Parliamentary Oversight of European Security and Defence Policy:

A Matter of Formal Competences or the Will of Parliamentarians?

Aleksandra Maatsch, Patricio Galella

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Abstract

Are parliaments with strong formal powers for the deployment of troops likely to conduct more intensive oversight than their counterparts with weak or no powers? The literature suggests that strong formal powers delineate boundaries of parliamentary oversight. However, this article demonstrates that strong formal powers are not necessary for parliaments in order to conduct oversight. If parliaments with weak formal powers had strong incentives to carry out oversight of the EU NAVFOR Operation Atalanta, they did so by means of weakly-regulated forms of oversight. The article demonstrates that oversight beyond mandatory procedures coincides with domestic politicisation of Operation Atalanta (national framing). However, if European or international frames were dominant, parliaments were more likely to limit their oversight to mandatory procedures. Cases selected for the analysis, namely Germany, UK, France, Spain and Luxembourg, vary on the two explanatory factors (strength of formal powers and domestic politicisation of the Operation).

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A. Introduction

There is widespread agreement in academic and political circles that parliamentary control of EU policies is necessary in order to make the decision-making processes in the EU truly legitimate. However, achieving that goal remains a major challenge. It has been often suggested that increasing national parliaments' formal competences is likely to contribute to more effective oversight and, by the same token, more legitimate decision-making at the EU level. However, there are also voices, even among legislators themselves, that a mere increase in formal competences would not be sufficient to foster democratic control. The UK House of Lords in a recent report entitled 'The role of national parliaments in the European Union' notes that:

> 'Treaty change is not necessary to enhance the role of national parliaments in the EU. More than anything else, **this is a matter for the will** of parliamentarians.'

In order to investigate the problem in more detail, the article analyses how national parliaments conducted oversight of the European Union Naval Force Somalia, launched in December 2008 and prolonged until 2016. The aim of Operation Atalanta is to prevent, deter and repress acts of piracy and armed robbery off the coast of Somalia (Council Decision 2008/918/CFSP). Atalanta constitutes a sui generis military operation (Germond & Smith, 2009). Atalanta is the first *European* military maritime operation which provides its participants with a mandate to use force on high seas and territorial waters of Somalia. Furthermore, piracy constitutes a geographically *distant* and *de-territorialized* threat because it does not have clearly delineated borders.

According to the literature, national parliaments are accustomed to dealing with security issues in a national context. It is therefore not natural for these institutions to carry oversight of de-nationalised or de-territorialized security matters. However, most security

threats now affecting the European Union represent a new type. Furthermore, EU institutions have been interested in developing a distinct *European* approach towards security. Therefore, the question emerged how national parliaments would adapt to that challenge (Huff, 2015).

The existing literature points towards two factors that are likely to account for parliamentary oversight of European security measures: legal competences (i.e. Rasch, 2011 Gourlay, 2004; Anghel, Born, Dowling & Fuior, 2008; Dieterich, Hummel, & Marschall, 2009, 2010) and the very will to carry out oversight (Senninger, 2015; Vliegenthart & Walgrave, 2011; Peters el al., 2014). Although the existing normative and empirical literature has already significantly extended our knowledge of parliamentary oversight of European security matters and of Operation Atalanta in particular (Riddervold, 2011; Peters, Wagner, & Cosima, 2014; Peters et al., 2014), there are still considerable gaps. In particular, the existing empirical studies have not devoted special attention to the *interplay* between formal competences and other non-formal factors. As Auel observed (2007: 53), "Effectiveness of parliamentary influence cannot simply be measured by looking at formal parliamentary participation right, but needs to take into account whether and how these formal capabilities translate into parliamentary behaviour". However, to date the literature has not investigated which factors are particularly responsible for activating parliamentarians' will to oversight. Furthermore, it has not yet been analysed which non-formal factors are likely to activate parliamentary oversight practice *beyond* mandatory procedures.

This article aims to fill these gaps by posing the following questions: How does the interplay of legal competences and parliamentarians' willingness influence oversight practice? Do strong formal powers automatically translate into intensive parliamentary oversight? What non-formal factors are likely to motivate national parliaments to conduct oversight *beyond* mandatory formal procedures?

The dependent variable of the study is defined as parliamentary oversight of Operation Atalanta. Drawing on the literature, the study tests the impact of the following factors on parliamentary oversight: national constitutional and secondary law regulating parliaments' powers in deployments and the level of domestic politicisation of Operation Atalanta. Regarding the second factor, the study draws on the assumption that the will to conduct oversight is likely to be driven by politicisation. In order to investigate the issue, the study examines parliamentary discourses focusing on Operation Atalanta. In this article the selected cases vary on the two explanatory variables: Germany (strong politicisation and strong formal powers), Spain (strong formal powers and moderate or absent politicisation), UK and France (moderate or absent formal powers and strong politicisation), and Luxembourg (moderate or absent formal powers and politicisation).

