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Dirk Peters, Wolfgang Wagner
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Dirk Peters is Research Fellow at the Peace Research Institute Frankfurt. E-mail: peters@hfsk.de.

Wolfgang Wagner is Professor of International Security at Vrije Universiteit Amsterdam and Visiting Fellow at the Peace Research Institute Frankfurt. E-mail: w.m.wagner@vu.nl.

Cosima Glahn is Research Assistant at the Peace Research Institute Frankfurt. E-mail: glahn@hfsk.de.

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Abstract

The paper examines a key dimension of democratic control, namely parliamentary control of military missions and presents the findings of an in-depth case study on the EU's maritime mission Atalanta that was launched to combat piracy off the coast of Somalia. The case study finds that none of the parliaments we studied was actively involved in the decision-making process before the main decisions whether and in what form to launch an EU-led maritime mission had been made. Moreover, the competences and activities of national parliaments vary widely resulting in a patchwork of parliamentary control at the national level. Whereas some parliaments are very well informed and closely monitor government policy, others are, by and large, left in the dark. Furthermore, although the European Parliament (EP) has had no influence on the initial decision to launch an EU military mission, once Atalanta had begun, it scrutinized the mission through questions, debates, hearings and field trips. In doing so, it benefitted from its access to top military and key decision-makers who frequently visited the EP and its committees. Finally, transnational parliamentary assemblies as well as more informal networks provide opportunities to gain information about military missions and about other countries' preferences, concerns etc. Party groups are an important medium for establishing such informal contacts across national boundaries. A closer look reveals, however, that these opportunities are used to very different degrees within different party groups, by different national delegations and by individual MPs.

Keywords

Common Security and Defence Policy — Democracy — EU Military Missions — European Parliament — National Parliaments — Parliamentary Assemblies

Introduction

Parliaments are no longer the unquestioned centre of democratic deliberation and decision-making. Indeed, since at least the 1970s, the growing demand for highly specialized expertise in policy-making has fuelled doubts about the vitality of parliamentary democracy.¹ Scepticism has been particularly pronounced in studies inspired by theories of deliberative democracy and in those exploring the prospects of democracy beyond the nation-state.² More recently, however, the pendulum has swung back towards an acknowledgment of parliaments as indispensable institutional backbones of democracy. From this perspective, even in settings of multi-level governance 'ideals of deliberative democracy can only be realized by bringing representative institutions back in' (Lord and Beetham, 2001: 455; see also Eriksen and Fossum, 2007: 8f.; Lord, 2010). Only representative institutions can ensure the very equal access to deliberation that characterizes democracy. Post-parliamentary models of democracy that emphasize the potential of civil society and networks are bedevilled by the problem of how to prevent the privileging of those commanding the most resources (especially money and education). Thus, in the words of Nancy Fraser (1992), parliament is a necessary addition to civil society because it is a 'strong public' that not only forms opinion but also has decision-making power. Christopher Lord also highlights the holistic character of parliamentary politics as a further benefit: parliaments 'provide a site for making policy and law where all problems can be comprehended in relation to all others' (Lord, 2008: 39).

The case for parliaments seems even stronger in foreign and security policy. Some decisions in foreign and security policy, especially the deployment of armed forces, can have a dramatic impact on citizens' lives and therefore demand democratic control and legitimacy. Parliaments are all the more important to ensure this democratic control as the number of civil society organizations concerned with foreign and security policy has remained relatively low when compared to other issue areas.³

For these reasons, any assessment of democracy in the European Union's (EU) Common Foreign, Security and Defense Policy must include an examination of parliaments. In this paper, we provide such an analysis of parliamentary involvement for one particular segment of the EU's Common Security and Defence Policy (CSDP): military missions. In a multi-level polity like the EU, however, parliamentary involvement is much more difficult to pin down than in a single unitary state. Parliamentary actors exist on different levels with differing competences and they may act separately or interact across levels to become involved in policy-making. As conclusions about the democratic character of the polity depend on an assessment of this overall parliamentary involvement, our study will examine all levels of

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¹ See, among others, Andersen and Burns (1996); von Beyme (1998).

² See, among others, Wolf (2001: 7); Nanz and Steffek (2007: 88).

³ The smaller number of NGOs can be explained by the fact that the addressees of foreign and security policy, by definition, reside outside a country's borders. While this does not prevent altruistically motivated citizens to become active it does not mobilize those segments of society driven by more mundane motivations (such as a clean environment in one's vicinity etc.).

parliamentary activity: national parliaments, the European Parliament (EP) and cooperation between parliaments on and across these two levels, which takes place primarily in two transnational parliamentary assemblies. To arrive at a comprehensive picture we look at both formal competences of parliaments at each level and at parliamentary practice, i.e. at how these competences are actually used. We explore parliamentary practice by looking at one concrete operation, namely Operation Atalanta, the EU's anti-piracy mission off the Somali coast. This will enable us to arrive at conclusions about the extent to which parliamentarians at the different levels can ensure democratic scrutiny and control of CSDP.

Parliamentary involvement in CSDP

The actual level of parliamentary involvement in any policy field is determined not only by the formal competences a parliament enjoys but also by actual political practice, including its informal aspects. To capture this distinction and to differentiate between the various forms of parliamentary control competences we rely on Hans Born's and Heiner Hänggi's (2004; see also Born and Hänggi, 2005: 4-12) tripartite distinction of 'authority', 'ability' and 'attitude'. The 'authority' to hold the government accountable in deployment questions refers to formal parliamentary competences. These are legislative, budgetary, elective, representative as well as scrutiny and oversight rights of the parliament, which are either determined by legal frameworks or actual political practice. Of course, the impact of these competences, which are usually clearly defined, depends highly on the political actors' 'attitude', which constitutes the second dimension we look at. Parliamentarians may be equipped with a variety of formal competences to control the executive, but they equally need the willingness to use these means. Party pressure, public opinion and the media's opinion may constitute informal 'obstacles' for Members of Parliament (MPs) to critically engage in controlling their government. 'Ability', thirdly, describes the parliaments' resources to scrutinize their governments, as for example through specialized committees (Born and Hänggi, 2005: 9). Their resources, e.g. a considerable budget, expertise and staff, give parliaments the basis to perform their control function. There is, however, a strong link between the authority and attitude dimensions, on the one hand, and ability, on the other. Parliaments which possess strong formal competences and are composed of MPs willing to actually use them will be very likely to acquire the necessary resources. In contrast, even a strong material resource base will be of no use if authority and attitude are lacking. We therefore focus our analysis on the former two dimensions, parliaments' legal powers and MPs' attitude towards using them.

To study parliamentary control in action, we will examine parliamentary involvement in one particular operation, Operation Atalanta. Atalanta is the European Union's contribution to the international community's combat against piracy off the Somali coast. International efforts to protect ships in this area had gained momentum in 2008 after the number of attacks on ships of the World Food Program (WFP) and international cargo vessels had increased significantly.⁴ As the humanitarian situation in Somalia is precarious and as most of the population is dependent on WFP deliveries, the protection of relief supplies is highly important and constitutes a major

⁴ While from the beginning of 2006 until the end of 2007 only 41 hijackings had been registered off the Somali coast (Møller, 2009: 1), the number increased to more than 217 attacks in 2009 (Zimmer, 2009: 2).

goal of the military mission. Moreover, most of the Euro-Asian trade is conveyed through the Gulf of Aden, one of the most important sea lanes worldwide. Bypassing the Somali coast via the 'Cape of Good Hope' is costly for the ship owners and prolongs the journey for several days (Zimmer, 2009: 2, 10). The mandate of the Atalanta mission stipulates that the participating forces are allowed to 'take the necessary measures, including the use of force, to deter, prevent and intervene in order to bring to an end acts of piracy and armed robbery'.⁵ Atalanta's main objective is the protection of WFP ships. Vessels from the African Union's Mission to Somalia (AMISOM) are also protected, whereas commercial cargo ships are only escorted with lower priority.

