view is examined in relation to women in the military and how society views their place in it. The term 'gender mainstreaming' is discussed; its importance and the difficulties encountered in trying to incorporate a gender mainstreaming policy in organisations are considered.

A post-positivist, qualitative research methodology is used as it can provide a deeper understanding of social phenomena than would be obtained by quantitative data or a positivist method. The overall design used in this thesis is a case study of the perceptions among DF personnel of the implementation of UNSCR 1325 and Ireland's 2nd NAP within the DF itself. The modes of data collection were semi-structured interviews and focus groups. The data extracted from the interviews and focus group participants were, analysed, coded and grouped into themes which form the structure for presenting the key findings.

The findings indicate that in its endeavour to achieve gender equality there is a danger that UNSCR 1325 and Ireland's 2nd NAP could compound gender differences within militaries. The key to avoiding this is clear knowledge and understanding of UNSCR 1325 and Ireland's 2nd NAP through training and education. The requirement to increase the number of females in the DF is highlighted and the importance of a gender perspective in enhancing a military's operational capability must be communicated. The DF will require "leadership" in order to achieve this. Societal norms will have to be broken down in order to increase the number of females in the military. The DF needs to communicate to Irish society that it is in fact a good place for females to work

Barriers to Financial Readiness

ABSTRACT

This thesis looks to identify the barriers that keep soldiers from utilising the financial literacy resources and recommends actions for early intervention to improve soldier financial readiness.

Previous research in financial readiness focused on the benefits of financial readiness within organisations. In addition, research investigated the effectiveness of financial wellness programmes in the workplace. In the military financial readiness research focused on the causes and effects of financial stress or the programmes designed to improve financial literacy. This research builds on those studies by identifying the barriers that keep soldiers from utilising the financial readiness resources and recommending actions for early intervention to improve financial readiness.

This research used a social constructive methodology making use of semi-structured phone interviews with financial readiness counsellors to determine their perspectives on why soldiers chose to use or avoid financial readiness resources available through the military.

After conducting the content analysis of the rich data collected from the semi-structured phone interviews, two main categories arose for the effects of barriers on financial readiness; personal and cultural. Personal barriers include biased self-confidence, the ostrich effect, the failure to communicate, and insufficient education. Evidence showed that when cultural values are misinterpreted or applied inconsistently, they create a barrier that prevents financial readiness. However, evidence also showed that when implemented correctly, culture overcomes barriers and improves financial readiness.

In order to assist with the improvement of financial readiness, a Comprehensive Financial Readiness (CFR) programme is recommended. CFR is a three stage process that improves financial readiness through short, mid, and long term timeframes. In the short term, CFR implements a Periodic Financial Assessment (PFA) with a financial advisor to help soldiers identify their financial readiness level. In the mid-term, CFR provides periodic and event based financial readiness education for soldiers and leaders. In the long term, CFR improves trust in the organisation by creating consistency among subcultures with regards to financial readiness.

How Can a New Asymmetric Threat be Countered Effectively and what Responses Need to be Developed with Regard to Security Awareness, Military Thinking, Training and National and International Security Structures and Categories?

ABSTRACT

How can the German armed forces and other Western forces respond effectively to asymmetric warfare in the twenty-first century?

The aim of this thesis is to analyse response options at the tactical, operational and strategic level in terms of their effectiveness in countering asymmetric warfare.

This will involve not only outlining how war has developed over time, but also examining from a historical and psychological perspective whether we really are confronted with a new form of war or whether it is only the orchestration of war that has changed and we are in fact still hearing the same cruel melody of war even in the 21st century. Based on an analysis of the various interpretive models of warfare, the author will attempt to develop a standard international definition of asymmetric forms of war.

This thesis will focus on the current German military approach to security and compare it with approaches taken by our European partners, such as Ireland, the United Kingdom, France and Belgium.