The article demonstrates that formal powers are not necessary for parliaments in order to conduct oversight. When MPs have strong incentives to carry out oversight they can do so – by means of weakly-regulated forms of oversight – despite the lack of strong formal powers. The article demonstrates that oversight *beyond* mandatory procedures coincides with the dominance of *national* framing of Operation Atalanta. In other words, if the Operation became nationally salient and polarising, MPs were particularly interested in subjecting it to oversight. However, when Atalanta was predominantly framed as a European or an international issue, parliaments were more likely to limit their oversight to mandatory procedures.

The article begins by presenting the complex legality of Operation Atalanta. The following sections engage with the literature on parliamentary oversight of European matters (section C) and the research design (Section D). As a next step, the article discusses empirical findings, and, more specifically the formal powers in military deployments of the parliaments under study (section E), the levels of Atalanta's domestic politicisation (section F), and varying

oversight performance (section G). The final section summarises the empirical findings and suggests directions for further research.

B. Legality of Operation Atalanta

Operation Atalanta, by addressing the issue of international maritime piracy, is embedded within national, European and international law (Nanda, 2011)[2]. The international level, and more specifically the resolutions of the United Nations Security Council (UNSC), is particularly important for the legality of the Operation. In addition to Atalanta, there are other counter-piracy operations in the Gulf of Aden, including NATO's operation Ocean Shield, the Combined Task Force 151 and also individual deployments by China, Russia and India (Harlow, 2012). On 15 May 2008, at the request of the transitional government of Somalia (TGF), the UNSC called upon States and regional organisations to take action to protect maritime transports of humanitarian aid to Somalia (UN Resolution 1814). On 2 June 2008, acting under chapter VII of the UN Charter, the UNSC adopted Resolution 1816 authorizing the States co-operating with the TGF to enter the territorial waters of Somalia and allowed them to employ all necessary means (in a manner consistent with international law) to repress acts of piracy and armed robbery within the territorial waters of Somalia. The expression 'all necessary means' is understood in international law as authorisation to use force.

In Resolution 1851 (16 December 2008) the UNSC called upon States, regional and international organisations to take an active part in combating piracy and armed robbery at sea off the coast of Somalia. The resolution envisaged the deployment of naval vessels and military aircraft in order to seize and dispose of boats, vessels, arms and other related equipment in the

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[2] The list of all legal documents referred to in the article is available in the online appendix.

commission of pirates. Furthermore, it also invited states and regional organisations to conclude special agreements with countries willing to try and prosecute pirates detained during the operation.

The decision by the EU Council to launch Operation Atalanta of 8 December 2008 has its legal basis in the UNSC resolutions previously mentioned. At the EU level, decisions related to the common security and defence policy, including those initiating a mission such as Atalanta, are adopted by the Council acting unanimously on a proposal from the High Representative of the Union for Foreign Affairs and Security Policy or an initiative from a Member State (Article 42(4) TFEU). However, the very decision to launch a common operation depends on national governments. Furthermore, regarding military personnel and equipment, the EU is entirely dependent on individual member states' contributions, since there is no EU army.

C. Which factors drive parliamentary oversight?

The literature traditionally stresses the following core functions of national parliaments: law-making, representation of citizens and oversight (Blondel, 1973). This article focuses on the third function and, more specifically, on parliamentary oversight of the deployment of national troops to the EU military operations. Born, Dowling, Fuior and Gavrilescu (2007: 9–10) define parliamentary oversight as:

'The review, monitoring and supervision of government and public agencies, including the implementation of policy and legislation'.

According to that study the key functions of parliamentary oversight are:

'to detect and prevent abuse (…) or unconstitutional conduct of government and public agencies, to hold government to account in respect of how taxpayers' money is used, to ensure that policies announced by the government and authorised by parliament are actually delivered and to improve the transparency of government operations.' (Born et al., 2007: 9–10)

Oversight of the European Security and Defence Policy (ESDP) constitutes one of the least rewarding areas of activity for national parliaments. On one hand, there are many reasons why national parliaments should be particularly devoted to oversight of European security matters. In fact, European military operations are financed, equipped and staffed by the EU member states. Given that participation in military operations always carries various risks, it is legitimate for national parliaments to demand discussion of threats to which their national troops might be exposed. Furthermore, democratic control fosters legitimacy of European military operations (Lord, 2008), both among European societies and outside the EU. The latter is particularly crucial for the EU to promote its reputation as a peace- and democracy-bringing organisation. Finally, democratic control can also help societies in the EU member states to reach consensus regarding acceptable risks or common goals in security policy. On the other hand, in light of the Treaty on the Functioning of the European Union (TFEU) the ESDP remains a non-legislative area, which precludes any law-making activity by national parliaments. The lack of legislative powers makes it particularly difficult for parliaments to respond to the incentives listed above.