Atalanta was launched only after several other attempts had been made to tackle the problem. After a request by the International Maritime Organization (IMO) and the WFP, France, Denmark, the Netherlands and Canada began a one-off operation for the protection of WFP ships in 2007 and 2008 (Helly, 2009: 393). After the end of this mission, French ships stayed in the Gulf to protect vulnerable vessels. Starting in May 2008, the United Nations Security Council (UN SC) adopted a series of resolutions under Chapter VII of the United Nations Charter (resolutions 1814, 1816, 1838, 1846 and 1897) which condemned piracy and, among other things, authorized the use of military means to combat piracy in the Somali territorial waters. The EU set up a coordination cell (NAVCO) in September 2008 to coordinate the naval activities of its member states in the region.⁶ NATO started a maritime mission there in October 2008. Finally, the EU launched its own operation Atalanta in December of the same year (see Appendix I for a detailed chronology).⁷ Up to around twenty ships and aircraft and about 1,800 personnel operate under EU command 'to contribute [...] to the protection of vulnerable vessels sailing in the Gulf of Aden and off the Somali coast and the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast'.⁸ The EU mission did not aim to replace but to complement various operations by NATO ('Allied Provider', 'Allied Protector' and 'Ocean Shield'), by 'Operation Enduring Freedom' contingents (Combined Task Force 150 and 151) and by several other states including Russia, China, Japan and India (Weber, 2009: 74-75). Atalanta's rapid operational readiness can be traced back to the fact that some national contingents of EU member states had already been stationed off the Somali coast and to its cooperation with the other missions on site (ibid.: 73f.). Although the mission has successfully escorted all of the 92 WFP vessels to Somalia since December

⁵ See Council Joint Action 2008/851/CFSP of 10 November 2008 on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast, OJ L 301, of 12.11.2008.

⁶ See Council Joint Action 2008/749/CFSP (OJ L 252 of 20.9.2008).

⁷ See Council Joint Action 2008/851/CFSP of 10 November 2008 (OJ L 301 of 12.11.2008). The mission was prolonged on 15 June 2009 until the end of 2010 and on 14 June 2010 until the end of 2012. In addition to the temporal extension, the Atalanta mission was also extended spatially on 19 May 2009. The operational scope of the mandate has been extended as far as the Seychelles, so that the mission now monitors an area of four million square-kilometers. For more information about the mission, see <<http://www.eunavfor.eu/>> (last accessed 8 August 2010).

⁸ See European Union External Action (2011) 'EU Naval Operation against Piracy (EUNAVFOR Somalia - Operation ATALANTA)', EUNAVFOR/31. Available at: <http://www.consilium.europa.eu/uedocs/cms_data/docs/missionPress/files/110414%20Factsheet%20EU%20NAVFOR%20Somalia%20-%20version%2031_EN.pdf> (last accessed 24 July 2011).

2008,⁹ critical voices highlight, among other things, the inability of the mission to stop piracy in the area and, generally, the lack of a political element which would focus on creating stable political conditions in Somalia.

To explore in detail the involvement of parliaments in decision-making on and implementation of Operation Atalanta we will, first, give a brief overview over the general decision-making process on military operations in the EU, as this constitutes the background of parliamentary activities. We will, then, examine the activities of parliaments in the member states, proceed to the European Parliament and conclude by studying various forms of transnational parliamentary networks and assemblies.

Decision-making on EU military missions

The formal decision to launch any EU military mission¹⁰ is taken by the foreign ministers in the 'Foreign Affairs Council' (previously 'General Affairs and External Relations Council') which, since the entry into force of the Lisbon Treaty, is chaired by the High Representative for Foreign Affairs and Security Policy.¹¹ With a view to parliamentary control, however, it is crucial to understand the preceding processes of advance planning and crisis response planning, because it is during this planning phase that crucial strategic decisions are made.¹² Advance planning is carried out by the EU Military Staff (EUMS) under the direction of the EU Military Committee (EUMC)¹³ and often starts many months before a military mission is launched; in the case of Atalanta, advance planning started around March/April 2008 when both the High Representative and NATO's Secretary General expected the EU to assume a lead role in the combat of piracy. Whereas no political decision is required to begin advance planning, a decision that EU action is appropriate needs to be taken by the Political and Security Committee (PSC)¹⁴ to switch from advance to more concrete crisis response planning; in the case of Atalanta, this was done in the summer of 2008. Crisis response planning then takes the form of 'an iterative dialogue between political authorities and supporting staffs' (Mattelaer, 2010: 3), overseen by a 'Crisis Response Coordination Team' (CRCT) which is composed of the relevant units in the

⁹ See European Union Naval Force Somalia (2011) 'EU NAVFOR Conducts One Further Escort for a WFP Vessel', 19 January 2011. <<http://www.eunavfor.eu/2011/01/eu-navfor-conducts-one-further-escort-for-a-wfp-vessel-2/>> (last accessed 7 June 2011).

¹⁰ For good overviews of the decision-making and military planning process see Grevi (2009), Mattelaer (2010) and Dijkstra (2011).

¹¹ All of the member states have to, at least, give their 'permissive consent' to a military endeavor, but it is optional for them to contribute to it (Grevi, 2009: 25-26).

¹² Our overview is limited to the political-strategic level which is also of prime interest to parliaments. It thus excludes the operational level that is concerned with the implementation of the political mandate, including the mission's organization and 'enabling requirements such as logistics and communication and information systems' (Grevi, 2009: 54). Operational planning only begins once the Council has decided on the main characteristics of the military mission and includes the development of the Concept of Operations (CONOPS) and the Operations Plan (OPLAN) (Grevi, 2009: 58).

¹³ The EUMC is composed of the Chiefs of Staff of the member states but usually works on the level of the Military Representatives. It advises the PSC and instructs the EUMS (Fährmann, 2010: 128-29) which consists of some 200 military experts. If necessary, the EUMS can draw on resources of the much larger military staff of NATO.

¹⁴ The PSC is composed of representatives of the member states at ambassador level and is tasked with 'the political control and strategic direction of the crisis management operations' (art. 28 TEU-L). The PSC has therefore been considered to be 'the political mind' of the CSDP (Thym, 2006: 110; see also Fährmann, 2010: 118-19).

Council Secretariat and the Commission (merged into the 'European External Action Service' (EEAS) with the Treaty of Lisbon) and meets on an *ad hoc* basis. The first milestone in this crisis response planning process is the 'Crisis Management Concept' (CMC), which gives an assessment of the situation and reviews various options for the EU to react to the crisis (Mattelaer, 2010: 5). The CMC is drafted by the EUMS and passed on to the EUMC, the PSC and finally the Council which has to endorse it formally. In the case of Atalanta, the draft CMC was sent to the Council on 31 July 2008 who adopted it on 5 August 2008. On the basis of the CMC, 'Military Strategic Options' (MSOs) are worked out by the EUMS which outline a number of military alternatives including an estimate of the common costs of the operation (Dijkstra, 2011: 112f.). The MSOs are discussed in the EUMC and the PSC and forwarded to the Council, which chooses one among them. In the case of Atalanta: (1) maritime surveillance without close protection ('deterrence by presence'); (2) convoy escorts, and; (3) surveillance with close protection were discussed in the MSOs that were sent to the PSC on 11 August 2008. The document already indicated a preference for the third option and on 15 September 2008 the Council decided that Atalanta would indeed do surveillance and close protection. A few days later, on 19 September 2008, the Council adopted a Joint Action launching the EU coordination mission NAVCO.¹⁵ The decision to launch a full-blown military operation was taken by the Council on 10 November 2008,¹⁶ followed by the adoption of the Concept of Operations (CONOPS) and the Operational Plan (OPLAN). The Council Decision actually launching Atalanta followed on 8 December 2008.¹⁷

The national level: Member state parliaments and European security policy

We start our examination of parliamentary control competences and practice at the national level. Probably the most characteristic feature of parliamentary involvement at the member state level is the absence of any standard way in which member state parliaments are engaged in European security affairs and of any guarantee that national parliaments are involved at all. Instead, there exist a wide variety of arrangements for the national control of European security policy, ranging from an *ex ante* veto power over troop deployments in Germany to a complete lack of parliamentary involvement in Belgium or Greece.¹⁸

To illustrate the heterogeneity of parliamentary involvement in decision-making over EU military missions we take a closer look at the parliaments in Germany, Spain, the Netherlands and Belgium. These countries are all major contributors to Atalanta but, at the same time, vary significantly in terms of national deployment legislation and practice. Whereas in Germany and Spain parliament enjoys *ex ante* veto power over military missions, the Dutch and Belgian parliaments lack such power. Whereas the

¹⁵ Council Joint Action 2008/749/CFSP on the European Union military coordination action in support of UN Security Council Resolution 1816 (2008) (EU NAVCO), OJ L 252, 20.9.2008, p. 39.