Current international academic literature on the subject of new and old forms of war, generations of warfare and asymmetric and hybrid conflicts was assessed as part of the research. Conclusions drawn from the assessment of this literature were compared and contrasted with interview statements provided by a group of specially selected senior leaders from special military and police forces and the legal and diplomatic professions, their experience spanning more than 20 years.

Key findings from the research suggest that Germany's current approach to security is inadequate for dealing with an asymmetric threat situation and that the traditional separation of domestic and foreign security must be adapted, following the example of most of our European partners.

SHORT BIOGRAPHICAL DETAILS – CONTRIBUTING AUTHORS

- 1. Commandant Stephen Mac Eoin** joined the Defence Forces as a cadet in 1999. Commissioned into the 5th Infantry Battalion in 2001, he has served overseas in Kosovo (as platoon commander, 33 Inf Gp), in Chad (as French interpreter and MA to the Deputy Force Commander, MINURCAT) and in Lebanon (as force protection officer, 107 Inf Bn UNIFIL). Comdt Mac Eoin holds a first-class honours BA in History and French from NUI Galway. As part of that degree, he spent one year as applied English language instructor at the prestigious French military academy of St Cyr Coëtquidan. Comdt Mac Eoin has an MA in Archives and Records Management from UCD and was deputy and then acting director of the Military Archives during the period 2008 to 2012. He has most recently served as the Defence Forces staff officer seconded to the Ireland 2016 Project Office, which was responsible for the planning and conduct of the State's Centenary programme to commemorate the 1916 Rising. He is currently the Officer in Charge of the Military Archives of Ireland.
- 2. Prof Timothy Hoyt** is a Professor of Strategy and Policy and the John Nicholas Brown Chair of Counterterrorism Studies at the U.S. Naval War College, Newport, RI (USA). His first job on leaving university was to work with the Ulster Quaker Service Committee in West and North Belfast in 1982-1983. During the late Cold War he worked with the U.S. Department of State, the Department of the Army, and the Congressional Research Service. After receiving a Ph.D. in International Relations and Strategic Studies, Professor Hoyt taught at Georgetown University's School of Foreign Service, and then moved to Newport. In addition to teaching and other responsibilities, he is currently engaged in three major projects at the Naval War College: an effort to promote best practices in the teaching of strategy and grand strategy, including a biannual conference that engages both military service schools and the finest academic programs in the U.S. and U.K.; a project examining the changing character of irregular warfare in the 20th and 21st centuries, which recently concluded a conference at King's College London, and will meet again at Oxford in 2017; and a personal research project best described as "a strategic history" of the Irish Republican Army from 1909-2016, using classical strategic theory and modern theories of the organization of resistance movements to analyze the reasons for the success and failure of the IRA across multiple generations of leadership.
- 3. Comdt Padraic Kennedy** is an Infantry Officer with 21 years' experience and has recently completed a four year appointment as the Officer in Charge of the Military Archives. Commissioned to the Western Command in 1997, he has served in a wide variety of appointments in 1 Cn Cois, 6 Infantry Battalion, 28 Infantry Battalion, 5 Infantry Battalion and also as the Defence Forces Information Officer in Public Relations Section. Comdt Kennedy deployed to East Timor in 2002 as a Platoon Commander and has also served in Liberia, Congo, Kosovo and Western Sahara and is due to travel to Lebanon in November of this

year with the 109 Infantry Battalion. Comdt Kennedy holds a BA from NUIG (Economics, Political Science & Sociology), MSc (Management of Operations) from DCU and a MA from UCD (Archives & Records Management).