According to the classical – by now – typology of Born and Hänggi (2004, 2005) parliamentary oversight depends on three factors: authority (formal competences), ability (administrative resources), and attitude (willingness to perform oversight). The authors claimed that while formal powers constitute a central factor, abilities and attitudes of

parliamentarians can effectively modify oversight practices. However, although the literature has long acknowledged the necessity to analyse the interplay of formal and non-formal factors (Auel, 2007), most empirical contributions have focused on either one of them.

Many scholars recognise nationally-assigned formal competences of parliaments as decisive for their oversight performance (Gourlay, 2004; Anghel, Born, Dowling & Fuior, 2008; Dieterich, Hummel, & Marschall, 2009, 2010; Peters et al., 2010; Peters et al., 2014; Rasch, 2014). Against that background, this article tests the following hypothesis: *the stronger the legal competences of a national parliament in deployment of troops, the more intensive the oversight of that area.*

Formal competences regarding the deployment of troops differ from state to state and are found mainly in secondary law. Formal competences pre-define which forms of oversight national parliaments have to – or can – apply. In particular, if national law requires a debate and a vote on a given measure, national parliaments are obliged to fulfil that obligation. Furthermore, the law also stipulates the required number of plenary debates (usually distinguished as the first, second or third reading). If a national parliament is composed of two chambers, the order of plenary debates and voting is also strictly regulated.

However, there are also oversight tools which parliaments can use even if they have no formal competences in a given policy area. The most common weakly formalised modes of oversight are written questions, reports and question hours (hearings). Parliamentarians are most flexible in issuing written questions: there are basically no limitations regarding the entitlement or the frequency with which MPs can issue written questions. Publication of reports is not strictly regulated either: all parliaments produce reports but the frequency of issuing reports, their length or method of evidence-gathering vary significantly across parliaments.

Apart from formal powers, national parliaments' oversight practice is influenced by their resources. Given the amount and complexity of issues national parliamentarians deal with nowadays, legislators' performance has become dependent on qualified administrative support (Christiansen et al. 2014). However, as the most recent study (Högenauer & Neuhold, 2015) devoted to administrators in the EU member states concluded, there is practically no variation in the performance of the analysed bodies:

'The parliamentary administrations of all 28 chambers were *all* found to perform at least some functions that go beyond the merely technical. Secondly, the differences between parliamentary administrations are fairly nuanced'. (Högenauer & Neuhold, 2015)

Given the fact that the EU member states converged on the performance and role of parliamentary administrators, we operationalised the impact of administration as constant across all the states under study.

Regarding the willingness to carry out oversight, the general mechanism is that parliaments are more interested to perform oversight of these European issues which they recognise as *salient*. The problem is that until mid-nineties, European matters were, in general, perceived as distant by domestic political actors (Hooghe & Marks, 2008) and only gradually activated national parties and their constituencies. By the same token, European Union's affairs became politicised. In the literature the process of politicisation is defined through three components: (i) issue salience (visibility), (ii) polarisation (iii) and scope (Hutter & Grande, 2014; de Wilde & Zürn, 2012). According to the authors only frequently debated European issues can become politicised: issues which are not recognized as salient do not have a potential to activate political actors. Furthermore, a certain grade of polarisation is also necessary. Polarisation implies that a given European issue generates disagreement among

political parties along the dominant domestic cleavages. In the literature the process has been also labelled as "domestication" of European issues (Bellamy & Kröger, 2016; Miklin, 2014). The term stresses the fact that European issues have to become integrated into domestic politics in order to become politicised. Finally, politicisation requires involvement of a broad scope of actors: issues raised by a small and a homogeneous group have little potential to become politicised.

The literature on politicisation has drawn predominantly on "weak publics" (media landscapes) rather than on "strong publics" (parliaments) (Fossum & Eriksen, 2002). The operationalisation of the term therefore requires adaptation to a parliamentary context. As a first aspect of such adaptation, whereas "weak publics" are open to all political and non-political actors, national parliaments are very restrictive. In parliaments, only parties that have won seats are entitled to participate. As a consequence, in national parliaments the scope of participating actors is to a large extent formally constrained and limited to elected political representatives. Second, polarisation becomes unlikely if oversight is predominantly conducted by parliamentary committees, not parties. For instance, in the states under study here, oversight of Operation Atalanta has been conducted predominantly at the committee level. As a result, oversight records issued by committees cannot be attributed to a particular party: they are frequently signed by all committee members.