¹⁶ Council Joint Action 2008/851/CFSP of 10 November 2008 on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast, OJ L 301, 12.11.2008, p. 33.

¹⁷ Council Decision 2008/918/CFSP of 8 December 2008 on the launch of a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta), OJ L 330, 9.12.2008, p. 19.

¹⁸ For an overview and discussion of national deployment provisions see Anghel et al. (2008); Dieterich et al. (2010); Wagner et al. (2010).

parliamentary proviso in Germany has been part of a well-established culture of anti-militarism, the Spanish one has only recently been introduced in reaction to the country's participation in the Iraq War. Although the parliaments in the Netherlands and Belgium both lack *ex ante* veto power, the Dutch *Staten Generaal* is still more powerful than its Belgian counterpart as government has comprehensive obligations to inform and consult parliament.

Germany

The German troop deployment law has been established in 2004, 10 years after an authoritative ruling of the Federal Constitutional Court, which had obliged parliament to establish such a law. This deployment law stipulates that German troops can only be deployed *after* the *Bundestag* has given its explicit consent.¹⁹ Thus, in Germany, government could commit troops to Atalanta only after the *Bundestag*'s approval on 19 December 2008, i.e. eleven days after the EU Council decision to launch the mission.²⁰ The approval of the *Bundestag* is also required for any prolongation of Atalanta as well as any significant change in its mandate. Thus, the *Bundestag* endorsed the enlargement of the area of operations as far as the Seychelles on 18 June 2009,²¹ and it extended the mandate for another year on 17 December 2009²² and for two more years on 2 December 2010.²³

Information about the operation and the planning process to guide the decisions were obtained by MPs through various channels. First, the government, usually at the level of a state-secretary, regularly briefs the defence committee and answers questions. In addition, MPs posed questions to the government, mostly asking for detailed information about the number of participating soldiers and of escorted WFP ships and about the procedure of detaining suspected pirates. Parliamentary questions were also raised before the first *Bundestag* approval of the Atalanta mission (see e.g. interpellation by the FDP parliamentary group of 25 November 2008²⁴ or by the Left parliamentary group of 24 November 2008²⁵). Finally, German MPs made use of their right to visit troops at the military mission on site. Two parliamentary delegations have visited the Atalanta mission in the headquarters in Djibouti: one parliamentary delegation went to Djibouti with the German Minister of Defence Franz Josef Jung

¹⁹ See 'Gesetz über die parlamentarische Beteiligung bei der Entscheidung über den Einsatz bewaffneter Streitkräfte im Ausland (Parlamentsbeteiligungsgesetz)'. Available at: <<http://www.gesetze-im-internet.de/bundesrecht/parlbg/gesamt.pdf>> (last accessed 20 August 2010).

²⁰ The cabinet had decided that it would ask the *Bundestag* for approval the day after the Council meeting and forwarded a proposal on 10 December 2008 (Drucksache 16/11337). The *Bundestag*'s Foreign Affairs Committee recommended participation on 17 December 2008 (Drucksache 16/11416) and the plenary debated the issue on 17 and 19 December. 491 MPs supported a German participation while 66 MPs voted against it and 11 MPs abstained.

²¹ The PSC decided on 19 May 2009 to spatially enlarge the mission and the government forwarded a respective request to parliament on 27 May 2009 (Drucksache 16/13187). The *Bundestag* approved the enlargement with 475 votes in favor, 42 voting against it and 10 MPs abstaining from a vote.

²² See Drucksache 17/179. 492 MPs voted in favour of the mission's extension, 74 voted against it and 11 MPs abstained.

²³ See Drucksache 17/3691. 487 MPs voted in favour of the mission's extension, 68 voted against it and 12 MPs abstained. It is interesting to note that, in a parliamentary motion, the Greens have criticized the government for not presenting an evaluation report for the mission prior to the extension of the mandate (Drucksache 17/4067).

²⁴ See Drucksache 16/11088.

²⁵ See Drucksache 16/11021.

immediately after the start of the mission in December 2008²⁶ and another one in February 2010, when state secretary Thomas Kossendey was accompanied by several MPs from the Defence Committee.²⁷

German MPs generally agree in their assessment that they can yield influence on government positions before the text of the mandate is written. Usually, government communicates with its parliamentary majority and thus gets an idea whether a majority supports a deployment of troops to a military mission or not. This way, 'the government usually gets a feeling for how a mandate has to be written'. All MPs interviewed²⁸ stated that the 'flow of information' is less intense with the parliamentary opposition. One parliamentarian of the opposition revealed that it was 'very uncommon that the government informs us about planned projects [on the European Union level] on its own accord'. Inter-party communication therefore clearly is an important factor concerning the information about international negotiations in general, and the planning of military missions in particular. As in other policy areas government usually informs its own parliamentary majority much earlier than the opposition.

According to the assessments of the MPs we interviewed, their primary resource for influencing government lies in the *Bundestag's* constitutional right to actually veto troop deployments. All of the interviewees stated that this provision constrains the government's position during negotiations on the international level. As 'the members of the *Bundestag* are usually very sensitive concerning the deployment of troops' the government cannot single-handedly confirm a German military contribution at the international level. Rather, it is 'very well-advised to consider the various parliamentary positions in advance'. German MPs also referred to the parliament's veto position as something special and unique which 'should be defended'. Overall, although the information flow may sometimes discriminate against the opposition and although the *Bundestag* may sometimes be informed only *after* international negotiations have already taken place, the parliamentary veto position is considered to have a 'constraining effect' on the executive's decision.

Spain

In contrast to the German *Bundestag*, the Spanish parliament had only weak competences with respect to decisions over troop deployments until recently. The Spanish deployment law was modified significantly in 2005 after the deployment of troops to the Iraq war – which had been opposed by nearly 92 percent of the Spanish population (Eberl and Fischer-Lescano, 2005: 25). The Spanish parliament now plays a key role in deploying the military, as its prior approval before troops participate in military missions is required. Remarkably, the 'Organic Law of Defence 5/2005' does not specify whether the additional deployment of troops or the modification and prolongation of a mandate needs further parliamentary approval or not. Until today,

²⁶ See Nouripour, O. 'Zur reise nach Djibouti am 22. und 23. dezember 2008'. Available at: <http://www.nouripour.de/fileadmin/pdfs/international/0901_Reisebericht_Djibouti.pdf> (last accessed 1 June 2011).

²⁷ See Deutscher Bundestag (2010) 'Delegation des Verteidigungsausschusses zu Gesprächen nach Montenegro, Kosovo und Dschibuti', press release, 12 February 2010. Available at: <http://www.bundestag.de/presse/pressemitteilungen/2010/pm_1002122.html> (last accessed 1 June 2011).

²⁸ A list of all interviewees can be found in appendix II.

political practice has shown that the deployment of additional troops has been mandated by the Defence Committee, while the prolongation and the modification of any mission has been decided by the executive alone. As the deployment law remains silent about the detailed rules of procedure for the deployment of troops, parliament still debates about its definite competences (Herranz-Surrallés, 2010).²⁹

In the case of the Atalanta mission, the parliament approved the deployment of a Spanish frigate to the mission on 21 January 2009. The mandate was given on a Tuesday and military personnel already began to contribute to the mission on the following Friday. There was no formal parliamentary approval of the extension of the Atalanta mission (in terms of both area and duration). The total number of Spanish military personnel, however, may not exceed 395, as has been specified in the Spanish mandate.

In comparison to other CSDP deployments, the Atalanta mission has attracted parliament's attention to a remarkable extent. The mission itself has not been discussed critically in Spain, which can mainly be traced back to the fact that there has been barely political disagreement surrounding this mission.³⁰ Additionally, Spain possesses a tuna fishing fleet in the Indian Ocean and the hijacking of Spanish vessels in 2008 and 2009 had raised public awareness. Political discussions about Atalanta were not focused on the mission's general desirability but rather on its efficacy, on the employed means to stop and prevent piracy, the parliamentary rules of procedure, the field of action, the supplied protection to the vessels and the handling of suspected pirates. MPs have raised a high number of oral and written questions and requests for appearance have been important tools for the parliament to force the government to comment on certain aspects of the mission. Furthermore, it is worthwhile to note that parliamentarians referred to inter-parliamentary meetings to back up their arguments, like e.g. the NATO Parliamentary Assembly (NATO PA) meeting in Edinburgh on 17 November 2009 where the issue of piracy had been discussed. Last but not least, MPs visited the command of the air and naval forces of the Atalanta mission. A delegation of seven members of the Spanish Defence Committee of both houses of parliament accompanied the Defence Minister to visit the operational headquarters during the Spanish leadership of the mission between April and August 2009. The President of the Somali Parliament also visited the Spanish parliament in February 2010 after an invitation of the Association of European Parliamentarians with Africa.

