

Oireachtas Joint Committee on Foreign Affairs and Defence

An Coiste um Ghnóthaí Eachtracha agus Cosaint

Opening statement on the provisions in the General Scheme of the Defence (Amendment) Bill 2023 that relate to the External Oversight Body of the Defence Forces.

Delivery date: 27 February 2024

Introduction

A Chathaoirligh agus a bhaill den Choiste um Ghnóthaí Eachtracha agus Cosaint, táimid buíoch díbh go léir as an gcuireadh chun dul i gcomhrá libh inniu maidir leis an mBille Cosanta 2023.

Good afternoon Chair and Committee members. I would like to begin by thanking you for your invitation to members of the External Oversight Body of the Defence Forces to come here today to discuss the General Scheme of the Defence (Amendment) Bill 2023.

My name is Brian MacCraith. I was appointed in April of last year by the Tánaiste and Minister for Defence, Mr Micheál Martin, T.D., to chair the External Oversight Body of the Defence Forces. I am joined here today by three of my colleagues from the Body:

Ms Josephine Feehily, Chair of the Governing Body of the Technological University of the Shannon, former Chair of the Revenue Commissioners and former Chair of the Policing Authority;

Ms Patricia King, former General Secretary of the Irish Congress of Trade Unions and former Vice President of SIPTU; and

Ms Julie Sinnamon, Chair of the Commission on the Defence Forces Implementation Oversight Group and former CEO of Enterprise Ireland.

Our other three colleagues from the Body, Ms Sam des Forges from the Ministry of Defence in the United Kingdom, Mr Aongus Hegarty, former President of Dell for Europe, the Middle East and Africa and Ms Jacqui McCrum, Secretary General of the Department of Defence are, regrettably, unable to join us today and they have asked me to convey their apologies to you.

On behalf of the External Oversight Body, let me say that we welcome the proposal to put the Body on a statutory footing. We appreciate, however, that the proposed provisions are still subject to discussion and may be modified. In bringing forward this General Scheme, the Tánaiste and the Government are moving forward on their commitment to put the Body on a statutory basis as part of a suite of measures *‘to support the transformation of the Defence Forces into a fit for purpose organisation to defend the State and meet the challenges of today and the future’*.

Before I outline the Body’s views on the provisions related to its establishment on a statutory basis as contained in Part 2 of the General Scheme of the Defence (Amendment) Bill 2023, I would like to provide some context to the work of the Body, which I hope the Committee will find useful in our engagement today.

The Independent Review Group (IRG) on Dignity and Equality issues in the Defence Forces was established to examine issues relating to allegations of discrimination, bullying, harassment, sexual harassment and any form of sexual misconduct in the Defence Forces. The IRG Report, which was published on March 28, 2023, had its findings accepted by the leadership of the Defence Forces, which also committed to implementing its recommendations. The IRG recommended the establishment of an External Oversight Body of the Defence Forces. Having accepted the recommendations of the IRG Report, the Government approved the establishment of the External Oversight Body on April 5, 2023, on a non-statutory basis initially, with the following objectives:

1. to oversee the implementation of relevant recommendations of the Report,
2. to increase transparency and accountability in the Defence Forces, and
3. to bring about necessary changes to the workplace culture and behaviour in the Defence Forces.

In terms of transformation of the culture in the Defence Forces, the Body is motivated by the words of the Tánaiste and Minister for Defence, Micheál Martin TD, in the Foreword to the ‘Strategic Framework: Transformation of the Defence Forces’ document published in September 2023:

‘The end goal of this cultural change is to ensure that the Defence Forces is an equal opportunities employer, reflective of contemporary Irish society, and that is providing a safe workplace,

- where self-worth is actively promoted,*
- where mutual respect becomes a dominant feature,*
- where all members are treated with dignity,*
- in an organisation that continuously evolves to deliver positive change.’*

The Body is firmly committed to supporting the delivery of these objectives.

