



# ‘It’s about implementation’

EU democracy promotion in Armenia and  
its influence on electoral policies

**Masterthesis:**

*'It's about implementation'*: EU democracy promotion in  
Armenia and its influence on electoral policies

Jurriaan van Hellemond: s4351339

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Supervisor: Dr. Olivier Kramsch

Second reader: Dr. Martin van der Velde

**Radboud University**



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## List of Abbreviations

AA—Association Agreement	HR — Human Rights
ANC — Armenian National Congress	ICHD — International Center for Human Development
ALDE —Alliance of Liberals and Democrats for Europe	IFES — International Foundation for Electoral Systems
AP—Action Plan	IGO — International governmental organization
CAQDAS – Computer Assisted Qualitative Data Analysis Software	NGO — Non-governmental organization
CEC — Central Electoral Commission	NIP—National Indicative Program
CGPEM—Code of Good Practices in Electoral Matters	ODIHR—Office for Democratic Institutions and Human Rights
CoE — Council of Europe	OSCE – Organization for Security and Cooperation in Europa
CU—Custom Union	OSF/OSI — Open Society Foundation
DCFTA—Deep and Comprehensive Free Trade Agreement	PACE—Parliamentary Assembly of the Council of Europe
EaP—Eastern Partnership	PCA—Partnership and Cooperation Agreement
EEAS—European External Action Service	PEC — Precinct Electoral Commission
EEG—European external governance	RA—Republic of Armenia
ENC—European Neighborhood Countries	RSC — Regional Studies Center
ENP — European Neighborhood Policy	TEC— Territorial Electoral Commission
ENPI—European Neighbourhood and Partnership Instrument	TI — Transparency International
EOM—Electoral Observation Mission	UN — United Nations
EP—European Parliament	USA—United States of America
EU — European Union	USSR—Union of Soviet Socialist Republics
EPP — Europeans People Party	VC—Venice Commission
EUFoA—European Friends of Armenia	YSU—Yerevan State University
GO's — Governmental Organizations	

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# 1. Introduction

Europe's eastern borders have been a contested space ever since the disintegration of the Soviet-Union in the 1990's. Current day European and EU political strategies focus on finding and building new relationship with the countries in this Post-Soviet space. Armenia is one of the countries targeted by these strategies and the main actor in this research.

In using my master's programme specialization: borders, identity and governance I present an explanation and justification for this research topic and choice for Armenia. The influence of the EU doesn't stop at the border of its member states. The EU has become a global power, influencing policies and politics all over world, with its borders becoming a prime target. European identity and its values have spread accordingly, with democratization processes and adoption of European values apparent south- and eastwards of Europe; Armenia is also targeted in this regard. Governance as a concept deals with the development of mutual agreed policies and practices: Armenia and the EU have been actively developing policies together in the past and research on the recently changed dynamics in the region is useful and valuable for both EU and Armenian policymakers.

This introduction provides an additional research background on the EU as well as Armenia and defines the main research questions and goals. Furthermore, the scientific and societal relevance of this thesis is also presented.

## 1.1 EU: the ENP and the EaP

The European Union has grown significantly. With the eastern enlargements the EU now has 28 member states, with more countries lining up to join in the foreseeable future. The borders of the EU as well as EU external focus have been moving eastwards at a rapid pace since the collapse of the Soviet Union, affecting both developments within the EU as well as within the Post-Soviet space. The EU has become a global player, which doesn't only focuses on its 28 member countries but also acts on different other scale levels outside its own borders in the hope of maintaining/developing fruitful economic relations as well as spreading its 'European' values across the globe. In spreading these values, the EU focuses intensively on its nearby geographical neighbors and border regions. This is done primarily through the framework of the **European Neighbourhood Policy** (ENP). With this policy, the EU

*"Works with its southern and eastern neighbours to achieve the closest possible political association and the greatest possible degree of economic integration, this goal builds on common interests and on values — democracy, the rule of law, respect for human rights, and social cohesion"* (European Commission, 2014a).

Within the framework of the ENP, the EU has established multiple programs and policy measures in order to achieve the goals proposed. Hope is cast that these countries move closer to the common values and public policies promoted by the EU, thereby establishing a mutual profitable economic and political relationship.

The **Eastern Partnership (EaP)** was established in 2009 as an initiative to reinforce the Eastern dimension of the ENP and the post-Soviet space and the EU's commitment to positively impact its eastern neighborhood. The EaP intensifies cooperation with the six eastward located countries of the ENP: Azerbaijan, Armenia, Belarus, Georgia, Moldova and Ukraine. The EU characterizes the EaP as a

partnership establishing more concrete support for democratic and market-oriented reforms creating political and economic stability. New feature of the EaP is the multilateral component, through which the six countries can exchange experiences and best-practices with each other within the framework led by EU cooperation based on common values (European Commission, 2014b).

## 1.2 Armenia

One of the countries targeted by the EU through the ENP and EaP is **Armenia**: the other main actor of this research. Armenia is situated in a highly volatile and dynamic region on the edge of Europe of what some people already call Asia instead of Europe: the Caucasus. The importance of the region is apparent through the recent Georgia-Russian war in 2008, which had an effect on Russian-EU relationship and the interest of the EU in the energy reserves of the Black Sea. These reserves, in order to reach Europe, have to cross the Caucasus region. Furthermore, the 2013/2014 uproar in Ukraine and Crimea was partly due to negotiations accompanying the ENP. Obviously, it is important for the EU to stabilize the Caucasus as well as have influence and cooperate within the region, which is mainly done through the framework of the ENP and the EaP.

Armenia is an interesting research topic due to the fact that its society has gone through a solid phase of Europeanization; since its separation and independence from the USSR in 1991 and reasonable economic growth in the 2000s. With society slowly moving towards Europe, its political elite has not changed since the beginning of the 1990s. Armenia political landscape is influenced by two major events: the war with Azerbaijan in 1990s over Nagorno-Karabakh and the parliamentary shootings of 1999.

**Figure 1.1: Armenia within the Caucasus region**



Source: Ubels, 2014



The Nagorno-Karabakh conflict is characterized as a secession war in which N-K tried to secede from Azerbaijan (figure 1.1). N-K was populated by ethnic-Armenian who during and after the collapse of the Soviet-Union fought for independence (1988-1994). This conflict became multinational when Armenia itself became involved, supporting the N-K claim for independence both politically, economically and militarily. In 1994, a cease-fire was established, giving Armenian and N-K forces control over the original Karabakh territory as well as Azerbaijani territory adjacent to it (figure 1.2). Veterans of the N-K war rose to leadership positions within Armenia itself, deriving political credibility from the war efforts as well as taking control of large sections of the economy (current day oligarchs) (de Waal, 2010). With the parliamentary shooting of 1999, a part of these politicians was brutally murdered in parliament, leaving the political power into the hands of an even smaller group of elites led by former president Kocharian and current day President Sargsyan (de Waal, 2010). The fact that political leadership has not changed significantly since the 1990's with people in power already active within the Soviet apparatus shows that a solid post-Soviet legacy in Armenia's political spectrum is still apparent.

Members of parliament are being characterized as pro-government deputies and businessmen. Members of the 'Karabakh party' are solidly in charge ever since the end of the war in 1994 (de Waal, 2010).

**Figure 1.2: Nagorno-Karabakh and territory under Armenian control**



Source: ADST, 2014

Within its foreign policies, Armenia is pursuing a policy of complementarity, characterized as the possibility to have successful political and economic relationship with all important international actors, primarily ensuring positive relationship with both Western institutions (EU, CoE, OSCE) and Russian-led organizations (CSTO, CU, EEU) (Delcour, 2014). Recent developments have shown that Russia has significant influence in the region through formal and informal ways of politics and that the pursuing of complementary foreign policy is no longer a viable option for Armenia. The duality between further integration towards Europe as well as a successful relationship with Russia is also seen in its politics and population. Whilst the population shows some support for further European integration (Simão, 2012) its leaders have recently shown more lenient towards (re)intensifying its

cooperation with Russia intending to enter its Customs Union in 2013 (Euractiv, 2013) which it has recently confirmed (RT, 2014). The goal of Armenia's complementary foreign policy in combination with the continued external governance of the EU and re-found Russian imperial ambitions make Armenia for an interesting research topic in the field of EU external policy influence in the Post-Soviet space.

### **1.3 Research goals and questions**

The measurement and analysis of EU influence on Armenia falls within the overall framework of the external governance and the Europeanization discourse with a focus on the Post-Soviet space. This discourse deals with the way in which the EU tries to influence domestic structures which are outside of its jurisdiction and borders. As stated, concepts like common values, democracy and human rights are part of the 'European' package of policies the EU tries to transfer towards Armenia through the ENP and EaP, also known as democratic governance. These are vague concepts, too broad to explore in this master thesis research and this concept is therefore already operationalized in this section.

In order to have a clear focus within this research, emphasis is put on the adoption of EU proposed policies by Armenia in the specific field of **electoral legislation and structures**. Reason for choosing electoral policies as a field of research within the broad concepts of democratic governance and rule of law is the fact that electoral policies should be perceived as a core-part of democracy and rule of law and should be key in 'European values' promoted around the world. Furthermore, electoral policies possess clear measuring points: the developments electoral legislation and the proceedings of elections themselves. This makes it more practical to measure influence than the broad concepts of rule of law and democracy stated above.

In regards to elections an internationally acknowledged framework set by the OSCE and the Venice Commission is followed, this order to be in line with 'European standards of elections'. Furthermore, goals set by both international organizations in regards to electoral policies give clear points in time to measure changes in Armenian policies. Research on other Post-Soviet states regarding electoral policies has been undertaken of which result are used within the analysis of EU influence on Armenia as well. Main goal of this research is to see if the EU actually has influence on Armenian democratic governance and electoral policies or if changes in policy should be attributed to other (f)actors besides the EU. In focusing on both the instruments used by the EU in regards to influencing policy as well as the actual effect that these external EU policies had on domestic policies, a contribution to the scientific discourse of the ENP, policymaking and external governance of the EU towards Armenia and the Post-Soviet space is made.

On the basis of the research background and the goals stated above, the main research question that has been posed is:

***"To what extent has the EU, through the ENP/EaP, influenced changes in Armenian electoral policies?"***

Armenia's electoral history since its independence in 1991 is one characterized by powerful leaders, war-time conflicts, oligarch influence and to some extent election violence and corruption. However, according to recent **external** reports, elections and democracy as a whole are getting more fair and less corrupt. The ratification of a new electoral code based on 'European' values in 2011 is seen as a major step forward in adopting 'European policies', whilst numerous problems still have to be

tackled after its ratification (The Economist, 2013; Freedom House, 2013; European Commission, 2012; 2013a).

In order to answer the main research question, the following secondary research questions (SRQ) have been proposed. These compartmentalize the broad research question into parts that can be answered based on theory, policy documents and interviews.

*SRQ1 -Which types of external governance does the EU use within the ENP?*

In order to understand the ways in which the EU tries to influence domestic policies beyond its own borders, it is important to analyze the different methods used by the EU within the external governance framework. SRQ 1 is answered through analyzing available literature on external governance.

*SRQ2 -To what extent have electoral policies changed in Armenia since the establishment of the ENP?*

In order to get an overview of the influence the EU has on electoral policies, it is important to understand to what extent actual electoral policies changed in Armenia over time. Only if changes are apparent can there be any sort of influence, be it the EU or other parties. SRQ 2 is answered through content analysis of Armenian electoral policies and stakeholder interviews.

*SRQ3-Which modes of external governance are used in Armenia by the European Union regarding electoral policies?*

With acquiring the different ways of EU influence towards external parties, it is necessary to analyze these ways specifically for Armenia, in order to get a better understanding of the actual influence that the EU has. SRQ 3 is answered by content analysis of EU policy documents and stakeholder interviews.

*SRQ4-To what extent is change in electoral policies accredited to the EU/ENP?*

If the electoral policies of Armenia have changed, and the different methods the EU uses in general and towards Armenia are elaborated upon, it is necessary to see to what extent changes are actually the result of EU policy. SRQ4 is answered through stakeholder interviews.

*SRQ5-What other external and domestic factors influence policy development regarding electoral policies in Armenia?*

If Armenian electoral policies have changed, other parties besides the EU could have influenced the policy making process. These can be both internal and external parties influencing policy development. SRQ5 is answered by content analysis of external parties and think tank policy documents as well as stakeholder interviews.

*SRQ6-How did these other factors influence policy development regarding electoral policies in Armenia?*

If other parties are distinguished as having influence on Armenian electoral policy, it is important to analyze the extent of this influence in the same way actual influence of EU was researched. SRQ6 is answered by stakeholder interviews.

## **1.4 Relevance**

It is necessary for research to carry both scientific and societal relevance. This is enforced by connecting research to theories derived from the Human Geography discourse and other social sciences as well as connecting to societal issues at hand in the European space. This thesis adds to constructivist and rational research done within the field of Human Geography, elaborated by Aitken & Valentine (2006) in their approaches to Human Geography.

### **1.4.1 Scientific relevance**

When one looks at the scientific relevance of this research, the research fits in the discourse of research on European Union foreign policy, with an emphasis on the European Neighborhood Policy, in which Smith (2005), Kelly (2008) and Hill & Smith (2011) are often referenced and actively involved in. Research on the ENP has almost become its own sub discipline within the field of European Studies, as argued by Ademmer (2011). Furthermore it relates to research of Europeanization outside the EU borders done by Schimmelfennig (2009) and Rousselin (2012a). This research focuses on the governance within the Eastern Partnership, where research is primarily done by Bosse (2009; 2011) Bosse & Korosteleva (2009), Boonstra & Shapovalova (2010), Verdun and Chira (2011) and Korosteleva (2011; 2012). It also adds on research done by Freire & Simão (2013), Simão (2012) Lavenex (2004; 2008) and Lavenex & Schimmelfennig (2011) on the relationship between Armenia and the European Union. Lavenex & Schimmelfennig (2009) and Fryburg et al. (2009) are responsible for the external governance theory, which is used as the main framework of external policy influence in this thesis. Furthermore, this thesis tries to link up with research done about Armenian politics alone, done by Stefes (2008), Nichol (2009), Payaslian (2011) and policy documents from the internship organization; ICHD (2009). Regarding electoral policies within the setting of the ENP, Timuş (2010; 2013) is a good reference on which this thesis will build further upon. In influencing Armenia, the EU is involved in an area which is perceived by Russia as its own sphere of influence. This research adds to research done on the competition between Russia and the EU in the Post-Soviet space is done by Langbein (2013), Haukkala (2008) and Cadier (2014).

This research tries to add something to the scientific discourse by combining the study of European governance with an analysis of actual policy changes regarding electoral policies in Armenia itself, incorporating policy developments in the Post-Soviet space. This connection is rather non-existent within the field of research about European external policies and governance as is stressed upon in the works of both Ademmer (2011) and Ademmer and Börzel (2013). Whilst Ademmer and Börzel link between policy change and EU influence for the ENP as a whole, for Armenia alone this hasn't been done in the specific case of electoral policies.

### **1.4.2 Societal relevance**

The societal relevance of this research has different components, the first component of why a research towards the effects of EU policy on Armenian electoral policy is relevant, is relevance for the inhabitants of the European Union. As seen in 2014, the relationship between Russia and the EU has deteriorated over a conflict surrounding EU influence in the post-soviet space of Ukraine. It is therefore useful to analyze the influence of EU policy in other Post-Soviet countries as opposed to conflicting Russian influence within this region. Furthermore with current trust in EU policy add a relative low, insights to the effectiveness of EU policies can be qualified as justified. One could question whether the funding that the European Union reserves for its external bordering countries actually has certain effects in receiving countries, in this case Armenia. Furthermore the different

type of effects could be elaborated and if these effects are beneficial for the EU in spreading its norms and values.

A second type of relevance can be seen towards relevance for European policymakers, through this research one hopes to see why certain measures or goals in the policy documents of the ENP are or aren't succeeding the way it is envisioned by the EU. Following the results of this thesis European policy makers can view the explicit results of their external policies. Whilst claims from Commission Fülle and Delegation members of the European External Action Service (EEAS) as well as the progress reports focus on the successes of EU policy, the verification that EU policy is adopted as it is envisioned adds to the discourse of the successes or limitation of EU democracy promotion. This thesis can also be perceived relevant for Armenian policymakers regarding relationships with the European Union. These policy makers can possibly use the thesis to get a good overview of European Union external policies and how in theory they should influence Armenia in regards to electoral policies. One of the largest problems perceived in the adoption of policy by the EU is a lack of knowledge and structures in a targeted country (Langbein & Börzel 2013) this is possibly no different in Armenia which enforces the relevance of this thesis. The thesis can help policy makers, (non) governmental organizations, civil society and local population in acquiring more knowledge on electoral processes, structures and legislation in Armenia, which they can use in suiting their needs.

## **1.5 Structure**

This thesis contains seven chapters. After introducing the topic and research goals as well as relevance of the research in chapter one, chapter two deals with the available theory within the field of Europeanization as well as focusing on research done on the ENP, Armenian-Russian connections and the EEG. Chapter three provides the methodical spine of this thesis, with an operationalization of key concepts as well as providing clarification on data collections and analysis. Chapter four and five provide a content analysis of Armenian electoral policies as well as policy documents of the EU and other possible influencers of policy adoption. In chapter six, an overview of the results of the different expert interviews is summarized. Chapter seven answers the research question and discusses the extent to which this research has successfully answered posed research questions and goals.



## **2. Theoretical framework**

In order to fulfill the scientific demands of the master thesis, a connection with existing literature in the field of Europeanization, the EU as a normative power and a democracy promoter is made. Furthermore literature on how policy is transferred and through which mechanisms is elaborated upon. All these concepts relate to research done within the field of how the EU exports, or tries to export, its rules beyond its outer borders and to what extent it is successful in influencing domestic policies outside its own borders specifically in the Post-Soviet space of Armenia.

This thesis follows the Europeanization paradigm, in which research is done towards the externalization of European values and norms. It will use rational-realist and constructivist approaches to distinguish main pillars of European influence mechanisms on domestic changes (in this case Armenia). These approaches to bilateral and multilateral rule transfer are perceived to be accepted as the main explanatory mechanism regarding EU policy transfer (Rousselin, 2012a; Schimmelfennig, 2009) and will serve as umbrella mechanisms connecting the different approaches of external rule transfer that are available within the theory.

Specific literature regarding electoral policies and the overarching framework the EU uses towards Armenia: the ENP, has been accessed in order to get a comprehensive view of how the different theoretical mechanisms are put into practice by the EU. When analyzing the perspective of actual domestic rule/policy change in the countries targeted by EU policy, research has mainly been done by Ademmer (2011), Timuş (2013) and Ademmer & Börzel (2013). They argue that, instead of looking only at the European part of influence, one should also look at the actual policy changes apparent in the countries that the EU focuses upon and the potential misfit policies can have in practice. They also focus on the fact that multiple actors are possibly involved in rule/policy transfer of EU policy towards Armenia.

### **2.1 Europeanization**

#### **2.1.1 Europeanization, a paradigm**

The scope of this research can be set within the paradigm of Europeanization. Europeanization as a concept has been theorized extensively within the field of European Studies. Manuals written by Cowles et al. (2001), Radaelli (2003), Börzel & Risse (2007) and Graziano & Vink (2007) give a comprehensive theoretical overview on the subject and the field of research. Europeanization is theorized in short by Bulmer (2007) as the transfer of Europe to other jurisdictions. This can be policy, institutional arrangements, rules, beliefs or norms, whilst also building European capacity' (Bulmer, 2007, p.47). Bulmer abbreviates this definition from Olsen (2002, p.4) who distinguishes five different processes describing Europeanization: Olsen recalls the 'changes in external boundaries', the 'developing institutions at the European level', a 'central penetration of national systems of governance', the 'exporting forms of political organization' and 'a political unification project'. These processes relate to both internal EU measures as well as external ones, the latter being more useful for this research.

Most of the research in European studies focuses on the Europeanization within the EU member states itself (this includes research done preliminary towards the Eastern enlargement countries

whom are now also members of the EU), or focuses on countries surrounded solely by EU member states e.g. Norway and Switzerland (Schimmelfennig, 2009). Due to the fact that Armenia is outside of the EU, nor applying for EU membership soon, the definition of Europeanization within this research complies more with the concept of ‘Europeanization beyond Europe/EU’. For this research, Olsen’s (2002, p.4) fourth process of Europeanization, “*the export of forms of political organization and values*” is used. This process consists of the EU trying to export its values beyond Europe itself, otherwise known as the domestic interpretation of European values in targeted countries (Graziano & Vink, 2007). Börzel and Risse (2012a) put emphasis on the fact that current Europeanization studies can be perceived as a real-world experiment on domestic impact on policy that the EU has, and therefore is an interesting subject which focuses on processes of peace, prosperity and stability. Lavenex (2004) calls this the “*external projection its internal virtues through politico-economic and normative means*” (p.684).