4. **Dr Aoife Bhreatnach** is an independent scholar researching the cultural history of Irish garrison towns. A graduate of University College Cork, she has an MPhil in Irish History on the subject of Frank Aiken as Minister for External Affairs. Her Phd from DeMontfort University was awarded in 2003 and the subsequent book, *Becoming Conspicuous: Irish Travellers, Society and the State*, was published in 2006 by UCD Press. From 2003-04, she held the Irish Government Senior Scholarship at Hertford College, Oxford and taught at the University of Warwick. A recipient of an Irish Research Council for the Humanities and Social Sciences Post-Doctoral Fellowship from 2004-06, she worked in NUI Maynooth developing a theory of class in nineteenth-century Ireland. From this research emerged her interest in the role played by the British military in Irish social history. She blogs on irishgarrisons.com and tweets as @GarrisonTowns
5. **Thomas Tormey** is a second year PhD student at Trinity College Dublin, under the supervision of Professor Eunan O'Halpin. Thomas completed a BA in History and Economics at NUI Maynooth in 2000. Following a period in banking he returned to that university in 2013 and to study for an MA in Military History and Strategic Studies. His current research concentrates on the War of Independence, particularly in Dublin and Roscommon.
6. **Comdt Lar Joye** is Curator of Transport, Flag and Military History collections at the National Museum of Ireland Collins Barracks. He is the curator of the award winning *Soldiers & Chiefs* exhibition at Collins Barracks, the National Museum of Ireland's largest exhibition which opened in 2006 at a cost €14 million. More recently as part of the Decade of Centenaries he has worked on the *History of Ireland in 100 Objects*, *1913 Lockout – Impact and aftermath* and *Recovered Voices* stories of the Irish at War exhibitions. In 2015 he worked in partnership with Anu productions on the acclaimed *Pals the Irish in Gallipoli* theatre show which finished in September 2015 after 405 shows. He is a graduate of UCD, Leicester University and the Getty Leadership Institute. He serves in a number of professional bodies including as Chairman of the Irish National Committee of the Blue Shield, and a member of the Board of Directors of the Irish Museums Association and the Military Heritage of Ireland Trust. He is a Comdt in the Reserve Defence Forces, joining as a gunner in the 1 Air Defence Regiment in 1987 and was commissioned in 1997. He has more recently served as staff officer in PR Branch DFHQ and is now staff officer in 2 Brigade HQ.
7. **Col Michael Campion BCL**, Dip Eur Law, was appointed by the President on the advice of the Government as military judge to the Defence Forces in 2012. He was educated at UCD and the Law Society of Ireland. He was enrolled as a solicitor in 1986 and conducted a wide ranging legal practice based in Dublin.

Col Campion qualified for admission to the New York Bar in 1989 and also holds a post graduate Diploma in European Law. From 2006 to 2012 he served as a chairperson of the Mental Health Tribunal. He was also previously a member of the Criminal Legal Aid Panel. Col Campion is the second military judge and the first to be appointed by open competition from outside the Permanent Defence Force. He was commissioned as an officer in the Reserve Defence Force in 1989 and relinquished that commission in 2012 and was commissioned with the rank of Colonel in the Permanent Defence Force to take up the appointment of military judge.

- 8. Lieutenant Colonel Jerry Lane** is the assigned LEGAD to the GOC, DFTC with additional responsibility for instruction in law, military law, military ethics and ethical decision making. Commissioned in 1989 he served in both operational and instructional appointments in the Infantry Corps and at the Military College prior to his being posted to the DF Legal Service Branch. An experienced Courts Martial Prosecutor he is the Deputy Director of Military Prosecutions and also the assigned LEGAD to the Provost Marshal and MP Corps. A graduate of the 62nd C&S Course his thesis topic on the legal and ethical implications of Command Responsibility was added to the C&S Course lecture syllabus in 2007 and it continues to be part of the imparted lecture content. He was awarded best overall student of the 62nd C&S Course. Called to the Irish Bar in 2001 he has a Masters LLM from UCC and a MA from the NUIM. He has also completed postgraduate diplomas in Legislative Drafting and Corporate and Regulatory Crime at the Kings Inns and a Certificate in Strategic Leadership from NUIM. He is currently reading for a MA in Ethics at DCU/ Mater Dei. He has lectured extensively on IHL, OPLAW, Human Rights and Military Ethics at home (UCC, UCD, TCD, DCU and NUIM) and abroad. He has been the Course Director of the 'Conduct of PSO' Course at the International Institute of Humanitarian Law in Italy since 2010. He has served abroad with UNIFIL, KFOR, and EUFOR tCHAD.
- 9. Comdt Billy Campbell (Retd)** was commissioned into the Cavalry Corps in 1974 and posted to 2 Cavalry Squadron. He served as Personal Staff Officer to the Adjutant General from 1985 to 1989. He was Officer Commanding 2 Cavalry Squadron from 1990 to 1993 and Officer Commanding 11 Cavalry Squadron from 1993 to 1996. He graduated from the Command and Staff School in 1997 and was an instructor in the School from 1997 until 2000. He has served abroad with the United Nations in Lebanon and in Iran and as a guest Partnership for Peace instructor in the NATO School in Oberammergau. He holds a BA from UCD in History and Geography, an MA in Military History and Strategic Studies from NUI Maynooth and has lectured widely on military history. Billy Campbell retired from the Defence Forces in 2007 and is General Manager of the Irish Farm Centre Limited in Dublin.

