

The Appointment of the High Representative: A Balancing Exercise at the Highest Level of the EU

Master Thesis – Leiden University

Sarah Kleinendorst - S1796070

Supervisor: Dr. Marije Cornelissen

Second Reader: Dr. Matthew Broad

Date: July 2nd, 2020

Word Count: 14.953

ABSTRACT

This thesis will analyze the appointment of the High Representative of the Union for Foreign Affairs and Security Policy (HR) after the Lisbon Treaties of 2009. While this position was established in the 1997 Amsterdam Treaty, the Lisbon Treaties (2009) were highly influential in shaping the HR by providing increased competences and powers to the office. Where it had previously, from 1999 to 2009, only been a vague position to navigate with few official competences, the HR gained increased importance and status in the post-Lisbon European Union (EU). Accordingly, it would make sense to appoint an individual with ample experience in the field of foreign affairs to the office in the first post-Lisbon term. However, the desired HR position fell into the lap of a previous Trade Commissioner from the United Kingdom (UK), Catherine Ashton. In the following tenures, similar procedures occurred with the HR appointment over seemingly arcane criteria. This thesis provides evidence for the argument that the HR can be interpreted as a balancing factor at the EU's highest table. Of the factors that contribute to the appointment of an individual to a leading position at the EU level, this thesis will argue that the balancing grid at the helm of the EU is *the most* influential factor in the appointment of the HR.

CONTENTS

- 1 Introduction..... 3
 - 1.1 The High Representative Position – After Lisbon..... 5
- 2 Literature Review 8
 - 2.1 The Appointment of Commissioners and High Representative 8
 - 2.1.1 Formal Appointment Procedures 8
 - 2.2 Preference Formation in the Commission..... 9
 - 2.3 Choosing a Candidate 12
 - 2.4 The Appointment of the High Representative 13
- 3 Research Design 16
 - 3.1 Methodologies Adopted in Previous Research 16
 - 3.2 The Case Studies..... 17
- 4 Framework for Analysis 20
- 5 Applying the Framework 22
 - 5.1 Ashton 22
 - 5.2 Mogherini 25
 - 5.3 Borrell 28
 - 5.4 Summary of the Research Findings 31
- 6 Conclusion 33
- 7 Bibliography and Reference List..... 35
 - 7.1 Primary Material..... 35
 - 7.2 Secondary Literature 36

1 INTRODUCTION

Catherine Ashton, Federica Mogherini, and Josep Borrell are examples of people who were appointed to significant positions of power in an international organization. They are the final outcomes of a process of appointment, political horse-trading, competences, charisma, and preferences of Member States (Barber 2010, 56). Their common denominator, the position of the High Representative of the Union for Foreign Affairs and Security Policy (HR) they held during their respective tenures, is a position that has gained importance and broader competences in the 21st century. At the beginning of this century, there emerged a pragmatic need to establish the European Union (EU) as a strong, united front in foreign affairs on the global stage. This need emerged from the global political context at the turn of the century which can be characterized by the American ‘Global War on Terror’, following the 9/11 attacks on American soil. Additionally, wars in Afghanistan and Iraq, and turmoil in Iran can be argued to have influenced the need within the EU for a ‘face’ for foreign affairs (Chari and Cavatorta 2003). This development in the field of the Common Foreign and Security Policy (CFSP) happened with the Lisbon Treaties of 2009. The position, which was created in 1997 with the Amsterdam Treaty, propelled itself from the background into the spotlight with the new capabilities and responsibilities the position entailed. This introduction aims to provide the necessary background of the HR position before and after the Lisbon Treaties of 2009.

The first individual to take up the position was Spanish national and former Secretary General of the North Atlantic Treaty Organization (NATO), Javier Solana, appointed in 1999. He held the position of HR for ten years and was succeeded by Catherine Ashton from the UK after the Lisbon Treaties entered into force. Ashton, as the previous European Trade Commissioner, had the liberty to shape the job to a certain extent, as she was the first to be assigned this position with the new competences. In 2014, Ashton was succeeded by Federica Mogherini, and in 2019, Josep Borrell became the new HR.

From the outset, the HR position was created to give the High Representative a more high-profile status and to give the EU a face (Nugent 2017, 407; Barber 2000, 57). With the creation of the HR, the EU tried to answer Kissinger’s famous question: “Who do I call if I want to speak to Europe?” (Rachman 2009). Additionally, and perhaps more importantly, the aim of the position was to create more coherence between Member States in the field of the CFSP. To do so, the first appointed HR was Solana – someone who could ensure that the position became respected and as high-profile as the original aim of the position desired (Howorth 2011, 307; Barber 2010, 56; Nugent 2017, 407).

Solana experienced several political constraints in the newly created position, which can be summarized as one general question of leadership. Namely, there was still an External Relations Commissioner and a Foreign Minister of the country that held the Council Presidency – who both had the final say in the field of External Relations (Nugent 2017, 407). This complexity and inefficiency of having several agents in the field of External Relations, rendered the HR position more a formality than an *actual* and credible political actor. Barber highlights that more political and institutional shortcomings of the CFSP were exposed by the differences in alliances that were chosen by the Member States in the 2003 US-led Iraq invasion (2000, 58). The divided responsibilities between Council and Commission and the perseverance of national interests rather than a *European* interest, painted the EU as a fragmented and incompetent actor in the field of foreign affairs (Barber 2000, 58).

A chapter in the book by Larivé (2014) discusses whether the HR has been an unquestioned actor in the field of External Relations. One of the first statements this author makes is quite sweeping, as they mention that the position was broad and “well underfinanced” (2014, 163). The author writes about Solana as a highly skilled foreign policy maker, who took up the new position with vague political and institutional powers (Larivé 2014, 164). With the aim to create more coherence between the Member States in the CFSP area, the HR was to assist the Presidency, while upholding the Member States’ centrality in this domain (Larivé 2014, 164). The appointment of Solana, a very experienced politician in the field of External Relations, mirrors the ambition of the Member States to create the coherence for which the position was created (Larivé 2014, 165). On Solana’s account, Larivé offers the arguments that he had deep knowledge on international relations, and a strong international position based on his previous job as Secretary-General of NATO. Additionally, appointing Solana as HR was a wise choice to solidify the European relations with American interests (2014, 165). Adversely, one cannot say that the position of HR allowed Solana to pursue the European coherence in the field of CFSP. Solana was respected mostly for his personality and previously established connections, rather than the fact that he became the HR of the European Union (Larivé 2014, 166).

During his tenure, one of Solana’s tasks was to create amicable relations between the Commissioners of different dossiers respectively, and the Council (Walker 2002). At the turn of the century, there existed a lot of Patten-Solana confusion, which was extensively expressed by newspapers at the time (Coss 2001; Black 2002). During that time, External Relations Commissioner Patten and HR Solana appeared to be taking up similar agendas and both became the person responsible for the CFSP. In 2001, France and Germany released a joint statement explaining that they were seeking more cohesion in this field (Coss 2001). Coss (2001) explains that a move forward in attempting to produce cohesion and unity in finding *one* voice for the CFSP would most likely mean a reduction of the External Relations Commissioner’s post, rather than the reduction of the (then) newly

created position of HR. Solana's position as HR slowly developed from a nice European attempt at cohesion into the HR and Vice President position of the EU, the chief of the EU's External Relations (together with the European External Action Service (EEAS) for support, that is).

1.1 THE HIGH REPRESENTATIVE POSITION – AFTER LISBON

After the drafting and ratification of the Lisbon Treaties, the HR position gained a stronger institutional foundation. The first post-Lisbon HR was Baroness Catherine Ashton, a politician from the UK, who previously held the post of Trade Commissioner. The stronger institutional foundation transformed the HR post into a position with capabilities and opportunities for cohesion in the field of CFSP. A stronger institutional foundation should logically be followed with an appointee of similar caliber to Solana to further foster European coherence in the field of CFSP. With Ashton, who, to her own surprise, got into this high-profile position in the Union (Palmer 2009), the Member States sent a message communicating a change of stance on the coherence that could be created by the HR in the CFSP area. The interesting appointment of Ashton into this newly and greatly improved position in the EU is the *raison d'être* of this thesis.

When looking at the Treaty of Lisbon, there are several descriptors of the HR position. In Article 18 of the Treaty on European Union (TEU), the appointment procedure, competences, and tasks of the HR are outlined. Article 18 (2) states that the HR 'shall conduct the Union's common foreign and security policy', and work on the development of the CFSP, as the Council mandated (Consolidated version of the TEU, 2012). Moreover, article 18 (4) explains that the HR is also one of the Vice-Presidents of the Commission and needs to ensure consistency in the external actions of the EU (Consolidated version of the TEU, 2012). With this, the previously (somewhat) redundant position of HR quickly became a highly relevant position in the EU. The position of the External Relations Commissioner was dissolved and merged with the new competences of the HR. Moreover, the HR became Vice-President of the Commission and officially held two influential positions in the EU. Additionally, the HR also became the chair of the EEAS. This agency was created by the first post-Lisbon HR as provided in the Lisbon Treaties, and resembles a European foreign ministry (Nugent 2017, 397).

The importance of coherence in the CFSP domain was valued highly by Member States; all of whom ensured that a strong political personality took up the position. Solana's appointment reflects the value and optimism that the Member States placed on the policy domain. However, the appointment of Ashton as his successor, may reflect the opposite intentions of Member States in the field of CFSP. However, there is reason to believe that there is more at play than the Member States' policy preferences, the politician's personal experience, and personal charisma, as we have seen in Solana's appointment, that is of relevance in the appointment of individuals into positions of power in

an international organization. The interesting appointment of Ashton, Mogherini, and Borrell into the position of HR will therefore be placed in the larger academic debate that relates to the following overarching research question: **Which factors determine the appointment of an individual into a leading political role in the EU institutions?** The focus of this thesis is not the Commission President as the 2009 Lisbon Treaties resulted in the *Spitzenkandidaten* system, attempting to create more transparency in the EU's election results. Nor will the ECB Presidency be included, as this thesis is focused only on the top three *political* positions in the EU. Rather, the position that is the focus of this thesis is the position of HR.

When looking at people who held the HR position after Lisbon, we see that there are three incumbents. Ashton, as the first post-Lisbon HR, was greeted with high expectations, and after she left office was met with disappointment (Helwig and Rüger 2014, 1). The disappointment about Ashton's tenure raises the question on how she got appointed to become the first HR. Therefore, the research puzzle of this thesis can be found in Ashton's appointment. Why did she get appointed into the HR position despite there being more suitable candidates to take up the position? This thesis will further develop the arguments presented by Howorth (2011) and Brown (2016), in which Ashton's appointment is linked to a high-level balancing act for the top three positions in the EU. This balancing exercise argument shows the relevance of this research. As this thesis argues, there are political games taking place at the highest level of the EU, which can be perceived as highly problematic. By including Mogherini and Borrell along with Ashton as case studies, this thesis will prove that there is a balance grid at the highest level of the EU, especially regarding the top three positions.