The literature demonstrates that parties are likely to carry out intensive oversight of the matters which are important for them due to ideological reasons (Miklin, 2014; Senninger, 2015). Furthermore, opposition parties also tend to be more active in oversight than governing parties (Senninger, 2015). However, if parties cannot voice and exchange their ideas during a plenary session or a hearing, they are devoid of an institutional framework that enables polarisation. Against that background, this study proposes a hypothesis according to which

high domestic salience and polarisation of Operation Atalanta translate into intensive parliamentary oversight.

D. Concepts, methods and the research design

The dependent variable measures the *intensity* of oversight performed through all oversight activities concerning Operation Atalanta in a given state under study. The time-frame of the analysis extends from December 2008, when Operation Atalanta was approved by the Council, to March 2013. The time-frame of the analysis thus covers a period of almost five years, which allows us to investigate the dynamics of parliamentary oversight. In the course of the analysis we identified and clustered all parliamentary written and oral records related to Operation Atalanta, such as minutes from plenary sessions, question-hours, written or oral questions and reports. Our analysis covered all parliamentary chambers in the states under study. All the analysed documents were available in the original languages on the internet pages of the relevant parliaments.

Drawing on the secondary literature we anticipated that the level of formal competences in the deployment of troops is likely to account for parliamentary oversight practices. Therefore, we analysed primary and secondary legislation in each state under study and eventually clustered our states into the following categories: parliaments with strong powers (Germany and Spain) and those with moderate or no formal competences (France, Luxembourg and the UK) (see Table 1 below). All the legal documents were available in their original languages on the internet pages.

Table 1: Case-selection.

		Politicization	
		strong	moderate/absent
formal	strong	Germany	Spain
powers	moderate/absent	UK, France	Luxembourg

Source: Own analysis.

In order to test the impact of willingness we analysed discursive content of parliamentary oversight documents. In particular, we assumed that discourses would be helpful in establishing in which states under study Atalanta became politicised (meaning domestically salient). Furthermore, we assumed that discourses would also help us to establish which particular discursive frames were related to politicisation or its absence.

In order to analyse the discursive content of oversight documents, the study employed frame analysis. In this study, frames are defined as 'persistent patterns of cognition, interpretation and presentation of selection, emphasis and exclusion by which symbol-handlers routinely organize discourse' (Gitlin, 1986). Gamson and Modigliani (1989) define frames as 'interpretative packages' at the core of which is a 'central organising idea, or frame, for making sense of relevant events, suggesting what is at issue'. Frames also 'define problems, diagnose causes', 'make moral judgements' and 'suggest remedies' (de Vreese and Kandyla, 2009). Frames, as speech acts, contain the following elements: (A) a sender (in this case an MP or an institutional body such as a parliamentary commission), (B) the subject of the statement (here: Operation Atalanta), (C) evaluation of a subject (what it is a case of). During the analysis we identified three major frames: national, European and international. Having coded and clustered all the frames, we examined which frames contributed to conducting oversight activity beyond formal procedures.

The abovementioned analytical structure has been used in order to develop a 'code-book', an analytical tool enabling an empirical analysis of different cases using the same

procedure. The analysis has been conducted with help of the Atlas.ti software which allows systematic, qualitative analysis of discourses. The analysed documents[3] were selected representatively given the time of their publication and their form (debate, reports or questions). The documents were analysed (coded) in their original languages by the authors.

E. Explanatory variable 1: Legal powers of parliaments in military deployments

The German Basic Law does not make references to the deployment of armed forces abroad. However, in its decision of 12 July 1994, the Federal Constitutional Court ruled that every deployment of armed forces requires the essential prior approval of the German Bundestag.[4] This was confirmed in a decision taken in 2008.[5] The Parliamentary Participation Act 2 (2005 Bundesgesetzblatt I 775) identifies a standard and a simplified procedure. According to the standard procedure (Art. 3), the government asks the Bundestag to authorise an operation and presents detailed information on national contribution, duration of operation, goals, territory of operation and costs. The Bundestag can approve or reject the bill, but cannot change the mandate of the operation in any respect. Extension of or changes to the mandate also have to be approved by the Bundestag.