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- 10. Col Tom Hodson (Retd)** was commissioned as an infantry officer in 1964. He served in the 12th, 4th, 29th and 5th Infantry Battalions (of which last he was Officer Commanding). He has served on staffs at Brigade, Command and DFHQ level. He has served overseas in Cyprus, the Middle East, the Lebanon, Central America and former Yugoslavia. In 1987 he graduated from Ecole de Guerre, Paris and spent the following three years as an instructor at the Command and Staff School of the Military College. From 1996 to 1998 he served at Brussels as Irish Military Representative to the Western European Union and in 2000 returned to Brussels as Branch Chief of the Intelligence Division of the European Union Military Staff. Following his retirement in 2004 he entered Trinity College Dublin as an undergraduate and completed a B.A. (Mod) in the History of Art and French followed by an M. Litt. on the French artist and soldier Georges Jeannot (1848-1934). In 2011 he edited *Chiefs of Staff; The Portrait Collection of the Irish Defence Forces*. His *The Irish Military College: 1930 -2000* is due for publication in September 2016.¹
- 11. Dr Michael Kennedy** is the head of the Royal Irish Academy's Documents on Irish Foreign Policy series. He is the executive editor of Documents on Irish Foreign Policy, volumes I to X, which cover 1919 to 1957 and the author of many books and articles on Irish diplomatic and military history including *Guarding Neutral Ireland* (Dublin, 2008) and *Division and Consensus: the politics of cross-border relations in Ireland 1921-69* (Dublin, 2000). He is joint editor of *The Irish Defence Forces: 1940-49* (with Comdt Victor Laing) (Dublin, 2011) and *Obligations and Responsibilities: Ireland and the United Nations, 1955-2005* (with Dr Deirdre McMahon). Michael's most recent publication is *Ireland, the United Nations and the Congo*, an account, written with veteran peacekeeper Comdt Art Magennis, of the Irish Defence Forces' role in the ONUC peacekeeping mission of 1960 to 1964. Michael regularly appears on radio and television discussing aspects of modern Irish history – not always in the domain of foreign policy and international relations. A member of the Irish Manuscripts Commission since 2006, Michael served on the Royal Irish Academy's Committee for International Affairs from 2005 to 2014. He is a Research Associate of the Centre for Contemporary Irish History, TCD, a Visiting Professor at Liverpool Hope University, and a Bureau Member of the International Committee of Editors of Diplomatic Documents.
- 12. Dr. James McCafferty** served with the Irish Army UN contingent in the Congo on three tours of duty during 1961-64: during the last of these he was awarded the DSM. He subsequently served on five tours with UN forces in Cyprus. Having taken his BA in Politics & History at Maynooth University 2007-10, he gained a John & Pat Hume scholarship and researched his PhD thesis entitled *Political & military aspects of the Irish Army's service with UN forces in the Congo, 1960-64* at the Centre for Military History & Strategic Studies at Maynooth University. Dr. McCafferty was conferred PhD in 2014.