In order to provide an answer to this research question and puzzle, this thesis will be structured as follows. The following chapter, chapter two, will provide the literature review. Chapter two will firstly discuss the formal appointment procedures, after which preference formation in the Commission will be discussed. This section will funnel from a broad perspective on the appointment of Commissioners to the specifics of the appointment of the HR. Chapter three will discuss the research design and methodology that is employed in this thesis. There, the case studies of Ashton, Mogherini and Borrell will be introduced in more detail. Chapter four, following the methodologies, will outline the framework of analysis that will be employed in this thesis. In chapter five, the research findings are presented, and the case studies will underline the main argument of this thesis, that political affiliations, gender, and nationality are the most important factors in the appointment process of the HR. Moreover, the case studies will demonstrate that the HR position can be interpreted as a political pawn in establishing internal balance in the top three positions in the EU. This argument originates from the case studies as there appears to be a trend in appointment, which helps the top three positions of the EU balance politically, internationally, and in gender. Finally, this thesis ends with a

conclusion that will answer the guiding question of this thesis: “How does an individual get appointed to the High Representative position in the EU?” which will be placed in the larger debate of the research question of this thesis: “Which factors determine the appointment of an individual into a leading political role in the EU?” The conclusion includes a section that provides recommendations for further research.

2 LITERATURE REVIEW

There exists a large body of literature on the appointment of individuals to positions of power nationally and at the international level. By stepping back from the High Representative and instead looking to the bigger picture; the appointment of Commissioners and preference formation in the Commission, this thesis can draw wider conclusions that can hold more relevance in this academic debate.

2.1 THE APPOINTMENT OF COMMISSIONERS AND HIGH REPRESENTATIVE

The appointment of Commissioners is often reason for debate within and amongst Member States. Knowing that a Member States' choice of Commissioner is influenced by ideology as a relevant factor, the choice can reflect the confidence or lack thereof in the European Union. For example, when looking at Solana from 1999-2009, the Member States sent a message of confidence, of optimism – that a strong political individual with sufficient charisma and experience in the external relations policy field could create coherence. Before moving towards preference formation and the choice of Commissioners, it is relevant to first establish the formal appointment procedures as laid out by the law. This will outline the differences between the Commissioners and the HR and highlight why the HR is an incredibly important position within the EU.

2.1.1 Formal Appointment Procedures

To establish the differences in appointment procedures between the HR and other Commissioners, it is important to take the Treaties of Lisbon (Treaty on the European Union (TEU)) as a starting point. The formal appointment procedures are of relevance to discuss, as there is a significant difference between the appointment of Commissioners and the appointment of the top three positions of the EU: Council President, Commission President, and High Representative. Article 18 (1) states the following on the appointment of the High Representative: *“The European Council, acting by a qualified majority, with the agreement of the President of the Commission, shall appoint the High Representative of the Union for Foreign Affairs and Security Policy...”* (Consolidated version of the TEU, 2012). On the appointment of Commissioners, Article 17 (3, subparagraph 2) provides the following: *“The members of the Commission shall be chosen on the ground of their general competence and European commitment from persons whose independence is beyond doubt”* (Consolidated version of the TEU, 2012). Moreover, Article 17 (5) continues (subparagraph 2): *“The members of the Commission shall be chosen from among the nationals of the Member States on the basis of a system of strictly equal rotation between the Member States, reflecting the demographic and geographical range of all the Member States...”* (Consolidated version of the TEU, 2012). The Commission President is the first to be chosen through the European Council in consultation with the European Parliament (and the

Spitzenkandidaten-system). The Council then, together with the approved candidate for the Presidency, 'shall adopt a list of other persons whom it proposes for appointment as members of the Commission' (Consolidated version of the TEU, Article 17 (7, subparagraph 2), 2012). The entire college of Commissioners is consequently subject to consent of the European Parliament.

When looking closely at the appointment procedures as laid out in the TEU, the Commission Presidency is a culmination of the Council and the Parliament working together to find a President-elect, who is then allowed to build their own college of Commissioners. However, the appointment of the HR, as stated in Article 18 (1), only needs agreement of the President of the Commission, and is therefore suggested for the position by the European Council through qualified majority voting (QMV). This difference is significant and relevant when looking at the other Commissioners. The regular Commissioner appointment procedure compared to the procedure of one of the top three positions in the EU presents large differences as there has to be consensus in the Council for the top three to be appointed, whereas that consensus is not necessary for the regular Commissioners to obtain. Moreover, the unique position of the HR as both a member of the European Council and the European Commission provides an interesting position by which the incumbent has the possibility to exercise influence on both Council and Commission decisions. The HR needs the Council's QMV as a member of the Council and needs the Parliament's approval in order to become Commissioner (Mirschberger 2012, 29). Not only through its dossier and large body of competences as discussed in the introduction, but also through its appointment it is apparent that the HR is an incredibly important position in the EU.

2.2 PREFERENCE FORMATION IN THE COMMISSION

This paragraph explains preference formation in the Commission and how national governments can find a suitable politician to take up a position in the Commission. The appointment procedures of Commissioners, although different from the appointment process of the HR, are of relevance to discuss as they provide insights in the selection process of candidates for positions in the EU. Included in this paragraph is a section on the behavior of Commissioners, as this aspect is also of relevance when it comes to the question why individuals are appointed into positions at the Commission.

It is widely accepted that the European Commission has a central role within the EU and its decision-making process (Wonka 2007, 169). Each Member State is allowed to appoint one Commissioner in each new Commission. The selection of Commissioners used to be solely intergovernmental, but since the treaties of Maastricht in 1993 and Amsterdam in 1997 the President of the Commission and consequently the College of Commissioners must be approved by the European Parliament also (Napel and Widgrén 2008, 22). Wonka (2007) explains that there are two goals that

national governments can pursue in appointing their Commissioner. There is a defensive selection goal and, complementary, an offensive selection goal (Wonka 2007, 174). A defensive approach is focused on choosing a strategy to block the Commission from taking steps that have political and material costs of the Member State as a consequence (Wonka 2007, 174). On the other hand, the offensive selection strategy is different as the Commissioner will actively pursue policy goals that are in line with the respective Member State's preferences (Wonka 2007, 174). Therefore, as Wonka points out as well, it is in the interest of the Member State to appoint a Commissioner who is in line with the national interests (2007, 174). National interests, in this context, are in line with the country's coalition and their political preferences. This means that in the process of preference formation within the Commission, countries should make sure to appoint someone who can represent national interests, and depending on the topic, make the appropriate compromises. The idea of the offensive and defensive selection goals mostly holds for regular Commissioners but is of relevance to discuss because it provides criteria of selection that are of relevance for the HR position as well.

In finding a candidate for a position in the Commission, an important theory to take into account is proposed by Hix (2008). In the article, Hix develops the partisan theory: 'the theory of the behavior and the interactions between the main aggregate actors in the EU: national political parties' (2008, 1260). The partisan theory speaks of policy goals and how the alternative policy goals of national parliaments and the EU interact. The division of people in office is a deciding factor in how respective policy goals interact. Hix explains that larger Member States often prefer a national office over an EU office, because the larger states still have significant influence over policy domains that are decided through intergovernmental mechanisms (2008, 1260). Adversely, this statement is inverted for smaller Member States; they are more likely to prefer an EU office over a national position (Hix 2008, 1260). Hix explains that national parties, rather than pan-European parties remain the major actors in the politics of the EU (2008, 1263). Hix's partisan theory suggests that as long as there is a top-down allocation of positions of power in the EU, pan-European ideals are less likely to emerge at the European stage as major actors (2008, 1263). In other words, in the selection of regular Commissioners, national interests and domestic political ideas remain present, rather than a European ideal which would make the Commission less fragmented as a whole.

A question that remains after this theory that is put forward in Wonka's article (2007), is whether the Commissioner's behavior, once they are in office, reflects the national interests. On the behavior of Commissioners there are a few assumptions, as presented in an article by Smith (2003). Smith states the assumptions that the general academic literature has made on European Commissioners; how Commissioners act, why they act, and what their common traits are. Smith came to the following conclusions (2003, 137): Firstly, Commissioners behave depending on their previous career, depending

on whether it was political or bureaucratic (Smith 2003, 137). Secondly, only Commissioners with important dossiers have influence (Smith 2003, 137). Thirdly, a big Member-State Commissioner is more influential than a small Member State Commissioner (Smith 2003, 137). And lastly, that the Commission is fragmented, and Commissioners are one of the causes of this phenomenon (Smith 2003, 137).

These assumptions look promising, and are in line with the appointment and preference formation ideas that have already been discussed. There is one thing that needs to be discussed briefly in light of these assumptions. They raise the question of what would happen if there is a big Member State Commissioner with an important dossier. It sounds like a power vacuum, which is not entirely the case. This statement however does show that balance between small and large Member States in the Commission for the relevant dossiers is something that is strived for in the Commission formation. The author also points to the technocrat versus politician dichotomy (Smith 2003, 150). A Commissioner who has previously been a national politician will be more focused on the public discourse and follow the people, and a technocrat will more likely follow experts and their opinions (2003, 150). Naming this as a factor is interesting, but not the only factor that contributes to their behavior. The author adds that nationality, the portfolio (dossier), and previous careers, as we have seen in the assumptions, need to be discussed in more detail, and to be taken into account (2003, 153). By naming all these factors and motivators of Commissioners' behavior, it cannot be said that their behavior is driven and motivated by the institution that they represent (Smith 2003, 153). Suggesting that Commissioners behave depending on their previous career is also interesting when looking at appointment criteria. Knowing that a Commissioner (or a Commission President/HR) will behave depending on their previous career, it is wise to appoint someone with competence and experience in the related policy field to the position.

