

Counterinsurgency and Collusion in Northern Ireland

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Mark McGovern

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Introduction: What is Collusion?

Collusion and Mid-Ulster

On the evening of 8 May 1994, 76-year-old Roseann Mallon was shot dead by members of a loyalist paramilitary organisation, the Ulster Volunteer Force (UVF), as she sat in her sister-in-law's home in a remote rural part of East Tyrone. Roseann was the aged aunt of Martin and Christie Mallon, well-known republicans in the area. At the moment she was killed the house Roseann was in was under close, indeed constant, surveillance by covert units of the British Army. It included cameras able to relay live images to a nearby military command centre, home to British Army specialist units such as the Special Air Service (SAS). Whether the cameras were operational after dark remains the subject of dispute. In any case, six covert British soldiers were dug into hidden observation posts around the Mallon home. They were part of a much larger, sophisticated long-term surveillance operation, something that would require very senior military and political approval. The soldiers were also in constant, direct contact with an officer at their base who was overseeing matters. This British Army covert unit witnessed the shooting of Roseann Mallon and immediately relayed that information to their commanding officer. Yet the UVF gunmen were not only able to drive up to the house, run to and fire in through a window, kill Roseann (and wound her elderly sister-in-law Bridget), but also drive away again and make good their escape. The soldiers had been ordered to take no action. No one was ever found guilty for killing Roseann.

There is much more in the death of Roseann Mallon that makes it one of the 'most controversial' killings of the three decades of the Northern Ireland conflict.¹ It is an important part of a broader, darker story of the 'dirty war' that took place which resonates up to the present. Not least in the ongoing difficult, often politically divisive debates about how to deal with the legacy of the past and outstanding issues of truth and justice left in its wake. An inquest into Roseann Mallon's death has been 20 years in the making and remains unresolved. Roseann was one of several dozen people killed by loyalist paramilitaries in an area of Mid-Ulster encom-

passing East Tyrone and South Derry in the last years of the conflict, from 1988 to 1994. Many of these deaths, as with Roseann's, have been the subject of long-term allegations of collusion between various sections of the state security forces (the police, army and intelligence services) and loyalist paramilitary organisations. Most of those killed were active republicans, members of the Irish Republican Army (IRA), members or elected officials of the Irish republican political party Sinn Féin or (as in the case of Roseann) simply relatives, friends or workmates of republicans. Many of these deaths are currently being investigated by the Police Ombudsman for Northern Ireland as part of a series of linked inquiries looking at police collusion with the Mid-Ulster UVF in East Tyrone, and loyalists in South Derry.² These killings provide the focus of this book.

By the 1980s Mid-Ulster was a major site of the conflict. The IRA was highly active there, and a crucial element in republican military and political strategy. They engaged in a series of attacks on outlying police and military installations. Their campaign included killing many British soldiers, policemen of the Royal Ulster Constabulary (RUC) and members of the locally recruited Ulster Defence Regiment (UDR). There were also many civilian victims. They included people killed for doing work building or repairing military and police barracks. Almost invariably these victims were from the unionist/Protestant community. This was a heavily militarised area with a massive police and army presence. Very active here too were specialist counterinsurgency units of the British military, most obviously the SAS. Mid-Ulster (East Tyrone in particular) witnessed many of the most controversial state 'shoot-to-kill' incidents in this period. Chief among them was the 'set-piece' ambush at Loughgall in 1987 in which eight IRA Volunteers (and a civilian) were shot dead by the SAS – the largest single loss of life suffered by the IRA since the 1920s. Loyalists were very active here too. Mid-Ulster is deeply divided along political and sectarian lines. In the 1970s it formed part of the 'murder triangle', an area infamous for a large number of sectarian killings carried out by local loyalist groups who included many members of the RUC and UDR in their ranks. Loyalists in rural areas of the North often drew their support and activists from the self-same communities as did the security forces. From the late 1980s onward Mid-Ulster loyalists would embark on an escalating campaign of attacks and killings. That included many of the deaths examined here and in which collusion between loyalists and the security forces has long been suspected.