Schimmelfennig (2009) and Russelin (2012a) give an extensive overview of the research done on Europeanization beyond EU borders. Concepts like ‘European external governance’ (EEG) (Lavenex, 2004), ‘pathways to EU impact’ (Diez et al., 2006), ‘a trichotomy of external governance’ (Bauer et al., 2007) or solely ‘Europeanization’ (Schimmelfennig & Sedelmeier, 2004; 2005) are used intertwined but basically all revolve around research incorporating the same existential question. This is the question of how, which and to what extent the EU uses mechanisms to influence regions or countries outside its own borders and how successful these mechanisms are in practice. Schimmelfennig (2009) has made a conceptual overview on the extent in which these different views on Europeanization beyond EU borders are perceived. This can be seen in Figure 1.

**Figure 2.1: Mechanisms of EU impact beyond the member state**

**Table 1: Mechanisms of EU impact beyond the member-states**

	<i>Intergovernmental</i>		<i>Transnational</i>	
	<i>Direct</i>	<i>Indirect</i>	<i>Direct</i>	<i>Indirect</i>
<i>Logic of consequences</i>	(1) <b>Conditionality</b> Intergovernmental incentives Compulsory impact Compliance	(2) <b>Externalization</b> Competition Negative externality	(3) <b>Transnational incentives</b> Connective impact	(4) <b>Transnational externalization</b> Competition
<i>Logic of appropriateness</i>	(5) <b>Socialization</b> Intergovernmental social learning Constructive impact Communication	(6) <b>Imitation</b> Lesson-drawing Enabling impact Unilateral emulation	(7) <b>Transnational socialization</b> Transnational social learning	(8) <b>Societal imitation</b> Enabling impact

Source: Schimmelfennig, 2009

To elaborate shortly on figure 1, Schimmelfennig (2009) has distinguished two main explanatory mechanisms on the impact that the EU has beyond its member states and the mechanisms it uses. Mechanism one revolves around the logic of consequence, in which a targeted states comply with EU or transnational measures or policy because of the consequences involved if they don’t comply to given policy. The other mechanism revolves around the logic of appropriateness. Schimmelfennig



(2009) describes this as a way in which target state are thought of as rule followers because they either want to be part of the European community or have been taught into following these specific rules in the past. Whilst Schimmelfennig (2009) distinguishes two main mechanisms, a third mechanism has been added by Rousselin (2012a) as a further divide. The third mechanism revolves around domestic politics and a more competition driven account of policy transfer, in which the domestic actor chooses the best policy available for the country. Within this mechanism the EU can be seen as a 'winner' because it has the best policies available within that policy field. This divide also comes forward in more recent literature on Europeanization beyond the EU borders by Börzel & Risse (2012b) and Lavenex and Schimmelfennig (2013) themselves.

Börzel & Risse (2012b) establish some critique towards the term Europeanization in recent research; they argue that Europeanization has been overstretched, and the focus must lie in the more indirect ways in which the EU tries to influence domestic policy changes. They call upon using diffusion as a way of explaining external policy change. Diffusion as a concepts explains EU impact as a form where states actively move or diffuse their policy towards the EU. In the context of this research, it could explain the voluntary alignment of Armenian electoral policies with those of the EU.

A theoretical link with broader concepts within international relations theory and policy transfer will be made further on in this chapter. According to Schimmelfennig (2009, p.10), three goals can be distinguished in the EU promotion of policy beyond its external borders. Whilst the first two goals 'the models of regionalism' and 'the neoliberal economic model' are considered economic policy goals, the third goal 'constitutional norms' fits within the field of democracy promotion. By influencing the legislation in a targeted country, the EU hopes to effectively improve democratic processes and rule of law. In order to explain the two umbrella mechanisms that Schimmelfennig (2009) has developed; logic of consequence and logic of appropriateness, a more grant theory approach towards these definitions is given, before incorporating and using these within further research on external policy transfer. The third approach given by Rousselin (2012a) and Börzel & Risse (2012a) follows the more rational approach and is elaborated upon in the next paragraph.

### **2.1.2 Realism and rationalism**

Realism within the theories about rule transfer can be set in the larger framework of realism within international relation theory. Within this theory, a state is to be considered as the key actor of international politics. A state behaves in pursuit of self-interest and is averse to most forms of international cooperation, only if this is absolutely necessary (Walt, 1998; Farrell, 2005). Furthermore Donnelly (2000) states that within realism, there is a lack of international government and the state is again/still central within the decision making process. Whilst realism in this way goes against a notion of EU or other multinational organization importance, it is another part within realism theory that is suitable for analyzing rule transfer within this thesis, that of rationality. Rationalism claims that whenever a state makes a decision, this decision is rational and based on what is best for the state, whilst obtaining and reviewing all information available (Reus-Smit & Snidal, 2008). When an international bilateral policy or agreement is therefore most beneficial for the state, it will adopt these policies. Another important part of realism is the acceptance of a power asymmetry between different states e.g. when a state or a number of states have sufficient power over one another, they are able to impose or make rules on this third state (Casier, 2011; Rousselin, 2012b). Hyde-Price (2008) further elaborates on realism and rational state behavior in an EU context. He follows the

notion that a state is in pursuit of self-interest, but gives credit to the fact that states are aware of the international distribution of power, or the presence of power asymmetry. States will follow partner states or stronger states when this is beneficial for them. Due to the fact that some problems states face are of a regional or global scale, a state is stimulated to cooperate on a level larger than its own borders in order to create a favorable environment for their own internal interests. Through this greater power that the EU possesses, it is to some extent able to impose rules on areas outside its own borders, to the extent that it is beneficial for the third state as well (Eriş, 2012). These rational theories can be seen in the Europeanization and external governance theories Lavenex and Schimmelfennig have been developing separately and together (Lavenex, 2004; Schimmelfennig & Sedelmeier, 2004; Lavenex & Schimmelfennig, 2009). In these theories conditionality, incentives and hierarchy play a role, as well as the way in which the EU tries to be a normative power and impose its norms and values.

### 2.1.3 Constructivism

When explaining rule transfer from a constructivist perspective, one first moves towards a broader perspective within the international relation theory. A constructivist perspective follows the notion that state-behavior is a product of social behavior and interaction; they are furthermore *“malleable products of historical processes”* (Walt, 1998, p.40). Co-founder of the theory, Wendt, argues that structures of association primarily are determined by ideas that they share and are not by force (as opposed to power asymmetry and compliance). Identity and the interest of states are socially constructed by communicating with one another and are not a given thought set in stone (Wendt, 1999). There is however a lot of variance within constructivism. De Bardeleben (2012) distinguished three predominant themes: the meaning of inter-subjectivity and behavior, the importance of agents and structures, and the communication between actors of the constructed. She furthermore argues that *“change need not occur only through a process of negotiation and bargaining that affects rational cost-benefit calculations, but can also result from processes of discursive interaction”* (De Bardeleben, 2012, p. 425). In this regard Rousselin (2012a) names the fact that norms and identity are important as well as socialization and strategies of persuasion in order to create the common values needed for a constructivist result. Constructivist theory therefore is an exact opposite of realism and rationality within theories on international relations which focus on self-interest. Eriş (2012) argues that constructivism relies on the diffusion of norms, which relate to the theory used by Börzel and Risse (2012b) as well. When one applies constructivism on rule transfer, it should be characterized as a way of working together to formulate a set of rules possibly in a network or a set place; the EU is ideally suited for this. Schimmelfennig & Sedelmeier (2004) state that whenever states are motivated by internal identities, values and norms, they will adopt to rules that comply with these values more easily. Rather than being influenced by sheer self-interest, a country will choose the rules that are closest and most legitimate within their state framework. Power is of lesser importance within this view; the process revolves more around talking about, persuading and social learning than conditionality and hard power availability and usage. Within an EU background, the constructivist approach looks more suitable for coping with the existing networks and institutions that the EU uses for rule transfer. De Bardeleben (2012) describes this in the context of the ENP. She argues that the interaction within the ENP is not limited to the state level but on many levels: interaction can be between elites, opinions makers or even the general public, relating to the domestic third mechanism described by Rousselin (2012a). Pardo Sierra (2011) and Wolczuk (2011)

are amongst researchers whom use constructivist approaches towards policy transfer, which is also seen in the works of Lavenex (2004 and onwards).

## 2.2 Modes of external governance

Europeanization as a concept is often accompanied by the concept of governance and external governance; it is therefore important to focus on the vague term that governance is for most. European governance outside its border is theorized within the theories on European external governance (EEG) outlined below.

Governance can be theorized as *“institutionalized forms of coordinated action that aim at the production of collectively binding agreements”* (Lavenex & Schimmelfennig, 2009, p. 795). Bache and Flinders (2004) argue that governance can be defined as *“binding decision making in the public sphere”* (p. 15). Both definitions show that governance revolves around making agreements, but this has to be from a mutual consensus and through cooperation, something in line with our views of Europeanization and constructivist paradigm. External governance also incorporates the possibility to have multiple actors within a set situation. The usual governmental state actors; intergovernmental, international and public-private relations are all able to play a role within the framework of (external) governance. When applying these governance concepts on the EU external policy transfer, it is argued that:

*“the governance approach implies a high degree of institutionalization and the existence of a common system of rules beyond the borders of the EU and its formal, legal authority”* (Lavenex & Schimmelfennig, 2009, p.795)

In other words, the implications and impact that EU policy can have on the system of rules (or policy) beyond its border (e.g. Armenia) as well as other international actors influencing the implication of this rule transfer. A governance approach is therefore well suited in the research on policy transfer by the EU regarding electoral policies and structures.

In order to elaborate on the theoretical concepts in this thesis, a thorough and critical (re)view of the research of Lavenex (2004 onwards) is done. Lavenex’s European external governance (EEG) theory fits within the larger framework of Europeanization presented by Rousselin (2012a) and Schimmelfennig (2009). The reason to choose this explanatory framework mechanism above others, is that it is the most frequently used and cited in research on Europeanization beyond the EU border, and therefore well-adjusted over time and deemed suitable by other academic counterparts within the field of Europeanization beyond the EU borders. Lavenex and Schimmelfennig (2009) themselves claim that *“The notion of (external) governance is particularly suitable to grasp this process of rule expansion beyond formal membership in the EU polity”*(p.795), which makes it useful for this research.

To grasp the concept of EEG, one needs to understand Smith’s (1996) argument that the politics of the European Union have changed, over the years, from a politics of exclusion in to a politics of inclusion. Since its establishment in the 1950’s, the EU was mostly focused on excluding and exclusivity; it defined a clear divide between its member states and non-member states. The EU focused on creating deeper internal linkages whilst simultaneously creating hard external boundaries of the EU. Europeanization focused therefore solely on countries within the Union itself.

This has to be seen in the context of an international political order which was already heavily divided into the West and the East which naturally enforced the political boundaries at the time. Smith (1996) argues that in due time, with the evolution of the EU and the demise of the Soviet Union, a politics of inclusion was (tried to be) established. Through these politics of inclusion the EU focused more on the access of external partners. These politics of inclusion were intensified by the fact that geopolitical borders became fuzzier and cultural boundaries became even less apparent. It was therefore difficult for the EU to continue its politics of exclusion, because no clear boundaries on what to exclude on could be drawn (Smith, 1996).

Lavenex (2004) describes EEG in her articles; following Smith's reasoning that the politics of the EU were (are) changing, especially after the Eastern enlargement of 2004. With Europe internally changing, the relationship with its external neighbors changed as well. These ENC's had to be included in the governance process of the Union itself instead of being excluded from it. Before the actual enlargement in 2004, major processes of external governance were projected upon the potential new Eastern member states (Schimmelfennig & Sedelmeier, 2004). The main criteria for external governance to be apparent is the fact that the legal boundary of authority has to be extended beyond the original institutional integration (Lavenex, 2004), this follows Olsen's (2002) definition cited earlier. The external dimension of governance is therefore focused on the actual transfer of given EU rules towards a non-member state and their adoption. Internal EU governance should be seen as process of working together and creating rules which can be implemented by all of the EU member states (Schimmelfennig & Sedelmeier, 2004). An example of internal EU governance is for instance the multi-level governance theory presented by Bache and Flinders (2004). When using the definition of Olsen (2002), external governance looks like a rather top-down process in which rules are projected and necessary to be followed.

Lavenex and Schimmelfennig (2009) characterize three forms of (European) external governance, in line with Rousselin's overview (2012a) which are however not all part of the top-down set up. **Hierarchical governance** takes place in the formal areas of a state relationship. It mimics a vertical relationship between 'ruler' and 'ruled'. Secondly they distinguish the opposite, **network governance**, which implies that actors are formally equal and more importantly perceive each other as equals. This way a party is not able to oppose rules upon the other without its clear consent. The third form distinguished is **market governance**. Here, the wishes that come from the legislation 'market' are being implemented in order to compete on the global market, this form of governance can also be seen as informal (Lavenex & Schimmelfennig, 2009). By zooming in on these different mechanism of external governance an analysis is made in what way these different forms are useful within this research. In table 2.1, the different concepts are presented other to get a comprehensive visual view of the theory, similar to figure 2.1.

It is important to keep in mind that, whilst Lavenex and Schimmelfennig (2009) make solid distinctions between the different types of external governance, these different types of EEG are not mutually exclusive to one another. The EU can have different programs and institutions running side by side over the course of many years. Each of these programs can use its own mechanism of governance in order to try to influence a targeted country or region. An example could be the fact that on whilst on a larger geopolitical scale, the EU Commissioner of Enlargement uses a form of hierarchical governance through the power he/she possesses over a targeted country. On the local scale however, a EU civil servant lacks this kind of power and probably uses more of a network

governance approach in working together with local government in order to reach the results pursued by the EU.

**Table 2.1: Modes of external governance**

<b>Modes of external governance</b>			
	Actor constellation	Institutionalization	Mechanism of rule expansion
Hierarchy	Vertical: domination and subordination	Tight, formal	Coordination
Network	Horizontal: formal equality of partners	Medium tight, formal and informal	Competition
Market	Horizontal: formal equality of partners	Loose, informal	Competition

Source: Lavenex & Schimmelfennig, 2009

### **2.2.1 Hierarchical governance**

As stated, and as the name implies, hierarchical governance occurs in a formalized relationship in which domination and subordination is clear: a hierarchy, while producing binding rules and norms collectively. In the modern day era, this governance is translated through legislation, in which rules are agreed upon and can be sanctioned if neglected. Lavenex & Schimmelfennig (2009) claim that *“the vertical relationship between the ‘rulers’ and the ‘ruled’ implies that influence is exerted in an asymmetric manner”*(p.797) which follows theories of realism named earlier. Within the framework of the ENP, a direct link of hierarchy is absent, although general ideas of hierarchy do persist in the ENP (Freyburg et al, 2009). Important within hierarchical governance is the idea of conditionality. Conditionality in EU external policy is explained by Schimmelfennig and Sedelmeier (2004) in regards to countries in Eastern and Central Europe. They argue that the EU provides incentives to an external target country in order to comply with its conditions: EU uses policies and rule of law which the target country has to adopt to in order to receive the EU rewards in the form of trade or cooperation agreements. During the expansion period of the 1990’s and 2000’s this conditionality was focused on the end-goal of full membership. Governance by conditionality can be seen as hierarchical governance, something that Lavenex and Schimmelfennig (2009) acknowledge whilst it is also explained as a ‘stick and carrot’ approach. One can use ‘the stick’ by actually taking away provided privileges as a punishment for non-compliance with EU policies and goals (Hornig, 2003). Within the ENP, the forms of conditionality are primarily a system of carrots (Schimmelfennig, 2009). Governance by conditionality is primarily used/useful for countries who actually want to join the EU, according to Reinhard (2010). He explains that the more a non-member country is involved in the process of actual accession of the European Union, the more likely it is for this country to adopt EU standards and thus actual EU impact was considered larger in the past (Reinhard, 2010). Due to the fact that the ENP lacks this final goal, scholars argue that hierarchical governance, especially by conditionality through the ENP, is not successful in policy transfer (Lehne, 2014; Wunderlich, 2012; Gänzle, 2007).

### 2.2.2 Network Governance

Following the division given in umbrella framework described before, network governance shows a relationship that is more equal and in which decision making and policy transfer is made in a more cooperative way. However, this does not mean that there is no difference in power, it means that parties, within the institutional sphere, have an equal understanding of the fact that one doesn't have to comply to the other party without its own consent to do so (Lavenex & Schimmelfennig, 2009). Furthermore, *"networks usually produce less constraining instruments that are based on mutual agreement and often prescribe procedural modes of interaction rather than final policy solutions"* (Lavenex & Schimmelfennig, 2009, pp. 797-798). According to Wunderlich (2012) network governance emphasizes institutions and cooperation in a more constructivist way. The ways in which rules are transferred are more focused on changing/aligning national rule instead of implementing solely EU legislation. Seeing that conditionality goes hand in hand with hierarchy, socialization and social behavior are definitive concepts within network governance. Schimmelfennig and Sedelmeier (2005) have already introduced this concept, which is also apparent within Europeanization. Core ideas on socialization is that through deliberative processes, strong interaction between partners and both being responsible for the outcome of the transfer results of the amount of rules transferred can be enlarged. Buscaneanu (2012) gives a more comprehensive description of socialization:

*"actors (...) follow those courses of action which are seen as natural, rightful and legitimate. Adopted to the EU context, which is defined by a particular collective identity, and common values and norms, it follows from this perspective that whether a non-member state adopts the community's rules depends on the degree to which it regards them as appropriate to its own identity."* (p.7).

Buscaneanu (2012) furthermore distinguishes three mechanisms apparent within socialization: imitation or role playing, persuasion and social influence, which are all indicators of the extent that a targeted country will be likely to adapt to policy measures. A further relation of network governance in relation to the ENP will be given further on.

### 2.2.3 Market Governance

Market governance is perceived as the third mode of EEG distinguished by Lavenex and Schimmelfennig (2009), *"it revolves around the outcomes of competition between formally autonomous actors"* (p. 799). Whilst it is not common in political science or IR theory, markets do possess the ability to have influence on the policy making process. Lavenex and Schimmelfennig (2009) see market governance as an institutionalized form of political market interaction. An important factor of market governance is the fact of mutual recognition, proposed as a form of governance by Schmidt (2007). This concept, closely linked to competition, sees the possibilities for policy transfer *"as a voluntary de facto approximation of legislation on the basis of the respective production and service standards"* (Lavenex & Schimmelfennig, 2009, p.799). Knill & Tosun (2009) look at market governance from a more economic perspective, in which legislation may be adopted. They argue that states think rationally and adopt the policies of the countries/governmental body of which they have most important economic bonds with; Rousselin (2012a) calls upon that fact as well. Within market governance, domestic solutions and problems also play an important part in the decision to adopt policy. Other characteristics given to the form of market governance, theorized by Lavenex, are the fact that it can be perceived by a governance of externalization: due to the fact that



the EU can impose rules upon market access, non-governmental actors can lobby at their own governments to comply with EU regulation, in order to gain access to the EU internal market and receive economic benefits. Furthermore, Lavenex lays emphasis on the fact that the EU models of processes and policies can be perceived as most beneficial solution for their own internal problems. In this case, EU legislation or policy that is available on the 'world market of policy' as well as its processes and policies is chosen due to its individual value (Lavenex & Schimmelfennig, 2009). One can ask to what extent this is actually external governance by the EU itself or individual decision making of a country. The third approach within the framework of external governance is relatively new, not many scholars have actually tested its use for explaining policy change. Research puts emphasis on the fact that electoral policies don't have to be EU rules specifically but can come from other international organizations (CoE, UN) or countries like the USA or Russia. It is therefore important not to qualify Armenian policy changes by adapting EU policies, solely to the effects of EU external governance.

### **2.3 Policy transfer and convergence**

Policy transfer and policy convergence are concepts of influence within the framework of Europeanization and EGG. General theories on policy transfer and its relation with the EU and the ENP are elaborated upon. Theoretically grounded answers are given to the ways of the actual influence that the EU has on domestic policies and to what extent policies are converged.

When looking at theories on policy convergence, a proper definition of policy convergence is given by Bennett. Bennett (1991) is one of the first to give an extensive overview and defines convergence as:

*"the tendency of societies to grow more alike, to develop similarities in structures, processes and performances"* (p. 215).