Of course, *informal* interactions have also been important channels for parliamentarians to gain information about the Atalanta mission. During plenary discussions, MPs sometimes referred to communication with the Defence Minister, other officials from that ministry or parties' spokespersons, even though they did not elaborate on the information they had received through these informal contacts.

The Netherlands

The Dutch parliament cannot veto any military mission but since a new article 100 was introduced to the Dutch constitution in 2000, government is obliged to inform parliament in advance of any planned military mission. Moreover, once government

²⁹ For the following parts concerning the Spanish deployment, see Herranz-Surrallés (2010).

³⁰ Only a small number of MPs from rather left parties have criticized the mission as a whole.

has decided to send troops, it is obliged to notify parliament and add an explanatory note that outlines the legal basis, military aspects, risks, and the underlying political rationale. Between government's first information and the actual decision, parliament's standing committees on Foreign Affairs and Defence usually have a discussion with the respective ministers.³¹ When deciding about participating in a military mission, the government is therefore well aware of any particular concerns as well as the general degree of support among the political parties. Once a military mission is completed, government sends an evaluation report to parliament.

Among Dutch members of parliament, the absence of a formal veto power is not necessarily regarded as a shortcoming. According to Henk Jan Ormel, MP (CDA), codecision-making with the government over military missions may even compromise parliament's ability to effectively criticize the mission later on.

Dutch contributions to the combat of piracy already started in March 2008 in response to a request by the director of the World Food Programme. At this time, neither NATO nor the EU were involved. As a consequence, the debate in the Standing Committee on Foreign Affairs and Defence was not concerned with the institutional framework. In accordance with Dutch tradition, the debate ended with statements by the representatives of all political parties indicating whether their faction supports the military mission. This indication of support, of course, is not binding but the Dutch government normally refrains from any military deployment if there is no majority in support of such a mission. At the end of the debate of 1 April 2008, representatives of all political groups present³² declared their support. On 22 October 2008, twelve days after the government had informed parliament about its decision to send another frigate to guard WFP ships, a similar debate took place. As in April, the representatives of the parties present all declared their support for the decision.³³ Ten days before the Council decision to launch Atalanta, the Dutch government informed Parliament that it was looking into the possibility and desirability of contributing to such a mission. On 19 December 2008, it informed Parliament about its decision to send a frigate to Atalanta in the second half of 2009. Given the thorough discussion in parliament earlier this year, these letters were not followed by any further debate. As a consequence, representatives of the political groups did not explicitly indicate their support for Atalanta as such but it can be concluded from the earlier debates that support was widespread in parliament.

Since the initial decision to participate in Atalanta, the government has sent additional letters to parliament whenever it has considered or decided to deploy another ship. Once the deployment of a particular frigate is over, the government furthermore forwarded an evaluation to parliament which was then debated. These debates focused on issues of military equipment (most importantly the absence of a board helicopter) and on the release of pirates because Kenya failed to put them on

³¹ Parliament adjusted its rules of procedures in order to have comprehensive minutes of these discussions taken and published on the internet.

³² This includes the Christian Democrats (CDA), Social Democrats (PvdA), one of two liberal parties (VVD) the Greens (Groen Links), Socialists (SP), Geerd Wilder's populist right party (PVV) and another Christian Party (ChristenUnie). Another liberal party (D66) and the animal protection party (PvdD) were absent from the debate.

³³ This time, the PVV, D66 and the PvdD were absent.

trial. In addition, the government has shared the report on piracy by the advisory committees on international relations with parliament.

In sum, even though the Dutch parliament lacks a formal *ex ante* veto power, it has succeeded in being well informed about government's intentions and plans. Moreover, the government almost acts as if the Dutch parliament had formal veto powers in that it normally refrains from sending troops without majority support. In the case of Atalanta, however, there has been a broad consensus on the desirability of such a military mission anyhow.

Belgium

The Belgian decision-making process for the deployment of armed forces abroad is strongly controlled by the executive. The first Belgian constitution of 1831 stipulated that the Belgian monarch has the right to deploy the military on its own and to decide about the country's status of war and peace. The executive's freedom to decide about troop deployments without legislative constraints has survived various constitutional reforms and the government acts on behalf of the monarch when such decisions are made. According to Pierre d'Argent (2003: 186), it is 'indeed the Council of Ministers, by consensus and without formal royal approval, that decides on the use of armed forces' (cf. also Dieterich et al., 2010: 53).

The Belgian contribution to Atalanta started with the deployment of the frigate 'Louise-Marie' on 1 September 2009 for an initial period of four months. The Defence Minister, Pieter de Crem, and the Minister of Foreign Affairs, together, informed the House of Representatives about the Belgian contribution to Atalanta during a joint meeting with the Foreign Affairs and Defence Committee on 19 May 2009.³⁴ On a further meeting with the Defence Committee on 28 October 2009, the Defence Minister mentioned that he had already proposed to the government that Belgium take over the command of the mission during its EU Council presidency in the second half of 2010.³⁵ Belgium participated with a frigate until the end of December 2009.

The parliamentary discussions about Atalanta were mainly focused around the handling of captured pirates and the existing legal regulations relating to that issue. Furthermore, MPs asked questions concerning the financing of the mission, the protection of merchant ships and the lack of a political component to stop piracy at the Somali mainland. MPs asked the Defence Minister in various meetings with the Defence committee about the status of the Belgian contribution to Atalanta. At the beginning of 2010, parliamentarians were particularly interested to learn more about the forthcoming Belgian EU Council presidency and the operational command of Atalanta by Belgium.³⁶ Interestingly, in this context, one of the major issues has been

³⁴ See Belgische Kamer van Volksvertegenwoordigers (2009) 'Beknopt Verslag', CRABV 52 COM 561, 19 May 2009. Available at: <<http://www.dekamer.be/doc/ccra/pdf/52/ac561.pdf>> (last accessed 24 August 2010).

³⁵ See Belgische Kamer van Volksvertegenwoordigers (2009) 'Integraal Verslag Met Vertaald Beknopt Verslag Van De Toespraken', CRIV 52 COM 683, 28 October 2009. Available at: <<http://www.dekamer.be/doc/ccri/pdf/52/ic683.pdf>> (last accessed 24 August 2010).

³⁶ See, for instance, the meetings between the Defence Committee and the Defence Minister Pieter de Crem on 3 February 2010 (see <<http://www.dekamer.be/doc/CCRI/html/52/ic774.html#18526>>, 23 February 2010 (see <<http://www.dekamer.be/doc/CCRI/html/52/ic800.html#19170>>) and on 6 January 2010 (see <<http://www.dekamer.be/doc/CCRI/html/52/ic735.html#18080>>, all last accessed 24 August 2010).

the division of competences concerning the operational command between France and Belgium. Interpellations and oral questions started in November 2008, when incidents of piracy became a major problem off the Somali coast. Parliamentarians used these means to control the government frequently, as the parliament had no formal control competences and parliamentary questions seemed to be the sole channel of influence available to MPs.

Nevertheless, parliament approved a governmental motion for an anti-piracy law, which mainly regulated the treatment of captured pirates.³⁷ Although the *Atalanta* mission was discussed within the context of this law, the operation was not its primary focus and parliamentary control competences concerning the mission were not addressed. Piracy had also already been an issue at the end of 2004, when the government had proposed a law concerning 'the suppression of unlawful acts against the safety of maritime navigation'.³⁸ All in all, it can be seen that MPs had only little influence on the government's decision to deploy troops to the *Atalanta* mission. Apparently the only possibility for Belgian parliamentarians to scrutinize their executive is through raising parliamentary questions *ex post*, whereas formal decision-making competences do not exist, or at least did not exist in the case of *Atalanta*.