What is Collusion?

As a term, collusion has become part of the dispute over dealing with the past. Various official inquiries over the last decade and more have developed contrasting ways in which to understand what collusion means and how (if it all) it should be applied in law. It is a politically and ideologically potent word.³ What then is collusion? Stated broadly, collusion might be understood as any form of (usually) organised or premeditated and generally secret collaboration or connivance aimed at an illicit, mutually beneficial end. In Northern Ireland collusion has essentially been used to describe state-sponsored violence and secret collaboration between state forces and paramilitary groups. Academically, it has been understood as a 'local term for the widespread practise of using "counter-gangs" or death squads to eliminate or terrorise those who oppose the policies and actions of the powerful'.⁴ From a victims' group perspective it has been defined as an 'indirect campaign of murder which involved the manipulation of loyalist paramilitaries who were provided with security information and who then killed with the knowledge that they were free from prosecution'.⁵ In official terms, it was first understood as a series of 'serious acts and omissions' by security force members resulting in people being killed or injured.⁶

The most substantive formal definition was provided by retired Canadian Judge Peter Cory. In 2002 Cory was asked by the British and Irish governments to carry out initial inquiries into a number of high-profile cases where allegations of collusion had been made. Cory approached the problem of definition by using various synonyms for the verb 'collude' ('to conspire, to collaborate, to plot, to scheme') to form the basis of his deliberately broad view. He placed particular emphasis on collusion being synonymous with 'connivance'; variously understood as: to 'deliberately overlook', 'to ignore', 'to turn a blind eye', 'to pretend ignorance or unawareness of something one ought morally, or officially or legally to oppose', 'to fail to take action against a known wrongdoing or misbehaviour – usually used with connive at the violation of a law', 'to be indulgent, tolerant or secretly in favour or sympathy' or 'to cooperate secretly: to have a secret understanding'.⁷ Defining collusion as a 'secret understanding', and as broadly as possible, was intentional on Cory's part – justified by the need to instil and re-establish public confidence in the rule of law.

There has been much dispute over the breadth of Cory's definition, part of the 'politics of victimhood' and a wider rollback of human rights in the post-conflict era.⁸ A much criticised 'variable definitional approach' adopted in several official inquiries has sometimes meant collusion could not be found because it was seen to have no legal standing.⁹ Others, both north and south of the border, have endorsed Cory's approach.¹⁰ This study will follow the latter's lead. Here, state collusion will be understood as the involvement of state agents (members of the police, army, prison and intelligence services) or state officials (government ministers, legal officers, civil servants), directly or indirectly, through commission, omission, collaboration or connivance, with armed non-state groups or agents, in wrongful acts usually (although not exclusively) involving or related to non-state political violence and extrajudicial killing.¹¹

Further, it is important that collusion should not simply be attributed to, or examined in terms of, individual actions or attitudes. Collusion has been ideologically and historically framed and shaped by the structures of a prevailing social order and a specific complex of power relations. It occurs within particular institutional settings. At times, collusion is the outcome of the instrumental logic of those institutions, evidenced in broad patterns of institutional policies and practices. What we might therefore understand as institutional collusion can be defined in similar terms to institutional racism, where patterns of such wrongful acts or omissions 'overtly or covertly reside in the policies, procedures or operations and culture of public or private institutions' and form a set of practices 'inherited in the apparatus of the state and the structures of society'.¹²

Loyalism, Counterinsurgency and Collusion

This book is concerned with state collusion with loyalist organisations. State connivance and use of agents was not limited to loyalist groups, as was shown by the death of Denis Donaldson in 2005. A long-time senior republican, close to the leadership of Sinn Féin, he was killed after he was revealed to have been an informer, working for the police and MI5 for over 20 years.¹³ Likewise, there have been disclosures over the role of 'Stakeknife', the British Army's 'best agent', a senior IRA man – reputed to be a leading figure within its internal security unit or 'nutting squad' – claimed to have been involved in dozens of killings.¹⁴ Many were of members of the IRA itself, identified by this British agent and informer as

agents and informers. Stakeknife's primary counterinsurgency role was to undermine the capacity of the IRA to continue its armed campaign. The vital story of agent and informer infiltration of republican organisations is one not yet fully told. Such matters lie beyond the remit and purpose of this work and deserve a full-blown study of their own.