The simplified procedure stipulates that in low-risk and low-cost operations the Bundestag should be informed by the government only on the launch of the operation. An operation is approved if the Bundestag does not object within seven days of the announcement. In case of objections, the standard procedure is initiated. Effectively, both the launch of Atalanta and the extension of the mandate have been approved in the standard procedure.

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[3] The list of all analysed documents is provided in the online appendix.
[4] AWACS/Somalia Case, BVerfGE 90, 286 (1994).
[5] AWACS/Turkey Case – BVerfG, 2 BvE 1/03, (7 May 2008).

The Bundestag used its prerogatives very efficiently and controlled the development of the Operation through plenary debates, votes and frequent written questions. The Bundesrat issued one substantial report devoted to piracy on the high seas preceded by a conference devoted to that issue[6] as well as a resolution. The Bundesrat does not have competences in the deployment of military troops. Its legislative powers are limited to issues affecting policy-areas in which federal states enjoy their powers. Piracy became a concern for the Bundesrat only in the context of regional asylum-politics and protection of German trading vessels.

In Spain, Article 63(3) of the Spanish Constitution of 1978 establishes that it is up to the King, following authorisation by the *Cortes Generales*, to declare war and to make peace. Regarding the deployment of national troops, the Spanish Organic Law on National Defence 5/2005 requires previous consultation and authorisation only by the Congress of Deputies when the operation is not related to defence of the national territory (Articles 4.2 and 17). Therefore, debate and vote are required. The Senate, for its part, does not have formal competences in the deployment of troops. According to Article 19, the operation must comply with the following conditions: (a) it must be requested by the foreign government in whose territory the operation takes place or authorised by the United Nations Security Council or established by international organisations such as the European Union or NATO; (b) it must fulfil defensive, humanitarian, stabilisation or peace-keeping aims recognised by the abovementioned international organisations; (c) it must comply with the UN Charter. Hence, in Spain the Operation was authorised by parliamentary vote preceded by plenary debates and the Spanish legislator conducted the oversight predominantly through plenary debates, a vote and written questions.

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[6] Bundesrat, Report (2011): Bekämpfung der Seepiraterie Rechtliche und tatsächliche Möglichkeiten zum Schutz deutscher Handelsschiffe.

Concerning Luxembourg, Article 37(6) of its Constitution stipulates that the Grand Duke is entitled to declare war and the cessation of hostilities after two-thirds of the members of the Chamber of Deputies (unicameral legislature) so authorise. The Law of 27 July 1992 regulates Luxembourg's participation in peace-keeping operations authorised by international organisations of which Luxembourg is a member. According to this law, the decision to deploy troops is taken by the government after consultation with the competent commissions of the Chamber of Deputies, together with the mandatory opinions of the Conseil d'Etat and the Conference of Presidents of the Chamber of Deputies, and takes the form of a *règlement grand-ducal* (RDG). The RDG is never submitted to a vote before the Chamber in full, but the Chamber is always informed on the matter. In fact, the Conference of Presidents comprises the president of the Chamber together with those of each political party and technical group. As a result, the oversight of Operation Atalanta took place rather at the committee level, where the launch and particularities of the Operation were debated and approved. The Chamber of Deputies was informed about all the proceedings of the committee.

As for France, Article 35 of the French Constitution stipulates that a declaration of war must be authorised by the Parliament (Parliament comprises the National Assembly and the Senate). However, when it comes to the deployment of forces abroad, the government shall only inform the Parliament about such a decision, as well as the details and objectives of the operation. Parliament may debate the operation but is not entitled to vote. However, if the operation exceeds a period of four months, the government is obliged to ask the Parliament to authorise an extension of the operation, but it can also ask the National Assembly to make the final decision. Accordingly, Parliament was informed about the launch of Operation Atalanta but its extension was approved by a tacit agreement by the Foreign Affairs Commission of the National Assembly. However, the French contribution and the particularities of the Operation

were subject to several question-hours. Furthermore, the launch of Atalanta triggered further legal reforms; in particular, France reformed its law on piracy.

In the United Kingdom, the monarch may declare war and deploy armed forces abroad without seeking the consent of Parliament. However, although Parliament has no formal role in the process, the government traditionally consults Parliament on that decision and informs it about the progress of military operations.[7] In the House of Lords, bills which are not given to a Committee of the Whole House are instead sent to a Grand Committee (for instance, when the Lords do not have competence to vote on the issue). The proceedings are identical to those in a Committee of the Whole House but decisions must be made unanimously. Any Member of the House of Lords may attend a Grand Committee. The debates are attended by government ministers who are expected to answer questions posed by the Lords. In the House of Commons it is the Foreign Affairs Committee that is mostly involved in European security and prepares the agenda of the chamber on these matters. Like the House of Lords, the House of Commons does not have competence to vote on the issue. Therefore, the launch of the Operation was not conditioned on the consent of the British Parliament. However, the House of Lords but also the House of Commons engaged in the oversight of the Operation despite the lack of any formal powers in security policy. Both chambers employed oversight measures, such as reports and written and oral questions, which are not strictly regulated by law.