The Body has met 20 times since its establishment. The first task of the Body was to develop detailed Terms of Reference in line with the relevant recommendations of the IRG Report, and to ensure coherence and consistency with the ongoing work of the Implementation Oversight Group (chaired by Ms. Julie Sinnamon). The Terms of Reference were approved by the Government and published on July 12, 2023. Aligned with the Terms of Reference, the work of the Body has been organised around key thematic levers of culture in the Defence Forces, including the Complaints Process, the Performance and Promotions Processes, Training, Recruitment and Cultural Transformation. A particular focus initially has been on the Complaints Process.

To support the Body in its work, a dedicated Secretariat was also established.

As would be expected, the Body meets with the Chief of Staff, Lt. General Seán Clancy, and selected members of his senior management team, on a regular basis. In addition, the Body has recognised from the outset the importance of engaging with a broad range of stakeholders in order to clarify context, oversee progress, and assess the impact of reform measures. Such engagement also facilitates exchanges of views on the progress made to date on implementing the IRG recommendations and, where relevant, on the stakeholders’ ongoing experiences in the Defence Forces. An active programme of engagement with stakeholders will continue for the foreseeable future.

Turning to the provisions related to the establishment of the External Oversight Body set out in Part 2 of the General Scheme of the Defence (Amendment) Bill 2023, the Body is tasked (under item 13 in its Terms of Reference), with advising the Tánaiste and Minister for Defence

on the legislative proposals to establish the Body on a statutory basis. In this regard, the Department of Defence has sought the Body's advice and views on the General Scheme and the Body has engaged with the Department in recent weeks on the specific Heads set out therein. Our engagement with the Department is continuing. Many of the Heads in the General Scheme are standard provisions in the setting up of a Statutory Body. I will focus here on those issues which pertain directly to our work and its efficacy. While not all our members can be present today, the following proposals reflect the consensus view of the Body:

1. **Head 6 – Functions and Powers of the External Oversight Body:** With regard to Sub-section (2), the Body considers the complaints process to be one of the key levers in delivering the required cultural change in the Defence Forces. Under its Terms of Reference, the Body is mandated to oversee the management of the existing complaints process within the Defence Forces pending the introduction of a new complaints mechanism. It is also tasked with overseeing the reform of the process of making a complaint of unacceptable behaviour under Administrative Instruction A7, Chapter 1, and revision of the grievance model to replace the Redress of Wrongs system. These matters are a priority for the Body at this time. It is the view of the Body that the current Head 6 of the General Scheme should make explicit reference to all grievance and complaints policies and processes in the description of Functions and Powers.
2. **Head 6 – Functions and Powers of the External Oversight Body:** With regard to Sub-section (10), the Body is of the view that it should be given as much autonomy as it requires such that it can review and report on relevant matters pertaining to the Defence Forces without requiring prior approval from the Minister.
3. **Head 8 -- Membership of External Oversight Body:** With regard to Sub-section (1), the Body is of the view that the membership should comprise the Chair and at least 6 but not more than 8 ordinary members. This change, if accepted, would result in a Body comprising a minimum of 7 and a maximum of 9 members. The motivation for the requested amendment is the potential inclusion of further international experts to augment the external advisory role of the EOB as its work evolves.

In conclusion, I would like to make clear to the Committee that the External Oversight Body supports the proposals to place the Body on a statutory basis to ensure independent, external oversight of the Defence Forces. We hope the views of the Body will be taken into account in any modifications to the General Scheme. We will continue to engage with the Department of Defence on our views of the Scheme in the coming weeks. Placing the External Oversight Body on a statutory basis sends a clear signal of the Government's commitment to effective, external oversight of the Defence Forces. This is critical to driving the necessary transformation of the culture throughout the Defence Forces and to increasing transparency and accountability. This is critically important to all women and men currently serving as members or civilians within the Defence Forces and to attracting those who are interested in joining the Defence Forces in the future.

Along with my colleagues here today, I would like to thank the Chair and Committee members for your time and engagement. We look forward to our discussions with you now and we welcome all questions you may have on the relevant provisions of the General Scheme.

Thank you,
Go raibh maith agaibh,

Prof. Brian MacCraith
Chair, External Oversight Body of the Defence Forces
February 26, 2024