Taken together, then, member state parliaments differ vastly both in their formal authority and in the attitudes that MPs bring to the scrutiny of EU military operations. It appears that possessing a certain degree of formal competences is helpful for MPs to assert their influence, even though – as the Dutch case indicates – formal veto power is not required when MPs' inquisitive attitude meets with formal obligations for the government to forward information to parliament in a timely manner. Moreover, even though formal veto power may be an important tool for parliamentarians, it may benefit especially a subset of MPs, namely those that belong to the parliamentary majority – as the German case demonstrates. All in all, then, parliaments' authority matters but so does the attitude of MPs – their effects cannot be assessed in isolation from each other.

The supranational level: European Parliament

Although the European Parliament has in general been remarkably successful in extending its competences (Rittberger, 2005), the realm of foreign, security and defence policy has remained exempt from this tendency.³⁹ This holds even though the EP's committee system reflects a remarkable appreciation of foreign policy issues. Members of the European Parliament (MEPs) have viewed the Committee on Foreign Affairs (AFET, after the French acronym '*affaires étrangères*') as a high-status committee that consequently attracted rather ambitious and well-known politicians (Judge and Earnshaw, 2008: 171). With currently 75 members it has been the largest of the EP's committees. Moreover, it is the only committee which has established two sub-committees (on human rights (DROI) and on security and defense (SEDE)) to cope with a comprehensive agenda, ranging from enlargement to military missions.

³⁷ Government introduced a proposal on 21 October 2009. After a parliamentary debate, the chamber approved the law on 17 December 2009 and the Senate finally gave its consent two days afterwards.

³⁸ See Belgische Kamer van Volksvertegenwoordigers (2004) 'Wetsontwerp', DOC 51 1524/001, 22 December 2004. Available at: <<http://www.dekamer.be/FLWB/PDF/51/1524/51K1524001.pdf>> (last accessed 23 August 2010).

³⁹ For an overview of the European Parliament in foreign, security and defense policy see Diedrichs (2004); Brok and Gresch (2004); Thym (2006) and Barbé and Herranz-Surrallés (2008).

The problem of piracy off the Somali coast was first put on the EP's agenda by a member of the committee on fisheries in May 2008. After the Spanish fish trawler 'Playa de Bakio' had been hijacked, Spanish MP Daniel Varela Suanzes-Carpegna (PPE) sent a written question to the Council inquiring about future action of the EU to improve the situation off the Somali coast.⁴⁰ Members of the Committees for Fisheries and for Transport and Tourism also dominated the plenary debate on piracy that was held on 23 September 2008. One of the few SEDE members speaking in this debate, Geoffrey van Orden, wondered why the EU should get militarily involved at all as 'this is a job for NATO'.⁴¹ Although the committees on fisheries and transport took the initial lead on the combat of piracy, the SEDE subcommittee took up the issue shortly after and organized an exchange of views with the Head of the Council Secretariat's Crisis Management Unit, Claude-France Arnould, and the Head of the EU NAVCO coordination cell, Captain Andrés Breijo Claúr, on 15 October 2008.⁴² At the same meeting, the committee also discussed a draft motion for a resolution, sponsored by the Committee for Transport and Tourism, that the plenary then adopted on 23 October 2008. In this resolution, the EP

[c]alls on the Commission to seek ways to provide protection against piracy for EU-flagged and other fishing vessels that operate in international waters in the north-western Indian Ocean.⁴³

The EP has no veto power over military missions.⁴⁴ According to article 36 TEU-L⁴⁵, the High Representative is only obliged to

regularly consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy and the common security and defence policy and inform it of how those policies evolve. He or she shall ensure that the views of the European Parliament are duly taken into consideration.

⁴⁰ Available at: <<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+E-2008-2585+0+DOC+XML+V0//EN>> (last accessed 21 May 2011). After the start of the EU coordination action EU NAVCO, one interpellation by the same MEP has been raised to learn more about EU NAVCO and its general goal (available at: <<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+E-2008-5220+0+DOC+XML+V0//EN>>, last accessed 21 May 2011).

⁴¹ Available at: <<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20080923+ITEM-012+DOC+XML+V0//EN&language=EN>> (last accessed 7 June 2011).

⁴² See <http://www.europarl.europa.eu/meetdocs/2004_2009/organes/sede/sede_20081015_1100.htm> (last accessed 21 May 2011).

⁴³ See European Parliament (2008) 'European Parliament Resolution of 23 October 2008 on Piracy at Sea'. Available at: <<http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P6-TA-2008-0519&language=EN>> (last accessed 7 June 2011).

⁴⁴ The EP's budgetary powers are equally limited. Most importantly, Parliament has no influence whatsoever over expenditure arising from military operations. These are not charged to the Community budget but are covered by member states following a 'costs lie where they fall' principle ('Athena mechanism'). From Parliament's perspective, military expenditure appears as a shadow budget which increases the Council's discretion in financial matters (Brok and Gresch, 2004: 220).

⁴⁵ The Treaty of Lisbon brought about only minor changes to the European Parliament's competences in security and defence policy. The former article 21 TEU did not explicitly mention defence policy as a subject of parliamentary control. Furthermore, the number of annual debates was doubled, from one to two.

However, the EP has not been satisfied with the implementation of this provision in general. Atalanta is a case in point: In the above mentioned resolution, the EP

regret[s] the lack of consultation by the Council of the European Parliament on the decision to launch this operation and to provide information to the EP about the scope of this action and the exact tasks that the 'EU coordination cell' in the Council will undertake in support of EU NAVCO.⁴⁶

Although the Council is not formally obliged to ask the EP for its position towards a CSDP military action, the EP has developed a political practice of commenting on a military mission, preferably before its start. The EP has even held votes on CSDP missions through resolutions during the planning process. This 'highly symbolic practice' (Herranz-Surrallés, 2011: 21) was encouraged by Karl von Wogau, former Chairmen of the SEDE committee, and was applied, e.g., in the cases of the CSDP missions in the Democratic Republic of Congo (EUFOR RD Congo) and in Chad and the Central African Republic (EUFOR Tchad RCA). In these cases, the EP managed to adopt resolutions even before the Council had decided on its Joint Actions (Herranz-Surrallés, 2011: 21f.). In the case of the Atalanta mission, however, the EP adopted the above mentioned resolution only after crisis response planning was already well under way and the coordination mission EU NAVCO had already been launched. In its resolution, it welcomed the planning of a military mission in the Gulf of Aden.⁴⁷

Once Atalanta had been launched, the EP took an increasing interest in its course as reflected in hearings, field trips, questions, debates and reports. In November 2009, for example, the European People's Party (EPP) held a hearing with various high-ranking experts, discussing Atalanta in the broader context of the situation in Somalia and piracy in particular.⁴⁸ Furthermore, MEPs have made various on site visits. MEPs visited the operational headquarters in Northwood in January 2009 and in May 2010 and the Djibouti headquarters in October 2009 and in November 2010. MEPs appreciate the direct contact to the military staff and the possibility to talk to the soldiers on site as important instruments to learn more about the situation and the mission's current problems.⁴⁹ After a delegation has visited the missions' headquarter, a detailed report is discussed in the subcommittee.⁵⁰ In a similar vein, the EP has invited a number of high ranking officers of the Atalanta mission to report about the ongoing mission and to answer questions on critical issues. For example, Rear Admiral Thomas Ernst, Deputy Operational Commander of Atalanta, and Didier Lenoir, Head of the Integrated Strategic Planning Unit of the Council Secretariat visited SEDE in July 2010; Admiral Peter Hudson reported to AFET in November

⁴⁶ See European Parliament (2008) 'Parliament Adopts Resolution on Maritime Piracy: Legally Incontrovertible Rules of Engagement Needed', press release, 23 October 2008. Available at: <<http://www.europarl.europa.eu/sides/getDoc.do?language=EN&type=IM-PRESS&reference=20081022IPR40410>> (last accessed 8 August 2010).

⁴⁷ See *supra* note 43.

⁴⁸ See Kasoulides, I. (2009) 'Somalia: EPP Group Hearing on Finding a Political Solution', press release, EPP group, 18 November 2009. Available at: <<http://www.eppgroup.eu/press/showpr.asp?prcontroldoctypeid=1&prcontrolid=8917&prcontentid=15443&prcontentlg=en>> (last accessed 21 May 2011).

⁴⁹ Own interviews.