F. Explanatory variable 2: The impact of politicisation

Our empirical findings demonstrate that Operation Atalanta was framed differently in the states under study (see Table 2 below). The table below presents the distribution of the three

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[7] House of Lords, Select Committee on the Constitution. (2006). *Waging war: Parliament's role and responsibility*, (15th Report of Session 2005–06, Volume I: HL Paper 236-I). Authority of the House of Lords. *London*: The Stationery Office Limited.

major frames (national, European and international) across the states under study. The results are presented as a share of discursive frames identified in each state under study. The number of coded frames was small in Luxemburg; however, the analysis covered *all* available oversight documents. In contrast, in other states under study the analysis was based on representative samples.

Table 2: Dominant frames in states under study.

state	Level			Totals	
	national	EU level	international	%	no.
UK	43%	25%	32%	100%	205 codes
France	46%	24%	31%	100%	72 codes
Germany	44%	19%	37%	100%	121 codes
Spain	32%	22%	46%	100%	107 codes
Luxembourg	0%	32%	68%	100%	22 codes

Source: Own analysis.

In all states under study the dominant type of frames was either national or international, but not European. The results confirm, to a large extent, our knowledge. For example, Riddervold (2011) demonstrated in her study that parliamentarians were more likely to frame Atalanta as an international rather than a European operation.

The qualitative analysis investigated specific sub-frames within each major category. The sub-frames have not differed substantially across the states under study. National sub-frames focused on national interests and national security. In particular, parliamentarians would argue that national financial interests have been directly affected by the problem of piracy in the Gulf of Aden; MPs referred frequently to financial loses of the shipping industry, insurance companies or banks that were involved in ransom payments. Furthermore, national sub-frames often concerned security. In particular, MPs claimed that piracy is a direct threat

to domestic security. They would provide examples of nationals (crew members, soldiers or tourists) kidnapped or even killed by pirates in the Gulf of Aden:

> "The crimes committed on the high seas off the coast of Somalia […] have a direct impact on the UK's security, prosperity and the lives of British people. Piracy off the coast of Somalia has escalated over the last four years and is a major concern for the UK. The threat is not primarily to UK ships as very few have been captured. Rather, the threat is to the UK's economy and security."[8]

Another theme within national frames was the prosecution of pirates in national courts. Parliamentarians frequently enquired about further information regarding the matter.

If there were institutional conditions which allowed polarisation (such as a plenary debate), the political conflict accompanied only national frames, and, more specifically, national security. In particular, parliamentary parties often had difficulties in agreeing the level of threat their national military personnel should be exposed to. For instance, parties located on the left-wing of the political spectrum often argued that the presence of troops on the beaches of Somalia would be too risky.

Interestingly, international and European framings of Operation Atalanta were more concerned with the *agency* of the Operation, namely: "With Atalanta the EU can demonstrate there (the Gulf of Aden) its maritime military power.[9]" European sub-frames stressed that Atalanta has been the first European maritime operation. Frequently, parliamentarians congratulated European decision-makers on the launch of the operation. There was a widespread agreement among national parliaments that the Operation has been a success:

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[8] Report by the House of Commons "Piracy off the Coast of Somalia", 2010-12.
[9] "Mit Atalanta kann die EU ihre maritimen militärischen Fähichkeiten dort demonstrieren." , Dr. Normal Paech, Die Linke, 17.12.2009.

"Even in peaceful times, no national navy could provide security within such a large area[10]" In order to support that claim, MPs referred to decreasing number of attracts and a prominent military presence in the region. They acknowledged, nonetheless, that various matters still require improvements at the EU level, such as monitoring of pirates' financial transfers.

International frames were also focused on agency. Parliamentarians stressed frequently that the operation has an international mandate. They would also observe that maritime security has a very prominent international dimension: "Operation Atalanta exemplifies that nowadays national security is an integral part of global security." [11] Parliamentarians also stressed that Operation Atalanta protects vessels transporting food to poor regions of Africa within the World Food Programme. Regarding the prosecution of pirates, national parliaments discussed the possibility of establishing an international tribunal. However, that option has been quickly discarded for legal reasons. Instead, parliamentary work concentrated on developing an institutional basis responsible for prosecution and imprisonment in Somalia's neighbouring states as well as in the European Union.