When one relates convergence towards policy, five definitions are given on convergence of policy goals. Definition one is convergence in order to work together and solve common problems. A second definition is that of policy content, which are more formal outings of government policies and administrative rules. A third option is convergence of policy instruments, whilst a fourth option is a convergence of policy outcomes; the results of implementation. The final option Bennett (1991) gives is convergence of policy style *"a more diffuse notion signifying the process by which policy responses are formulated"* (p.218). Bennett admits that options do overlap in the real world. Policy convergence can have multiple indicators or reasons. Bennet (1991) distinguishes four main mechanism for convergence, being through emulation, elite networking, harmonization and penetration.

After Bennett came many other scholars with their own sets of mechanisms (Hoberg, 2001; Dolowitz & Marsh 2000). An approach useful for this research, because it fits well within the EEG paradigm is the framework presented by Holzinger and Knill (2005). This framework is shown in table 3.

**Figure 2.2: Mechanisms of policy convergence**

*Table 3 Mechanisms of policy convergence*

<i>Mechanism</i>	<i>Stimulus</i>	<i>Response</i>
Imposition	Political demand or pressure	Submission
International harmonization	Legal obligation through international law	Compliance
Regulatory competition	Competitive pressure	Mutual adjustment
Transnational communication		
Lesson-drawing	Problem pressure	Transfer of model found elsewhere
Transnational problem-solving	Parallel problem pressure	Adoption of commonly developed model
Emulation	Desire for conformity	Copying of widely used model
International policy promotion	Legitimacy pressure	Adoption of recommended model
Independent problem-solving	Parallel problem pressure	Independent similar response

Source: Holzinger & Knill (2005)

When we look at the different mechanisms presented by Holzinger and Knill (2005) imposition comes close to the notion of hierarchical governance in which pressure or demand is enforced and which has the result that a targeted entity will submit in adopting policy presented. Closely related to this is international harmonization, which again obliges the country to comply with policy and regulatory competition which again enforces policy upon a targeted country. The next two mechanisms all fall within the notion of network governance, in which working together and communicating makes countries change their policy, giving exemplary responses like lesson drawing and copying of used models. The final mechanism: independent problem solving is a form of market governance, in which countries themselves decide which type of policy most suits the policy needs. In analyzing policy documents and influence of the EU, these mechanisms are taken into account.

Lavenex and Schimmelfennig (2009) present additional arguments for the actual effectiveness of policy transfer through the EEG framework. They define policy convergence in an EU context as the effectiveness of external governance; “*the extent to which EU rules are effectively transferred to third countries*” (p. 800). Within this research the extent of rule adoption is most important; it focuses on EU rules selected for international negotiations and if agreements are furthermore transposed into the formal legislation of a third country. Empirically, this is relevant because targeted countries may accept EU rules as the normative reference point of their negotiations with the EU, or develop joint rules. However, they may not adopt these rules domestically at all, or as envisioned at the start of the policy adoption process creating a difference between envisioned effects and actual results. When we look at the policy transfer results within Lavenex and Schimmelfennig’s (2009) EEG framework, they argue that EEG can constitute for a sector, policy specific change for instance within electoral policies. Whilst the EEG framework is institutionalized in the ENP (as said by Stadtmüller & Bachmann, 2011), the expansion of EU rules follows a more sectoral line rather than macro-institutional changes proposed through the ENP (Lavenex et al. 2009). Lavenex & Schimmelfennig



(2009) continue by arguing that EEG is formed by issue-specific modes of governance and patterns of power and interdependence, which contribute to *“a strong differentiation of its forms and effects.”* (p. 807) When we look at the modes of external governance, network governance is perceived to be more successful in the adaption process of policy towards countries outside of the EU.

Langbein & Börzel (2013) give a comprehensive overview of the amount of policy convergence in the Eastern Neighbourhood after the establishment of the ENP. They define policy convergence, or policy change as a *“change in practices and institutional arrangements governing a particular policy”* (p.571). In their introduction on issues surrounding policy convergence, they explain some key problems Eastern Neighborhood Countries (ENC) face. ENC have weaker state capacities and score low on democratic development, whilst their national policies and institutions are not easily compatible with EU institutions and laws; Langbein & Börzel call this *‘misfit’*. Hagemann (2013) stresses the importance of the fact that actual policy transfer/adoption is not enough:

*“Effective external governance crucially depends on the subsequent application of rules. (...) A strong sign that changes can be attributed to the influence of the EU would be if rules are adopted and applied shortly after they were demanded by the EC or directly connected to rewards, or if central domestic actors mention the EU in connection with norm change”* (p.6).

Stating to follow the rules is not enough, the actual correct implementation of these rules is a second and even more important aspect of policy convergence. Hagemann (2013) furthermore states that in regards to successful policy transfer domestic adoption costs are of importance. If it is in the interest of domestic partners to adopt and implement EU policies, they will proceed with policy adoption (following the market governance approach). Börzel & van Hüllen (2014) agree with Hagemann in regards to the differences between policy adoption and actual implementation, stating that EU policy adopted in Georgia and Armenia have not effected into a successful implementation of policies in practice within the field of corruption, more on this in paragraph 2.7.

Korosteleva et al. (2013) also goes in depth on policy transfer towards the Eastern part of the ENP. They argue that a practice approach is needed: *“policy instruments as a particular set of practices which shape the existing and emergent social structures of the EU-eastern neighbours’ relations at different levels of analysis”* (p.259). When we translate this idea into the EEG framework, it can be seen as the effect that sets of actions have on (policy) structures in targeting countries, whilst not only look at the EU as an actor but also looking other (external) actors. Important in the notion of practices towards policy change is the fact of

*“Which policy instruments deployed in a given case study are more effective in attaining stated objectives than the others, and why?” and “What patterned behaviors have emerged, and whether they challenge the existing social order?”* (Korosteleva et al., 2013, p. 266).

Both of these notions go into the core of this research, both the way in which the EU uses its external policies and if these policies have influenced social structures within targeted countries. Casier (2011) analyzes rule transfer through the ENP as a form of policy convergence. He distinguishes two known mechanisms for rule transfer at the start of his paper, being conditionality and asymmetrical interdependence. Both of these forms fall within the hierarchical modes of governance. Casier

claims that they do not account for the changes made in policy in the eastern neighbourhood and therefore adds domestic structures and subjectivity as explanation to policy transfer. Casier (2011) argues that rule transfer is decided by : *“interaction between three interrelated factors: the perceived usefulness of the ENP provisions for domestic agendas, the subjective accession prospect in the longer term and the macro-institutional design of the ENP”* (p. 49).

## **2.4 The normative power of the EU and democracy promotion**

Important within the debate of Europeanization and the EEG, is the concept of Europe as a ‘normative power’ a concept highly debated within European Union studies (Kugel, 2012) and linked to ‘civilian power’ or ‘soft power’ (Tocci, 2008). Being that one of the goals of Europeanization, as stated by Manners (2002) and the EU itself (European Commission, 2014a) is to promote peace, liberty human rights, rule of law and democracy, a question should be asked is if the EU should be seen as an institution that uses its power to setting these norms in regards to the electoral policies in Armenia. Questions arise if the EU has normative power and are the goals related to ‘normative power’ genuine and coherent? The EU could potentially prefer other goals like economic growth or regional political situations and uses non-normative power to reach those policy goals instead of promoting democracy and common values.

When we look at the definition of normative power, one can see that the definition is two folded. Kugel (2012) quotes Laïdi (2008) who describes ‘norms’ as:

*“Standards aiming at codifying the behavior of actors sharing common principles and this in order to generate collective disciplines and to forbid certain conducts in the different fields of public policy”* (p.4) .

Important to note here is that, norms assume a certain extent of common principle and norms in this context contain, general concepts like institutionalization and legalization of human rights and democratic structures, by ways that are non-violent (Tocci, 2008). Power is described in this context as *“the ability to influence the behavior of others to get the outcomes one wants”*, (Kugel, 2012, p.1) in order to make policy change happen, a certain amount of power is necessary according to these theories (Kugel, 2012). Oren et al. (2011) describe power in relation to norms more theoretically as: *“An agent able to create, delete or modify some norms within an institution is said to have normative power over those norms”* (p. 3); if the EU is able to change norms, it would have power and influence over Armenia.

In the debate about the EU as a normative power, different views can be observed, something that Diez (2013) emphasizes in his work and on which Whitman (2011) wrote extensively about. Tocci (2008) has done extensive research into the EU’s normative power; she looks at the pursuing of normative goals by the EU using normative power instruments. Outcomes show that the EU cannot always be perceived as normative as such, with other types of international behavior like post-imperialistic or realistic also present in EU policy transfer mechanisms. Silander & Nilsson (2013) claim that the EU is not a normative power, at least not towards its Eastern neighbors, due to the fact that they argue that the *“EU vision of creating a ring of friends through the ENP has failed, which questions the idea of a contemporary normative power in Europe as a whole”* (p.441). Diez (2013) characterizes problems the concept of normative power faces according to proponents of the theory.

Diez argues that the EU uses different norms towards different partners; for instance supporting authoritarian rulers in one nation, whilst condemning it in another. A second problem is the effectiveness of EU power, which some argue is small and weak. Furthermore, the EU cannot be perceived as a single actor, member states as well as non-governmental actors play a role in the exertion of power by the EU. A final problem is that normative power as a concept is under fire within the academic world: When the EU's actions are not normative by nature, can the EU itself be characterized as a normative institution? Positive views of the EU as a normative power are described by Forsberg (2011). He claims that the EU comes close to being a normative power, and that critique towards this notion often lies in the different usage and explanation of the concept within contemporary research.

Closely related to normative power is the concept of, and research done on, democracy promotion. This is characterized as the normative power that the EU establishes in its policies to promote democracy, a key component of the ENP. Electoral policies are a prime component of a functioning democracy and are incorporated within this concept. Democracy promotion in the literature is perceived as the promotion of democratic values being; elections and electoral processes, political parties, civil society, judicial reforms and the media (Rakner et al, 2007). Important to note is that democracy promotion is not solely limited to single state actors, it can also incorporate a system of multiple state actors (EU, CoE, OSCE) or non-state actors (NGOs) (McFaul, 2004). Furthermore the area that is targeted by democracy promotion is not limited to a country alone but can be non-state actors as well. This notion is important for the second part of the research question, in which influences other than the EU are distinguished.

Democracy promotion can be linked to the third goal of Europeanization, being the establishment of 'constitutional norms' and is therefore useful as a concept for this research (Schimmelfennig, 2009). When we relate democracy promotion towards Europeanization, Freyburg et al. (2009) give the important notion that democracy can also be promoted in a sectorial way, rather than an overarching way. This notion is useful because it shows that the EU can be successful in influence policy in one sector alone, for instance electoral policies, while failing to influence other sectors of democracy distinguished by Rakner et al. (2007).

As with normative power, the notion of democracy promotion by the EU is critically evaluated by scholars, especially within the framework of the ENP. Youngs & Schapovalova (2012) argue that the EU has made progress in guiding the democratic processes in the right direction, but that more cooperation and balance with civil society and non-state actors is needed to achieve better results. Freire & Simão (2013) see a follow Ademmer and Börzel in distinguishing a 'misfit' and lack of local political will to implement democratic reforms within ENP targeted countries; as well as a too wide arrange of EU tools used within democracy promotion. They argue that, whilst democracy promotion was on the agenda within the framework of the ENP, conditionality that was available was not used successful. Lehne (2014) agrees with this lack of successful conditionality. He adds that the EU should use a more regional approach, with more measures to cope with the rapid change of democratic structures that countries can experience in the Eastern Neighbourhood (Lehne, 2014). Youngs (2009) furthermore addresses that actual effectiveness of measures in the field are hard to measure, due to the fact that the actual goals that the EU has regarding towards democracy promotion are too vague within the EU policy documents surrounding the ENP and the EaP. Timuş (2013) agrees with this notion, she claims that

*“One of the key limitations of European policies of democracy promotion, as compared to other policy fields, is the lack of clarity and specific guidelines regarding the process of domestic implementation of democratic reforms” (p. 290).*

Actual progress is therefore hard to determine; there are no quantitative indicators for democracy set up by the EU. Furthermore, in line with other research done in the field of external governance, Timuş (2013) claims that *“research has shown that the presence of credible incentives, particularly the EU’s membership perspective, is a crucial factor in determining the success of EU’s democratic conditionality on domestic transformations”* (p.290). In order for external governance to be most effective, some kind of incentive has to be given.

For this thesis, the notion of the EU as a normative power and a democracy promoter is important because of the stated goals of this thesis; the effect that the EU has, through the ENP, on local Armenian policies regarding electoral policies. This influence should be seen as a form of norm setting and execution of normative power. The EU wants Armenia comply with values regarding electoral policies which should be in line with EU promoted legislation. The notion of power is important in the way that it legitimizes the ENP; if the EU was normative but without power, the actual effects of ENP would be superficial since the ability to influence behavior was missing, something Barbé et al. (2009) already claim is happening within the ENP. Whether the following of the EU as normative is correct remains to be seen during the course of this thesis, this also counts for the way to what extent the EU is able to promote democracy.

## **2.5 External governance within the ENP and EaP**

The background, development and the current status of the ENP and the Eastern Partnership is elaborated upon with a special focus on its relation with the EEG theories presented previously. When we look at the modes of governance involved, the ENP is regarded as an instrument which fits inside the framework of presented by Lavenex & Schimmelfennig (2009) regarding hierarchical and network governance (Schimmelfennig, 2009; Lavenex & Wichman, 2009 and Sedelmeier, 2007). Bachmann & Stadtmüller (2011) even call the ENP the perfect example of external governance. The ENP features in the ideas about Europeanization already theorized in this chapter and further theorized by Mastenbroek & Kaeding, 2006; Gawrich et al., 2010 and Flenley, 2013. A good overview of the necessity and the layout of the ENP is given by Kostadinova (2009): the first sketches of this policy came in the wake of the Eastern enlargement and the necessity for creating a European policy towards its new Eastern neighbors hereon after. This strategy was formalized in 2003, whilst also southern neighboring states were incorporated in the policy. The ENP was established with a strategy paper of the European Commission in which it summarized the aims of the policy:

*“Strengthening stability, security and well-being for European Union member states and neighbouring countries, and preventing the emergence of new dividing lines between the enlarged Union and its neighbours” (Kostadinova, 2009, p.236).*

Lavenex (2008) gives a better overview of how the ENP actually functions: it can be seen as a continuation of the Eastern enlargement, with some hierarchical elements in it but primarily a mix of network and market governance mechanisms predominant in its functioning. Whilst it still involves

the recreation of policies or adoption of the *acquis communautaire*, the laws of the union, it is more based on voluntary compliance than on conditionality through the stick and carrot, resembling a network governance structure (Lavenex et al, 2009). Agreements within the ENP are more political than juridical. Commitments are agreed upon within Action Plans (AP's) and are being monitored although less strict, depending on the level of EU integration the country wants, 'the more for more principle' (Gänzle, 2007). Furthermore, countries within the ENP can participate in other European governmental structures and agencies, creating horizontal ways of cooperation. This creates a more gradual approach towards intensified cooperation with the EU, which can be presented as a form of market governance as well (Lavenex, 2008).

Kelley (2006) further elaborates on the relationship between the ENP and the Caucasus upon its establishment. She states that initial cooperation before the installment of the ENP was rather limited with trade agreements set up in 1999. Upon the ENP's establishment, Kelley (2006) calls upon

*"Across the board there has been little real progress towards democratization and respect for human rights, and indeed there has been a tendency toward increased authoritarianism, with administrative and judicial systems which can be arbitrary and corrupt (in the Caucasus). Civil society remains weak, and the marginalization of women has increased in the region"* (p.48)

This quote shows that in the years before the instatement of the ENP, actual results of European policies regarding the Caucasus region, and thus Armenia, were weak. The actual installment of AP's for the Caucasus would therefore depend on the countries behavior (Kelley, 2006), something Freire & Simão (2013) also stress in their work.

To reinforce the ENP, which results have been deemed by scholars as weak or insufficient (Epstein & Jacoby, 2014; Korostaleva et al., 2011a, 2011b; Casier, 2011; Grant, 2011), the Eastern Partnership (EaP) was established in 2009. It functions as a continuation of and next to, the ENP whilst only specifically targeting six countries: Belarus, Moldova, Ukraine, Georgia, Azerbaijan and Armenia. The EaP was created to reinforce the focus on the Eastern dimension of the ENP and the Post-Soviet space. This was done because, according to Boonstra & Shapovalova (2010), of the fact that according to the EU the desired levels within the field of 'security, prosperity and stability' weren't met. Within the EaP forms of market governance can be retrieved, due to the fact that there is a greater role for civil society and economic structures in the policy making process. Criticism towards the EaP already arose upon its establishment. Given the fact that it lacked the potential to stimulate the countries it targeted, by a misfit in the goals and policies of the program (Freire & Simão, 2013). Boonstra & Shapovalova (2010) continue by analyzing and stressing that the ENP and thus the EaP are failing to create an impact in the targeted countries. Costs of changes are too big and incentives prove to be too low, something which contradicts with the conditionality and hierarchal theories given by Lavenex and Schimmelfennig (2009). Simão (2012) argues that in order to be more successful, the EU needs to enforce its existing commitments and monitor processes of implementation more firmly, something that is also stated by Armenians themselves in her research. Verdun & Chira (2011) question the intentions and goals of the EaP in calling it a potential burial ground for enlargement hopes and therefore not an ideal mechanism to enforce change since future prospects are uncertain.

## 2.6 Russia's role in the Eastern Neighbourhood

Besides the EU, another obvious influence on the Post-Soviet space and the Eastern Neighbourhood is Russia, which can be considered as an opposing force to EU policy promotion and influence. This competition could be seen in the Ukraine and Crimea crisis of 2014 in which both Russian and EU influence was apparent on the developments of internal Ukrainian processes.

Europeanization scholars characterize Russia's policies and actions towards the Eastern neighbourhood as obstructive to the European integration of the ENC (Langbein, 2013). EU policy promotion is interfered by actions instated by Russia. This fear is fueled by the fact that Russian political leaders themselves view convergence with EU policies by Post-Soviet states as potentially harmful for Russian interests in the region (Haukkala, 2008). Langbein (2013) furthermore argues that Europeanization scholars view not only Russian political actions but also Russian investments, trade relations and multinationals as limiting to the scope of EU policy transfer into the Post-Soviet space.

Cadier (2014) puts emphasis on the competition between the EU's Eastern Partnership and the Russian led Eurasian Union in recent years. Whilst in principle the EaP was presented by the EU as a new regional partnership using tools already incorporated within the ENP it wasn't perceived like this by Russia. In the analysis of Russian actions in the Post-Soviet space, Cadier argues that Russia views the post-Soviet space not as a sphere of 'influence' but instead of a sphere of 'interest'. Russia is not keen on having direct influence in the countries but wants to verify that 'interests' in the field of 'politico-military', 'economic' and 'society' are ensured in the present foreseeable future. In analyzing the competition between the EU and Armenia, Cadier argues that Russia saw the EaP as a threat to its economic and political interests in the region (Cadier, 2014). Dimitrova and Dragneva (2009) argue that economic dependence of Post-Soviet states towards Russia directly constraints convergence of EU policies, due to the risk involved in adopting set policies. Russia however doesn't necessarily defuses EU policy and power in the region in general, it is focused on upholding its own interests in its competition with the EU and EU policies (Cadier, 2014). This view is shared by Langbein & Börzel (2013), who not only claim that *"Russian impact does not necessarily undermine convergence with EU policies"* (p. 578) but they furthermore argue that *"In fact, the existence of Russia as an additional regional power in the EU's Eastern neighbourhood may both weaken and strengthen domestic support for convergence with EU policies"* (p. 578).

This cooperative stance is also found by Langbein (2013), who argues that Russia should not be seen as a unitary actor primarily focused on hindering EU proposed policies in the neighborhood. She argues that Russia lacks the institutional structures that the EU has in place to actively leverage policy change towards Russian policies. Russian interests however are more than just political. If policies are beneficial for Russian economic interests (both public and private), obstruction of European integration is not observed (Langbein, 2013). In analyzing EU influence on policy in Armenia, it needs to be understood that the Russian influence on Armenia is still significant, both politically and economically, potentially limiting EU influence as argued above. If proposed electoral policies favor Russian interest in the political, economic or societal field it could even enforce these policies themselves



## 2.7 Conclusion: Armenia within the ENP

With the completion of the theoretical chapter, a foundation for the rest of the thesis has been laid. What we have learned from the existing theories on Europeanization, policy convergence in combination with the ENP, is that there is a wide array of mechanisms within the processes, explanations and results of domestic policy transfer by the EU through the ENP and the EaP. EU policy promotion can be characterized as broad policy promotion and transfer of values as well as specific sectoral policies within the framework of the ENP and EaP. These have had mixed results up until this date. Furthermore the EU cannot be perceived as the only exporter of policies, with other international organizations or countries also able to propose policy as a most recent example Armenia joining Russia's Custom Union. To finalize this conclusion, an overview of existing research done on EU influence on Armenian society and democracy within the framework of the ENP/EaP is given. Whilst research towards electoral legislation is absent, research has been done in regards to developments of general Armenian democratic processes, anti-corruption legislation and good governance, and the extent this was influenced by the EU.