⁵⁰ See, for example, <http://www.europarl.europa.eu/meetdocs/2004_2009/documents/dv/sede210109rrnorth_/sede210109rrnorth_en.pdf> (last accessed 23 May 2011).

2009. The committee on fisheries also invited members of a number of French and Spanish shipowners' organizations and a Navy Commander of Atalanta representing the mission to talk about piracy and the situation of European fishing fleets in the Indian Ocean.

Moreover, the EP kept posing questions to both the Council and the Commission. Most of the questions asked for information about the command and control procedure of the mission, the role of piracy in Somalia in general and the procedure after suspected pirates have been detained by military personnel.

Finally, the EP has adopted a variety of reports and texts concerning the role of piracy off the Somali coast and the tasks of a military mission in this respect.⁵¹ Resolutions and texts adopted generally welcome common action by the EU to tackle the problem of piracy, although some MEPs from various parliamentary groups also raised several criticisms. The EP frequently stated critically that military action did not address the problem of piracy at its roots, which would require addressing the conflict in Somalia and the humanitarian situation on the mainland. Therefore MEPs frequently requested the inclusion of a political element in the fight against piracy.

From the beginning, MEPs have asked for the protection of European fishing vessels through ships of Atalanta which was not foreseen in the initial mandate. In addition to the resolution of October 2008, various interpellations have highlighted this point.⁵² When the Council extended the mission's mandate in December 2009, Atalanta was also tasked with monitoring fishing activities off the Somali coast (see Council Decision 2009/907/CFSP⁵³; Riddervold, 2010).

Taken together, the EP had no influence on the initial decision to launch a maritime mission combating piracy off the Somali coast. Instead, the EP, and its SEDE committee in particular, only became involved after key decisions of crisis response planning had already been made. Once the mission was under way, however, the EP assumed an active role in monitoring the EU's military activities off the Somali coast. In particular, it made ample use of its opportunities to exchange views with the responsible militaries and key political decision-makers. Furthermore, various field trips to the Atalanta headquarters were used to get first-hand information about the mission.

⁵¹ See e.g. plenary debate on 25 November 2009. Available at <<http://www.europarl.europa.eu/sides/getDoc.do?type=CRE&reference=20091125&secondRef=ITEM-014&format=XML&language=EN>>, and on 14 January 2009. Available at <<http://www.europarl.europa.eu/sides/getDoc.do?type=CRE&reference=20090114&secondRef=ITEM-012&format=XML&language=EN>> (both last accessed 20 August 2010). See also the adopted text, e.g. <<http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2009-0099&language=EN&ring=P7-RC-2009-0158>> (last accessed 27 August 2010).

⁵² See e.g. written questions of 15 September 2009 by Izaskun Bilbao Barandica (ALDE) and of 21 October 2009 by Josefa Andrés Barea (S&D) and Luis Yáñez-Barnuevo García (S&D) (available at: <<http://www.europarl.europa.eu/sides/getDoc.do?type=WQ&reference=P-2009-4425&format=XML&language=EN>> and <<http://www.europarl.europa.eu/sides/getDoc.do?type=WQ&reference=E-2009-5111&format=XML&language=EN>> respectively, last accessed 21 May 2011).

⁵³ Available at: <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:322:0027:0027:EN:PDF>> (last accessed 21 May 2011).

The EP also added a transnational dimension to the various cleavages in EU decision-making. Parliamentary debates demonstrated EU-wide transnational cleavages with most political groups supporting EU action but the GUE/NGL parliamentary group (European United Left-Nordic Green Left) being sceptical.⁵⁴ The activities of the European Parliament also indicate the importance of the 'attitude' dimension of parliamentary control as opposed to the dimension of 'authority'. Even though it lacks (co-)decision making powers, and even though the Council has not been proactive in involving the EP in CSDP, the EP's ambition to assume a prominent role in CSDP made it assume an active role in monitoring the mission once it was under way.

Crossing the levels: Inter-parliamentary cooperation

Between the national and the supranational levels, inter-parliamentary cooperation has emerged as an additional parliamentary layer in European security affairs. Inter-parliamentary cooperation takes a variety of forms. There are on the one hand some fora which have no firm organizational framework and bring together members of national parliaments and of the European Parliament. Member state parliaments' committees of foreign and defence affairs, for example, are invited twice a year by the EP's Foreign Affairs Committee to discuss foreign and security affairs. Moreover, there is a Conference of Defence Committee Chairs, in which the EP is also represented.⁵⁵ Secondly, inter-parliamentary cooperation also takes place in more formally organized and publicly visible transnational parliamentary assemblies, i.e. 'transnational, multilateral actors which are constituted by groups of members of national parliaments' (Marschall, 2005: 22, our translation). Two such parliamentary assemblies exist(ed) in the realm of European security policy: the Western European Union (WEU) Assembly and NATO's Parliamentary Assembly.⁵⁶

Operation Atalanta was discussed in both assemblies mainly in the context of general debates about piracy in the Gulf of Aden and in its relation to other military missions off the Somali coast. The WEU Assembly, for instance, adopted a report which deals with 'the role of the European Union in combating piracy' in June 2009.⁵⁷ In the debate preceding its adoption, MPs frequently argued that piracy could only be eradicated if EU member states established a broader approach towards Somalia to eliminate the causes of piracy (e.g. illegal fishing by European fishing fleets, the negative economic and humanitarian situation in Somalia, the absence of the rule of law etc.). The mission also was a topic at the December 2009 meeting of the Assembly in the context of discussions about 'European Maritime Surveillance'. In addition to

⁵⁴ See, for example, plenary debate about the situation in the Horn of Africa. Available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20090114+ITEM-012+DOC+XML+V0//EN&language=EN> (last accessed 26 August 2010).

⁵⁵ The revised version of the protocol on the role of national parliaments that is attached to the Lisbon Treaty mentions foreign, security and defence policy for the first time explicitly as a prime subject of cooperation between parliaments. For a detailed discussion of these forms of inter-parliamentary cooperation see Barbé and Herranz-Surrallés (2008) and Hilger (2008).

⁵⁶ For a comprehensive discussion of these PAs see Hilger (2008) and Marschall (2008). Like WEU, the WEU Assembly was dissolved as a consequence of the emergence of ESDP. Its final session was held in May 2011.

⁵⁷ See Assembly of Western European Union (2009) 'The Role of the European Union in Combating Piracy', Document A/2037, 4 June 2009. Available at: http://www.assembly-weu.org/en/documents/sessions_ordinaires/rpt/2009/2037.pdf (last accessed 20 August 2010).

plenary debates and official reports which have been adopted, the WEU Assembly organised a seminar on 'European Maritime Surveillance' in May 2010 in Athens. Two high ranking military commanders of the mission (Rear-Admiral Bartolome Bauzá and Commander Antonio Papaioannou) visited the meeting and reported about the Atalanta mission. Additionally, one representative of the NATO headquarters (SHAPE) represented Operation 'Ocean Shield' during the seminar.⁵⁸

During the annual session of the NATO PA in 2009, one report was adopted which deals with the question of piracy and discusses the Atalanta mission in this respect. The report outlines the coordination between the various NATO contingents on site and the development of the Atalanta mission.⁵⁹ Another report was presented in the NATO PA Spring Session of 2010, dealing especially with the coordination between the different anti-piracy and anti-terrorism missions off the Somali coast.⁶⁰ Furthermore, in November 2009, the mission was discussed in the meeting of two NATO PA committees, the Committee on the Civil Dimension of Security and the Defence and Security Committee. One representative of the mission had been invited, namely Rear Admiral Peter Hudson, who briefed the two committees about the military efforts of Atalanta and presented the mission's progress in combating piracy.⁶¹

By and large, the MPs we interviewed considered inter-parliamentary meetings as quite important forums to connect with other parliamentarians. When asked about the significance of inter-parliamentary meetings for their work, they first of all emphasized the opportunities they offer to interact with MPs from other countries. In the second place, the interviewees highlighted the possibility to exchange information during these meetings. Thirdly, MPs judged inter-parliamentary meetings as useful to get to know the national positions towards certain issues in much more detail, both through discussions in the plenary and through informal contacts. The informal side of the meetings was reported to be of particular value. Thus, joint dinners or receptions in the evenings are opportunities for discussing political topics and communicating ideas. This happens within the established party-groups (e.g. during official dinners), but also across party borders (e.g. during evening events, receptions and breaks).