G. The dependent variable: Parliamentary oversight of Operation Atalanta

The dependent variable of the study has been defined as the parliamentary oversight practice of Operation Atalanta. The comparative analysis demonstrates that national parliaments engaged differently in various forms of oversight (see Figure 1 below). Voting is the most

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[10] "Ninguna flota nacional podría garantizar por sí sola en tiempos de paz la seguridad de esta tan vasta franja de mar." Chacón Piqueras, Minister of Defence, PSOE, 21.01.2009.

[11] "La operación Atalanta es un buen ejemplo de cómo hoy nuestra seguridad nacional forma parte también de la seguridad global." Chacón Piqueras, Minister of Defence, PSOE, 21.01.2009.

powerful but also the most strictly regulated form of oversight, hence only parliaments that enjoy the entitlement to vote on troops' deployment (Germany and Spain) exercised that right. Plenary debates constitute an integral part of the legislative process. As a result, only parliaments that are entitled to be consulted can hold a plenary (Germany, Spain and France).

Figure 1: Parliamentary oversight of Operation Atalanta in the UK, Germany, Spain, France and Luxemburg, December 2008 - March 2013.
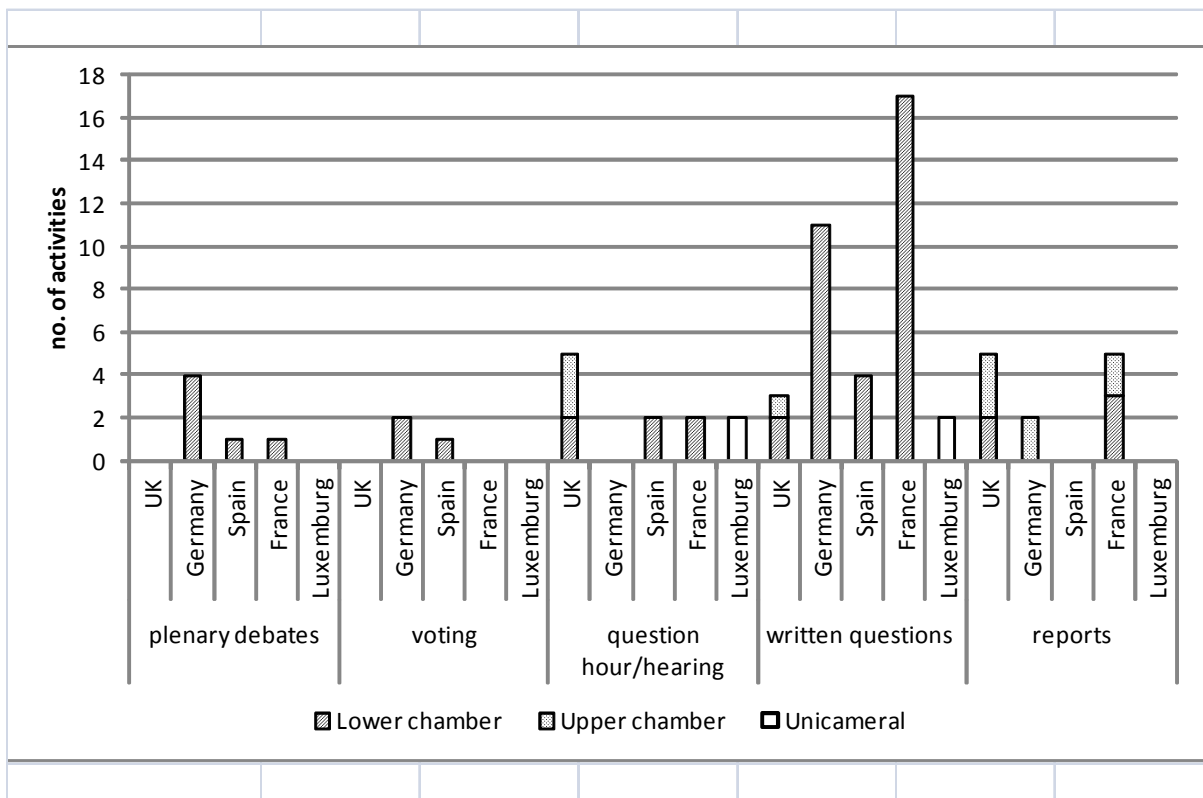
Source: own analysis.

The three other forms of oversight, namely, hearings, written questions and reports are not strictly regulated. Interestingly, the data demonstrates that parliaments with weak formal powers were not automatically less active than parliaments with strong legal powers. In particular, the highest number of hearings took place in the British parliament (no formal powers in deployments), the French parliament issued most written questions (moderate powers), and furthermore, these two parliaments also issued most written reports. How can we account for that phenomenon?