The victims considered here were from the nationalist/Catholic community. They were killed by loyalists. No victims are more important than any other. The loss felt by other families, often at the hands of republicans, were as grievously felt as those examined here. Throughout the conflict over 3,500 people lost their lives. Of those, some 2,100 were killed by republicans. Around 50 per cent of all victims were killed by the Provisional IRA (PIRA). Loyalists killed just over 1,000 people, the security forces some 367. Catholic civilians were roughly twice as likely to be killed as their Protestant counterparts. Just over 1,200 Catholic civilians died, nearly 700 Protestant. Members of the security forces made up almost a third of all victims. Just over 500 members of the regular British Army were killed, 303 members of the RUC and RUC Reserve, and 206 members of the UDR and its replacement the Royal Irish Regiment.¹⁵ Many security force and Protestant civilian victims were in Mid-Ulster, most at the hands of republicans.

The story of collusion, exemplified by what happened in Mid-Ulster, involves a range of factors, many with a resonance and relevance that goes far beyond the borders of the North. The patterns of individual cases of collusion need to be seen against this broader backdrop. It includes the role of British military counterinsurgency and continuities with its thought and practice back through the 'small wars' of empire. The myths of British counterinsurgency, not least its supposed adherence to the rule of law, resonate in debates about the nature of collusion. It was not so much a doctrine of 'minimum force', but of 'necessity' that had a pivotal part to play. The longer-term history of British state practice in Ireland matters too, as does the development of the legal and policing institutions of the Northern Ireland state from partition onwards. In some ways collusion was nothing new. It was also a feature throughout the long years of the conflict from 1969 to 1998, and much of what happened in Mid-Ulster later was foreshadowed by what had gone before. There were, though, changes too. A growing focus on 'intelligence' became an abiding feature of Northern Ireland's 'long war'. This placed an ever greater emphasis on the role of agents and informers and creating spaces of deniability over what it is those agents and informers might be permitted, or asked to do.

Overarching all was the British state's primary counterinsurgency concern, defeating the IRA, in whatever form that might take. A driving force behind British state collusion in the latter years of the conflict was to sap the capacity of republicans to continue armed resistance. Set-piece shoot-to-kill ambushes were a feature of an ever more active counterinsurgency campaign from the 1980s onwards and nowhere more so than in Mid-Ulster. Cases of collusion where IRA Volunteers were the victims should be seen in this light. Counterinsurgency is primarily concerned with recasting the political terrain and in the North that would involve shaping the politics of the 'endgame'. The killing of Sinn Féin activists, members and elected officials forms an important part of that story and was a prominent feature of conflict in Mid-Ulster, particularly in South Derry. The story of collusion is also bound up in the long-term segregation of a sectarian social and political order. Grassroots divisions, interwoven with the institutions of the state, meant that localised internecine conflicts could combine with a broader strategic desire to instil fear and demoralise opposition through the killing of relatives, friends and loved ones. Taken together this is what would shape the state of collusion.