Deckarm (2017, 450) proposes a principal-agent relationship between Commissioners and their national governments in an attempt to analyze Commissioners' behavior. This relationship works as follows: the individual Commissioners are the agents and the Member States are only one of the two principals that they must answer to, the other being other European Institutions (Deckarm 2017, 450). Moreover, for the tension between national and European political identity the article by Deckarm (2017) is of relevance to discuss as well. The article starts with a juxtaposition: the Commissioners are chosen because they are aligned with their national interests, but as soon as they get into position, they are obliged to work in the European interest, which may clash with the national demands they are supposed to comply with (Deckarm 2017, 447). The theory that the author applies is the principal-agent principle. In short, an agent acts on behalf of the principal; the Commissioner (agent) acts on behalf of the Member State (principal). The principals monitor the agents, and the possibility for each

Member State to appoint a Commissioner is a form of a principal overlooking an agent (Deckarm 2017, 451). Additionally, the appointment of trusted individuals in the respective cabinet is also a way for Member States to monitor the Commission (Deckarm 2017, 451).

Another perspective on how Commissioners take their national interests into account when they enter office is offered by Killermann (2016). Killermann explains the principal-agent relationship as existent between the Council and the Commission (2016, 1367). The article analyzes the Commissioners' appointment, which has become increasingly political, and links it to the voting behavior of national politicians in the Council (Killermann 2016, 1368). The underlying theory of the author is, that if a Commissioner shares national or partisan ties with national governments, the legislative proposal of the Commissioner will less likely be met with a negative vote of their country in the Council (Killermann 2016, 1368). In other words, if a Commissioner is strongly tied to their national interests, their delegation in the Council will more likely approve their proposals. This theory of Killermann expands on the partisan theory of Hix. Where Hix's account was limited in its explanation of how Commissioners and their national and political (partisan) backgrounds relate to each other, Killermann elaborates on this by providing empirical voting evidence of how Commissioners more often discretely align with their national preferences, rather than agree with their European political family's ideas (2016, 1378). In the appointment of an individual into a leading position in the EU, it is this principal-agent relationship between both Member State-Commissioner and Council-Commissioner that is relevant to take into account. A candidate is ought to align with the principals, rather than being an independent agent. An independent agent with European ideals is less likely to be chosen by the Member States for a position in the Commission.

2.3 CHOOSING A CANDIDATE

When filling in the highest ranks, there is a code of conduct that states that the persons appointed to the Commission need to be guaranteed to be of the highest caliber (Bellier 2000, 141). Bellier mentions that competence should be the *only* reason and criterion for selection (2000, 141). Hooghe mentions this as well, where it is expected that selection should be based on merit, and that there is a standard that ensures proportionate representation of multiple nationalities at the highest positions of the EU (2002, 59). Moreover, Hooghe also mentions that top civil servants without a university degree are hard to find in the Commission (2002, 53). Wonka (2007) adds to this that governments mostly appoint Commissioners of whom considerable knowledge about earlier positions and performances in the political field is known in the government (185).

When looking at other factors that influence the appointment of an individual as a Commissioner, there is an argument to be made that is related to gender as well. Howorth (2011)

mentions, that since the 2009 Presidency of the Council and of the Commission had been filled by men, 'EU logic' obliged the third position, the HR position, to be filled by "*if possible, a woman*" (306). This suggests that the behind-closed-door politics also have significance in appointing people into positions of power, and establishing more gender equality in the Commission. When briefly looking into this argument, there was a clear trend that jumped out. Even though the Commission has not established gender quotas or any quotas at all (Hooghe 2002, 53), we see the following: In the first post-Lisbon period, Ashton became HR, Van Rompuy became Commission President and Barroso became Council President. Then, in 2014, Mogherini became HR, Juncker became Commission President and Tusk became Council President. And now, in 2019, we see a female Commission President, Von der Leyen, combined with a male HR, Borrell and a male Council President, Michel. The trend is that there has been one female in one of the top three positions of the EU, which may add to the argument of the importance of the balance grid that this thesis will construct later on in the research chapter. Something that is important to take into account, is that this balancing exercise is only seen at the highest level. Moreover, in the more recent Commissions there has been some type of quota for women, as Juncker (2014 Commission President) was obliged to at least match the number of women of the Barroso Commission, for it would otherwise not have been able to pass through the European Parliament (Keating and King 2014).

2.4 THE APPOINTMENT OF THE HIGH REPRESENTATIVE

From the broad discussion on how Commissioners come into office and how they behave as soon as they do, this literature review will now move towards the appointment of the HR. The HR position is not a normal Commissioner in the sense that the position holds more competences and a larger sphere of influence than normal dossier-based Commissioners do. Moreover, as we have seen in the introduction, the position encompasses the former External Relations Commissioner's dossier, including Vice Presidency of the Commission, and the leadership of the EEAS. Additionally, the HR holds a unique position as both member of the Council and the Commission.

The choice of regular Commissioners, and even more so the choice of HR is a choice that is of significant relevance for national governments. Therefore, the HR and Commission President are chosen through QMV in the Council. The candidate for the position consequently must be a competent leader and (perhaps logically) knowledgeable of the dossier he or she receives. For the HR, this dossier is always Foreign Affairs. The European Council on Foreign Relations (ECFR) explained 'a successful candidate' in an advert for the HR position (Janning 2014a). The author, Josef Janning, provided a list of criteria and tasks for the HR, and described a desired resume for the job. Janning wrote this list before the 2014 appointment round. Janning was the head of Berlin's office of the European Council

on Foreign Relations up to 2019 (ECFR n.d.). Janning published the criteria on the 9th of June 2014 in a Commentary series on the website of the ECFR. The article aimed at the debate that takes place after the appointment round, where one side of the debate praises the HR given the circumstances, and the other side will blame the HR for the underperformance of the EU on the global stage (Janning 2014b). The commentary aims to get ahead of this debate by announcing criteria, and the possibilities of candidacies for the position. Janning's background and knowledge in the field of foreign relations underline why his criteria are of high relevance in this debate. The criteria of a successful candidate are the following (Janning 2014a):

Firstly, the candidate should have sufficient knowledge on world affairs, experience in crisis management, a strategic sense, and a strong personal reputation. A significant network with other relevant foreign policy actors is a strong advantage (Janning 2014a). This criterion will henceforth be referred to as the 'Experience' criterion. Secondly, the candidate needs strong leadership skills, and great skills in negotiating ('Leadership') (Janning 2014a). Thirdly, the candidate has to be able to work with ambiguous tasks and bridge the gap between the President of Council and Commission ('Ability to work with ambiguous tasks') (Janning 2014a). And lastly, the candidate must be resilient to contradictory demands from either the Member States or of other EU institutions ('Resilience') (Janning 2014a).

These criteria provide a tangible list of what is desired for a HR before they enter office. Of course, this list constitutes what Janning would expect a successful HR to have, but it is of relevance for the selection process as well. Something that can be derived from this list is that someone with experience in the field of foreign affairs (at least) is desirable for the position. Additionally, having a reputation and a network in the relevant field is an advantage, which is something that can be of relevance for any Commissioner and their respective dossier. This also holds for the ability to be adaptable to the tasks they receive, and resilience to contradictory demands. However, for the field of CFSP, this resilience has to be significantly stronger since the position of HR navigates a domain that is still ruled by inter-governmental decision-making processes. Moreover, the HR position, especially right after it was improved in the Lisbon Treaties, was a position that was only met with expectations, and no clear job description. The first HR could make of the position what he or she desired, since there were no strict criteria to abide by, only expectations of what this new position could entail for the EU and coherence in the CFSP domain.

The aforementioned balancing exercise at the highest level of the EU is something that is only seen in post-Lisbon Commissions. The evidence that is presented for this is seen in Howorth (2011) where the notion of 'EU logic' is explained, and by Brown (2016). Howorth (2011) mentioned that with

Ashton's appointment in 2009, there was a balancing exercise that took place between small/big Member States, the political right/left, northern/southern Member States and male/female politicians at Europe's highest table. Brown explained this idea as well, that Ashton's appointment reflects the European need to strike political balance at the highest level (2016, 54). Ashton provided a great counterbalance to the relatively right-of-center, male politicians that took up the Commission and Council Presidencies. The arguments in these works have looked at Ashton's appointment, and that is where this thesis will contribute to the debate. Up until 2020, there have been three post-Lisbon HRs, and three appointment procedures through which they were selected for the position. This thesis will add to the argument that there is a large balancing exercise taking place at Europe's helm, and will do so by looking at the HR position in 2009, 2014, and 2019.

In summary, this literature review has showed the large theoretical landscape that surrounds the debate on how people get into positions of power in international institutions. By highlighting the tensions between Commissioners and Member States, the importance of the choice for an individual to become Commissioner for the Member States was demonstrated. This relevance makes up an interesting dichotomy between the interests of the Member States and the interests of the Commission, who according to the treaties, have to act in a broad 'general interest' of the Union (Consolidated version of the TEU, Article 17 (1), 2012). The HR is a significantly different position compared to other Commissioners and their dossiers, as the HR is working in a predominantly inter-governmental field of decision-making. The appointment of the HR is therefore a little different from other Commissioners, as explained in Article 18 TEU. This chapter demonstrated the importance of the choice of candidate for Member States, and most importantly, showed the relevance and the unique position and appointment process of the HR.

3 RESEARCH DESIGN

This chapter will explain the research design and methodology. After having defined the research puzzle of Ashton's appointment as the first post-Lisbon HR in the previous chapter, this chapter will start by introducing several methodologies that have previously been used in similar research. The respective methodologies and approaches will lead to the approach that will be used in this thesis: process-tracing. Following the methodologies, the sources and the case studies will be introduced. This paragraph will provide background on the case study and underline once more the relevance of this research.

3.1 METHODOLOGIES ADOPTED IN PREVIOUS RESEARCH

In attempting to find the most appropriate methodology for this thesis, it is relevant to look at methodologies that have been employed by similar research in the past. An interesting methodology to start with is Wonka's method (2007), which is focused on hypotheses surrounding the candidate Commissioners. Wonka stated that Member States are in charge when it comes to the appointment process of Commissioners, and there is much to be considered for governments when announcing the nomination (2007, 173). To answer the hypotheses, Wonka used a dataset to test his theoretical claims. His first hypothesis considered 'party inclusiveness' which represents that governments may find incentives to appoint a Commissioner with party affiliations to other parties in different Member States to influence policy preferences in the Commission (Wonka 2007, 178). The dataset that Wonka used consisted of the 215 Commissioners who served between 1958 and 2009 (2007, 178). The research of Wonka considered all positions within the Commission in the research, whereas this thesis is only concerned with *one* position in particular: The High Representative. Percentages and hypotheses as employed by Wonka are interesting for a larger N-study, but for a specific case study (as this chapter will introduce), this method is of little value.