The comparative data of frame-analysis demonstrates the following pattern: parliaments with weak or absent formal powers that were exceptionally active through weakly-regulated forms of oversight (UK and France), employed predominantly national frames. Apparently, parliamentary oversight intensified if Operation Atalanta became domestically politicised. What is interesting, European frames were less frequent than international frames in these two

states. On the other hand, the national parliament in Luxembourg would not engage in oversight beyond mandatory oversight procedures. The frame analysis demonstrated that Operation Atalanta acquired predominantly international framing. At the same time, national frames were entirely absent. For example, in Spain, where the parliament has not engaged intensively in weakly-regulated forms of oversight, international frames were dominant. In Germany, the parliament has been active both in strictly and weakly-regulated forms of oversight. The overall intensive activity of the German parliament can be explained with strong formal powers in military deployments as well as a prominent politicisation of Operation Atalanta manifested by a high share of national frames.

H. Discussion and conclusions

This article analyses how the *interplay* between formal competences and non-formal factors influenced parliamentary oversight of European security policy. The article focuses on oversight of the EU NAVFOR Operation Atalanta in the years 2008-2013. According to the dominant argument in the field, strong formal competences (operationalised as the right to vote on deployment of troops) empower national parliaments to conduct intensive oversight. However, the counter argument stipulates that parliamentary oversight also depends on administrative resources and the willingness of legislators to get involved in a given policy. Given the fact that administrative support in EU member states has converged significantly over the last few years (Högenauer & Neuhold, 2015), the article investigates the impact of two factors: formal legal powers and the willingness to perform oversight. Regarding the latter, it has been assumed that the major force driving such willingness is the politicisation (or "domestication") of an EU issue.

The empirical inference was based on the following: the analysis of parliamentary oversight activity such as voting, plenary sessions, hearings, written questions or reports in each state under study (the dependent variable); the analysis of primary and secondary national legislation regulating parliamentary powers in deployments (explanatory variable); and the analysis of the Operation's politicisation in parliamentary written and oral discourses (explanatory variable).

The article posed the following questions: How does the interplay of legal competences and parliamentarians' willingness influence oversight practice? Do strong formal powers automatically translate into intensive parliamentary oversight? What non-formal factors are likely to motivate national parliaments to conduct oversight *beyond* mandatory formal procedures?

The case-selection was based on the two explanatory variables and included the following: a parliament with strong formal powers and strong politicisation (Germany); parliaments with moderate or absent formal powers and strong politicisation (UK and France); a parliament with moderate or absent politicisation and strong formal powers (Spain); and a parliament with moderate or absent politicisation and formal powers (Luxembourg).

Apparently, the existence of formal powers is not necessary for parliaments in order to conduct oversight. When MPs have strong incentives to engage in oversight (as in the UK or in France), they can do so – by means of written questions or reports – despite the lack of strong formal powers. The article demonstrates that politicisation is also likely to foster parliamentary oversight of parliaments with strong formal powers (Germany). On the contrary, if formal powers are not accompanied by politicisation (as in the case of Luxembourg and, to some extent, Spain), parliaments are likely to limit their oversight to mandatory procedures.

However, the question remains how to convince national parliaments that there is a reason to look at Europe? First, our findings suggest that only parliaments which perceive a given EU security issue as domestically salient and polarising are likely to conduct oversight of it beyond mandatory procedures. As the data demonstrates, increasing formal powers may not automatically generate more intensive oversight. If formal powers are not accompanied by domestic politicisation, legislators are unlikely to engage beyond mandatory procedures. Interestingly, the article demonstrates that even de-nationalised, de-territorialized and geographically distant military operations require domestic politicisation in order to become subject to intensive oversight. In other words, parliaments are less likely to conduct oversight beyond formal procedures unless they establish a direct link between a European military operation and national economic or security interests.

Perhaps it is worthwhile to consider whether the Inter-Parliamentary Conference for the Common Foreign and Security Policy and the Common Security and Defence Policy (CFSP/CSDP) would become a 'one-size-fit-all' non-formal framework stimulating oversight? The conference creates an opportunity for legislators to become more involved in the CFSP/CSDP. Collective oversight would also reinforce legitimacy of the policy because parliaments would be able to establish how a given issue resonates with other parliaments' positions. However, the question remains whether national parliaments' engagement in collective oversight is likely to be driven by a common sense of responsibility for European security matters or whether it is likely to depend on how domestically salient and polarising a given issue is. There is a necessity to address these questions in further research.

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