Emerson et al. (2007) claim that from the start of the ENP in 2004, Armenia was willing to engage with the EU, in order to boost the political relation with the EU as well as further economic integration. Emerson claims that from 2004-2007 little progress was made on political, social and judicial reforms (Emerson et al., 2007). Simão (2012) elaborates on the fact that the ENP could be seen as a failure within Armenia: *"Achievements in democratic reforms in Armenia and conflict transformation are very modest"* (p. 197). She furthermore argues that social pluralism was not reached due to the fact that *"the development of a vibrant civil society, political parties and other forms of social mobilization was limited to some organizations with capacity to manage funding from international donors"* (Simão, 2012, p.197). Ademmer and Börzel (2013) reviewed the effects of EU promotion of anti-corruption policies in Armenia. They argue that with EU conditionality, both positive and negative, being rather weak, the EU primarily relied on capacity building and political dialogues to reach policy compliance in Armenia. This a clear example of network governance within the ENP and of that mode of governance used effectively in the Armenian case. Börzel and Pamuk (2011) also focused on the development of anti-corruption policies in Armenia. They claim that the EU goals of policy change in Armenia provided a clear misfit between EU policy goals and Armenian present day policies as well as politics. Limited direct EU influence and limited incentives furthermore diminished chances on successful policy adoption within the field of anti-corruption. Surprisingly enough, Armenia did change its policies to match the policy presented by the EU and incorporated institutional change. Börzel and Pamuk (2011) explain this adoption stating domestic reasons:

*"the incumbent regime have instrumentalised the EU, selectively implementing anti-corruption policies to gain and consolidate political power. As a result, the EU stabilizes (the political situation) rather than transforms its neighborhood."* (Börzel and Pamuk, 2011, p.79).

One could fit this within theories of market governance, in which the incumbent elite uses those policies most beneficial for themselves to remain in power. It is important to distinguish the different modes of (external) governance that the EU uses in regards to the domestic promotion of EU electoral policies in Armenia. Furthermore, an analysis of the actual results of this transfer has to be made. The second part of this research will contain what makes this research clearly distinguishable from other general EU influence on domestic policy research. Through focusing on the essential

question if changes in Armenian policy should be ascribed towards the distinguished EU modes of governance distinguished within the theory and content analysis, or if there are other actors apparent responsible for changes in Armenian electoral policies. Langbein & Börzel (2013) make a final important remark perfectly applicable for this thesis, they argue that one should not only focus on external factors of policy adoption but domestic actors are of equal importance!



### 3. Methods

In order to answer the research questions, correct research methods have to be used. It is, within a research, important to think about approaches on how one collects the data required and which methods are required to analyze this data. These approaches should be in line with approaches used by other scholars in the field. Furthermore, concepts used within the thesis are operationalized to use them effectively and correctly throughout this research. Acknowledging and dealing with the limitations of the research is important in establishing and justifying your results and conclusions.

#### 3.1 Research methods

Within social research methods, a distinction is made between qualitative and quantitative research methods. Qualitative research methods put emphasis on words rather than the collection and analysis of quantified data (Bryman 2012). Bryman (2012) makes a more ontological and epistemological distinction in research strategies. He describes quantitative methods as deductive, whilst testing theory through the natural science model (which makes statistical analysis possible) and an ontological orientation of objectivism. Qualitative methods are usually inductive and revolve around interpretivism. The ontological orientation of qualitative research is that of constructionism. Bryman (2012) does however lay emphasis on the fact that the line between both methods is fuzzy and one should not hammer a wedge between the two methods.

When one looks at the approach that has to be used in this research in regards to the main research question, it has to be two-folded: First, research is done towards Armenian electoral policies, structures and legislation to see to what extent these resemble EU proposed policies regarding this topic. In the comparison of policy adaptation and transfer the chosen method by scholars is **content analysis, mostly in its qualitative form**. Through content analysis of policy documents, an overview of developments of Armenian electoral policies over time can be established. This is a necessary step, because without actual change in Armenian policies, external influence of the EU cannot exist. Furthermore, through an analysis of policy documents of international organizations like the EU, an overview of the mechanisms used to influence electoral policies can be made; Actions from international partners need a legislative base to be executed.

The second part of this research answers the second part of the main research question as well as problems that have arisen during the evaluation of available theory. Whilst policy can be adopted by a country and be in full compliance with EU policies, this doesn't mean that there actually was influence of the EU through the ENP and EaP. As said by for instance by Freyburg et al. (2009) EU policy can also be chosen over other policy available on the 'policy' market. As Timuş (2013) argues, other 'European' intergovernmental organizations can be involved in the process of electoral policy promotion. Hagemann (2013) makes a case for the fact that policy can be adopted but not enforced or implemented in the way that the EU envisaged it, diminishing actual EU influence. It is important to get further details of the policy process and the background of actual policy adoption and implementation as well. This is done by **interviews with experts** regarding policy adoption something also done in resembling research by Freire & Simão (2013), Ademmer (2013) and Delcour (2013). Through the analysis with the different experts, from both international organizations as well as Armenian government and NGOs, a clarification can be made as to the extent who was responsible

for possible changes in Armenian electoral policies, as well as verifying correct implementation of policies. The usage of both methods within this research is further elaborated upon in chapter 3.4.

### **3.2 Operationalization of concepts**

In order to answer the research question the concepts used in the research question need to be operationalized. This in order to get a better understanding of the concepts and place them in the proper scientific framework. The concepts distinguished for operationalization are deducted from the research questions. These are the 'Armenian electoral policies' and 'domestic impact' in the form of 'ENP/EaP influence' as well as other 'external party influence'.

#### **3.2.1 Armenian electoral policies**

When one analyzes electoral policies, they fit within the larger framework of the rule of law and democracy paradigm. One can distinguish three different aspects of electoral policies. Electoral policies consist of electoral legislation, electoral processes and electoral structures. When looking at external influence on the electoral policies, recent changes in the electoral legislation, processes and structures should be present as well as an explanation on why these changes have occurred are given to characterize external influence. This is done in chapter 4, 5 and 6.

##### *-Electoral legislation*

Electoral legislation as a concept connects towards the actual legal basis on which the electoral processes and the electoral structures are based upon. In the case of Armenia, electoral legislation is bounded in the constitution, special electoral amendments and the Armenian electoral code. They contain rules and procedures regarding all of the elections held in Armenia. Elections held in Armenia are the presidential, parliamentary, municipal and the so called council of elders of Yerevan elections. When relating this topic towards policy adaption, electoral legislation is the most important concept because it shows, in writing, the legislative policies regarding elections themselves. It is therefore possible to view to what extent these policies can match other similar (external) electoral legislative policies, for instance those prescribed by the EU.

##### *-Electoral processes*

Electoral processes are defined within this thesis as the execution of electoral legislation. Electoral processes involve the processes of elections themselves, as well as preceding processes and the aftermath of actual elections. It revolves around the rules of voting on election day, who can participate in the elections, if there is fair media attention for different political parties, which type of commissions are instated surrounding elections and how political party funding is managed. In a functional democracy, the rules and laws presented in legislation and binding agreements should be executed and implemented in practice. The reason why electoral processes are important in this thesis is because whilst the electoral legislation/policies can be adopted following prescribed policy, this doesn't mean that in practice the execution and implementation of policy is successful. As said in the literature, solely adaption doesn't mean compliance with policy and therefore apparent (external) influence can be diminished in practice.

##### *-Electoral structures*

Electoral structures are perceived as the democratic structures that emerge due to the result of the elections themselves and set out within electoral legislation. When we relate this to policy, it revolves around the actual functioning of the president, government and parliament as opposed to each other and how they function in the context of the electoral legislation development process

and the processes surrounding elections. Electoral structures can have a positive or negative impact on the execution and implementation of electoral legislation in practice. Whilst this research relates towards analysis of policy transfer, electoral structures have the power to influence electoral legislation as well, undermining or limiting power that external actors have regarding policy transfer. Further elaboration on the developments of these different electoral policies will be dealt with in chapter 4.

### **3.2.2 Domestic impact: ENP/EaP influence**

A second concept important to elaborate on is the concept of ENP/EaP influence on domestic policies. A first aspect of this influence is policy adaptation; this revolves around the actual adoption of electoral policies. It questions what kind of electoral policies the EU proposes towards a targeted country, in this case Armenia, and if these proposed policies are adopted and implemented within Armenian electoral legislation, processes and structures. As seen in chapter 2, policy adoption has different explanations and mechanisms. Whilst Armenian and EU policies can be similar, influence could still be wrongly attributed towards the EU and the ENP. This implies that a vis-a-vis adoption of European policy of rules doesn't mean actual EU influence; other internal and external actors could be involved as well. Furthermore, policy adoption doesn't mean the actual policy execution in the same way that the EU envisioned it, something Hagemann (2013) underlines. This is where the EU external governance framework presented in the theory comes into place, which includes the concepts of conditionality and socialization to actually measure EU influence on policy adoption.

In measuring ENP/EaP influence on policy adaption, the first explanatory mechanism is that of conditionality within policy transfer. When conditionality is applied, this can be either positive or negative. Aspects of negative conditionality revolve around punishing a targeted country when it doesn't adopt policy promoted by the EU; it furthermore has a compulsory element to it. The EU could decide to postpone agreements or cut perspective funding to Armenia when it doesn't comply with policies proposed. Positive conditionality is seen when the EU promotes policy adoption through incentives. When a Armenia co-aligns with policy proposed by the EU, additional funding to democratic structures, free-trade agreements or visa-liberalization could be granted. Conditionality fits into the hierarchical type of governance proposed by Freyburg et al. (2009) and the logic of appropriateness proposed by Schimmelfennig (2009).

A second explanatory mechanism for EU influence on (electoral) policies follows the socialization concept by Schimmelfennig (2009). In the socialization mechanism, policy compliance or adaption revolves around social learning, a constructive approach and through mutual communication between different policy actors. Characteristics of this type of influence are seen within bilateral and multi-lateral meetings with Armenian government officials, cooperative studies between governmental bodies and codes of good democratic practice drafted cooperatively. The process of twinning, in which a targeted country copies existing policy with the help of the actor they copy it from, is part of socialization. Within the context of electoral policies, one can think of the EU helping the Armenian government drafting an electoral code, monitoring elections and give advice in the conduct of elections and its aftermath. In this thesis this form of EU influence on electoral policy is called network influence, in line with Lavenex et al. (2009) ideas about network governance.

Both conditionality and socialization cannot be solely explained just by looking at policy documents of both the EU and Armenia. Only through the interviews with stakeholders from both EU and

Armenia institution can one agree upon the extent of EU influence on the electoral policies in Armenia.

### **3.2.3 Domestic impact: Other (external) parties**

Next to researching EU influence through the framework of the ENP and the EaP, from the theory one can derive different other external actors or parties who are possibly involved within domestic impact on electoral policy in Armenia.

These actors are for instance other intergovernmental organizations. An organization within the context of electoral policies is the Council of Europe (CoE). The CoE promotes/protects of human rights, democracy and rule of law amongst 47 countries around Europe which are members of the CoE (CoE, 2014a). The CoE also includes the Venice Commission, a commission distributing partner countries legal advice on issues regarding democratic structures and electoral policies (CoE, 2014b). Another external organization that could have influence on electoral policies in Armenia is the OSCE, the Organization for Security and Cooperation in Europe (OSCE). The OSCE is involved in electoral monitoring in and around the European region, and gives evaluations of electoral processes, legislation and structures (OSCE, 2014). Both OSCE and CoE are perceived as having influence on electoral politics in Georgia, according to Timuş (2013). Another possible influential intergovernmental organization are the United Nations (UN). Whilst mostly focusing on goals close to human rights, the UN can be perceived as a promoter of democracy, as Newman & Rich (2004) claim. The UN also has a permanent representation in Armenia (United Nations, 2014), through the analysis of policy documents and interviews, possible UN influence should also be researched.

As former imperial ruler of Armenia, the Russian influence on Armenia is still widespread and apparent, as stated within the introduction. The further integration of Armenia into the EU through a newly signed AA and the DCFTA came to an abrupt standstill in 2013 (Euractiv, 2013). According to some, this was due to Russian pressure on Armenian political and ruling elite. Whilst Russian influence would resemble more of a hierarchical kind of mechanism towards policy adoption, Armenia could also decide to adopt to Russian electoral policies voluntarily because of its similar cultural heritage; that of the Soviet-Union, marking a kind of market governance towards policy adoption.

In the course of this thesis and during the interviews, other parties may become apparent and will be dealt with, in the analysis of possible influence. Influence that other presented parties, besides the EU, can have on domestic electoral policies fall within the framework of market governance and policy impact, following the concept of external governance of Lavenex & Schimmelfennig (2009).

### **3.3 Data collection**

#### **3.3.1 Content analysis**

In order to review if actually policy change apparent, a content analysis of Armenian and EU policy documents is done. The content of this analysis consists of Armenian policy documents regarding electoral policies, which are freely available on governmental websites in English and, if not in English, were translated by my internship organization ICHD into English. If documents are not freely accessible, copies of them were acquired through ICHD. In collecting data from both before implementation of the ENP (before 2003) as from more recent times, a development of electoral policies has been made. In order to get a broader perspective than the Armenian policies alone, reports from renowned organizations like Freedom House and the Bertelsmann Foundation about electoral policies in Armenia were collected, in order for an even sounder analysis.

Next to policy documents of Armenian electoral policies, documents regarding possible external influences like the EU, the CoE and the OSCE were collected. All of these policy documents are freely accessible on the websites of the concerning international organizations. Examples of these documents are the Action Plan and PCA as foundations for the EU's ENP, as well as progress reports and strategy papers from the entire period the ENP has been in place (2004-2014). The CoE publishes documents regarding electoral policies through its Venice Commission (VC), in which propositions for electoral reforms are presented. The documents of the OSCE are the electoral monitoring reports from the Armenian elections held between 2004 and 2013, which are all available online. Policy documents of the United Nations in regards to electoral policies in Armenia were absent and therefore UN influence was based on interviews solely. Policy documents of Russia towards Armenia regarding electoral policies are harder to access, since English translated documents were not available. Analysis of Russian influence was therefore primarily based on news report and academic literature regarding Russian influence, as well as the interviews with the different experts. Whilst gathering sources from the internet, it is important to verify the quality and validity of the data which is analyzed (Bryman, 2012). Due to the fact that all data is downloaded from the official (non)-governmental websites, quality and validity of the documents is ensured.

#### **3.3.2 Interviews**

Whilst content analysis revolves solely about the analysis of policy documents, the second research method, a series of semi-structured interviews, requires sampling, accessing and interviewing enough experts in the field of Armenian electoral policies to successfully answer the research questions.

Bryman (2012) proposes several ways in which sampling in qualitative research can be conducted and participants for the semi-structured interviews can be found. When looking for specific samples in qualitative research, Bryman calls upon the theory of purposive sampling; you sample participants which are relevant for the research questions that you want to answer and leave out cases not beneficial for answering the research questions. There are multiple forms of purposive sampling; Bryman distinguishes over ten different types. In this research however, two types of purposive sampling are used, being typical case sampling and snowball sampling. Bryman underlines the predominance of both these types within qualitative research (Bryman, 2012).

In typical case sampling, the researcher selects cases (participants) which are of interest in the answering of the research question. The researcher decides this interest on the basis of available

theory and pre-sampling research knowledge. He then selects and approaches the suitable candidates (Bryman, 2012). In the case of this research, these are Armenian government officials responsible for drafting electoral legislation and active within electoral processes in Armenia. It also includes members of parliament of both opposition and ruling party. These persons are approached through ICHD, of which the Director is an MP himself and aided in the contact with selected officials. Other typical cases that have to be chosen are officials of the possible different external parties distinguished in paragraph 3.2 such as the EU, OSCE and the CoE. These officials were approached in a formal way through official channels, or through a more informal way through available contacts within ICHD.

The second way of collecting participant is by way of snowball sampling. In snowball sampling, a researcher interviews a small number of persons, who in turn helps him with proposing additional participants for the research, creating the effect of snowball getting bigger and bigger (Bryman, 2012). In this research, for instance interviews with NGO stakeholders gave additional names and contact information of other experts deemed relevant for the research. This 'snowball' grew bigger during informal meetings, conferences and within ICHD. This way it was possible to gather more experts needed for the interviews.

Important to note within interviewing in qualitative research is the sample size; how many respondents do you need in order to successfully answer your research question(s). The general rule Bryman (2012) gives is that the sample size should not be so small that data saturation (no new data will be acquired by interviewing more respondents) has not been achieved. However, sample size shouldn't be too large, since this makes analysis harder and more time-consuming (Bryman, 2012). Bryman (2012) argues that in research, twelve interviews can be enough to achieve data saturation, however in advance this difficult to establish. For a qualitative interview article to be published, between 20 and 30 interviews are required. For this research, the estimate is that at least around fifteen interviews with the different parties and experts are necessary to answer the research question and deal with all possible actors involved. After achieving this number, an evaluation of the collected data was made in order to see if additional interviews are required; this wasn't the case.

In table 3.1 an overview of experts interviewed for this thesis is given.

**Table 3.1: Overview of experts interviewed in Armenia**

Number	Name	Organization	Type	Position	Type of interview	Length
1	Ms. Salpi Ghazarian	Civilnet/Civilitas	NGO	Director	Personal	30 min
2	Mr. Richard Giragosyan	RSC	NGO	Director	Personal	35 min
3	Mr. Arthur Ghazinyan	YSU Centre for European studies	University research center	Director	Personal	45 min
4	National Programme Officer	OSCE office in Yerevan	IGO	National Programme Officer	Personal	30 min
5	Mr. Lorenzo Ochoa	EUFoA	NGO	Director	Skype	70 min
6	Official	EU delegation in Armenia	IGO	Official	Personal	60 min
7	Mr. Aghassi Yesayan	Center for Electoral Democracy	NGO	Director	Personal	35 min
8	Mr. Edmon Marukyan	Armenian National Assembly	RA Parliament	Member of Parliament	Personal	20 min
9	Ms. Lusine Hokobyan	Europe in Law Association	NGO	Director	Personal	30 min
10	Ms. Tatevik Ohanyan	Armenian Central Electoral Commission	RA Government	Member of the Commission	Written	Written
11	Mr. Babken DerGregoryan	Open Society Foundation	NGO	Civil Society Program Coordinator	Personal (2x)	45 min
12	Mr. Tevan Poghosyan	Armenian National Assembly	RA Parliament	Member of parliament	Personal	37 min
13	Mr. Gael Martin-Micallef	Venice Commission (CoE)	IGO	Legal officer	Skype	37 min
14	Ms. Monika Sargsyan	ICHHD	NGO	Legal advisor	Written	Written

Source: Interviews held by researcher from April-June 2014, Armenia.



## **3.4 Data analysis**

### **3.4.1 Content analysis**

Following the research approach proposed in the introduction of this chapter, Bryman (2012) describes content analysis as a form of qualitative analysis which is the most used approach in analyzing documents. It involves searching of underlying themes in the material. In this research it is useful in seeing to what extent EU electoral policies are adopted by Armenia. When content analysis is used in quantitative research methods, it revolves more on counting the number of times content (data) is replicated and thus opposite of what this research tries to establish.

When looking at the research question, content analysis was useful in analyzing the change in Armenian electoral policies. By comparing Armenian electoral legislation over a given period of time (2000-2014), presented in chapter 4, developments of these policies was established. One can view the extent of actual change in electoral policies, primarily within legislation and processes. Once actual change in electoral policies is established, a focus on the influence that other parties have had on electoral policies is possible. First, a comparison of Armenian electoral policies with policy documents by the EU such as the collected progress reports and strategy papers was made. Furthermore, policy documents from other possible external parties were analyzed in chapter 5 to view if there is any resemblance with Armenian electoral policies. As a final aspect of the content analysis, policy documents regarding electoral change from independent parties were analyzed, to see if conclusions made within the content analysis are shared by other researchers as well. Scholars referenced in the theory chapter, like Timuş (2013), Casier (2011) and Ademmer & Börzel (2013) have recently used content analysis in a qualitative way in their research of policy adaption and rule transfer within an EU and the external governance context.