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- 13. Mark Seaman** is an historian with the Cabinet Office in London. He is the author and editor of several works on the Special Operations Executive including *Special Operations Executive – a new instrument of war* (2006) and *Operation Foxley: the British plan to kill Hitler* (1998).
- 14. Dr John Treacy** Dr John Treacy is currently an Honorary Research Officer at the National Maritime Museum of Ireland and the Maritime Institute of Ireland. John is a former member of the Irish Naval Service who specialises in 20th Century Irish naval and maritime policy development. In 2015, John was awarded his PhD in History at Mary Immaculate College under the supervision of Dr Maura Cronin. John lectures on Irish naval and defence policy for agencies such as the Maritime Institute of Ireland, the National Maritime Museum, the Centre for Military History and Strategic Studies at NUI Maynooth and is a regular national and international conference contributor. He is the director of the San Marcos Project and is the current Chair of the Old Kilfarboy Society in Miltown Malbay. John is currently employed as a civil servant and lives with his family in Miltown Malbay, Co Clare.
- 15. Col David Dignam** is a serving officer currently holding the appointment of School Commandant, The Infantry School and Director of Infantry with 36 years' service. He has held command and staff appointments throughout the Defence Forces and overseas, including service in Lebanon, the Balkans, Chad and Afghanistan. His most recent overseas tour of duty was as Officer Commanding 107 IRISHFINN Bn in 2012-2013. He holds a BA in History and Geography from the National University of Ireland (Galway), and a first class honours Masters in Leadership, Management and Defence Studies from NUI (Maynooth). He also holds a Masters Degree in Defence Studies from Kings College London. He is a graduate of the Defence Forces Command and Staff School and has also completed the UK's Advanced Command and Staff Course at the Defence Academy at Shrivenham, England.
- 16. Petty Officer Stewart Hamilton** enlisted in the NS in 1995 and was posted to the CIS branch on completion of training. He has completed 5 sea rotations on board the LE Ciara & LE Roisin. He has many years experience in a range of instructor appointments including CIS, Global Maritime Distress & Safety Systems (GMDSS), Manual Handling and Health & Safety. He holds a BA in Leadership Management & Naval Studies from CIT, a Diploma in Training & Education from NUIG, a Certificate in Safety Health & Welfare at Work (SHWW) from UCD and a FETAC level 6 qualification as a Manual Handling Instructor along with various military and civilian courses. He has served overseas with the DF in UNDOF, UNMEE, KFOR & MINURCAT.
- 17. Cdr Pat Burke NS** is a legal adviser with 30 years' service. Called to the Irish Bar in 2002 he previously held various Naval Service appointments including command at sea. He holds honours BCL and LL.M Degrees in Law from UCC, and a first class honours MA (LMDS) Degree from NUIM. He has completed

professional military and legal courses with the Royal Navy, Defence Institute US Navy War College, International Institute of Humanitarian Law, Italy, Institute of Migration, Geneva, UK Army Land Warfare Centre and the University of Liverpool. An experienced court-martial prosecutor he has also lectured on behalf of the Defence Forces on the law of armed conflict, international human rights law and law of the sea both home and abroad, most recently at All Souls College, Oxford. He was awarded the Lt Gen Tadhg O'Neill award for best military student on the 63rd Senior Command and Staff Course. He deployed as Legad to the Force Commander for Operation Althea in Bosnia and with Irish Battalion Commanders in Chad and Lebanon and he was the legal adviser to Operations Seabright and Unity during the successful interdiction of cocaine at sea by the Naval Service. He advised on the law of the sea and international law requirements to support the Defence Force's deployment to the Mediterranean on its current humanitarian search and rescue mission. He is currently posted to 1 Brigade and advises the Naval Service in addition.