Another approach to a similar problem is found in Deckarm (2017). Deckarm also employs a database, but Deckarm looks at how national preferences influence Commissioners and their cabinet formations. The database is compiled of data on over 1.000 people in 149 Commissioners' cabinets from 1995-2014 (including Juncker) (Deckarm 2017, 456). The database includes resumes, career platforms, and Commission webpages on the cabinet members, to find if nationality is linked to cabinet formation of the Commissioners (Deckarm 2017, 456-7). Deckarm's database, as well as Wonka's database, offers interesting insights, but is again focused on a larger N-study. For the purposes of this thesis, which is in essence a small N-study, this methodology of building a database and doing analysis accordingly is not appropriate nor relevant.

A smaller N-study methodology is employed by Andreas Dür (2008). Dür looks at the influence of interest groups in the EU, which on its own is not that relevant for this thesis. However, the note on methodology that the author proposes is interesting to take into account. Dür suggests 'methodological triangulation', in which process-tracing, assessing attributed influence, and preference attainment are combined into one methodology (2008, 562; 569). The article critiques all the aforementioned methodologies, of which process-tracing holds the most relevance for this thesis. Process-tracing is a methodology that can be well equipped for small-N studies, however a problem of process-tracing is, as Dür mentions, that because of its applicability to small-N studies, it is hard to draw generalizations from it (2008, 563). This problem is overcome in this thesis because there is no need to draw generalizations after the case studies are analyzed. Process-tracing looks at causal relations and outcomes and is used in this thesis to analyze the three tenures of the HRs in 2009, 2014 and 2019. The specific position that this thesis is focused on is held by only one person every five years, so there exists no necessity to draw generalizations when such a small number of incumbents is concerned. Therefore, process-tracing and finding causality to the outcome of the case study will be the methodology of this thesis. Moreover, this thesis will also use a comparison to compare the three appointment processes as we have seen in 2009, 2014 and 2019. By individually process-tracing the three High Representatives, similarities and differences among the politicians will be mapped out. In order to facilitate the process-tracing, the case studies will be supplemented by sources from EU Observer, Politico, the Guardian (national newspapers), European Commission documents, and EU press releases to give context to the appointment processes as they happened in 2009, 2014 and 2019.

3.2 THE CASE STUDIES

The case studies of this thesis are the appointments of Catherine Ashton, Federica Mogherini and Josep Borrell to the position of HR. As the literature review highlighted, there is a lot written on the Commission, and which factors determine appointment, and the tensions between the national and European political identities. Tying this back to the research question, there are interesting case studies that need to be discussed to answer the question: "Which factors determine the choice of an individual into a certain political role in an international organization?" This question calls for an alternative explanation of the appointment of the HR. After Lisbon we have seen Ashton take up this position. Howorth (2011) had the following to say about the appointment of the first post-Lisbon HR:

“Since the presidency of the Commission had already gone to Jose Manuel Barroso (a right of-centre male from a small Southern state), EU ‘logic’ dictated that one of the two remaining top jobs had to go to a left-of-centre politician from a large Northern state – if possible, a woman.”

- The ‘New Faces’ of Lisbon, Howorth (2011, 306)

This quote shows that, instead of appointing the most qualified person for the job, with competences as the sole reason for appointment as Bellier (2000) suggested, the HR position was appointed to someone who could fill out rather basic criteria. Of course, it is safe to say that Ashton abided by these criteria, but it was a controversial decision nonetheless. The research puzzle of this thesis can in other words be phrased as: Why did Ashton (and Mogherini and Borrell) get appointed, besides there being more experienced candidates for the HR position? This thesis adds to the argument of Howorth (2011) and Brown (2016) by including two additional case studies and showing that there is a similarity in all three cases. To establish a baseline to this research, Solana’s tenure will be briefly included in the first comparison. Where Solana was successful and regarded as an external relations heavy hitter, Ashton was an external relations novice. Solana was the ideal candidate for the position in 1997, and after Lisbon, candidates with less relevant field experience in this policy area kept being chosen for the position. The case studies will, besides process-tracing the appointments of Ashton, Mogherini and Borrell, raise the question if the HR position is actually a position that is made to be successful, or simply a political pawn to counterbalance the Council and Commission Presidencies.

Ashton was greeted with high expectations, and after she left office was met with disappointment (Helwig and Rüger 2014, 1). The literature review highlighted the expansive range of criteria for a HR to abide by in their appointment. However, this thesis seeks to ask which factor or factors weigh the heaviest. This question is the reason why Ashton’s case study is exceptionally appropriate to answer the research question. Because the position has only seen three post-Lisbon incumbents, the other two case studies are logically of Mogherini and Borrell. What explains their appointment in 2014 and 2019 respectively? And are those explanations comparable to the explanations on Ashton’s appointment? The following chapter will draw a comparison between the three politicians by process-tracing their appointments. It is important to consider that this thesis aims not to assess Ashton’s nor Mogherini’s tenures, nor Borrell’s tenure thus far. This thesis is solely focusing on their appointment processes, their political backgrounds and how they became High Representative of the Union for Foreign Affairs and Security Policy.

The comparison of the three HRs will take shape in a chapter in which their resumes before entering the position of HR will be held up to the Janning criteria. Then, their appointments are

process-traced, and include all (external) factors that provided the outcome of the respective HRs to enter office. Figures that are included in this chapter aid the main argument of this thesis, that the balancing criteria that Howorth (2011) and Brown (2016) spoke of exist, and that there is in fact an interesting balancing exercise taking place for the appointment of the top three positions for the EU. The visuals consist of a map of Europe, demonstrating the origin of the candidate for the position with transparent squares. On top of this map, a grid is placed. This grid shows a binary division of political affiliation on the horizontal axis vis-à-vis gender on the vertical axis. Included is the political family of the HR and the Commission President. This is not included for the Council President, as they have no record in the European Parliament and their respective political family there. However, the party family of the Council President will be named below the figure to support the Council President's position on the grid. A more detailed explanation of the visualization is included in the description box below the respective figure.

4 FRAMEWORK FOR ANALYSIS

Thus far, there is a list of criteria that can be derived from the literature. This list forms the foundation for this research and will facilitate the process-tracing method and the comparison between the three HRs. The Janning criteria (2014a) provide an excellent starting point for the list of factors that contribute to the appointment of an individual into a leading political role in the EU. The Janning criteria can be summarized as; experience and knowledge (with a relevant network as a strong advantage), strong leadership skills, ability to work with ambiguous tasks, and resilience to contradictory demands from Member States and other European institutions (Janning 2014a). Experience and leadership skills are the most important criteria of the Janning list, as ability to work with ambiguous tasks, reputation, and resilience to contradictory demands are criteria that are unmeasurable within the scope of this thesis. Smith (2003, 137) provided the assumption that Commissioners behave on their previous careers, which is why the inclusion of the experience criterion is of high relevance, especially for the HR position. These criteria are in line with the argument of Bellier (2000) and Hooghe (2002) as well, where competences and merit should be the only relevant criteria in the selection of a candidate for the position.

As we have seen in the literature, competences are not the only reason for appointment into leading positions in the EU. Howorth (2011) and Brown (2016) provided arguments in their research regarding Ashton's appointment in 2009. Their criteria can be summarized in a large overarching category of the 'Balance Grid'. As mentioned before in the literature, and as will be further highlighted in the following chapter, these criteria appear to be of more relevance when appointing a HR than the Janning criteria, merit, or skill. The balancing criteria are based on location, (North/South, East/West), size of the Member State (large/small), gender (male/female), and political affiliation (center right/center left).

The literature review also discussed national governments, and the behavior of Commissioners as relevant factors for the selection of an individual into a leading position in the EU. Interests of national governments, the balance of power between the HR, other Commissioners, the Commission and the Council, and the power of the European Parliament are other external factors that can contribute to the selection of an individual to become HR. Lastly, a factor that can only be discussed in context to Ashton's appointment is 'Compensation'. This factor is an external factor that can contribute to the appointment procedure of an HR but is not present in every case study that will be discussed in the following chapter. Nonetheless, this external factor is relevant to include in this research, as it provides insight into the appointment procedures of people into the top three positions of EU.

An interesting external factor that requires more explanation, is the 'Balance of Power' factor. With Solana, we have seen that the EU wanted to move forward, that the EU wanted to create more coherence in the CFSP field. When the position gained more competences in 2009 with the Lisbon Treaties, an external relations heavy hitter like Solana could have overpowered other Ministers of Foreign Affairs and other actors in this policy field. To prevent this from happening, as one of the reasons for her appointment, Ashton became the first post-Lisbon incumbent of the position. This 'Balance of Power' factor can be seen as a factor that reflects the stance of the Member States on the development of the CFSP. Had there been incentive to move forward in this policy area, the Member States might have made the decision to assign the HR position to an experienced and skilled foreign policy actor. However, as we will see repeatedly in the case studies, this desire of improving the CFSP by appointing a strong HR is not shared among the Member States.

This list of criteria is an indication of the factors that contribute to the appointment of the HR. This list of criteria is therefore the framework through which the analysis will be conducted. However, as the following chapter will show, one criterion does not weigh as heavy as the other. The Janning criteria seemed to matter less than the balance grid criteria in 2009. The following chapter will build on the arguments presented by Howorth (2011) and Brown (2016), by including Mogherini and Borrell as case studies to prove that there is a balance grid at the highest level in the EU, especially regarding the top three positions in 2009, 2014 *and* 2019. In order to prove that there is a balancing exercise taking place at the highest level, the previously announced method of process-tracing will be used.

5 APPLYING THE FRAMEWORK

The previous chapter explained the methodology and source material that are of relevance when researching the case studies. In this chapter, the research findings of the case studies with the previously introduced method of process-tracing will be introduced. The research puzzle and the specific research question related to Ashton's, Mogherini's and Borrell's appointment to the HR position will be answered in this chapter, and in the conclusion this specific question will be used to give an answer to the larger, overarching research question of this paper: **Which factors determine the appointment of an individual into a leading political role in the EU institutions?** In order to provide a full picture of the research puzzle, a short biography of each HR will be discussed briefly before the start of the analysis. This is necessary to see if the candidates abided by the Janning criteria (2014a). The differences between the three appointments in 2009, 2014, and 2019 will point to an interesting trend in the division of the top-three positions in the EU.