British Counterinsurgency and the Roots of Collusion

Collusion and British Counterinsurgency

Despite considerable failings, a 2012 report by Sir Desmond de Silva into the loyalist killing of human rights lawyer Pat Finucane in 1989 confirmed collusion between British military intelligence and RUC Special Branch with loyalist paramilitaries during the conflict in Northern Ireland was widespread, institutionalised and strategic in nature. Long suspected, the true scale still came as a shock – not least that 85 per cent of all intelligence held by loyalists in the late 1980s, which was used to plan their escalating campaign, originated from state intelligence sources.¹ At the centre of these activities, pivotal in disseminating this tsunami of state-sourced information, was Brian Nelson. At that time Nelson was the chief intelligence officer of the Ulster Defence Association (UDA). He was also a British Army agent working for the key British Army intelligence unit operating in the North, the Force Research Unit (FRU). Nelson, said de Silva, passed on intelligence to better target ‘republican personalities’ at the instigation and behest of his FRU handlers.² The FRU, MI5 and Nelson were also intimately involved in the importation of a large cache of weapons into Northern Ireland in late 1987 that greatly facilitated the upsurge in loyalist killing and assassination that was to follow. So much so that by 1993 (for the first time in decades), loyalists were responsible for more killings in the North than anyone else, including the IRA. Discussions within the highest government, military, police and intelligence circles over the rules governing the handling of agents and informers changed nothing until the conflict was over. Such things will be examined more later. Suffice to say at this point a picture emerges of loyalist paramilitary groups, under the guidance of state agencies such as the FRU, and via the work of agents like Nelson, becoming a more deadly, sometimes more targeted force. In large part, this was the result

of what has been termed a growing British state 'interest in the increased military professionalisation' of loyalists.³

There was not, of course, a single cause of such institutional collusion. Rather it was the outcome of a confluence of forces. Much focus falls on the divided nature of Northern Irish society and the links between sectarian social relations, power structures and state institutions. The long-term sectarianised character of state and society in Northern Ireland undoubtedly played an important role. So also an intelligence-led attritional strategy that generated a grey zone of official deniability around the criminal actions of state agents and informers designed to defeat an intractable, armed enemy.⁴ Crucial too, however, was a longer-term history of British state counterinsurgency thought and practice, driven less by a doctrine of 'minimum force' than of 'necessity'.⁵ It is that context – of British thinking and conduct of 'small wars', of counterinsurgency campaigns rooted in colonial and imperial rule – with which the story of collusion might therefore begin.

At the core of our concerns lie two questions: what was the extent, form and rationale of collusion, and what made collusion as a form of state practice possible? There are no simple answers, but the practice and thought that form the tradition of British Counterinsurgency (COIN) are a necessary if insufficient condition. A critical analysis of the roots of collusion in British COIN challenges two of its longstanding myths. First, that it is characterised by a commitment to a minimum force doctrine combined with a non-coercive 'hearts and minds' approach. Second, that it has been invariably constrained by adherence to the rule of law. Rather, it will be argued, the realities of the British COIN tradition form a critical backdrop to the ways of thinking and acting evidenced in the collusive practices of state actors in Northern Ireland. Illuminating key dimensions of British counterinsurgency therefore casts a light on how collusion, as an example of covert, coercive state violence, could come to be.

This is not to suggest that there is a direct or simple cause-and-effect relationship between this body of counterinsurgency theory and collusion – or that other factors, which need to be explored, are not important too. Rather, the threads identified within this lineage of British COIN illustrate a series of linkages, paradigms of theory and practice, that weave the fabric of a longer-term cultural and institutional context within which collusion becomes possible. This is analogous, in many ways, to the corporate memory and institutional culture that facilitated

the use of torture by 'cruel Britannia'.⁶ In this perspective, collusion can be understood as an expedient coercive state practice, premised on a 'doctrine of necessity', designed to remove 'enemies' and induce fear in a target population via a strategy of proxy assassination in which the appearance of adherence to the rule of law is a political end shaping the specific forms of state violence involved. Far from being an aberration in the tradition of British counterinsurgency violence, collusion emerges instead as exemplary.

What is Counterinsurgency?