### **3.4.2 Interviews**

The second research method used is interviews with stakeholders and experts representing the different parties perceived in chapter 3.2. These interviews were conducted in a qualitative way, in this case semi-structured. In qualitative interviews an emphasis is laid upon the interviewee's point of view and his/her opinions. Furthermore, the process is flexible with going off tangent was allowed and follow-up interviews were used to further analyze a topic (Bryman, 2012). Interviews in a qualitative way normally gave rich, detailed answers, something that is required in order to go in-depth in actual reasons on policy adaption and influence which cannot be cast into single sentenced answers. The setup of these interviews, semi-structured, gives the researcher a greater flexibility in course of the interview, whilst still covering the required topics of the research, another requirement for successful completion of this research (Bryman, 2012).

Within the semi-structured interview, a topic list is used to regulate the course of the interview and to make sure that required data from the participant is gathered. This topic list has been formulated by decomposing the research questions and distilling relevant information from the content analysis and the theoretical framework into specific questions for the experts to answer. Topic lists from similar external policy transfer research were also consulted in order for the research to properly link up with existing research (Ademmer, 2013). The topic list can be found in appendix 9.1.

The topic list contains five blocks of questions. Block one deals with formalities and introduces the research topic. Block two deals with the developments of Armenian electoral policies, aiding and verifying the results found in chapter 4. Block three deals with EU influence on Armenian electoral



policies, following up on results found in chapter 5. Block four deals with other external influences, which became apparent after the analysis of external policy documents in chapter 5. Block five deals with closing formalities, required for a professional closing of the interviews as well as making agreements surrounding referencing and proceedings of the results of the research. The semi-structured in-depth interviews generated a significant amount of data, interviews held took between 20 and 70 minutes. Furthermore, everything stated during this interview was transcribed digitally, except for interview 6. This was due to the fact that recording devices were not allowed in the offices of the EEAS in Yerevan. Interview 10 and 14 were written answers to question posed and therefore not transcribed.

In analyzing the large amount of data gathered from the interview, computer-assisted qualitative data analysis software (CAQDAS) was used, in this case MAXQDA. Advantages to using CAQDAS are summarized by Bryman (2012) and Bazeley & Jackson (2013). They argue that quotes and themes from different interviews can be linked more easily to each other, in order to get a better overview of the overall topics talked about during the interviews as well as speeding up searching through different topics covered by the different experts. Whilst time-consuming at the start, eventual benefits are worth the effort of using CAQDAS to analyze stakeholder interviews. Interviews were coded on the basis of the different topics covered, an overview of the codes is provided in appendix 9.2. Coding follows the course of the topic list, in distinguishing the main topics usable for the analysis of internal and external influences on Armenian electoral policies. Main codes distinguished and used were 'Armenian electoral policies' with parts coded focusing on the developments of Armenian electoral policies. Main branches were used to distinguish parts of EU, CoE and OSCE influence established by the experts. 'Russian influence' and 'other influences' were used for coding parts of the interviews dealing with Russian and other internal and external influences distinguished by the experts. Other coded segments were used to qualify parts of expert interview as interesting societal developments or information deemed relevant for the research not fitting one of the other coded segments.

### **3.5 Limitations**

Quality of research is partly decided by the acknowledgement of its limitations, important concepts within limitations are reliability and validity, as well as reaching data saturation. Reliability is described by Bryman (2012) as the extent to which research can be replicated and the fact that internal consistency in the conclusions within the research should be apparent. Validity focuses on the fact if observations made in research align with the theory available and interviews itself are interpreted in the right way. The extent this research can be generalized across different settings also indicates an amount of validity present. Problems regarding reliability and validity that this research has encountered are now dealt with as well as measures taken to deal with these problems.

#### **3.5.1 Reliability**

The reliability of a research can be categorized into an internal and an external component. External reliability revolves around the extent of which a research can be replicated. In order to ensure the external reliability of this research, all the transcripts of the interviews as well as the recordings of the interviews are saved and available to third parties if requested, whilst actual names and identities of experts are made unrecognizable if requested to verify privacy. In this way, conclusions based on the interviews can be verified and duplicated if needed. Internal reliability revolves primarily around research which has more than one researcher, and the extent that conclusions

made by different researchers are agreed upon by all (Bryman, 2012). Due to the fact that there is only one researcher, internal reliability is ensured in this research. Boeije (2009) gives more criteria to ensure the reliability of social research. She argues that research methods should be well grounded and explained for in their use, which within this research is done in paragraph 3.1, 3.3 and 3.4 by mainly following Bryman's concepts of qualitative research in social research. In interviewing, reliability plays a role in the way respondents (in this case the experts) answer to the questions posed on electoral policies. Due to the fact that elections can be perceived as a delicate or taboo subject, socially desirable answers could have been given, which endangers the reliability of a research (Bryman, 2012). In order to create a safe environment for the interviewees and guarantee their anonymity, if requested, experts were less limited in their given answers. During the execution of the interviews, no socially desirable answers were characterized by the interviewer and experts talked freely about the topic. Some reservations were made by officials of international institutions in regards to their statements made; after review these statements were either rejected or noted as 'off the record' and not used in this thesis.

### **3.5.2 Validity**

Bryman divides validity into the internal and the external validity of a research. Internal validity revolves around the acquiring, interpretation and analyzing of the given data, in this case the interviews, and their connection with the existing theory. In order to guarantee internal validity in this research, research methods are carefully explained and accounted for in the preceding paragraphs and existing theory has been analyzed and summarized in chapter 2. To ensure the internal validity of the interviews, MAXQDA was used to enhance the quality of data analysis. Furthermore through the use of a topic list, which is flexible and open for additions to the existing theory, this research has further ensured its internal validity. Bryman (2012) also puts emphasis on this flexibility, arguing that a researcher should ask suggestive questions but open question so that the respondent is not limited to give desired answers most suitable for the research. Hay (2000) poses more issues regarding internal validity within interviews, naming for instance the way in which the interviewer speaks to the respondent not recording, completing, stopping or rushing an interview all diminish internal validity. Most of the interviews were taped and sufficient time was attributed for the interviews. Specific questions were asked depending on the background of an experts, although these questions were open in character. It was clarified to the experts from the start that right or wrong answers were not possible, with the researcher putting emphasis on the research focused on describing the electoral policies in Armenia without putting any judgment on these policies or its developments.

External validity revolves around the extent to which research findings can be generalized. Due to the fact that this research focuses on Armenian-EU relations and electoral policies are Armenian specific, external validity for this research will be hard to establish since it based on a single case: Armenian electoral policies. To ensure enough external validity this research should fit within the external governance and domestic policy transfer framework, adding to the existing theory about these topics. This has been ensured by the proper evaluation of existing theory and mimicking research methods used within presented theory in chapter 2.

## 4. Content analysis of Armenian electoral policies

Through content analysis of Armenian related policy documents, an overview of the developments and changes of electoral policies in Armenia is given. In the analysis of changes and developments within Armenian electoral policies since 2004, the distinction already made in chapter 3 is used. Separate paragraphs for electoral legislation, processes and structures are created. Electoral legislation is focused upon legislation surrounding the national and presidential elections, since these are named by the EU within the AP's and progress reports through which eventual EU influence in an ENP context can be apparent. Goal of this chapter is to partly answer SRQ2; *"To what extent have electoral policies changed in Armenia since the establishment of the ENP?"* Hints of these changes could be changes in the way the electoral structures are set up, apparent changes in electoral legislation, as well as electoral processes further matching 'EU standards of elections'.

### 4.1 Electoral structures of Armenia

In analyzing the electoral structures, we look at developments regarding the structures connected to the presidential and parliamentary elections of Armenia. These include the structure of the parliament and the role of the president within the Republic of Armenia. The political system in Armenia is a presidential representative democratic republic, in which the president is the head of government. The executive power is exercised by the government and the legislative power is apparent in both the parliament and the government (Urbinati, 2006).

The president of the Republic is chosen directly through presidential elections. The president is elected for a five year-term, which can be extended with another five year term, after which the president is forced to step down (Republic of Armenia, 2014). According to the constitution, the president is the head of state; he shall *"strive to uphold the Constitution and ensure the regular functioning of the legislative, executive and judicial powers"*. Furthermore he is responsible for the independence, territorial integrity and security of Armenia (Republic of Armenia, 2014).

The executive branch of the Republic of Armenia is the government, which consist of an executive council of government ministries. There are 18 ministries, which include general ministries of economy, foreign affairs and justice. Specific Armenian ministries are the Ministry of Diaspora, dealing with the Armenian diaspora all over the globe and the Ministry of Emergency Situations instated after the earthquake of 1988. Ministers themselves are aligned with the parties which form a majority coalition in the National Assembly: currently the Republican Party, Prosperous Armenia and the Rule of Law party. According to the constitution, the role of the government is to both develop and implement domestic policies, whilst jointly develop foreign policy with the President. Furthermore *"The government's authority shall encompass all elements of public administration which are not assigned to other state or local self-government bodies by the law"* (Republic of Armenia, 2014).

The legislative branch of the Republic of Armenia is the National Assembly of Armenia. It consists of 131 members and is unicameral. The members of the Assembly are chosen through parliamentary elections, which are organized every five years. 90 members are elected through a proportional representation system, in which a party gets seats based on the proportion of votes received. A 5% of the vote threshold is enforced. 41 members of Parliament are chosen through majoritarian single-seat constituency, which are based on districts spread across the different regions of the country.

(Armenian Parliament, 2014). According to the constitution, the National Assembly adopts laws, resolutions, and statements proposed by its members (Republic of Armenia, 2014).

The electoral structures in Armenia have not significantly changed since the start of the ENP in 2004, with the number of parliament seats staying stable at 131 and Presidential and Parliamentary elections held periodically at the intervals stated within the constitution. Negotiations about constitutional reforms are currently conducted. One of the main changes in regards to electoral policies, is the proposed abolition of the majoritarian system which changes the electoral system into a system based solely on proportional vote (Specialized Commission on Constitutional Reforms, 2014). These proposed changes are currently only rough drafts, with definite proposals regarding constitutional reforms still to be published. However, in assessing the influence of the EU, EU opinions in regards to these constitutional changes have to be taken into consideration.

## **4.2 Electoral legislation of Armenia**

Armenian electoral legislation consists of the Armenian constitution, special electoral amendments and the Armenian electoral code. The Armenian constitution was adopted by referendum in 1995. Amendments were put in place in 2005; ratified by a referendum (Republic of Armenia, 2014). The constitution consists of 117 articles. Elections is named 37 times in the constitution amongst a variety of articles. Article 2 of the constitution states: *“In the Republic of Armenia (...)The people exercise their power through free elections, referenda, as well as through state and local self-governing bodies and public officials as provided by the Constitution.”* (Republic of Armenia, 2014) Elections can thus be seen as the legal basis for the people of Armenia to exercise their power. According to article 4 elections are held on *“the basis of the right to universal, equal and direct suffrage by secret ballot”* (Republic of Armenia, 2014). Article 30 arranges the right for every RA citizen older than 18 years old to vote and to be chosen in (local) government institutions. Article 51 to 55 deal with the elections and rules surrounding electing the President of Armenia, whilst article 63 and 68 arranges these rules for the national parliamentary elections. Article 100 states that the Constitutional Court of Armenia is responsible for resolving *“all disputes arising from decisions adopted with regard to the elections of the president of Armenia”* (Republic of Armenia, 2014). Article 117 gives the President special power in order to call for special elections and the ability to dissolve the National Assembly in a state of emergency. When we look at the constitutional changes since 2004, one can see that the original constitution of 1995 has only once has been amended in 2005. These amendments in 2005 have also impacted electoral legislation: According to the Civiltas foundation, Armenia moved from a presidential to a semi-presidential system with more power diverting towards the parliament, which in theory should enhance democratic processes and governmental accountability (The Civiltas Foundation, 2013).

The most recent electoral code, ratified in 2011, is divided into two parts<sup>1</sup>. The first part revolves around general provisions, electoral commissions and the vote as well as summarizing its results. General provisions on elections provides the list of electors, electoral precincts, constituencies, electoral campaigns and funding of elections (Venice Commission, 2014). Electoral commissions are responsible for a successful execution of the elections themselves. The code specifies how electoral commissions are chosen and the specific duties for each different electoral commission; from local

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<sup>1</sup> An official translation is not provided by the Republic of Armenia. Translation used is provided by the Venice Commission, part of the Council of Europe and used in correspondence between Republic of Armenia and the Venice Commission.

until the Central Electoral Commission. The code also accounts for the process of voting, its organization, procedures and results (Venice Commission, 2014). The second part of Armenia's electoral code specifies rules and proceedings surrounding the different elections held in Armenia; the presidential, national parliamentary elections, local elections and the Yerevan Council of Elders. For every election held there are general provisions and proceedings for the nomination and registration of candidates, the status of candidates and rules surrounding electoral campaigns (Venice Commission, 2014).

The electoral code is not mentioned within the constitution itself. The electoral code should be seen as the laws which (should) ensure the proceedings of free and democratic elections presented in the constitution, it is therefore a guide in the conduct of elections. The first electoral code (or law) of influence in this research was instituted in 1999. Different amendments were added during the 2000's, with official amendments ratified in 2005, 2006 and in February, November and December 2007 (Venice Commission, 2008). The electoral code was replaced altogether in 2011 with a new electoral code, which is still valid up until this day (Venice Commission, 2014). Whilst the electoral legislation and articles presented in the constitution should be perceived as a broad sketch that Armenia wants to follow, the electoral code is seen a specific document relating to all aspects accompanying the electoral policies in Armenia.

Amendments made during the 2000's and the actual replacement of the electoral code in 2011 follow similar pathways. The Republic of Armenia sends drafts of proposed amendments to the VC and OSCE/ODIHR, which they evaluate and give their opinion and comments on (VC & OSCE/ODHIR, 2002;2003;2005;2007; Venice Commission; 2008 ). The Republic of Armenia requests opinions and evaluation of drafted amendments, the Venice Commission or OSCE/ODIHR does not proscribe changes in the electoral laws. Proposed changes themselves are drafted by Armenia, with the VC and OSCE/ODIHR solely commenting on the text and proposing recommendations. More on the development of the electoral legislation and its external influences in chapter 5.

In characterizing developments of Armenian electoral legislation, verification of actual change in the electoral legislation of Armenia has been made. Change is seen in amending and adopting the electoral code on several occasions as well as amending the constitution, with a significant amount of electoral legislation twinned to 'European electoral standards'. It is important to stress that actual implementation and compliance with this code and constitution in practice cannot be derived by the analysis of these policy documents alone. The conducted interviews are needed for an analysis of the implementation of policy in practice. If we relate the changes and creation of the electoral code to EU influence on electoral legislation, we can see that propositions regarding changes in Armenian electoral legislation are named in the AP's and progress reports published by the EU within the ENP and EaP framework as action points and in policy documents of the VC on which chapter 5 and 6 will elaborate more extensively on.

### 4.3 Electoral processes of Armenia

When we analyze the electoral processes in Armenia since the establishment of the ENP and the EaP one can distinguish four different electoral processes. These are the presidential elections of 2008 and 2013 and the parliamentary elections of 2007 and 2012. In analyzing its developments, the joint electoral monitoring reports by OSCE/ODIHR, the Venice Commission and the European Parliament are used. These are the main and most important observing missions for elections in Armenia. Internationally renowned organization in the field of democracy monitoring like Freedom House, Bertelsmann Foundation and local organizations like The Civitas Foundation and OSF Armenia on state of democracy are also consulted. Goal is to give an overview of the processes surrounding these different elections and developments time, as well as to see review if electoral legislation in place during the elections was actually implemented in a right way.

The 2007 parliamentary elections in Armenia were characterized by the OSCE as being largely in line with OSCE and international standards regarding elections. However, the goal of the Armenian government was for the elections to be in full ordinance with both OSCE and international standards, a goal which was not met. Main problem regarding the elections in 2007 were campaign regulation and the performances of electoral commissions in the field of vote counting and tabulation (OSCE/ODIHR, 2007). When we look at possible recommendations the OSCE gives, there are 44 points, revolving around topics like the legal framework, elections administration and the media which, during the election, were not in line with either OSCE standards or Armenia's own electoral code. A clear example of the already formulated discrepancy between policy adoption and policy execution is found in the first recommendation: *"The Election Code should be brought into conformity with other legislation in order to eliminate discrepancies, including those identified by the Constitutional Court"* (OSCE/ODIHR, 2007, p. 28). Whilst actual policy can be adopted, in this case from the OSCE, the actual policy itself can be overturned by other local policy or wrongly executed in practice. Furthermore, local political will to implement and execute policy also needs to be apparent as was not the case in Armenia. Freedom House characterizes the 2007 elections as generally fair, with improvements to earlier elections in the independence era (1990-onwards). They argue that whilst the framework of Armenian elections promotes equal suffrage by secret ballot and should provide free and fair elections, in practice this is not always the case. Significant shortcomings were seen in the exploitation of unclear electoral legislation regarding party finances and the divide between government and ruling party competing in the election. In all, Freedom House increased the rating (better rating equals fairer elections) for electoral processes in Armenia after 2007 (Freedom House, 2008).

The February 2008 presidential elections were characterized by the OSCE as two-folded. Whilst the pre-election period and early hours were considered to some extent successful, the aftermath of the elections presented serious issues and challenges regarding the proposed electoral standards. The vote count showed deficiencies of transparency and accountability, whilst complaint and appeal procedures were not effective. The electoral code provided a solid basis in conducting democratic elections, although a lack of implementation and impartial execution caused problems (OSCE/ODIHR, 2008). These problems were also named in the 2007 election report from Freedom House (Freedom House, 2008). Further problems were seen in the biased position of the governmental agencies towards the ruling party; they were obliged to campaign and support the ruling party throughout the election. The media landscape didn't ensure its bipartisanship with an uneven amount of media attention for the ruling party. The way in which electoral complaints were handled by the Central



Election Committee (CEC) was considered to favor the incumbent party. In the aftermath of the elections, which was won by the ruling party, peaceful protests were organized against the results of the elections by the opposition. These protests erupted into violent clashes between protesters in the beginning of March in which ten people lost their lives and over 200 people were wounded. The then President declared a state of emergency which resulted in a ban of rallies and gatherings as well as media censorship. After two weeks, the CEC declared the results of the elections valid and the new president legitimate (OSCE/ODIHR, 2008). Freedom House commented similarly to the conclusions made by the OSCE emphasizing that electoral legislation itself is progressive and sufficiently suited to facilitate democratic elections, the problem within Armenia is in its execution of policy. Other problems perceived by Freedom House following the elections is the fact there is an excessive concentration of power within the presidential office, as well as an inefficient system relying mostly on elites and business interests (oligarchs) providing for a political climate not suitable to host democratic elections. Furthermore, the low public trust in elections and politics in general poses serious problems regarding the democratic values of these same elections (Freedom House, 2009).

After the violent elections of 2008, Armenia's 2012 National Parliamentary elections were highly anticipated. The new electoral code established in 2011, in close cooperation with OSCE/ODHIR, should have further strengthened the legal framework surrounding elections. The campaign was perceived as more peaceful, vibrant and competitive, but overall level of civil confidence in politics and elections was perceived as low. Other problems were seen in limiting voter choices and integrity of using resources as well as interference in the election process by party representatives. In the aftermath of the elections, dealing with complaints and appeals was not deemed sufficient (OSCE/ODIHR, 2012). Again is prominently named in the report is the fact that

*"The elections were held under a new Electoral Code, which provides a generally solid framework for the conduct of democratic elections. It contains a number of improvements, but a number of substantive shortcomings remain to be addressed. The implementation of the Electoral Code fell short, both in letter and spirit, in ensuring an equal playing field for campaigning and protecting voters from undue influence."* (OSCE/ODIHR, 2012, p. 1).

Priority recommendations were made, which also included prior recommendations from 2007 and 2008 electoral reports of OSCE, a sign that past issues were not resolved between 2008 and 2012. The recommendations involved further alignment of the Copenhagen document, increasing public trust, uniform implementation of legislation, improving voter lists and further strengthening the electoral commissions (OSCE/ODIHR, 2012). Freedom House saw the 2012 elections as an improvement to the 2008 one, given the fact that there was more media transparency, improved regulations surrounding part financing and a decline in ballot stuffing (Freedom House, 2013). On the other hand, vote-buying, voter intimidation and falsification were more prevalent than in 2008. Issues surrounding the voter lists were also named by Freedom House: whilst the Central Electoral Committee published voter lists online, as requested by civil society, serious irregularities with these lists were not addressed by the government (Freedom House, 2013).