5.1 ASHTON

Catherine Ashton was born in 1956 in Upholland, Lancashire, England (Ray 2020a). After studying economics at Bedford College and earning a degree in sociology in 1977, she became a secretary in the Campaign for Nuclear Disarmament before starting a job in management consultancy in 1979 (Ray 2020a). In the 1990s, Ashton became a policy advisor, and in 1998 she became the head of the Hertfordshire health authority (Ray 2020a). Her political career continued, and in 1999 she was awarded a Labor life peerage by then Prime Minister Tony Blair (Ray 2020a). This title was appointed to her because of her work in building communities (EEAS n.d.). She then entered the House of Lords as Baroness Ashton of Upholland, of St. Albans in the county of Hertfordshire (Ray 2020a). After her investiture into the House of Lords, she was focused on human rights and educational issues, which manifested in her becoming junior education minister in 2001, and in 2002 she held the leadership position of a childhood-development initiative (Ray 2020a). In 2004, Ashton became minister for constitutional affairs, and in 2006 she was recognized as politician of the year by a gay and lesbian rights group in the UK (Ray 2020a). The appointment of Ashton to the position of leader of the House of Lords in 2007, by then Prime Minister Gordon Brown (Labor) gave her a pivotal role in providing the passage for the Lisbon Treaties to move through the House of Lords (Ray 2020a) (The appointment by Brown entailed that Ashton's political affiliations were with the Labor party). Her efficiency in this process earned her admiration from Barroso, the later (in 2009) President of the Commission (Ray 2020a). The stronger position of the High Representative now had to be filled, and this was a challenge that the European leaders faced at the time. Tony Blair was one of the candidates for the Council

Presidency, but after German and French opposition, Brown and Barroso vouched for Ashton to become the first post-Lisbon HR (Ray 2020a).

This brief biography of Ashton's political career up to 2009 shows interesting insights into her appointment. The framework of this thesis mentioned the Janning criteria (2014a) that provide a good starting point for defining what it entails to be a good candidate for the HR position. If we hold up Ashton's competences to the Janning criteria, it is apparent that she did not have the desired experience in the field of foreign affairs, nor an existing network of other foreign affairs actors all over the world, something that Janning described as 'a strong advantage' (2014a). The appointment of Ashton in the position of High Representative and additionally as Vice President of the Commission was a process that happened behind closed doors. According to Barber, Tony Blair and his non-appointment as Council President, urged the other Member States to give him and the UK something to 'compensate' them for their loss – which took shape with Catherine Ashton as the HR and VP of the Commission (2010, 56). The following paragraph will explain this process in more detail.

Ashton's appointment to the HR position surprised even herself (Palmer 2009), as she explained in an interview with John Barry (2010, 47). She described the initial reactions she received when she got the job and stated: "I would have been more upset had they welcomed my appointment" (Barry 2010, 47). Ashton's appointment was intricately linked to the withdrawal of Tony Blair for the Council Presidency, as Barber also mentioned (2010, 56). When trying to take a closer look at this process, it is interesting to look at news articles surrounding Ashton's appointment. Watt and Traynor wrote in *The Guardian* that it was a 'key moment' where the UK withdrew their support for Tony Blair's ambitions to become the Council President, and instead nominated Ashton for the position of High Representative (2009). The appointment of Ashton followed quickly after Blair's withdrawal for the Council Presidency. *The Sunday Times* wrote that early on Thursday evening, November 19th, 2009, Ashton received a text message from Barroso stating she had become the EU's first post-Lisbon HR (Oliver et al. 2009). Being the last of the three top positions in the EU to be chosen, this provided an opportunity for balance at Europe's helm, which will be explained later in more detail. Of course, Ashton would still need the approval of the Parliament, but it seemed she had already guaranteed the position. When looking at the list of criteria, this argument for Ashton's appointment falls under the 'Compensation' factor that can be seen as an external event. In the hearings of the Parliament, Ashton explained that she saw the position of the HR between the Council and the Commission as an asset and named the creation of the EEAS as her top priority (European Parliament 2010).

The cause of Ashton's appointment cannot solely be explained as 'compensation', nor contributed to Tony Blair's withdrawal and Barroso's text message. Brown (2016) explained that the

decision to appoint Ashton was also linked to the EU's need to strike a 'political balance between the Member States' (2016, 54). The author continues by explaining that Ashton's center-left political position was a great counterbalance to Van Rompuy and Barroso, two center-right politicians (2016, 54). Moreover, her nationality counted as well because Tony Blair had not become Council President – which favored her as she was a politician from a large northern European Member State (a nice counterbalance to Barroso's Portuguese roots) (Brown 2016, 54). This is something that was described by Howorth (2011) as well, where the author discussed Ashton's appointment with the earlier mentioned quote that included: "... EU 'logic' dictated that one of the two remaining top jobs had to go to a left-of-centre politician from a large Northern state – if possible, a woman" (Howorth 2011, 306). These sources suggest that Ashton's appointment had little to do with competences and the criteria as proposed by Janning (2014a). The sources suggest that Ashton was a candidate of convenience and coincidence, which Ashton would agree with as well, seeing her own surprise at her appointment. The aforementioned 'EU logic' and the attempt at political balance in 2009 are visualized in Figure 1:

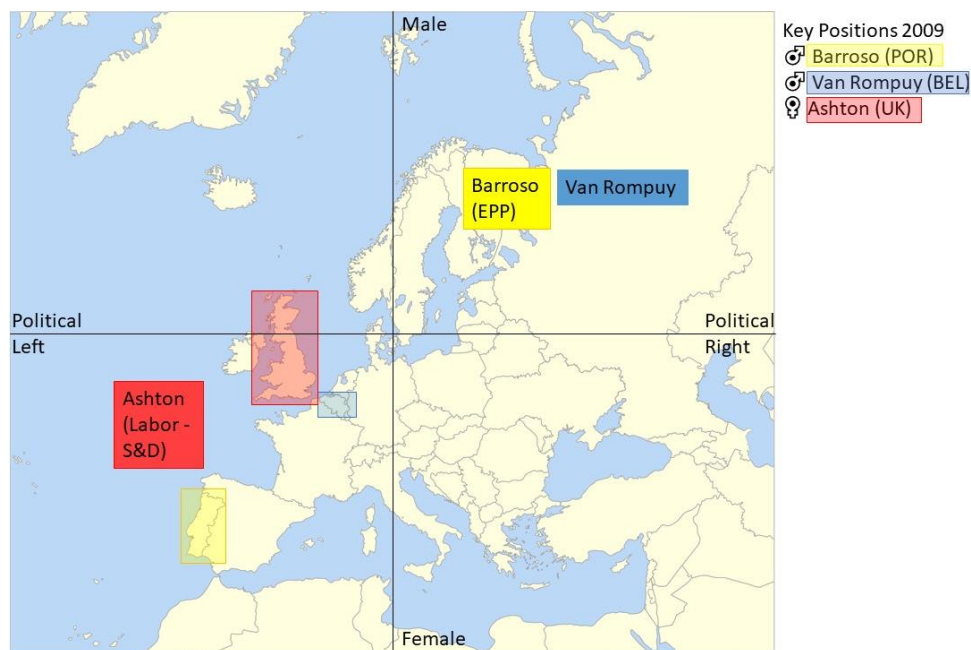


Figure 1; Visualization of the top three positions in the EU in 2009. Yellow is the Commission Presidency, Blue is the Council Presidency, and Blue is the High Representative. The transparent squares in the background represent the nationality of the top three leaders. The grid that is placed on top of the map shows the division of gender and political alignment among the leaders of the EU. The political family of Van Rompuy is Christian Democratic in Belgium and aligns with the EPP at the European level.

During Ashton's tenure she faced high expectations and a vague job description. The structure of the EEAS as she was designated to establish during her tenure was undefined and the same holds for the rest of her job description. It was largely up to Ashton what she made of the position, as there had been no precedent and only high expectations. The only person she could have been compared to was Solana, someone who had a grand reputation and was perceived as a heavy hitter in the field of

foreign affairs, but who experienced the position with little competences. Ashton's appointment to the HR position reflects a contradiction within the Member States. The Member States initially increased the competences of the HR position, and thereby suggested trust and ambition to move forward in the CFSP field. Consequently, the Member States appointed an individual who abided by elementary (arcane) criteria, suggesting that they chose a relatively unexperienced HR. This can be interpreted as a hesitance of the Member States to move forward with the CFSP after all. By appointing someone with less experience in the field, the Member States ensured a relatively slow progress in the development of the CFSP field. Ashton's appointment, especially with a predecessor who had significant experience and a formidable reputation, was questionable.

5.2 MOGHERINI

This paragraph will provide a brief biography of Mogherini's political career up to her appointment as the HR in 2014, after which the appointment process of Mogherini into the HR position will be looked at more closely. Mogherini was born in Rome in 1973 (Ray 2020b). In her studies, Mogherini graduated with a degree in political science (Ray 2020b). In the mid-1990s, Mogherini became a volunteer with the Council of Europe and joined forces on the 'All Different, All Equal' campaign (Ray 2020b). After having served in the European Youth Forum, Mogherini joined the National Council of the Democrats of the Left in Italy (Ray 2020b). Following a merger with the Daisy party in Italian politics to form the Democratic Party, Mogherini became the chair of the new party (Ray 2020b). Subsequently, 2008 saw the election of Mogherini to the Italian parliament and her membership to both the foreign affairs and the defense committees (Ray 2020b). In her first term she served the Italian delegation to the Council of Europe's Parliamentary Assembly, and she got reelected in 2013 (Ray 2020b). In this term, she was still a member of the defense and foreign affairs committees and served on the Italian delegation to NATO (Ray 2020b). In August 2014, Mogherini became the second post-Lisbon HR, when only six months prior to this prestigious position she was handed the Italian portfolio on foreign affairs officially (Ray 2020b).

This brief biography of Mogherini's political career and studies shows that compared to Ashton, she had some experience in the field of foreign affairs. Referring back to the Janning criteria, we see that Mogherini abides by the 'experience' criterion, and since she was part of the Italian Parliamentary delegation to NATO, there is a high chance that she enjoys the 'strong advantage' with her network, as Janning described (2014a). However, on her leadership skills and experience, Ray (2020b) also explained a critique on Mogherini: her age. She was Italy's youngest foreign affairs minister and becoming the HR at 41 is something that worried the critics. As for the other criteria, Mogherini's leadership skills may not have developed as much as Ashton's had during her political career, but to

disregard her leadership skills simply because of her age is unfair and not relevant for the argument of this thesis. However, Mogherini did have something that Ashton had to establish for herself: the EEAS. Moreover, Mogherini had the example of Ashton to look at, and having a precursor who held the same position with identical competences did allow her to learn from Ashton's tenure. Based on the Janning criteria, Mogherini is seemingly an appropriate candidate for the HR position.