Most interviewees stated that inter-parliamentary contacts continue after the Assembly meetings. Thus, it appears quite common for parliamentarians to call or e-mail their colleagues from other European countries in order to gather information on specific topics or to ask for support in preparing the next inter-parliamentary meeting. For example, Dutch MP Maarten Haverkamp used the contacts he had established

⁵⁸ See Assembly of Western European Union (2010) 'Assembly Seminar on European Maritime Surveillance Held in Athens', press release, 11 May 2010. Available at: <http://www.assembly-weu.org/en/presse/cp/2010/12_2010.php> (last accessed 20 August 2010).

⁵⁹ See NATO Parliamentary Assembly (2009) 'The Growing Threat of Piracy to Regional and Global Security', 169 CDS 09 E rev 1. Available at <<http://www.nato-pa.int/default.asp?SHORTCUT=1770>> (last accessed 20 August 2010).

⁶⁰ See NATO Parliamentary Assembly (2010) 'Maritime Security: NATO and EU Roles and Coordination', 207 CDS 10 E bis. Available at <<http://www.nato-pa.int/default.asp?SHORTCUT=2087>> (last accessed 20 August 2010).

⁶¹ See NATO Parliamentary Assembly (2009) '14-15 November 2009 - Meeting of the Defense and Security Committee'. Available at: <<http://www.nato-pa.int/default.asp?CAT2=0&CAT1=0&CAT0=576&SHORTCUT=2019>> (last accessed 7 June 2011).

with parliamentarians in other EU states to inquire into the possibility of stationing armed forces on ships that pass the Somali coast. The Dutch Ministry of Defence had argued that this was not a feasible way of enhancing the security of vessels. Haverkamp used his inter-parliamentary contacts to develop the well-informed counter-argument that stationing armed forces on ships was considered feasible or even practiced in some other countries. This episode illustrates how inter-parliamentary cooperation can improve MPs' positions vis-à-vis their government.⁶² Without the information obtained via other countries' parliaments, the government would have had a near monopoly of interpretation over the menu of choices available.

To some extent, however, the arrangement of this 'Europe-wide network' depends on the existing transnational party-networks. One interviewee, for example, noted that there is less networking between the European left-wing parties, compared to centre or social-democratic parties.

One MP of the German *Bundestag* also reported that MEPs sometimes pass on information about the planning and status of military missions at an early stage. For the EU military training mission of Somali security forces in Uganda (EUTM Somalia), 'colleagues from the EP called and told us that a new military mission was being planned'. This enabled the German MPs to ask questions concerning the planned mission via the Defence Committee much earlier than this would have been the case normally. Another interviewee highlighted the importance of the information exchange between the corresponding parliamentary groups in the EP and the *Bundestag* which not only helps MPs at both levels to attain additional knowledge about the issues at stake but also contributes to the coordination of positions and activities. German interviewees indicated that they generally consider the NATO PA more useful than its WEU counterpart. Among the greatest benefits of being a member of the NATO PA, interviewees report, is being able to go on field visits to conflict zones (an opportunity that has not (yet) been used in case of anti-piracy missions).

It is important to note that MPs' demand for specific information via inter-parliamentary contacts very much depends on the availability of information in their home parliaments. Thus, MPs from countries with powerful parliaments report that they hardly learn anything from PA sessions. In contrast, these meetings offer exceptional opportunities for MPs from countries with weak parliaments to pose direct questions to key politicians and military (e.g. the Secretary General of NATO, the Afghan Secretary of Defence, etc.).

Conclusion

The previous sections have mapped the general competences and, for the case of Atalanta, the specific activities of national parliaments, the European Parliament and various transnational networks and assemblies. In conclusion, it is worth highlighting four points. First, none of the parliaments we studied was actively involved in the

⁶² It is interesting to note that Haverkamp is a member of the Christen Democratisch Appél (CDA) that, at the same, was part of the governing coalition. While both the Prime Minister and the Foreign Minister were members of the CDA, the Minister of Defense belonged to the ChristenUnie (CU).

decision-making process before the main decisions whether and in what form to launch an EU-led maritime mission had been made. Second, the competences and activities of national parliaments vary widely resulting in a patchwork of parliamentary control at the national level. Whereas some parliaments are very well informed and closely monitor government policy, others are, by and large, left in the dark. Third, the European Parliament has had no influence on the initial decision to launch an EU military mission. However, once *Atalanta* had begun, the EP scrutinized the mission through questions, debates, hearings and field trips. In doing so, it benefitted from its access to top military and key decision-makers who frequently visited the EP and its committees. Fourth, transnational parliamentary assemblies as well as more informal networks provide opportunities to gain information about military missions and about other countries' preferences, concerns etc. Party groups are an important medium for establishing such informal contacts across national boundaries. A closer look reveals, however, that these opportunities are used to very different degrees within different party groups, by different national delegations and by individual MPs.

As concerns the relative importance of the authority of parliaments and the attitude of MPs in employing these competences, our study suggests that there is no clear hierarchy. Obviously, formal veto power can be a very strong tool in the hand of parliamentarians and the self-assessments of German MPs show that this tool can be considered a key instrument in constraining the executive's freedom of action. However, the absence of veto power cannot be equated with the absence of parliamentary influence. The Dutch case demonstrates that strong political traditions and tacit (or formalized) agreements between government and parliament can make up for the lack of legal competences to a certain degree. To be sure, parliamentary influence based solely on traditional practice remains precarious. Yet it still can provide a powerful constraint on governmental policies. The absence of such traditional agreements between government and parliament, however, makes yielding influence even more difficult, even if parliamentarians are very active in scrutinizing policies. MEPs attempt to assert their influence through their political will and activities based on the little competences they have in the security and defense field. Their success is mixed at best, especially when compared with the influence national MPs can gain over their government. The EP's future role will crucially depend on the acceptance of MEPs' claims to political influence by member state governments in the Council.

Overall, our results highlight the importance of the member state level in the security and defence domain. Because decision-making remains in the hands of member states (intergovernmentalism), the prime locus of parliamentary activity is on the national level, which is complemented through the activities of the EP and the different forms of inter-parliamentary cooperation.⁶³ There is no explicit delegation, neither of decision-making authority nor of parliamentary control and scrutiny, to the European level.

⁶³ In our previous work, we emphasized that the empirical reality of parliaments in CSDP appeared to be out of sync with the developments in the executive realm, especially the high level of military integration in Battlegroups etc. (see Peters et al., 2008). However, such a misfit is hardly discernible in the case of *Atalanta* because the degree of military integration of this maritime mission is low and individual member states' decisions about national contributions have little if any effect on the feasibility of the mission as such.

It is beyond the scope of this paper to discuss to what extent the parliamentary control of Atalanta is typical of parliamentary control of EU military missions in general. To be sure, Atalanta differs from various other EU military missions in that it took over responsibilities from NATO and national maritime missions that were launched in response to the UN SC resolutions of early 2008. Since many member states had thus already decided to contribute militarily to the combat of piracy, the launch of Atalanta might have appeared less controversial than, for example, the deployment of troops to the DR Congo.

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Appendix I: Time line

Date	Event	Actions taken by governments and/or IGOs	Actions taken by parliaments
2007			
May	WFP Director calls for international action to protect shipments to Somalia		
Nov	French frigate starts operation of a naval escort system protecting WFP shipments to Somalia, later to be continued by Danish and Canadian ships		
2008			
22 Feb	Director of WFP asks Netherlands for protection of WFP vessels		
26 Feb		Dutch Government informs parliament about its plans to deploy a vessel to the Gulf of Aden to protect the WFP ships	
07 Mar		Dutch Government informs parliament about the deployment of Dutch frigate 'MS Evertson'	
Mar/Apr		EUMS starts military planning	
20-26 Apr	Pirates kidnap Spanish fishing vessel 'Playa de Bakio'		
15 May	UNSC Resolution 1814		
26 May		Council expresses concerns about piracy and commends the initiative of some member states to protect WFP ships	
02 June	UNSC Resolution 1816		
16 June		Council requests the Council General Secretariat and the Commission to study possible options on how to best contribute to the implementation of UN Security Council resolution 1816 of 2 June	
22 July		The Council again points to its concern at the acts of piracy and armed robbery off the coast of Somalia. It is keen that work under way on options for a European Union contribution to implementation of UN Security Council Resolution 1816 should be rounded off as soon as possible	
31 Jul		Council Secretariat sends draft CMC to PSC	
05 Aug		Council approves Crisis Management Concept (CMC)	
11 Aug		EUMS sends draft MSO to PSC	
02 Sep		PSC approves draft Military Strategic Options (MSO)	