What then is counterinsurgency? The current British Army field manual on counterinsurgency defines it as 'those military, law enforcement, political, economic, psychological and civic actions taken to defeat an insurgency, while addressing the root causes'.⁷ Published in the wake of the chaos and destruction wreaked in Kandahar and Basra, it stresses that while this includes 'low-intensity operations' such as those 'on the streets of Northern Ireland ... counterinsurgency is warfare'. Force and other means are therefore integrated and interwoven into a coherent strategy designed to overcome insurgency, understood as any 'organised, violent subversion used to effect or prevent political control, as a challenge to established authority'. As the US Army's counterinsurgency manual argues, separating the insurgent from the population therefore emerges as the key means of defeating opposition.⁸ Counterinsurgency is a 'population-centric' subset of warfare, a 'military activity centred on civilians' in which people's attitudes, actions, outlook, expectations and (by no means least) fears become the primary contested ground.⁹

According to General David Petraeus, who co-authored the manual, 'the biggest of the big ideas' underpinning the US 'surge' strategy he led in Iraq in 2007 was the 'recognition that the decisive terrain (in a counterinsurgency campaign) is the human terrain'.¹⁰ Local 'cultures', understood as 'protocols for system behaviour' are scrutinised to predict and impact upon the actions and perceptions of those identified as part of an 'insurgent eco-system'.¹¹ The aim is to effect 'behavioural change' through, for example, 'psychological operations' as a planned means 'to convey selected information and indicators' to an audience in order to 'influence their emotions, motives [and] objective reasoning'.¹² The 'principal defining characteristic' of counterinsurgency is its core concern with 'moulding the population's perceptions'.¹³ The management

of the subject people is therefore directed towards the counterinsurgent imposing or 'maximising his own interests'.¹⁴ Success is defined by winning a 'competition to mobilize' support not only within the local population but at 'home, internationally and among allied and neutral countries.' Victory may be less concerned with the total military defeat of insurgents than with their long-term neutralisation through 'stability operations' and the creation of 'popular support for permanent, institutionalized anti-terrorist measures'.

Of course this does not mean that force and 'hard power' do not continue to have a central role – far from it. The 'wider political purpose' of counterinsurgency always lies at its core, writes Brigadier Gavin Bulloch, author of the British counterinsurgency manual, who himself served in the North. It is the 'political potential' rather than 'military power' of insurgents that represents 'the true nature of the threat'.¹⁵ Finding means to undermine the support base for insurgent groups is therefore the 'strategic centre of gravity', with the end being to 'shatter the enemy's moral and physical cohesion rather than seek his wholesale destruction'. In that process, however, the 'physical destruction of the enemy still has an important part to play'. Military involvement in 'deep operations' may also be through 'covert and clandestine action by special units'.¹⁶ While formal adherence to the rule of law is advocated, physical destruction is also calculated on the 'degree of attrition necessary'. The normative culture of legal compliance and military professionalism co-exist with 'necessity' in the calibration of the extent and nature of state force and killing required to reshape the political terrain in a way conducive to the ends and interests of the state. The aim of counterinsurgency is also then to employ state violence and other means to define the balance of post-conflict political forces. Thus if post-conflict 'reconciliation' is a 'two-way process' it is one 'best undertaken from a position of strength'.¹⁷

'The British Army', one former soldier has argued, 'is a counterinsurgency army'.¹⁸ Historically its principal mission has been to 'acquire police imperial possessions' ensuring no one has 'amassed as much experience in counterinsurgency as Great Britain'. No one, it is claimed, does it 'better than the British'.¹⁹ Likewise General Sir Mike Jackson, once head of the British Army and commander of British forces during the occupation of Iraq, extolled the virtues of this 'peculiarly British way' of going about 'military business' whose origins go back into Britain's imperial past 'at least a couple of centuries to Ireland, to India a century

and a half ago, to Africa about the same time and, indeed, to Iraq almost a century ago'.²⁰ The campaign in Northern Ireland is for Jackson an exemplar of British counterinsurgency, characterising the army's role as to 'prevent the unlawful use of violence' while creating the conditions for a political resolution to the problem of having 'two peoples on one piece of territory'.²¹ As he sees it, the 'trick' in counterinsurgency is 'applying force that has profound political connotations', balancing a concern not to be seen as either 'too harsh' or 'too faint-hearted' in a battle for 'hearts and minds'.²²