The appointment procedure of Mogherini went significantly different compared to her predecessor. Matteo Renzi, the Italian Prime Minister at the time, was determined to have Mogherini take up the top position in the EU (Wright 2014; *Italian Paper Assesses Minister's Chances of Winning*, 2014). Despite the clear opposition of Eastern European countries to Mogherini's appointment, the Italian government still moved forward in the process because of Renzi's conviction that the opposition to Mogherini's appointment could never reach a blocking minority in the Council (Wright 2014). The opposition of the Eastern states originated from the political context at the time. Russia posed a threat to some EU Member States, in particular, the Baltic States (Wright 2014). Italy's strong economic ties with Russia and Mogherini's respect for Russian interests that she showed in an earlier visit to the Russian capital had raised concerns in the aforementioned states (Wright 2014). Suggested candidates that would lower the concerns could have been Swedish foreign minister Carl Bildt, a great example, someone with a stricter view on Russia, and a politician with a lot more experience in the field of foreign affairs (Wright 2014). This raises the question why Mogherini managed to land the position in 2014, and not the foreign affairs 'giant' Carl Bildt.

Mogherini becoming the HR can be attributed to another external factor that played an important role when the Commission was formed. Juncker, the Commission President, was struggling to fill the number of women in his college, as it had to be matched with the same number as Barroso II, which was nine (Keating and King 2014). This number was also pressed into Juncker's agenda, when Schulz, the then President of the European Parliament, said that a number of women less than eight was unacceptable for the Members of the Parliament (MEPs) (Keating and King 2014). Juncker's struggle meant that in order to facilitate the gender balance in his college, he needed a female HR and another female Commissioner from Poland, who had initially put forward a male candidate for the foreign affairs dossier, Radek Sikorski (Keating and King 2014). Not only the balance between gender on Juncker's college was of relevance when establishing the Commission, political affiliations are also influential in deciding who enters the college. The country of origin of the Commissioners is also of relevance, especially for the key positions in the EU. Importantly, there is a similarity between Mogherini and Ashton in the appointment process; out of the top three positions in the EU, theirs was the last to be filled. This effectively makes the position suitable to create the balance that the EU looks for in its top three positions. These balance grid factors proved to favor Mogherini (*Italian Paper*

Assesses Minister's Chances of Winning, 2014). Again, with Mogherini we have seen that competences and experience seem to matter less regarding the appointment of the HR. For a position that holds such importance within the EU, it begs the question if this position is meant to be successful, or if it is simply a pawn in establishing the aforementioned balance grids between male/female, North/South, East/West and political affiliations.

Something that is also of relevance to include in this analysis, is the actual outcome of the balance grid exercise of Juncker and the European Council and Parliament. The power grid of the 2014 key positions in the EU is displayed below in Figure 2:

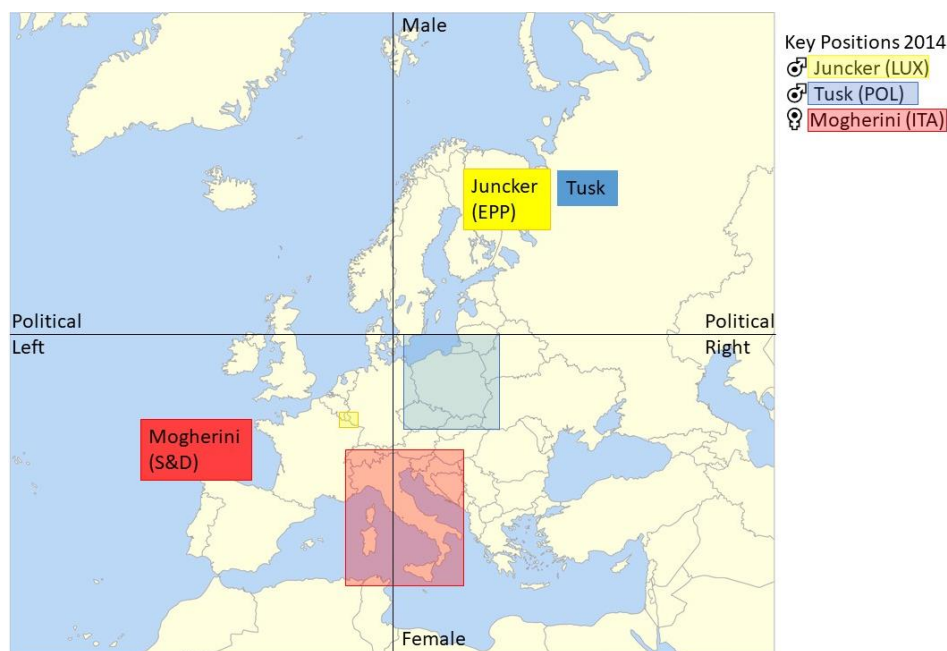


Figure 2; Visualization of the top three positions in the EU in 2014. Yellow is the Presidency, Blue is the Commission Presidency, and Blue is the High Representative. The transparent squares in the background represent the nationality of the top three leaders. The grid that is placed on top of the map shows the division of gender and political alignment among the leaders of the EU. The political family of Tusk in Poland is Conservative/Liberal Christian democratic and aligns at the European level with the EPP.

Interestingly, we see a clear similarity between Ashton and Mogherini in this regard. Where in Ashton's case Barroso (Male - Portugal – South – small/medium Member State) and Van Rompuy (Male - Belgium – North – small Member State) (Howorth 2011, 306) took up the other two key positions in the EU and required a large northern Member State woman to take up the third key position, we see a clear attempt at finding balance again with Mogherini. Tusk (Poland – East – large Member State) and Juncker (Luxembourg – North – small Member State) required a HR from a large southern Member State, preferably a woman. This image shows the balance grid that was exercised in 2014. This figure shows that there has been an attempt to balance the center-right positions of Tusk and Juncker, who were also both male, with Mogherini, a left-of-center social democrat female as HR.

5.3 BORRELL

Mogherini's successor and the current HR is Josep Borrell Fontelles. This paragraph will outline a brief biography of Borrell Fontelles, henceforth referred to as Borrell, after which the case study continues with an analysis of the appointment process of this HR. Borrell has been in office since 2019. Borrell was born in 1947 in a village in Catalonia in Spain, and has several degrees under which a Bachelor in aeronautical engineering, a Master's degree in applied mathematics and oil industry economics and technology, and a Doctorate in economic science (European Commission 2019). Borrell is a member of the Spanish Socialist Party (PSOE), which in Europe aligns with the Progressive Alliance of Socialists and Democrats (S&D) (European Commission 2020). After having been a mathematics professor at the University of Madrid up to 1982, Borrell entered government and became Secretary-General for Budget and Public Expenditure and in 1984, he became State Secretary for Treasury in Spain (European Commission 2019; Torres 2019). Borrell has been member of the Spanish parliament since 1986, and was Minister of Public works, Transport, Telecommunications, and the Environment from 1991-1996 (European Commission 2019). Between 2004 and 2007, Borrell was President of the European Parliament, and he joined the European Parliament from 2007 -2009 as the Chair of the Committee on Development (European Commission 2019). In 2018, Borrell became the Minister of Foreign Affairs, the European Union, and Cooperation in Spain, and after only one year in this function, he became the new HR of the EU.

The brief biography of Borrell that was discussed in the previous paragraph shows that Borrell does have some (one year) experience in the field of foreign affairs. Comparing Borrell's resume and biography to the Janning criteria of experience, leadership, ability to work with ambiguous tasks, and resilience to contradictory demands, it is apparent that Borrell does have some experience in this field, which is an absolute prerequisite. The network that is described as a strong advantage may be lacking, however, Borrell was the President of the European Parliament in 2004, which undoubtedly also brought him into contact with a valuable network of influential people. Torres (2019) wrote that Borrell's contacts from his time at the Parliament increased with big names such as Costa (the current Prime Minister of Portugal) and Pierre Moscovici (former Commissioner). As for the leadership skills, Borrell has held many leadership positions as minister, chair, and President of the Parliament. This makes him the HR with the most experience in leadership. The two final criteria of working with ambiguous tasks and resilience to contradictory demands still must be assessed, as these criteria are difficult to measure beforehand. Following these criteria, Borrell is an appropriate candidate for the position.

The appointment procedure of Borrell in 2019 surrounded him in criticism about his age, career, personality, and outspokenness. Where Mogherini took up the position of HR at age 41, Borrell did so

at age 72. Torres (Politico) worried that his age might be a disadvantage when looking at the busy traveling schedule the average HR has had in the past (2019). Something that is of relevance however is the fact that, Borrell had, before his appointment, 'ruffled some feathers' in Russia, the US and the UK, and is described by Politico as "Europe's undiplomatic envoy" (Torres 2019). EU Observer adds to this that the aforementioned 'ruffling of feathers' is due to the fact that Borrell is famous for saying controversial things, by for example naming Trump as a 'hostile voice towards the European project' and China as a 'systemic rival' (Sánchez Nicolás 2019). Lastly, Borrell could find difficulties in the EU diplomacy in the Balkans, as Spain does not recognize Kosovo as a sovereign state (Torres 2019).

The article continues by explaining that Borrell's nomination was part of a top jobs package (Torres 2019). This package would ensure that Von der Leyen would take up the Commission Presidency and Michel the Council Presidency (Torres 2019). This is an interesting difference from the previous two appointments, where the HR position was the last position to be filled, effectively making the position useful in creating the balance that the EU seems to look for in its top positions. This raises the question if Borrell was the balancing factor in a similar way to Ashton and Mogherini, or that Von der Leyen, the first female Commission President was the balancing factor in this Commission.

Contrary to the previous appointment procedures to the HR position, Borrell received little support from the Catalan government, which had written letters to Members of the European Parliament and other EU governments, accusing Borrell of espionage over Catalonia's overseas missions (Torres 2019). The lack of support from the Catalan government originated from Borrell's opposition to the Catalanian independence from Spain, even though he himself is Catalanian. When the appointment process moved forward to the Parliamentary hearings, more controversy sparked when the European Parliament questioned Borrell about his financial declarations (Sánchez Nicolás 2019). His ties to three large companies raised questions in the Parliament, as it was argued that the top diplomat of the EU should not have any ties or interests located with large companies (Sánchez Nicolás 2019).