09 Sep		PSC approves a plan for the implementation of a military co-ordination action for the naval resources deployed by certain member states off the coast of Somalia in support of UN Security Council resolution 1816	
15 Sep		Council has approved strategic military options for a possible European Union naval operation.	
19 Sep		EU Joint Action 2008/749/ CFSP launching EU NAVCO (coordination mission)	
23 Sep			European Parliament debates piracy at sea
25 Sep	UNSC asks NATO to protect WFP ships		
28 Sep	Pirates kidnap Ukrainian ship 'MS Faina'		
07 Oct	UNSC Resolution 1838		
10 Oct		Dutch Government informs parliament about decision to send frigate de Ruyter between end October and mid-December	
15 Oct			European Parliaments' SEDE subcommittee discusses the EU co-ordination action EU NAVCO
23 Oct			European Parliament adopts a resolution on piracy at sea, taking note of EU NAVCO and regretting the lack of consultation on the decision to launch an ESDP mission
31 Oct		Dutch Government informs parliament about the desirability to contribute to maritime ESDP mission off the Somali coast	
24 Oct	Start of NATO mission 'Allied Provider'		
3 Nov		RELEX endorses draft Joint Action	
10 Nov		EU Joint Action 2008/851/ CFSP deciding to launch Atalanta	
15 Nov	Pirates kidnap the Saudi Arabian tanker 'MS Sirius Star'		
18 Nov		PSC appoints Force Commander	
02 Dec	UNSC Resolution 1846		
08 Dec		Council Decision 2008/918/ CFSP launching Atalanta	
09 Dec		German cabinet decides to participate at Atalanta	
12 Dec	End mission 'Allied Provider'		
19 Dec		Dutch Government informs parliament about contribution to Atalanta	
			German Parliament votes on deployment of troops to Atalanta

2009

21 Jan		Spanish Parliament votes on the Spanish contribution to Atalanta
02 Mar		SEDE is briefed about Atalanta
04 Mar		Dutch Parliament Standing Committee on Foreign Affairs and Defense discusses evaluation report about the deployment of frigate Evertsen
13 Mar		Dutch Government informs parliament about contribution to 'Allied Provider'
04 Apr	Pirates kidnap German cargo vessel 'MS Hansa Stavanger'	
	Pirates kidnap French sailing boat 'Le Ponant'	
06 Apr		European Parliament Committee on Fisheries meets UK Navy Commander representing Atalanta
08 Apr	Pirates kidnap the American ship 'MS Maersk Alabama'	
13 May		Dutch Parliament debates possible deployments of armed forces on commercial vessels
19 May		PSC decides to extend Atalanta spatially until the Seychelles
20 May		Dutch Government sends evaluation of the deployment of the frigate de Ruyter to Parliament
27 May		Government of Germany motion for the extension of the operational area of Atalanta till the Seychelles
15 Jun		PSC decides to prolong Atalanta for another year until December 2010
18 Jun		German Parliament votes on the extension of operational area of Atalanta
01 Oct		EP: Representative of Atalanta visits Committee on Fisheries
02 Oct	Pirates kidnap Spanish fishing vessel 'Alkrana'	
09 Oct		Dutch Government informs parliament that it looks into the possibility and desirability of a Dutch contribution to Atalanta in 2010
End Oct		SEDE delegation visits operational headquarter in Djibouti
13 Nov		Council decides to prolong Atalanta until December 2010
		Dutch government informs parliament about contribution to 'Atalanta' between mid-February and end of June 2010

18 Nov		EP: Committee on Fisheries invited Admiral Peter Hudson
30 Nov	UNSC Resolution 1897	
09 Dec		Government of Germany: Governmental motion to extend German contribution to Atalanta for another year
17 Dec		German Parliament approves the prolongation of German contribution to Atalanta
2010		
26 Apr		Dutch government informs parliament about its decision to deploy various ships to Atalanta and 'Allied Shield'
26 May		European Parliament: SEDE delegation visits headquarter in Northwood (UK)
14 Jun		Council decides to extend mandate until the end of December 2012
13 Jul		EP: High-ranking officials of Atalanta visit SEDE
10 Nov		Government of Germany: Governmental motion to extend German contribution to Atalanta for another year
02 Dec		German Parliament votes on the extension of the German contribution to Atalanta

Appendix II: List of interviews

- Albani, Martin; Parliamentary Assistant of Franziska Brantner, the Greens/EFA, interview in Brussels on 5 May 2011.
- Arnold, Rainer; MP Germany and delegate to the NATO PA, Social Democratic Party, interview in Berlin on 3 April 2010.
- Avontroodt, Yolande; MP Belgium and delegate to the NATO PA, Vlaamse Liberalen en Democraten, interview in Riga on 1 June 2010.
- Frahm, Pernille; MP Denmark and delegate to the NATO PA, Socialistisk Folkeparti, interview in Riga on 30 May 2010.
- Fritz, Erich G.; MP Germany and delegate to the WEU Assembly, Christian Democratic Union, interview in Paris on 17 June 2010.
- George, Bruce; MP United Kingdom and delegate to the NATO PA, Labour Party, interview in Riga on 30 May 2010.
- Gomes, Ana; MEP (PSE), Member of the Foreign Affairs Committee and the Security and Defence Committee of the European Parliament, interview in Brussels on 5 May 2011.
- Haibach, Holger; MP Germany and delegate to the WEU Assembly, Christian Democratic Union, telephone interview on 10 April 2010.
- Haverkamp, Maarten; former MP Netherlands and delegate to the NATO PA, CDA from 2002 to 2010 (not re-elected), interview on 21 June in Amsterdam.
- Heider, Tobias; Advisor on Security and Defence (for the Greens/EFA), interview in Brussels on 5 May 2011.
- Hilger, Michael; Secretary to Political Committee, Parliamentary Assembly of the Western European Union, interview in Riga on 30 May 2010.
- Katrinis, Michalis; MP Greece and delegate to WEU Assembly, PASOK, interview in Paris on 16 June 2010.
- Klingbeil, Lars; MP Germany and delegate to the NATO PA, Social Democratic Party, interview in Riga on 30 May 2010.
- Lintern, Snowy; Principal Staff Officer to Director General EUMS at the EUMS Brussels, EU Military Staff, interview in Brussels, 8 July 2011.
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- Mützenich, Rolf; MP Germany and member of the Foreign Affairs Committee of the Bundestag, Social Democratic Party, interview in Berlin on 7 April 2010.
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- Ormel, Henk Jan; Chair of the Foreign Affairs Committee of the Dutch Parliament and vice-president of the NATO PA, CDA, interview in Riga on 30 May 2010.
- van Osch, Anton; Head of the EU Military Staff, interview in Brussels on 8 July 2011.
- Papadimitriou, Elsa; MP Greece and delegate to WEU Assembly, New Democracy, interview in Paris on 16 June 2010.
- Pflug, Johannes; MP Germany and delegate to the WEU Assembly, Social Democratic Party, interview in Berlin on 4 April 2010.
- Rathjen, Claudia; Secretary German Delegation to NATO PA in Riga on 29 May 2010.

- Schäfer, Paul; MP Germany and delegate to the NATO PA, The Left, interview in Berlin on 5 April 2010.
- Schlomach, Gerrit; Parliamentary Assistant of Michael Gahler (EVP), interview in Brussels on 5 May 2011.
- Schmidt, Ulla; MP Germany and delegate to the NATO PA, Social Democratic Party, interview in Riga on 29 May 2010.
- Stinner, Rainer; MP Germany and delegate to the NATO PA, Free Democratic Party, interview in Riga on 29 May 2010.
- Schuster, Marina; MP Germany and delegate to the WEU Assembly, Free Democratic Party, interview in Berlin on 6 April 2010.
- Tolkas, Angelos; MP Greece and delegate to the NATO PA, interview in Riga on 29 May 2010.
- Vrettos, Konstantinos; MP Greece and delegate to the WEU Assembly, PASOK, interview in Paris on 17 June 2010.
- Westerhoff, Arjen; Secretary Dutch Delegation to NATO PA, interview in Riga on 29 May 2010.

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