The 2013 presidential elections are the most recent elections in Armenia, and saw the incumbent president win another 5 year term. International observers were generally pleased with the conduct



of the elections, OSCE noted that whilst elections were well executed and organized continuous problems arose with a lack of will in implementing changes, party-financing, a mistrust in the voter list system and administrative resources being misused. The overly formalistic approach of the Central Electoral Commission in dealing with complaints was also stipulated (OSCE/ODHIR, 2013). Recommendations made are similar to the recommendations of 2008 and 2012: raise the level of public trust in the government, stop the misuse of power by government officials and raise the integrity of the election process. Freedom House (2014) follows the OSCE in its conclusion that elections were conducted professionally with respect to fundamental freedoms, adequate media coverage and good conditions for campaigning. However local observers quoted in the Freedom House report issue warnings in regards to continuation of vote buying, ballot stuffing and violation of the voting process (Freedom House, 2014). Another important flaw in the electoral process of 2013 was the lack of viable candidates to beat the incumbent candidate. With party representatives of the second, third and fourth party withdrawing from the election, serious oppositional opponents were not available. Freedom House (2014) also highlights on the main flaws of Armenia's electoral processes:

*“Persistent underlying flaws of the electoral system. These extend beyond violations to a deep mistrust of elections within the electorate itself, a lack of issue-based dialogue, and weak interparty dialogue both during and beyond elections” (Freedom House, 2014, p.72).*

#### **4.4 Conclusion on Armenian electoral policies**

In answering SQR2, we can see that the electoral structures have changed to the extent that the division between majoritarian and proportionate representation has been altered, although already in 2005 before the implementation of the first EU AP's. The actual electoral structures, a presidential representative democracy have remained the same since 2004. Electoral legislation has changed in Armenia since 2004, with both the constitution and the electoral code amended several times, following recommendations by both the Venice Commission and OSCE/ODIHR; more on this relationship in chapter 5.3 and 5.4. There have been four general elections since the start of the ENP. All of these elections have been perceived as relatively fair according to international standards set by the OSCE, although numerous recommendations are made in the elections evaluation reports. Actual execution of and compliance with electoral legislation during the election period is perceived as the main issue in regards to Armenian electoral processes. Problems surrounding implementation are still the major issue up until this day (OSCE/ODIHR, 2012, 2013; Freedom House, 2013,2014). This shows an important discrepancy of development; whilst the proper legislation is in place, this does not necessarily means the proceeding of free and fair elections thus correct policy implementation. This understanding is important and follows theory of chapter 2 presented by Hagemann (2013) and Börzel & van Hüllen (2014): actual influence cannot be measured by policy adoption alone. The influence or power to make Armenia comply and execute the policy soon after it is adopted it is of equal importance distinguishing external influences. Reasons why adopted policy is not executed to the desired extent falls within the empirical spectrum of this research and is elaborated upon in chapter 6.

## 5. European policy documents

Theory presented in chapter 2 and the operationalization of external influence in chapter 3 has provided three possible IGOs which could have an influence on the developments of electoral policies in Armenia. By characterizing the types of governance used by the EU, the Venice Commission and OSCE/ODIHR and analyzing the policy documents related to electoral policies in Armenia, an overview of possible influence mechanisms is given, which is further tested through the interviews with the experts in chapter 6.

### 5.1 EU policy documents

Goal of this paragraph is to give a partial answer to SRQ 3: *Which modes of external governance are used in Armenia by the European Union regarding electoral policies?* The EU specifies the goals of cooperation with Armenia in the PCA; the legal framework of cooperation between the EU and Armenia. A more practical guide to these goals is the AP, used within the framework of cooperation of the ENP.

#### 5.1.1 The PCA

The legal framework of the cooperation between the European Union (EC in 1999) and the Republic of Armenia is agreed upon through the PCA, the Partnership and Cooperation Agreement signed in 1996 and entered into force in 1999 (European Union, 1999). In this agreement, both the EU and Armenia, consider, desire, recognize and support each other on a wide variety of topics. The main objectives of the partnership are characterized in article 1: the EU and Armenia are

1. *to provide an appropriate framework for the political dialogue between the Parties allowing the development of political relations;*
2. *to support the Republic of Armenia's efforts to consolidate its democracy and to develop its economy and to complete the transition into a market economy;*
3. *to promote trade and investment and harmonious economic relations between the Parties and so to foster their sustainable economic development;*
4. *to provide a basis for legislative, economic, social, financial, civil scientific, technological and cultural cooperation.*

(European Union, 1999, p. 4)

The European Union and Armenia show their commitment to consolidate the current democratic standards (back in 1999). Next to these main objectives, the PCA is sorted into titles relating towards political dialogue, trade, business and environment, legislative cooperation, economic cooperation, cooperation relating to democracy and human rights, prevention of illegal activities and illegal immigration (European Union, 1999). The PCS states that the EU and Armenia are

*“CONVINCED of the paramount importance of the rule of law and respect for human rights, particularly those of persons belonging to minorities, the establishment of a multiparty system with **free and democratic elections** and economic liberalization aimed at setting up a market economy.”* (European Union, 1999, p.2).

The PCA shows that both parties involved are intent of organizing free and democratic elections. Interesting to see however, is that in the rest of the PCA, no other mentioning of the word election is seen. In the chapter on cooperation within democracy and human rights, it is agreed upon that

questions relevant to democracy and rule of law, international law and OSCE principles should be followed. The way in which this cooperation is envisioned in the PCA, is the formation of technical assistance programs, drafting and implementation of relevant legislation, role of the State and, finally, the **operation of the electoral system**. Both parties will encourage

*“Contacts and exchanges between their national, regional and judicial authorities, parliamentarians, and non-governmental organizations.” (European Union, 1999, p.41)*

The PCA is considered as a very broad overview of the intended relationship between Armenia and the EU set out in 1999. It is however also the sole legal basis of cooperation between Armenia and the EU up to this date.

### **5.1.2 The AP and its progress reports**

With the PCA being the legal framework and somewhat of a pathway, the Action Plan (AP) between Armenia and the EU could be seen as a more practical guide for implementing the PCA within the framework of the ENP and the EaP. Established in 2006, it has a more non-binding character than the PCA and is written mainly from an EU point of view. In contrast, the PCA resembles more actual cooperation between Armenia and the EU.

Armenia can pick and choose what to follow from the AP: the ‘more for more’ principle. The more Armenia moves towards the goals stated in the AP, the more funding and benefits of the EU become available. Electoral policies are more prominently involved in this document as opposed to the PCA. The AP distinguishes eight priority areas of which the first one is: *“Strengthening of democratic structures, of the rule of law, including reform of the judiciary and combat of fraud and corruption.”* (European Commission, 2006, p. 4). Within this first priority area, the EU relates towards electoral structures by calling for the *“Proper implementation of the Constitutional Reform providing better separation of powers, independence of the judiciary and functioning of local self-government”*. This has to do with improving electoral processes and structures in Armenia, clarity on how this needs to be done is not given (European Commission, 2006, p. 4).

In the field of electoral legislation, the EU proposes changes in line with international standards for elections:

*“Ensure that the electoral framework is in full compliance with OSCE commitments and other international standards for democratic elections, by amending the Electoral Code and improving electoral administration in line with OSCE/ODIHR and CoE; Venice Commission recommendations”* (European Commission, 2006, p. 4).

This quote is significant for this research; it shows that the EU, in official documents, wants to strengthen and/or change electoral policies in Armenia although not through direct involvement but referring to other external actors. The way in which this change should be executed within the field of electoral policy differs. In regards to both electoral legislation and processes this is made clear to a certain extent, whilst for electoral structures this outline is less specific (European Commission, 2006). In chapter 4 of the AP more targets regarding electoral policies are given;

*Party financing should be more clear and the rules more transparent. Furthermore, political pluralism should be encouraged by an intensified co-operation between Armenia’s and EU’s political parties and legislative bodies.* (European Commission, 2006, p. 11).

Next to the AP, an EU/ENP strategy paper was published in 2007, which fell within the boundaries of the European Neighborhood and Partnership Instrument: the ENPI, which provides the actual funding of targeted countries within the ENP and the Eastern Partnership (European Commission, 2007). This strategy paper and its follow up, the National Indicative Program (NIP) for Armenia provide limited details on the goals set for EU-Armenian cooperation in the electoral field (European Commission, 2010a). The ENPI and NIP stipulate the need for *“Further improvement in the conduct of elections.”* (European Commission, 2010a, p. 14) This doesn’t provide any path or provisions on execution or implementation. Within the goals of the Eastern Partnership, one of the core objectives is the improvement of electoral standards. In 2013, the EU stated that the EaP in the future should provide for

*“Supporting reforms in the areas of electoral standards, freedom of expression, National Human Rights Institutions, children’s rights, prevention and fight against corruption, transparent management of public goods, and public administration reform.”* (European Commission, 2013a, p. 1)

After the ratification of the AP in 2006, seven annual progress reports have been published. These cover 2007 (European Commission, 2008) until the most recent report on the progress made up until 2013, which was published in 2014 (European Commission, 2014). The reports monitor the progress of Armenia regarding the priority areas named in the AP as well as other reports drafted such as the 2007 Armenia strategy paper and the 2010 NIP. These reports are a combined effort by the European Commission and the European External Action Services, which has a permanent presence in Yerevan, Armenia.

The different reports give a comprehensive overview of the progress Armenia has made according to the EU regarding the goals stated within the AP in 2006 within the field of electoral policies. According to these progress reports, Armenia has made progress in improving electoral administration, amending the electoral code, improving judiciary and aligning to some extent with OSCE/ODIHR recommendations made in regards to elections (European Commission, 2009;2010b;2011;2012;2013b). The progress reports however don’t stipulate the actions of the EU itself in the field of actual influence; they merely give an overview of the current situation of Armenian electoral policies and if these have improved or not. Exception to this is the report covering 2012, which states *“An EU project to support the election processes in Armenia implemented by the OSCE helped improve the technical capacities of election commissions and the election observation capacity of civil society.”* (European Commission, 2013b, p. 4). Actual funding was used to improve electoral processes, however execution was conducted by the OSCE making use of EU funding.

In the most recent progress report of 2014, two main issues regarding elections have still not been addressed in Armenia.

*“Implement the OSCE/ODIHR recommendations concerning elections, in particular ensure a level playing field for all candidates and avoid the use of administrative resources for electoral purposes Moreover, ensure pluralism in the broadcasting media”* (European Commission, 2014c, p. 4) .

Armenia should furthermore ensure that it:

*“Fully investigate the deaths that occurred during clashes following the March 2008 presidential elections and the allegations of ill-treatment in police custody”* (European Commission, 2014c, p. 4).

The EU focuses on the fact that whilst legislation is in line with the electoral standards set by OSCE/ODIHR and the VC, the actual implementation and execution of legislation is insufficient. This problem is a recurring theme in the progress reports over the years and something also distinguished in the reports of OSCE/ODIHR mentioned in chapter 4. It is also noteworthy that issues regarding the 2008 elections have in the eyes of the EU, still haven't been solved in 2014, six years after the incidents themselves took place.

To summarize the EU's standpoint and actions regarding electoral policies in official policy documents, one can see that wordage used in the AP and similar documents is focused from an EU perspective; Armenia is required to meet the standards set by the EU. Progress reports give an overview of the progress, but in general don't describe ways on how to reach progress or give reasons why progress has been reached in Armenia. The EU focuses on the fact that Armenia has to comply with the international electoral standards set by both the CoE and OSCE/ODIHR as stated by the EU in both the PCA and the AP (European Union, 1999; European Commission; 2006). The terms on how to actually align are however not specified in any of the EU policy documents. There are no separate documents recommending change in Armenian electoral policies by the EU, this is the responsibility of the CoE and its VC as well as OSCE/ODIHR.

### **5.1.3 EU policy documents in the EEG framework**

In analyzing the policy documents of the EU, it should now be possible to answer SRQ 2. When we relate the format of the PCA to the theories on external governance presented in chapter two, one can distinguish that the format of the PCA has a voluntary cooperative character. The fact that the document is filled with words like intentions, convinced of and providing that shows that there is a lack of hard agreements within the PCA. The relationship of the PCA is one built on equality, with decision making is based on cooperation and both parties acknowledging the importance of measures that need to be taken. No conditionality is linked to this. The PCA is a prime example of network governance towards Armenia, distinguished by Lavenex (2008). Within network governance, mutual agreements play an important part as is the case in the PCA. The PCA doesn't offer final solutions, it prescribes more of a pathway to follow; this is another characteristic of network governance, which *“often prescribe procedural modes of interaction rather than final policy solutions”* (Lavenex & Schimmelfennig, 2013, p. 8). The socialization theory provided by Schimmelfennig (2009) is also applicable on the way in which the EU works in case of the PCA: Through intergovernmental social learning and imitation of policies already established in the EU, Armenia is able to develop their own policies resembling the EUs.

With the PCA being primarily legal framework of cooperation, other forms of external governance can be seen in the more practical outline of the AP and its subsequent documents published since 2004. Whilst the AP in 2006 was mutually agreed upon by both Armenia and the EU, it is written more from an EU point of view, with the EU proposing changes to Armenia, as opposed to the PCA which has a more equal character (European Commission, 2006). In using the setup of a ruler and drafter of documents the EU makes use of its power relationship over Armenia. With the ENP, the 'more for more' principle is a prime example of hierarchical governance. As stated in chapter 2

'conditionality' plays a decisive role within hierarchical governance; if Armenia adopts the policies and follows the instructions given in the AP, it will receive funding and support from the EU's ENPI and political decisions as for instance visa liberalization towards the EU and immigration to EU member states can be fast-tracked (as has been the case in the past).

With the AP's themselves being hierarchical in nature, the actual implementation of the AP's has a more network governance approach. Implementation is monitored by a local European Action Services Office which communicates intensively with Armenian governmental actors in reaching the goals stated in the AP (European Commission, 2014c). Further programs developed to promote the goals set in the AP are often within the framework of the EU working together with local government, NGO's and external partners. Examples are for instance the call to monitor the implementation of the AP in 2014 and attribute to the 2015 progress report (European Commission, 2014d). This cooperation however is not stated in the actual progress reports themselves or was indicated to proceed upon the establishment of the AP in 2006; it was established during the course of the ENP and absent in policy documents of the EU.

An important note has to be made with the governance applied by the EU in the Armenian case towards specifically electoral policies. Whilst the EU mostly demands adoption to EU rules in the Armenian AP, within electoral policies they point out that electoral policies need to be in "*full compliance with OSCE commitments and other international standards for democratic elections*" (European Commission, 2006, p. 4). The EU does not promote its own electoral policy standard but urges Armenia to adopt policy presented by other international organizations, in this case the OSCE and the CoE. In doing so, the EU uses a type of market governance that Lavenex and Schimmelfennig (2009) themselves distinguish. However Lavenex and Schimmelfennig (2009) characterize market governance as "*the outcomes of competition between formally autonomous actors*" (p. 799). The competition element is not present within electoral policies in Armenia. The EU, OSCE and CoE cannot be seen as autonomous actors in this regard. The EU simply urges Armenia to choose OSCE and CoE standards without competing themselves with own electoral policy standards. The EU views the OSCE and CoE electoral policies as the best policies available on the 'world market of policies', and urges Armenia to choose this policy to adopt, due to the individual value of OSCE and CoE electoral standards.

The promotion of policy by the EU towards Armenia that isn't official EU policy brings this thesis into a realm that has not been theorized by Lavenex and Schimmelfennig (2009). External governance and policy adoption of policies that are not the EU's own policies but those of other international organizations. It is therefore difficult to establish actual EU influence on policy adoption in Armenia based on these documents alone, since these documents refer to policy also promoted by organizations like the OSCE and the CoE. If electoral policy promoted by CoE and OSCE is adopted by Armenia, which will be further elaborated upon in chapter 5.2 and 5.3, this could be attributed to influence of these organizations themselves or because of the EU influence on Armenia.

To recap the modes of governance used by the EU in regards to Armenia, it uses a mix of all three distinguished by Freyburg et al. (2009). In regards to electoral policies specifically, it focusses on other external parties, thereby using primarily market governance. The EU applies network governance to promote the goals stated in the AP in regards to electoral policies in communicating



intensively with all local partners involved. The ‘carrot’ or hierarchical governance is used by the EU in general cases, although not apparent within electoral policies specifically.

## **5.2 Policy documents ‘Western’ institutions**

External parties have the potential to influence Armenian electoral policies as was seen in chapter 4. In EU policy documents, the EU refers towards the CoE and OSCE/ODIHR in regards to electoral policies (paragraph 5.1). Therefore general relations and policies of these organization towards Armenia are to be dealt with within this paragraph. Given the fact that multiple actors have been distinguished it should be possible to partly answer SRQ 5: *What other external and domestic factors influence policy development regarding electoral policies in Armenia?*.

### **5.2.1 CoE policy documents**

Armenia became a member of the Council of Europe (CoE) in 2001 (CoE, 2014a), after an accession process which started in 1995. In joining the CoE, Armenia agreed to follow the statutory obligations set by the CoE in ratifying the European Convention on Human Rights, a treaty designed to protect human rights, democracy and rule of law. (CoE, 2014b) Further agreements in Armenia’s context are agreements dealing with the prevention of torture, fight against racism, the fight against corruption and money laundering as well as improving the democratic and judicial structures (CoE, 2014c how we work). The CoE main ruling body is the Parliamentary Assembly (PACE) which can propose new conventions and treaties, and the Committee of the Ministers can ratify these conventions and install new members (CoE, 2014c). Electoral standards set by the CoE, are monitored by the European Commission for Democracy through Law, or the Venice Commission (VC). According to the CoE, the VC is an *“advisory body on constitutional matters which plays a leading role in the adoption of constitutions that conform to the standards of Europe’s constitutional heritage”* (CoE, 2014d). It promotes the adoption of policy and legislation in line with ‘European policies and standards’. In regards to these European electoral standards, the CoE refers to its ‘Code of Good Practices in Electoral Matters’ (CGPEM) (VC, 2002).

The CGPEM was written in 2002 by a working group which consisted of members of the PACE and the VC of the CoE. The code is based on the electoral standards apparent in the electoral heritage of European countries (Timuş, 2013). It consists mainly of international rules and guidelines. According to this European heritage, universal, free, equal, secret and direct suffrage applies during elections as well as to organizing frequent elections (VC, 2002). Universal suffrage underlines the principle that all human beings have the right to vote, with certain conditions surrounding age, residency and nationality. Equal suffrage indicates that all voters have equal voting rights, power and opportunities, as well as ensuring voting rights for minorities and different gender. Freedom of suffrage gives voters the freedom to form an opinion and being able to combat fraud during the electoral process. A vote is always secretly done and should be always done individually. Direct suffrage deals with the electoral structures which are necessary; these are the national, sub-national and local representative councils. Elections must be held at least every five years according to the CGPEM (VC, 2002). The CGPEM provides general conditions for implementing these principles and furthermore explains the underlying principles of Europe’s electoral heritage and their legal basis within the code. A countries electoral legislation needs to be in line with the CGPEM in order to comply with international or European electoral standards. The CGPEM can primarily be seen as a tool to influence the electoral legislation of a country, since it acts as a guideline to which legislation should be twinned.



In regards to policy documents surrounding electoral legislation in Armenia and the VC; there are numerous documents available ranging from Armenia's entry into the CoE in 2001 up until 2011. Before dealing with these policy documents it is important to state that most of the documents written by the VC are drafted in close cooperation with OSCE and its Office for Democratic Institutions and Human Rights (OSCE/ODIHR). More on this relationship in chapter 5.2.2 and 5.3. Legal basis for these recommendations and cooperation with the VC was established in 2001, with the Armenian President of the Constitutional Court and the Vice President of the National Assembly submitting a cooperation program with the VC in order to fulfill obligations following Armenia's membership to the CoE (VC & OSCE/ODIHR, 2002a). Armenia requested the VC for its first opinions on the draft amendments made to the electoral code, the main piece of electoral legislation, in 2001 (VC & OSCE/ODIHR, 2002a). These amendments were to be made to Armenia's universal electoral code, originally adopted in 1991 (VC & OSCE/ODHIR, 2002b). Due to Armenia's commitments to the CoE, this original electoral code became insufficient in providing the legislative basis for free and fair elections (VC & OSCE/ODIHR, 2003). After this first process of amendments, Armenia has amended its electoral code in 2002, 2005, 2006, two times in 2007 and in 2011 (VC & OSCE/ODIHR, 2011).