The European Council, under the Presidency of Tusk, nominated Borrell for the position of HR, with Von der Leyen as the Commission President and Michel as the new President of the Council. The previous section on Mogherini pointed to a trend in the appointment of the HR, and the most influential factors that contribute to the appointment of someone into a leading position in the EU. Nationality, gender, and political affiliation are the main factors, as both Mogherini and Ashton abided by these criteria before becoming HR. In 2019, Von der Leyen took the position of the first female Commission President. Von der Leyen, from the European People's Party, is oriented on the political right. The new Council President, Michel, the former Belgian Prime Minister is also oriented on the

political right, and his party aligns with ALDE in the European Parliament. Knowing that Borrell is a Spanish socialist, it is already becoming clear that at the assignment of the top three positions took political affiliations greatly into account. Figure 3 shows the balance grid of the EU as attempted in 2019:

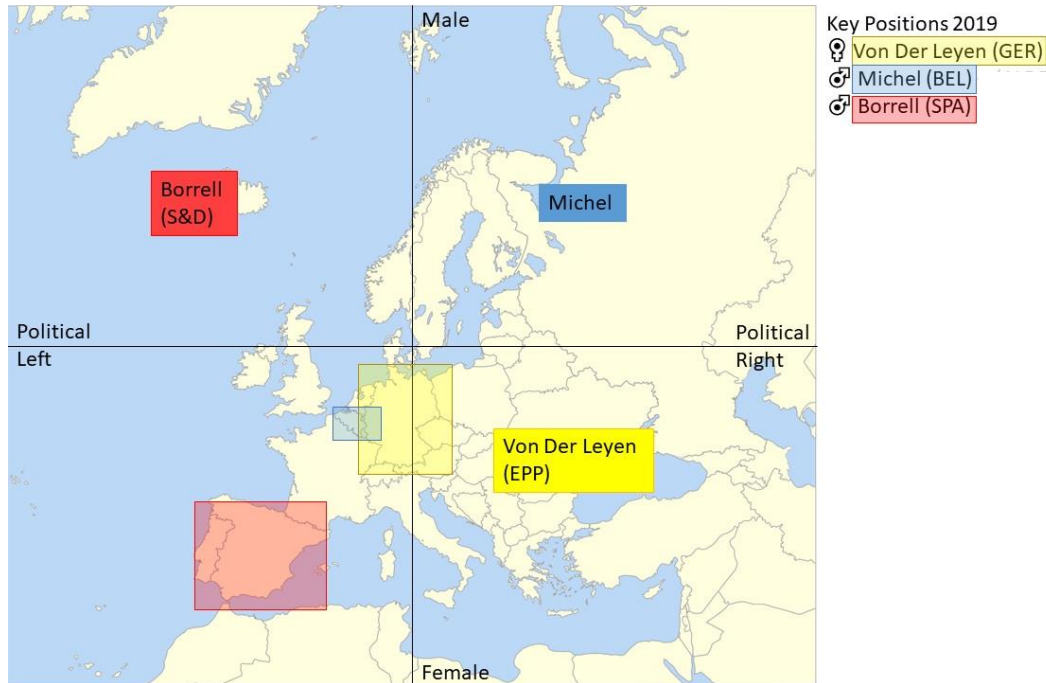


Figure 3; Visualization of the top three positions in the EU in 2019. Yellow is the Commission Presidency, Blue is the Council Presidency, and Blue is the High Representative. The transparent squares in the background represent the nationality of the top three leaders. The grid that is placed on top of the map shows the division of gender and political alignment among the leaders of the EU. The political family of Michel in Belgium is liberal and is aligned with ALDE on the European level.

As this figure shows, it is a clear balancing triangle between the top three positions in the EU. The political affiliations are clearly divided on the grid, showing that there is a balance between the political right and left at Europe's helm. Moreover, as the map shows, there is again a clear balance between North and South. Michel from Belgium, a northern state, Von der Leyen from Germany, also a northern state, and then as a counterbalance Borrell from a southern state. The one difference between the balancing exercises in 2009, 2014, and 2019, is Von der Leyen. Since there now is a female right-of-center Commission President, a male left-of-center HR can enter office. The question who the balancing factor is in the top three in this current Commission, is still to be defined. In the balance criterion of gender it would be Von der Leyen, but regarding the criterion of political affiliations, Borrell as the HR is the balancing factor, which is in line with the function of the HR that was demonstrated in the case studies; as a balancing pawn for the EU leaders. The appointment of Von der Leyen and concurrently the abandonment of the *Spitzenkandidaten* system is undoubtedly linked to the European Parliament. If Von der Leyen had not been a woman, it is unlikely that she would have been allowed by the Parliament to take up the Commission Presidency. The Parliament, with 383 favorable

votes, finally elected ‘outsider’ Von der Leyen for the Commission Presidency (European Parliament 2019). Since Borrell was appointed in a package with Von der Leyen and Michel at the same time, it is hard to see who the balancing factor of the top three positions was in 2019.

5.4 SUMMARY OF THE RESEARCH FINDINGS

As the research findings have shown, capabilities, experience and the other Janning criteria (2014a) do not always hold when it comes to the appointment of the HR. Experience, network, and knowledge of foreign affairs *should* be a deciding factor when it comes to the appointment. Rather, it seems that nationality, political affiliation, and gender are the predominant factors that weigh in on the appointment of the HR. The case studies showed evidence that there is a clear balancing exercise taking place for the highest seats of the EU. For the EU’s top diplomat and chair of the Foreign Affairs Council these balance criteria sound elementary. It seems that the HR is a counterbalance to a right-wing Presidency of the Council and Commission. Figure 4 shows an overlap of all balance grids as proposed in the case studies:

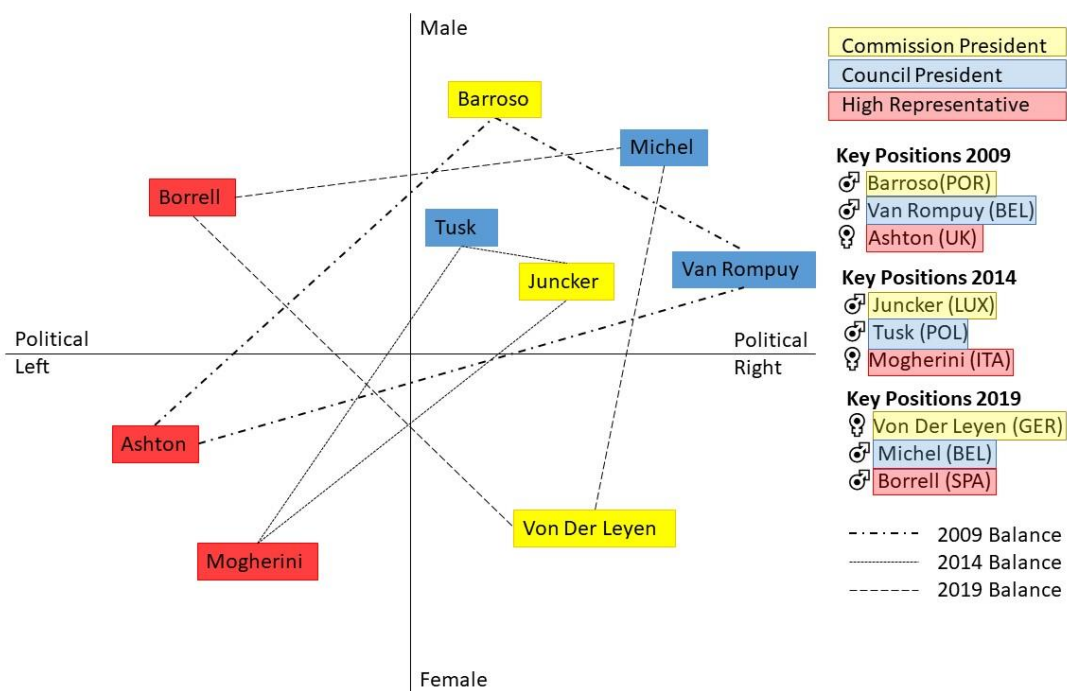


Figure 4; Visualization of the three key positions in the EU in 2009, 2014 and 2019. Yellow represents all Commission Presidents, blue all Presidents of the Council, and red all High Representatives. This grid is mainly based on political affiliation and gender. Please note that both the vertical and horizontal axis are a binary division of gender and political affiliation. There is no scale in political affiliation nor gender represented in this visualization.

Figure 4 highlights (in the legend) that in each tenure, the gender division has been 2:1, two males and one female. Additionally, the same correlation holds often for the big/small Member State divide. The division has in two out of three case studies been assigned to two large Member States and one small Member State. An observation that is of relevance and visible in this infographic, is that all High Representatives have been oriented on the political left. This is to provide a balance to the

predominantly right presidencies of the Council and Commission. According to this graph, gender and nationality are influential in the division of the top three seats at the top of the EU, but political affiliation is the most important factor in the balance grid, assuming that in each case the HR was the position that provided the balance in the top three positions. Because Borrell's appointment happened simultaneously with Von der Leyen's, this conclusion holds only to a limited extent. Namely, if Von der Leyen was the balancing factor in the top three positions in the previous appointment period, gender can be named as the most influential factor in the appointment of an individual into a leading position in the EU.

6 CONCLUSION

In conclusion, there are multiple factors that influence the choice of an individual to be appointed into a leading position in the EU. As we have seen, there is an interesting balancing exercise that takes place at the EU's highest stage. The Janning criteria of experience, resilience, ability to work with ambiguous tasks, and leadership, are a nice starting point in finding an appropriate candidate for the HR position. As the literature mentioned, the appointment of candidates *should* be based on merit and expertise. However, the factors that seem to be of more relevance are nationality, political affiliation, and gender. The case studies have empirically shown that the 'EU logic' and balance grid actually exist and are highly influential in deciding who gets a chair at the highest table in the EU. In answering the research question **which factors determine the appointment of an individual into a leading political role in the EU institutions?**, all factors that were mentioned in the framework seem to still be of relevance when looking at the case studies. However, it is safe to say that nationality, gender, and political affiliations are the most influential factors. This makes the balance grid factor the most important factor in the process of appointing someone into a political role in the EU. The evidence in the previous chapter underlines that there is a balancing exercise at the highest level at the EU. This new evidence of the balancing exercise supports the arguments made in previous articles of Howorth (2011) and Brown (2016), and proves that competences matter less than nationality, gender, and political affiliations. The previous chapter appointed the political affiliation as the most influential factor in the choice of an individual into the HR position, because of the trend that this research pointed out. All politicians in the HR position have been left-of-center, whereas the Commission and Council Presidencies have been right-of-center.

The question that was raised before about the creation of the HR, and whether or not the position was created to be successful or simply as a pawn to act as a balancing factor in the EU's top three positions, has no answer as of yet. The arguments of the case studies of Ashton and Mogherini do point in this direction, that the HR was simply a position to balance the top positions in the EU. However, Borrell (to a certain extent) breaks this trend. It could be argued that Von der Leyen can be seen as the balancing factor in this Commission. However, this is more apparent in the cases of Ashton and Mogherini because besides the fact that they abided by the balance grid criteria, they were chosen last to balance the other positions out. Borrell was chosen in a package with Von der Leyen and Michel around the same time, so it cannot be said that Borrell fulfilled the same role as Ashton and Mogherini as a counterweight to male, center-of-right Council and Commission Presidencies.