18. Cdr Brian Fitzgerald NS joined the Naval Service in 1982 having been educated at Crescent College Limerick. He was commissioned in 1984 and qualified as a bridge watchkeeper in 1986. His training included the International Sub Lieutenants Course with the RN. He went on to Command L.E. CIARA from 2000 to 2002. He is currently Capt of the Naval Services flagship, LE Eithne. During his career to date he has trained two classes of cadets and operated a Chief Instructor and Second in Command of the Naval College throughout the planning, building and institutionalisation of the National Maritime College of Ireland (NMCI). He has served in Operations Command in Ireland's Fisheries Monitoring Centre and also served at Defence Forces Headquarters (DFHQ) in the Strategic Planning Office (SPO). In 1999 he served as a Military Observer in the Western Sahara with the United Nations. He holds additional qualifications as an advanced Gunnery Officer, a Naval Diver and a Physical Training Instructor. His academic qualifications include a Masters degree in Leadership, Management and Defence Studies, Bachelor of Civil Law, Diploma in Public Relations and a National Certificate in Exercise and Fitness.

19. Lieutenant Colonel David Corcoran has served in the Defence Forces for 27 years. Currently serving as Wing Commander, 3 Operations Wing with responsibility for delivering all helicopter operations for the Defence Forces, An Garda Síochána and the Health Service Executive. He is a qualified on both fixed wing and helicopters and is a current instructor and flight examiner. He was the first Air Corps instructor and examiner for aerial operations utilising night vision goggles. Previous appointments include Chief Pilot Garda Air Support Unit; Officer Commanding 302 Sqn (Helicopter School); Chief Helicopter Instructor and Assistant Provost Marshal. He has served overseas in an operational aviation role in Africa with the United Nations. He holds an honours degree in Irish Law (LLB) and Barrister-at-Law degree from the Honorable Society of Kings Inns in addition to a MA (LMDS) from Maynooth University. He completed the 68th Senior Command & Staff Course in the Military College in 2012.

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- 20. Prof Eunan O’Halpin** is Professor of Contemporary Irish History at Trinity College Dublin. Among his works are *Defending Ireland: the Irish State and its Enemies since 1922* (Oxford, 1999), and *Spying on Ireland: British intelligence and Irish neutrality during the Second World War* (Oxford, 2008). He is currently completing research for studies of *The Dead of the Irish Revolution, 1916-1921*, and of Afghanistan and the belligerent powers during the Second World War’.
- 21. Lt Col Mary Carroll**, a former UCD Social Science graduate, is currently Officer Commanding, An Chead Chath and Dun Uí Mhaoilíosa (Mellows Barracks), Galway. She is the first woman to hold this prestigious appointment and, in this capacity, has command responsibility for over 450 soldiers, the running of the Barracks and all training and operations conducted therein. A member of the Defence Forces for over 30 years, she has served in a range of challenging appointments at home as well as on overseas military missions in South Lebanon, Afghanistan, Kosovo, and with the EU Training Mission in Somalia. She will command the An Chead Chath-led deployment to Syria with United Nations Disengagement Observer Force (UNDOF) in September 2016. Lt Col Carroll holds a number of post graduate qualifications from a number of Irish educational institutions, including the Defence Forces Military College, focusing mainly on women’s issues and is shortly to commence her Doctorate on the subject of Women’s Leadership. She is a graduate of the Defence Forces Command and Staff School.
- 22. Prof Thomas Bartlett** is Professor emeritus of Irish History at the University of Aberdeen. He is editor (with Keith Jeffery) of *A Military History of Ireland* (Cambridge 1996).
- 23. Capt Fiachra Ó Coigligh** was commissioned with the 82nd Cadet Class in 2007 to the 1 Cav Sqn. He attended NUI Galway through the USAC scheme, where he studied Irish and Geography. Capt Ó Coigligh has also served with the Nordic Battle Group (2011), the Cavalry School and the 1 ACS. He has served overseas with the 42nd Inf Gp UNIFIL as a Troop Commander and the 52nd Inf Gp UNDOF as the Company 2 I/C. His interests include Rugby, Golf and Music. He is currently studying for a Master in Strategic Studies from UCC.