As previously stated in chapter 4, the VC has been actively involved in shaping mainly electoral legislation in Armenia. Whilst the EU provides yearly progress reports on its own account, the CoE and the VC only provide opinions and assessments after, and recommendations before, adoption of Armenian law. This is only done if the VC is invited to do so by the Armenian government. Recommendations made are not binding in any way, they are given as a handhold for Armenia to further align its electoral legislation with 'European standards' such as the CGPEM and the European Convention on Human Rights. Around each of the proposed amendments to the electoral code, Armenia has requested the assessments of the VC, which tests the amendments and the code itself towards the extent in which they were in line with the standards set in the CGPEM. More on the content of these recommendations and Armenia's response in chapter 5.3.

Joint opinions given by the VC and OSCE/ODIHR follow a general setup up until the opinions of 2007 (VC & OSCE/ODIHR, 2008). In its assessments and opinions, the VC compliments Armenia for changes made but argues that further changes are deemed necessary in order to further improve the electoral legislation of Armenia. In 2002 it is already argued that *"the key to improving the quality of elections remains the fair implementation of the Code* (VC & OSCE/ODHIR, 2002a, p. 4). However, these problems still exist in 2008, when the VC claims that *The amended Code(legislation) can be the basis for genuinely democratic elections if implemented in good faith. However, further improvements can be made, and the Code(legislation) could also be improved by including more explicit obligations within areas where the implementation seems to fall short of international standards"* (VC & OSCE/ODIHR, 2008, p. 4). This is in line with statements made in chapter 2, which claim that policy adoption does not mean actual influence, since the policies adopted can be used in different ways as envisioned by the original drafters in this case the VC and OSCE/ODIHR.

Focusing on the events surrounding the aftermath of the 2008 elections in Armenia shows the extent of governance available to the CoE. Given the fact that the 2008 elections were characterized by a violent aftermath, PACE adopted two resolutions in 2008 (CoE, 2008a; 2008b) on the functioning of the democratic institutions in Armenia. It particularly raised the issue of the arrests of opposition supporters and members of Parliament, the control over the electronic medias and of the freedom of assembly as well as of a number of prosecution cases and convictions solely based on police

testimony (OSCE/ODIHR, 2008). The implementation of the PACE recommendations by Armenia were considered not satisfactory by the PACE Monitoring Committee and it threatened to suspend Armenia from the PACE. Several steps were taken by the Armenian authorities in January 2009; after which the PACE decided in January 2009 not to suspend the Armenian delegation's voting rights and did not put forward this sanction for consideration at a later stage, while calling on authorities to continue the process of reforms (CoE, 2011).

These threats of suspension in the PACE might have provided the basis for a large revision of the electoral code in 2010, which ended with the ratification of a new electoral code in 2011. The VC was again involved in this draft through recommendations and round table conversations. On their final opinion of this new electoral code; they state that Armenia has again made progress in improving the legislative framework surrounding elections and addressing recommendations made by the VC (VC & OSCE/ODIHR, 2011). However it is again explained that

*“It is the exercise of political will by all stakeholders that remains the key challenge for the conduct of genuinely democratic elections in the Republic of Armenia. The Venice Commission and OSCE/ODIHR have long stated that the Electoral Code of the Republic of Armenia could provide a good basis for democratic elections, if implemented fully and properly” (VC & OSCE/ODIHR, 2011, p. 19).*

After the most recent amendments to the electoral code in 2011 no revisions have taken place. Therefore the VC has not been requested by Armenia to provide new recommendations or opinions on draft legislation, shown by the absence of policy documents on the website of the CoE requesting such opinions (CoE, 2014e).

Next to the VC, another factor of cooperation between Armenia and the CoE is accounted for in the 2012-2014 Armenia-CoE Action Plan (CoE, 2012). This plan coordinates the actions of the CoE office in Yerevan Armenia. The plan sets out actual funding to improve human rights, rule of law and democracy. In regards to electoral policies, funding is allocated towards projects named “Support free and fair elections in Armenia” and “Building a democratic future” (CoE, 2012, pp. 17-22 ). This shows the CoE involvement on the local level in order to match Armenia's electoral policies to ‘European standards’.

### **5.2.2 OSCE policy documents**

OSCE policy documents are already used in the analysis of the Armenian elections in chapter 4. However, OSCE produces more documents regarding electoral policies which go beyond the actual elections themselves. Those are both singular written documents as well as documents written in cooperation with the CoE giving advice on electoral policies in Armenia.

Armenia's relationship with the OSCE is based upon Armenia joining the OSCE in 1992. Within the framework of the OSCE, all 57 participating states (including Armenia) enjoy an equal status, in which decisions are taken by consensus, whilst these decisions have a political binding status, they are not legally binding (OSCE, 2014).

Main policy document of importance between OSCE and Armenia is the Copenhagen Document: A document signed by all the members of the OSCE (of which Armenia is a participating state) in which countries agree to promote democratic elections and human rights (OSCE/ODIHR, 2013). The document sets out specific rules, policy and regulations regarding elections and human rights:

*“The participating States express their conviction that full respect for human rights and fundamental freedoms and the development of societies based on pluralistic democracy and the rule of law are prerequisites for progress in setting up the lasting order of peace, security, justice and co-operation that they seek to establish in Europe.” (OSCE, 1990, p. 2).*

Furthermore, through its monitoring missions the OSCE judges if electoral processes are in line with other international standards for democratic elections, as well as national legislation in place at the time. This also includes the previously named CGPEM (OSCE/ODIHR, 2013). OSCE/ODIHR is invited to monitor parliamentary and presidential elections held. Legally this is backed by a formal invitation by the Foreign Ministry of Armenia which was done in 2007, 2008, 2012 and 2013 (OSCE/ODIHR, 2007;2008;2012;2013). The OSCE sets up an Electoral Observation Mission (EOM) to monitor the elections and draft the observation reports presented in chapter 4. Advice and recommendations given in these reports by OSCE/ODIHR should be seen as voluntary and lack any local legal implications for Armenia or the relationship between OSCE/ODIHR and Armenia.

With the instatement of a local OSCE office, influence on electoral policies beyond the period surrounding the elections is established. In regards to elections, the local OSCE office was involved in the program funded by the EU called *“Support to two elections in Armenia”* which was instated in order to *“support for the improved efficiency of election administration and transparency of the electoral processes in line with international standards.”* (OSCE, 2013, pp. 1-4). It was furthermore designed to strengthen the electoral management bodies apparent in Armenia (OSCE/ODIHR, 2013). The program ran during the electoral period surrounding the elections of 2012 and 2013.

As seen in paragraph 5.2.1, OSCE/ODIHR and the VC work together intensively in advising on electoral policies that Armenia develops and have done so since 2002. The opinions and recommendations made in regards to Armenia are joined efforts by experts from both OSCE/ODIHR and the VC. Reason behind this cooperation is the fact that legislative expertise is found within the VC, whilst electoral process knowledge and proceedings is situated at OSCE/ODHIR. In combining both strengths, a coherent overview can be established in regards to legislative developments and the effects these developments on the actual elections themselves. This way recommendations and opinions are not based on second hand information distinguished solely from reports but from data gathered first hand by experts from both organizations.

### **5.2.3 ‘Western institutions and their governance’**

In the external governance used by both the OSCE and the VC in influencing electoral policies in Armenia, we can once again distinguish elements which fit the external governance approach by Lavenex and Schimmelfennig (2009). Within this chapter, SRQ5 has been partly answered. Based on policy documents, two other external parties who try to influence electoral policies in Armenia were elaborated upon.

Main difference between Armenia’s relationships with the EU, CoE and OSCE is the fact that Armenia is an actual member of these latter two organizations, whilst EU relations are based on cooperation and agreements. This membership could give the OSCE and CoE some conditionality in their dealings with Armenia. Leverage that the CoE has, was to some extent used after the violent elections of 2008, after which the CoE threatened to suspend Armenia’s vote in the PACE. Whilst a member of OSCE, OSCE membership has no legally binding agreements so conditionality cannot be enforced by OSCE in regards to Armenia.

Most prominent influence of both OSCE and CoE can be seen in its cooperation with Armenia in regards to remodeling electoral legislation and monitoring electoral processes. Key in this cooperation is the way in which OSCE and CoE work intensively with Armenian government and legislators in order to twin electoral legislation to 'European' standards and monitor elections in order to verify the implementation of this legislation. This intensive cooperation and remodeling of legislation resembles the network governance approach. Wunderlich (2012) comment on the fact that 'European' legislation is not adopted but national legislation is in this case changed to meet the standards set, as is the case in Armenia. In Schimmelfennigs (2009) theories on Europeanization, the approach used by OSCE and the CoE in Armenia falls in the spectrum of the "logic of appropriateness" with elements of socialization such as a constructive impact and communication in the way policy is altered and adopted as well as lesson drawing that is apparent in Armenia's changing of electoral legislation.

### 5.3 Conclusion: A European standard for Armenian electoral policies?

In the analysis of both European and Armenian policy documents one can see a pattern of goals and demands made by the EU, recommendations made by international organizations and their experts, followed by actual changes made in electoral policies in Armenia, as shown in chapter 4.1, 4.2 and 4.3.

Table 5.1 gives a table overview of the demands made by EU, recommendations made by the VC and actual changes of Armenian electoral policies. Prominent in this table are the CGPEM and the Copenhagen document; the international electoral legislative standards promoted by the EU, the CoE and OSCE to which Armenia should twin its legislation and which it to certain extent has done in recent years.

**Table 5.1 Overview of EU, OSCE and CoE demands and Armenian execution**

EU demands in PCA (1999) & AP (2006)	European experts recommendations (VC & OSCE-ODIHR) and demands	Electoral policy changes in Armenia since 2004 (start ENP)
<ul style="list-style-type: none"> <li>-Constitutional reforms in regards to more democracy</li> <li>-Confine to international principles of good and fair elections: amend the electoral code and improve electoral legislation</li> <li>-Follow recommendations by VC and OSCE/ODIHR</li> <li>-Strengthening political pluralism by encouraging co-operation between Armenian and EU political parties and legislative bodies;</li> <li>-Establish clear and transparent rules on party financing;</li> </ul>	<ul style="list-style-type: none"> <li>- Align electoral legislation with CGPEM</li> <li>-Elections should proceed following the Copenhagen document</li> <li>-Follow the 'European standards'</li> <li>-Execution of adopted policies in practice</li> </ul>	<ul style="list-style-type: none"> <li>-Constitutional amendments 2005</li> <li>-Series of Amendments to the electoral code 2000's with most recent in revision in 2011</li> <li>-Constitutional reforms 2014/2015</li> </ul>

Source: (European Commission, 1999, 2006; VC & OSCE/ODIHR, 2002a; Republic of Armenia, 2014)

In order for EU influence based on policy documents to be apparent, Armenian electoral policies should align with the goals stated by the EU in its PCA and AP. The EU looks towards the VC and OSCE/ODIHR for recommendations in regards to changing legislation and improving electoral processes, therefore the extent to which Armenia has aligned with recommendations of named organizations can be seen as 'European' influence as to just alone EU influence. This is an important partition to keep in mind in analyzing the interviews and claiming EU influence within this research.

Timuş (2013) expands on this 'European character' of electoral standards and policies, and the way this functioned in practice in Georgia, Ukraine and Moldova. EU influence on electoral policies is beyond the EU itself; instead of creating specific EU electoral policy, the EU delegates responsibility towards the experts of the VC and OSCE/ODIHR (Timuş, 2013). This however has its effect on the conditionality that the EU possesses and the carrot approach. EU expectations and communications itself are not specific enough in order for Armenia to comply with them easily: there is a misfit in which the local institutions are not easily compatible with the European standards, as is acknowledged by Langbein & Börzel (2013) in chapter 2. As stated by Reinhard (2010) the more the EU is involved in the process and clear in its intentions, the more likely a targeted country will adopt policy. In regards to electoral policies, the EU lacks this commitment towards Armenia which could have a negative effect on the actual implementation and executions of policy.

This solid commitment however is apparent within the VC and OSCE/ODIHR, who through expert comments, recommendations, studies and expert opinions try to influence domestic reforms and policy adoption and are clearly actively involved in the process. In the theory of socialization, these instruments could be perceived as highly effective in triggering reforms (Timuş, 2013). The power of the instruments used by the VC and OSCE is however weakened by their lack of 'hard power' in regards to Armenia. They lack the means to politically or economically 'punish' Armenia for failing to adopt VC and OSCE/ODIHR recommendations, something the EU is able to do but has not done in the past. This can also be seen to the extent that Armenia has been willing to adopt presented legislation but implementation of this legislation has been a problem since starting cooperation with the EU, CoE and OSCE/ODIHR.

Following the course of this thesis, it has been established that electoral policy in Armenia has been altered and developed following the standards set by 'European influences' being the EU, OSCE/ODIHR and the VC. These parties themselves acknowledge these developments in their own policy documents (VC & OSCE/ODIHR, 2011; European Commission, 2014, OSCE/ODIHR, 2013). Out of these policy documents, it is however also apparent that not all the propositions and recommendations as requested by the EU, OSCE/ODIHR and VC have been executed. Furthermore there are problems in regards to the execution and implementation of electoral policies in Armenia, diminishing the results made in the field of electoral legislation and influencing the course of electoral processes in Armenia characterizing them as being not in line with the promoted 'European electoral standards'.

Through the interviews with stakeholders, it is important to establish reasons why Armenia has chosen to adopt 'European' electoral legislation in first place and what were the reasons for this policy adoption, being it EU, VC, OSCE or a combined effort by this European troika or if it was merely market influences or through conditionality. Furthermore, reasons why actual execution and implementation of adopted policy has been, and is, currently failing should also be derived from the interviews as well as an overview of possible other internal and external influences on Armenian electoral policies should be established.

## 6. Stakeholder Interviews: Adoption vs. Implementation: a Russian connection?

With the analysis of the different policy documents completed in chapter 5, chapter 6 will further elaborate on the developments of Armenian electoral policies by processing the interviews executed with the different experts on the developments of Armenian electoral policies and its (external) influences. Main goal of this chapter is to answer SRQ 4 and SRQ 6; the extent to which the changes apparent in Armenian electoral policies (as concluded in chapter 4) can actually be contributed to the EU or other (external) actors. Furthermore, looking at ways of Armenian policy adoption alone is not sufficient. Actual external influence also depends on the correct implementation of policy in practice. This chapter will therefore also try to answer the questions posed in regards to problems with actual implementation and execution of electoral policies in Armenia. Conclusions and statements made in chapter 4 in regards to policy adoption and implementation will furthermore be verified and reviewed in order to see if policy documents coincide with the experts' view in practice. An overview of the different experts interviewed can be viewed in table 3.1

### 6.1 Factors in the adoption of electoral policies

Following the results of chapter 4 and 5, one can argue that there was actual change in the electoral policies of Armenia, with the amending of the electoral code from 2008 until 2011, with the help of OSCE/ODIHR and the VC. In analyzing the reasons for actual adoption of electoral policies, a mix of internal and external factors of influence can be distinguished. Experts agree that electoral legislation in Armenia has been actively aligned towards “European” standards since 2004 as stated by Richard Giragosian of the Region Studies Center:

*“There have been positive reforms on paper, but is the implementation that has been the problem” (interview 2).*

A common similarity in regards to the factors influencing policy change given by the experts is visible in the importance of the events surrounding the 2008 presidential elections. As shown in chapter 4, most of the changes in electoral legislation occurred around or after these elections, with actual creation of a new electoral code in 2011 as the most clear-cut example. The violent aftermath of the 2008 presidential elections created to what some say a legitimacy problem for the Armenian government and the incumbent party. The violent crackdown and state of emergency that held the country in its grip for a month seriously influenced Armenian political trust and showed a clear public dissatisfaction with Armenian government and the incumbent party. Mr Lorenzo, an advisor to the Parliament who arrived in the country in November 2009, underlines this feeling of a clear dissatisfaction with the electoral process:

*“He (President Sargsyan) understood that you cannot run a country with such lack of legitimacy with such big doubts around the elections (of 2008).” (interview 5).*

In adopting new electoral legislation proposed by the international partners (VC and OSCE/ODIHR) of Armenia, legitimacy was tried to be established by the incumbent parties: With a track record of European standards being normative in the electoral field (as seen in the CGPEM in chapter 5), the ruling party sought to show the Armenian population that actual change indeed followed the elections by adopting this normative legislation. Mr Yesayan, director of the Center for Electoral



Democracy agrees with this explanation, he argues that with the adoption of actual 'European electoral policies' (being amendments within the electoral code) the tension within Armenian society was lessened (interview 7). The process of changing legislation itself was accompanied by dialogue with different layers of society, opportunities of voicing ones opinion and promises of fairer elections to the opposition, this in an attempt to reinforce public trust in the political elite (interview 7;14). Mrs. Sargsyan, a legal advisor for my internship organization ICHD characterizes the aftermath of the 2008 similarly.

*"After (the) well-known events of March 1, Armenian authorities had a difficult issue to solve: from one hand show external forces that Armenia is a democratic country respecting human rights and from the other side, to handle internal public dissatisfaction with the post-electoral situation. In this regard, the legislative reforms were a good instrument to start the negotiations internally and demonstrative follow-ups externally."* (interview 14).

Following this notion it is clear that Armenian government and leadership is keen to show the international community that it wants to be a democratically run nation which follows the examples set by European institutions: *"it wants to show the outside world that Armenia is democratic"*(interview 14). Beside showing this by adopting actual legislation, the cooperation and reporting of the OSCE and VC is deemed important in this regard (interview 7; 8). Recommendations made by these organizations are taken seriously and members of these organizations have felt that, at least in the period following the 2008 elections there was actual will to follow recommendations and establish change within the legislative framework and a clear cooperation between Armenian government and international organizations (interview 4;13). This is properly illustrated by a representative of the OSCE office in Yerevan, who claims that

*"In Armenia fortunately elections legislation is the area where this advice (of the VC and OSCE/ODIHR) is accepted most easily (...) This is why the electoral (laws) end up being of rather adequate quality. However, according to OSCE/ODIHR observers , the practical implementation of these laws lags behind"* (interview 4)

The quote above introduces a second explanation on the adoption of "European" electoral legislation; The 'costs' involved of adopting electoral legislation for the incumbent party is of significant importance. As is established in theory by Hagemann (2013) in changing legislation, actual change toward a European style electoral processes and actual democratization is not ensured. The changes made on paper are easy to make for the Armenian government and recommendations were easily accepted (more on this further on) (Interview 4) whilst the benefits it could reap from adoption are significant: access to funding from its European partners and legitimacy internally. The fact that the changes made to make on paper without assuring actual implementation also diminishes the risk or 'costs' for the government to adopt them, as stated by Mr. Der Gregorian:

*"They have been able to change the legislation on a superficial surface level, in this way the Armenian government is able to appear democratic without actually being democratic or losing power within the country"* (Interview 11).

The Armenian government implemented however only those reforms to the extent that have influence on the power of the incumbent government as stated by Mrs Hakobyan.

*“To some extent the government implements those reforms, to the extent it doesn’t feel threatened by these reforms. To the extent these reforms do not threaten stability (of power)” (Interview 9).*

The incumbent party furthermore uses the recommendations made by international organizations in order to legitimize itself in practice, a logical consequence of the legitimacy problem it faced after the problems surrounding the 2008 elections (interview 11). Mr. Pogosyan underlines this:

*“Again I want to stress that the ruling party uses legislation for reproduction (stay in power). If they find a model, even if it is in line with the European standards, they will be happy to use the new recommendations to ensure their re-election.” (Interview 12)*

Not only was adopting electoral legislation beneficial for Armenia when looking at the cost of adoption. Some of the experts believe that whilst adopting ‘European’ legislation wasn’t actually threatening the power of the ruling elite at hand in Armenia, it even helped the ruling party to stay in power more easily. A clear and often named example by experts (especially NGOs), is the situation surrounding the publication of voter lists in Armenia. The voter lists in Armenia are problematic:

*“Civil society organizations and all the opposition political parties would mention that (there) is the problem (with voter lists). Because we have huge emigration in RA, and (people) are out of the country but their names are on the list (used in the elections. Which is true, according to expert estimate, (...)1/5 of people that are on the list are not in the country, so they believe there is room for manipulation.” (interview 7)*

Fraud surrounding voter lists is however a major issue in Armenia’s electoral processes and should be tackled (interview 9; 11) Mrs Hakobyan establishes this very clearly:

*“Basically we started our work on electoral processes, is the so-called public making of the signed voter-lists. They used to be public, but because it is not so easy to commit electoral fraud when the voter lists are public, the signed voter list. So our government resorted to an opinion of the VC, on electoral practices, it should be known to you. At the moment I don’t remember the exact name, but they made these voter lists secret. They relied on the necessity to keep the voters data private, to the extent who voted. “ (interview 9)*

Following the clear notion of the VC in the CGPEM, it is established that secret suffrage entails secrecy of the vote, so publication of voter lists is not allowed according to European electoral standards. This shows that recommendations made by external partners or aspects of ‘European electoral legislation’ which might function properly in the Western electoral situation can have a different effect when adopted in different regions, in this case Armenia. By following the proposed standards, such as rules surrounding voter list publication, it is easier (according to some) for the ruling party to stay in power since the ‘European’ standards prohibit legislation which would be beneficial in the case of Armenia, thereby enforcing the irregularities themselves. Parliamentarian Edmon Marukyan acknowledges this issue:

*“The government will work to adopt (European) legislation as long as it possible to stay in power because of it” (interview 8).*

This opinion is however also countered by Mr. Lorenzo, who claims that opposition and NGO's should not focus on the topic of voter lists alone but political culture as whole is part of the problem:

*"Other international observers argue that the reports of those NGO's are too nasty, so you need to have a reference in this regard. So, I mean I understand their frustration, but also for it is my experience that I mean, they and this is why I was referring to political culture, I know the political campaigns in Armenia, I mean, there is big room for improvement" (interview 5)*

Mrs. Ohanyan of the CEC clarifies the numerous external partners involved in the development of electoral policies in Armenia *"Political parties, local NGOs, international organizations, such as OSCE/ODIHR, Venice Commission (were involved)"*, interesting to note is that the EU is not named in this regard. As already shown in chapter 4 and 5, the actual policies and recommendations in regards elections are not drafted by the EU, but are combined effort by OSCE/ODIHR and the VC of the CoE. Therefore, experts agree on the fact that actual VC and CoE commitments of Armenia are of large importance in regards to Armenia's decision to adopt 'European' electoral policies (interview 2, 5, 7, 11,12,14).