One factor that has only been explained to a limited extent in this thesis is the factor of compensation, which was mentioned as an external factor in the list of criteria for the HR. The

compensation is a factor that was mainly seen with Ashton's appointment in 2009, as Tony Blair had not obtained the first semi-permanent Council Presidency seat. Another instance in which we have seen compensation is not in a HR-case, but in a case that has taken place in the 2019 appointment round. Frans Timmermans became a 'first Vice President' of the Commission and was to a certain extent compensated for the fact that he was not chosen as a *Spitzenkandidat* to take up the position of Commission President. The creation of this position for Timmermans shows that compensation of Member States for leading positions is an influential external factor that can contribute to becoming appointed into a leading position in the EU. The case of Timmermans is a case study that would be interesting for future research, as this is a development that is unprecedented in the EU and aimed at satisfying one Member State in particular: the Netherlands. Maybe the fact that the Netherlands was often closely partnered with the UK in debates, and therefore a relatively Eurosceptic nation, had influence on the appointment of Timmermans as the first Vice President of the Commission as well.

Moreover, a question that may be of relevance for further research is the political orientation of the HR. All incumbents of the position have been left-of-center. In the still intergovernmental area of the CFSP, it would be interesting to conduct research on the political positioning of the HR in their political parties, and if this reflects the position and hesitancy of Member States to improve cooperation in the CFSP area.

All in all, the HR is a highly relevant position in the EU. The factors of relevant knowledge and experience that one would think that makes an individual eligible for the position seem redundant, as nationality, gender, and, most importantly, political affiliation take the foreground in the appointment process of an individual into a leading position in the EU. The three case studies showed a clear trend and proved that a balancing exercise is taking place for the top three positions of the EU. Whether this has positive results or not, is still up for debate, but this research proves that 'EU logic' and the balancing exercise of the top positions exist at the highest level of the EU. If ever in the future Kissinger decides to call Europe again, there will be someone who answers the phone. Whether it is the most appropriate respondent to the call, remains questionable at least.

7 BIBLIOGRAPHY AND REFERENCE LIST

7.1 PRIMARY MATERIAL

- Barry, John. 2010 "Catherine Ashton." *Newsweek* 156, no.26/1: 47.
- Black, I. "Europe's gleesome foreign affairs threesome, Javier Solana..." *The Guardian*, July 15, 2002.
- Consolidated Versions of the Treaty on the European Union [2012] OJ C326/01.
- Coss, Simon. 2001. "Germany and France push for end to Patten-Solana confusion." *European Voice*, November 29, 2001.
- European Commission. 2019. "Josep Borrell Fontelles." Last modified on October 23, 2019. Accessed June 24, 2020. https://ec.europa.eu/commission/commissioners/sites/comm-cwt2019/files/josep-borrel-fontelles-cv_0.pdf
- European Commission. 2020. "Code of Conduct for Members of the European Commission Annex 1 – Declaration of Interests." Accessed June 24, 2020. https://ec.europa.eu/commission/commissioners/sites/comm-cwt2019/files/commissioner_declarations/declaration-of-interests-borrell-fontelles_en.pdf
- European Council on Foreign Relations (ECFR). n.d. "Josef Janning." European Council on Foreign Relations – Experts & Staff: Alumni. Accessed July 2, 2020. https://www.ecfr.eu/profile/category/josef_janning
- European External Action Service (EEAS). n.d. "The High Representative of the Union for Foreign Affairs and Security Policy." Archived on January 22, 2015. http://www.eeas.europa.eu/archives/ashton/index_en.htm
- European Parliament. 2010. "Summary of the hearing of Catherine Ashton – Foreign Affairs." *Hearings – Institutions*. Committee on Foreign Affairs Press Release January 11, 2010. <https://www.europarl.europa.eu/sides/getDoc.do?language=en&type=IM-PRESS&reference=20100108IPR66978>
- European Parliament. 2019. "Parliament elects Ursula von der Leyen as first female Commission President." European Parliament Press Releases. <https://www.europarl.europa.eu/news/en/press-room/20190711IPR56824/parliament-elects-ursula-von-der-leyen-as-first-female-commission-president>
- "Italian paper assesses minister's chances of winning top EU foreign policy post." 2014. *BBC Monitoring European* (London), August 20, 2014. (Original newspaper: Corriere della Sera)
- Janning, Josef. 2014a. "High Representative of the Union for Foreign Affairs and Security Policy." European Council on Foreign Relations (ECFR). Published on June 9, 2014. Accessed June 14, 2020. https://www.ecfr.eu/page/-/High_Representative_advert.pdf
- Janning, Josef. 2014b. "Seeking a High Representative." European Council on Foreign Relations (ECFR). Published on June 9, 2014. Accessed July 2, 2020. https://www.ecfr.eu/article/commentary_seeking_a_high_representative271

- Keating, Dave, and Tim King. 2014 "Women commissioners: Juncker struggles to reach eight." *Politico* August 27, 2014. <https://www.politico.eu/article/women-commissioners-juncker-struggles-to-reach-eight/>
- Oliver, Jonathan, Isabel Oakeshott and Bojan Pancevski. 2009. "Baroness Ashton: EU couldn't make it up." *The Sunday Times*, November 22, 2009. <https://www.thetimes.co.uk/article/baroness-ashton-eu-couldnt-make-it-up-zcl2d2fndpj>
- Palmer, John. 2009. "Ashton underlines EU's significant moment." *The Guardian*. November 20, 2009. <https://www.theguardian.com/commentisfree/2009/nov/20/cathy-ashton-european-union>
- Rachman, Gideon. 2009. "Kissinger never wanted to dial Europe." *Financial Times*. July 22, 2009. <https://www.ft.com/content/c4c1e0cd-f34a-3b49-985f-e708b247eb55>
- Sánchez Nicolás, Elena. 2019. "Borrell: from controversy to EU's top diplomat." *EU Observer* September 30, 2019. <https://euobserver.com/political/146106>
- Torres, Diego. 2019. "Josep Borrell: Europe's undiplomatic envoy." *Politico* July 30, 2019. Updated on August 4, 2019. <https://www.politico.eu/article/josep-borrell-europe-undiplomatic-envoy/>
- Walker, Martin. 2002. "The tools of EU foreign policy." *Europe*, September 1, 2002.
- Watt, Nicholas, and Ian Traynor. 2009. "Tony Blair out of EU race, but Britain provides new foreign minister." *The Guardian*, November 20, 2009. <https://www.theguardian.com/world/2009/nov/19/eu-president-foreign-minister-ashton>
- Wright, Thomas. 2014. "Mogherini is the Wrong Choice for Europe." *Brookings*, August 28, 2014. <https://www.brookings.edu/blog/up-front/2014/08/28/mogherini-is-the-wrong-choice-for-europe/>

7.2 SECONDARY LITERATURE

- Barber, Tony. 2010. "The Appointments of Herman van Rompuy and Catherine Ashton." *Journal of Common Market Studies* 48: 55-67.
- Bellier, Irène. 2000. "A Europeanized Elite? An Anthropology of European Commission Officials." In *European Studies, Europeanization: "Institutions, Identities and Citizenship,"* edited by Robert Harmsen and Thomas M. Wilson. Leiden, The Netherlands: Brill | Rodopi: 135-156.
- Brown, Stuart A. 2016. *The European Commission and Europe's Democratic Process: Why the EU's Executive Faces an Uncertain Future*. Springer.
- Chari, Raj and Francesco Cavatorta. 2003. "The Iraq War: killing dreams of a unified EU?" *European Political Science* 3, no.1: 25-29.
- Deckarm, Renke. 2017. "The Countries They Know Best: How National Principals Influence European Commissioners and Their Cabinets." *Journal of European Public Policy* 24, no. 3: 447-66.
- Dür, Andreas. 2008. "Measuring Interest Group Influence in the EU: A Note on Methodology." *European Union Politics* 9, no. 4: 559-76.
- Helwig, Niklas and Carolin Rüger. 2014. "In Search of a Role for the High Representative: The Legacy of Catherine Ashton". *International Spectator* 49, no. 4: 1-17.

- Hix, Simon. 2008. "Towards a Partisan Theory of EU Politics". *Journal of European Public Policy*.
Journal of European Public Policy: 1254-1265.
- Hooghe, Liesbet. 2002. "Men (and Women) at Europe's Helm." In *The European Commission and the Integration of Europe: Images of Governance*: 31–66. Themes in European-Governance. Cambridge: Cambridge University Press.
- Killermann, Kira. 2016. "Loose Ties or Strong Bonds? The Effect of a Commissioner's Nationality and Partisanship on Voting in the Council." *JCMS: Journal of Common Market Studies* 54, no.6: 1367-383.
- Larivé, Maxime H. A. 2014. "Has the High Representative Been the Unquestioned Figure in the Making of the EU as a Global Actor?" in *Debating European Security and Defense Policy: Understanding the Complexity*. Farnham, Surrey, England: Routledge. Global Interdisciplinary Studies Series: 163-186.
- Mirschberger, Michael. 2012. "Who Leads the EU? Competences, Rivalry and a Role for the President of the European Council, the High Representative." In *The Treaty of Lisbon and the Future of European Law and Policy*, edited by Martin Trybus and Luca Rubini. Edward Elgar Publishing: 15-33.
- Napel, Stefan and Mika Widgrén. 2006. "The European Commission-Appointment, preferences, and institutional relations." *Public Choice* 137: 21-41.
- Nugent, Neill. 2017. *The Government and Politics of the European Union*. 8th ed. Palgrave Macmillan.
- Ray, Michael. 2020a. "Catherine Ashton." *Encyclopaedia Britannica*, Encyclopaedia Britannica Inc, March 16, 2020. <https://www.britannica.com/biography/Catherine-Ashton-Baroness-Ashton-of-Upholland>
- Ray, Michael. 2020b. "Federica Mogherini." *Encyclopaedia Britannica*, Encyclopaedia Britannica Inc, June 12, 2020. <https://www.britannica.com/biography/Federica-Mogherini>
- Smith, Andy. 2003. "Why European Commissioners Matter." *Journal of Common Market Studies* 41, no 1: 137-155.
- Wonka, Arndt. 2007. "Technocratic and independent? The appointment of European Commissioners and its policy implications?" *Journal of European Public Policy* 14, no. 2: 169-189.