There is considerable debate about whether this much-vaunted, British approach to counterinsurgency has been as distinct as often argued.²³ Some have seen it as a tradition largely invented following the invasion of Iraq as an essentially spurious means to contrast British strategy with that of their supposedly more gung-ho and violent American counterparts. This possibility is ironic given that US commentators were often pivotal in valorising a mythic British prowess for counterinsurgency in the first place. As the appalling, costly failures in Iraq and Afghanistan became all too apparent, the Ministry of Defence also sought to formally celebrate a distinct British approach to counterinsurgency, not least by citing the example of Northern Ireland, despite it actually being 'a bruising encounter characterized by a vicious undercover intelligence war'.²⁴ So the British military and state has increasingly come to see itself as 'peculiarly' well versed in the conduct of counterinsurgency campaigns, a conceit that continues into the present despite the fact that recent years have seen a revisionist assault on the idea that British counterinsurgency was more benign in practice (or even in theory) than its imperial counterparts.²⁵

Small Wars and Imperial Policing

To consider some of the roots of collusion as state practice it is worth placing things in the context of the longer lineage of British counterinsurgency thought and praxis. The writings of three former British Army officers are important here. Their work not only spans a century of theorising 'irregular warfare' but each is also linked with Ireland. They are Charles E. Callwell, Charles Gwynn and Frank Kitson. All are regarded by the British Army as central to the tradition of British COIN.²⁶ If the theory as well as the practice of British counterinsurgency has deep imperial roots, until relatively recently this tradition of

‘warrior-scholarship’ rarely mentioned Ireland. From the outset, however, counterinsurgency thinking, colonialism and Ireland were intimately interlinked. The British Army *Counterinsurgency* field manual charts the foundation of British COIN from the publication of Major General Sir Charles E. Callwell’s *Small Wars: Their Principles and Practice* in 1896.²⁷ Appearing at the height of late Victorian imperial hubris, *Small Wars* became the standard text on counterinsurgency for the British Army up until the Second World War and ‘firmly established [Callwell’s] reputation as the army’s foremost expert on colonial warfare’.²⁸ Indeed the post-9/11 US and British invasion and occupation of Afghanistan and Iraq saw a resurgence of interest in *Small Wars* and cemented Callwell’s ‘credentials as the founding father of modern counter-insurgency’.

Small Wars makes no mention of Ireland but there is a considerable Irish connection through its author. Callwell was of solidly Ulster capital and Anglo-Irish landed stock, one of a generation of Anglo-Irish military men who rose to influential high office within the upper echelons of the British Army in the period prior to the First World War.²⁹ He was particularly close to the most powerful and highly political of this coterie of unionist senior military figures – one-time chief of the Imperial General Staff, Field Marshall Sir Henry Wilson, ‘whom he [Callwell] had known since boyhood’.³⁰ Wilson played a leading behind-the-scenes role encouraging the Curragh Mutiny and unionist opposition to Home Rule in March 1914.³¹ Following the introduction of partition, Wilson was elected unionist MP for North Down in 1922 and appointed senior military adviser to the newly installed Northern Ireland government, to act as the ‘strong man of Ulster’.³² A few months later he was assassinated by the IRA and it was his ‘fellow Irish Unionist and war veteran’ Callwell who ‘devoutly compiled’ and published Wilson’s controversial *Life and Letters*.³³ His own experiences as a ‘soldier of empire’, fighting in Afghanistan and South Africa and later in the intelligence branch of the War Office, informed Callwell’s views on the conduct of ‘small wars’. His book was also a compendium of various works on ‘irregular warfare’ and a study of not only British but also French, German and Russian colonial campaigns (as well as the genocidal efforts of the US against ‘Red Indians’). For Callwell, ‘small wars’ meant imperial and colonial wars and his lessons were primarily aimed at a British Army operating as an ‘imperial police force’.³⁴ In this light, the absence of Ireland from the pages of *Small Wars* is perhaps all the more conspicuous.