*"Well not just influencing but much of the work of the VC has been directly with members of the RA parliament and government in actually drafting the reforms, to their credit. The expertise to the RA government credit was recognized and welcomed and was incorporated."(interview 2)*

Armenia has been bounded to CoE conventions since it joined the CoE in 2001, which obliged Armenia to follow the standards set by the CoE in regards to elections to a certain extent (see chapter 5.4) (interview 11). It was therefore easily willing to adopt the legislation proposed by the VC (interview 12) The actual intensive cooperation between the VC and Armenia inspired an actual push in legislation ever since 2001 (interview 5; 7). When we relate the expert opinions of VC and OSCE influence to the external governance model, it should be put in the context of network governance.

The VC, OSCE and Armenian government worked on a basis of mutual agreement, as stated by Mr Giragosian: *"the conformity was based namely working with the CoE and its VC, as part of a, legal reform process as well"* (interview 2). The VC itself doesn't possess any leverage power in the process as itself has proclaimed (interview 13). Armenia's commitments to the CoE are linked to some amount of hard commitments and political pressure; this has to do with a possible resolutions instated by the PACE of the CoE, influencing Armenia's international image as a democratic country and also influencing internal legitimacy for the ruling party (interview 6) The OSCE influence, whilst not bonded in any conventions is also important:

*"OSCE is seen as an "external approving actor" for the countries democratization processes externally and internally"(interview 14).*

What is also important to note is that network governance often produces what Lavenex calls *"procedural modes of interaction rather than final policy solutions"*. This is a perfect example of what has happened in Armenia and what will be the main focus of chapter 6.2; whilst the necessary policies have been put into place, the final policy solution: free and fair elections and proper implementation of electoral legislation has not been achieved (yet).

Whilst specific EU policy towards electoral reforms in Armenia is not apparent, the EU is credited by experts for the role it has played in influencing general democratization processes and democracy promotion in Armenia (interview 2). This was especially so in the period surrounding the 2008 election and the start of the EaP around 2009. This process was characterized by the incentives for negotiations surrounding the AA and the DCFTA between Armenia and the EU. In improving its democracy and rule of law (improving electoral legislation), it became easier for Armenia to close the chapters surrounding the negotiation of the AA and the DCFTA, directly influencing Armenia to comply with some standards set by the EU and gaining benefits from intensified EU-Armenian cooperation (interview 6). This was all part of an actual commitment by Armenia to get closer to the EU in a broader sense after 2008, as was genuinely felt by most experts (interview 2, 5, 6, 7, 12). Furthermore, the integration of Armenian political parties into larger European political parties might have played a role:

*ANC joined ALDE, the EU liberals and (three other parties) joined EPP (European Peoples Party) as observing members (...) Every (European) political family has different ideologies, but they have also by large a common denominator: in terms of HR, and in terms of freedom and obviously in term of organizing fully democratic elections; elections fully in line with international standards.(...) it was a strong motivation, also for them (Armenian political parties) to try and have a decent electoral process.” (interview 5).*

The funding provided by the EU in regards to policy building and funds allocated to improved electoral processes in Armenia was seen also seen as a positive influence in this regard (interview 9). In terms of conditionality from the EU, Armenia should comply with norms set in the ENP and the EaP to receive actual funding, although clear pressure in regards to meeting the electoral standards was not apparent:

*No, none of them come with consequences, if they did come with consequences it would be ‘you couldn’t sign the AA’, ‘you couldn’t join Europe’ ‘Well that, we took that off the table so...’ (interview 1)*

When linking the factors of policy adoption to the available theory, it first needs to be repeated that the electoral policies adopted weren’t promoted by the EU alone, but that there was a visible cooperation between the EU, OSCE/ODIHR and the VC of the CoE in promoting the adopted policies within Armenia. Modes of governance used by all three parties falls within the spectrum of socialization and network governance, in which through intensive communication and cooperation with the Armenian authorities a solid amount of proposed policy was adopted, as was established in chapter 4 and through the interviews. Experts do claim that the EU does possess a certain conditional power over Armenia, in arguing that the EU has been pushing Armenia to follow up on reforms which were agreed upon during the negotiations of the AA and DCFTA (interview 7). However, this kind of power has not been used in regards to electoral policies or the EU is not aware of the power it possesses in this regards according to others (interview 1, 3, 9). Due to Russian influence, the EU power derived from the AA and DCFTA negotiations is now indefinitely of the table as one can read in paragraph 6.3.

Important to note is, that within socialization theories, the motivation for policy adoption can be found in the logic for appropriateness, with Buscaneanu (2012) focusing on the fact that policy adopted through socialization revolves around collective identity, common values and norms that

the EU possesses and towards Armenia wants to move toward. This is however clearly not the case in Armenia, with roughly 35% of the people is in favor of European integration (interview 3) and not one political party can be characterized as pro-European (interview 2). With a pro-European identity in Armenia lacking, network governance as an explanation of the adoption of legislation cannot be the sole explanation in Armenia's context of adoption.

A clear explanation given by the experts, is that by adopting external legislation, internal political legitimacy has been created suiting the political parties in power; they were able to show society and political opponents that they were indeed working on democratic reforms following the European standards, thereby empowering themselves whilst in practice the balance of power hasn't shifted since 2008. Furthermore, by moving towards "European standards", they were able to gain access to financial and non-financial aid from the European partners. This motivation/execution of policy adoption fits in the theory of Lavenex and Schimmelfennig (2009) on market governance which argues that policy adoption can be used in solving internal problems. In this case, it raised legitimacy and solved the problems that the Armenian government faced, by actually adopting "European" electoral policies, increasing its own legitimacy. Armenia's decisions on policy adoptions are also rational and focus on the cost of adoption as well; the best available policy was the policy presented by Armenia's European partners and the cost of adoption was low since adoption of policies didn't ensure implementation or loss of power for the incumbent party.

## 6.2 Factors for failure of implementation of electoral policies

As seen in chapter 6.1, both internal and external factors can be distinguished in explaining the reasons for Armenian policy change and the adoption “European” electoral policy adoption. What is even more important in this regard, is that the numerous experts involved claim that electoral policies themselves are not problematic but issues surrounding implementation are of greater importance. This was already established with the analysis of the OSCE and EU progress reports in chapter 5. In other words, the perceived influence by external factors, such as the EU and OSCE, on the adoption of electoral policies is in practice lessened by the lack of implementation of set policies. Experts again point to internal as well as external factors in explaining this lack of implementation within Armenia and the followed diminished influence of “European” organizations.

### 6.2.1 Internal reasons

When one looks at arguments for the failure to implement and execute adopted policies, developments and characteristics of Armenian society since 1991 need to be taken into account. Experts claim that the elections after the collapse of the Soviet Union in 1991 were the only democratic elections in Armenia (interview 2). Electoral processes after that have been characterized by electoral fraud, voter intimidation and grave irregularities in the results all the way up until the 2013 presidential election (interview 2, 11, 12). This history of ill executed electoral processes has a significant impact on the way in which the Armenian society and people view the political system and processes in Armenia. The actual trust in the political system is very low in Armenia: they don’t perceive a difference between incumbent politicians or opposition and voting based on ideology is not as apparent as in European countries, since most people believe their vote is not of importance and results have already been decided upon beforehand (interview 3,5, 12). Credibility of the politicians and government themselves is perceived low, as is acknowledged by the EU as well.

*The EU standpoint is that implementation of the electoral policies could improve, but that there is also a problem regarding the thrust that the population has in the electoral system. (...) Whilst Government's reform efforts continued, but public mistrust of the judicial system remained high and there was a lack of convincing results in the fight against corruption, including amongst the police and judiciary (interview 6).*

Whilst the political trust is a large issue, the actual political knowledge of the public is also deemed a problem by experts consulted: they lack the knowledge or interest to follow the electoral processes in general and a certain lack of a public agenda in supporting democratic reforms (interview 3). People don’t know the power of their actual vote, something that needs to improve in order to improve implementation of policies (interview 12). Mrs. Ghazarian illustrates this perfectly:

*“The public doesn’t understand that values matter, that clean elections matter. Who the hell cares, you want someone powerful in office to make a difference right? Who cares if it is clean or not, why is this an issue? You see, nobody ever talked about and nobody is experienced, in accountability and responsiveness; You are electing somebody who need to solve problems, if they don’t solve problems you are not going to elect them again, that is the accountability.” (interview 1)*

This lack of trust and knowledge furthermore results in a certain amount of resignation amongst the population towards politics and politicians. This has created an electoral and democratic climate where it is considered acceptable to sell your vote to the highest bidder (both incumbent or

opposition parties) (interview 3) for an amount between 5 and 10 USD. As claimed by Babken DerGregorian, member of OSF, it would be cheaper to buy the votes of the entire country than to actually follow up on the electoral legislation and have a solid democratic fair electoral process (interview 11). Mr. Poghosyan furthermore adds:

*“The most important thing is that the people don’t have trust in the electoral process. This is the worst thing, and therefore they say “ah it doesn’t matter; my vote cannot change anything, everything is decided” (Interview 12).*

As shown above, the lack of political trust directly influences the incentive to implement electoral policies correctly by both the incumbent party as well as the opposition. It is easy for them to buy the votes needed in order to win the elections. Levels of engagement and knowledge in Armenia’s society on the electoral policies and processes is furthermore too low to actively enforce effective implementation of electoral legislation. In this climate, it is not necessary for the correct implementation of policies, since there is no successful movement within Armenia’s society to counter problems regarding implementation. This is illustrated by the fact that agency and power of Armenian organizations in influencing policy in Armenia is deemed low. On the one hand there has been a noticeable professionalization and improved development of Armenia NGO’s (interview 2) and OSCE claims that

*“Civil society in Armenia is both developed and active at the same time not influential” (interview 4).*

NGO’s are however still fractured and lack sufficient funding and knowledge to successfully influence the actual execution of policy in Armenia; they should be even more involved in electoral monitoring and act in an even more professional manner, focusing less on the irregularities still present in electoral processes but also take into account the political technology within Armenia present (interview 5; 7). Another issue is that with the lack of political interest and knowledge by Armenian society, the grass-root movements needed to actually influence change are currently absent in Armenia with NGO’s lacking a critical mass-support and expertise.

*“Civil society in Armenia it is pretty much atomized, instead of having NGO’s with a critical mass of supporters or at least with some expertise in some field, instead you have 3000 NGO’s, registered NGO’s and nobody cares about neither the number of members or the expertise and that is a problem, because then, they have no leverage.” (interview 5)*

When we relate the power of Armenian NGO’s to available theory on policy adoption, one can view that NGO’s in Armenia face the same issues in regards to its policy promotion as the EU. The cooperation between the Armenian government and NGO’s has been improving in recent years and steps have been taken to ensure an improvement of electoral legislation together. The CEC itself gives notice of the apparent importance of local NGO’s in the development of electoral policies in Armenia:

*“The recommendations found in the reports of NGOs which conduct election observation mission are always taken into consideration in order to improve the electoral process” (interview 10).*



Actual implementation of legislation and a 100% compliance of NGO's electoral legislative recommendations is however never achieved due to the lack of power the NGO's possess in influencing governmental policy: they lack hard power or any form of conditionality and are not supported broadly enough by Armenian society to make a deep impact in forcing proper implementation of policy.

Next to Armenia's society and societal organization are factor for lack of implementation; the setup of the political system and the level of political culture and knowledge in both government and opposition can be seen as a factor negatively influencing actual implementation of electoral policies within Armenia (interview 12). As stated by an official of the EU delegation in Yerevan.

*"No real changes were seen within the attitude of the opposition, partly by a lack of opposition interest in processes. The reason for this lack of interest was a lack of political culture in Armenia, different views by the opposition and a lack political party structure, the opposition also lacked one political leader which could unite them."* (interview 6)

Armenia's political culture is underdeveloped since the country's independence in the 1990's: most political parties lack a rooted presence within society and lack the basic party structure needed to successfully run an electoral campaign and follow procedures stated within the electoral legislation (interview 5). This way the opposition are not able to make successful use of the policies that are in place. A clear example is the lack of proxies and observers provided by oppositional political parties during past elections, which has a direct negative effect on the level of implementation of policies, since verification of the legitimacy of electoral result can never be established this way (interview 5,11). As stated before, bribery and vote buying is a major issue in the Armenian electoral process. Whilst this is a societal problem, with people accepting the bribes, it is also a political cultural problem since both government and opposition actively participate in these processes (interview 5,8). This furthermore creates an uneven playing field within Armenia's electoral field:

*"I would say electoral bribes and other gifts to the people (are a problem). (...) It comes towards having competitive and competent political parties competing for elections in this environment and giving the resources and it is an unfair game. I would say, let say one or two political parties have the resources to develop themselves, to organize campaigns and whereas the others are deprived of that opportunity."* (Interview 7)

Parties furthermore lack ideology, elections in Armenia are based on strong leaders and success in life and businesses, not on proposed policy measures, as is well illustrated by Mr. Giragosian and MR. Poghosyan.

*"In a general sense throughout the broader election process the opposition has failed to really offer alternative vision or policies, instead it has been a contest of personality not policy unfortunately."* (Interview 2)

*"Elections are considered to be used to get to the power; a system for the authorities to just replicate themselves and the choice depends on the personality (if this guy is good or bad)"* (Interview 12)

Knowledge of electoral legislation, basic communication of their political message and financial power are problematic for political parties competing in national and presidential elections, thus

being illiterate to compete in elections and properly implement electoral legislation which as has been instated since 2008 (interview 7). Examples named are for instance oppositional parties lacking the knowledge to properly file complaints in regards to the electoral processes. Procedures weren't followed, undermining the level of the electoral process (interview 7) Another example is the opposition not being able to proxy all of the polling stations (interview 11) . Mrs. Sargsyan agrees with this statement, in claiming that the political parties lack the knowledge to deal with the sometimes complex electoral legislation apparent within Armenia (interview 14). Since made changes in the electoral policies in 2007, the electoral processes are organized by professional non-partisan members of the CEC and the TEC. Political parties are also partly responsible for the electoral process, as stated by Mrs. Ohanyan:

*"The responsibility to organize and to conduct elections lies mainly on the state (with the non-partisan CEC and TEC overseeing elections, whereas the political parties are responsible for organizing the voting and tabulation process through appointing members in the precinct electoral committees (PEC's)." (interview 10)*

When political parties lack the resources or knowledge to be successfully involved within the PEC's (as is argued by Mrs.Sargsyan and Mr. Pogosyan) the correct implementation of the electoral code is at risk, diminishing results which are seen in the successful improvement of electoral legislation itself since 2007(as was shown in the changes in legislation in chapter 4)

Beside a lack of oppositional electoral knowledge, there also seems to be a lack in the knowledge of the actual organizers of the elections: the electoral commissions and governmental organization, who seem to be unable to properly implement all of the legislation in place in regards to electoral processes (interview 9).

Parties lack the political will themselves to correctly implement the legislation apparent (interview 11), it is easier and cheaper for them to participate in the elections whilst not following legislation present. With political will absent, the actual politicization of the electoral process itself also doesn't promote proper implementation of policies; Incumbent authorities make use of governmental administrative sources which should be impartial during the election day (interview 2; 9; 11). Examples are the fact that civil servants, hospital workers and school teachers were pressured to vote for the incumbent party in the 2008 and 2012 elections (interview 2; 11). Another example is the use of governmental buildings during the election campaign by incumbent party members, something which is prohibited within the legislation (interview 11). Mrs. Sargsyan argues that in practice:

*"It is always very easy for those politicians to influence the will of people; in some cases with the help of corruption, in other cases by force of lack of knowledge (by the people)" (interview 14).*

Whilst stated in the previous paragraph that the political risks for the incumbent party for adopting legislation are low e.g. the risk of losing power solely by policy adoption, this risk is higher if electoral legislation are actually fully implemented. Experts argue that if the elections were fully up to European standards, the incumbent party still should still be able to remain in power due to the better organization of the party and its financial backing (interview 2; 5; 7). However the risk of losing power when fully implementing all of the policy is too great and clear reason for the incumbent party

to not strive for complete implementation. The ruling elite strives for a level which suits their needs in regards to the internal and external legitimacy goals, whilst still are ensured of electoral victory. This type of reasoning links to the theory presented by Casier (2011) and Timuş (2013). Casier (2011) points out that in policy adoption and implementation, the perceived usefulness of “European” style policy influences the domestic agenda. In this case, “European” policy is implemented to the level that it suits the governing parties the most. Timuş (2013) focuses in her research on electoral policy adoption in other FSU countries on the actual importance of domestic factors influencing Europeanization. The behavior exhibited by the governing elite: using the policy in ways in which it can gain the most is *“a key domestic factor in explaining the outcomes of the adoption and implementation of electoral reforms”*. The lack of political will for a proper implementation of policies within Armenia’s ruling party and government coincides with the research done by Freire & Simão (2013) which calls upon the lack of political culture and knowledge available in Armenia.

### 6.2.2 External reasons

With internal factors on the lack of implementation clear, one could consider external influences and pressure as a way of means to ensure successful implementation of the adopted policies. A first remark made in this regard is the mismatch of the international actor goals and actions as well as their understanding of to the local situation within Armenian electoral legislation and processes.

A factor distinguished by the local experts is the actual content of the reports on electoral processes and electoral policy implementation written by the international community. Experts claim that the joint reports of OSCE/ODIHR and the VC are sometimes too positive, focusing on progress made towards the defined goals instead of pointing out the actual level implementation at a current point (interview ;9; 11). When the base level of legislation and implementation is low, one can focus on improvements and be positive in regards to the changes made. This however, doesn’t take away the fact that levels of implementation are deemed too low and this could be stipulated more in the reports in order to pressure the Armenian government and society towards better implementation (interview 2). Another critique is the fact that Armenia is compared by external organizations with neighboring countries like Azerbaijan, Turkey and Georgia in regards to democratization and electoral policy implementation, and not solely on its own internal level of implementation of policy (interview 3; 12). When compared to Azerbaijan, Armenia can be seen as a well-functioning democracy, this however doesn’t take away the problems present within Armenia. Mrs. Ghazarian illustrates this:

*“There have to be consequences for our actions and Europe(EU) has to look at what we do in its own context rather than all of these other constellations that they make, I don’t know if that’s politically realistic, but if it’s going to be more effective that is how it should be.”*  
(Interview 1)

This lack of understanding of the local situation can be seen for instance in the way in the reports of organizations like OSCE and the EU, where there is a focus on the fact that implementation need to be improved, but clear guidelines for these improvements are absent. As stated in the theory. Actual implementation of policy is improved when clear guidelines to these policies are given, something which is absent in international reports in regards to Armenia (interview 9, 11) as is already shown within the ‘European’ policy documents in chapter 5. The international organizations are characterized as organizations who promote these ‘European’ electoral values, but fail to elaborate

them in the Armenian context: *“It is a lack of sustained explaining, teaching, nation building whatever the hell all that stuff is called.”* (interview 1).

Experts also argue that the communication and support of local NGO’s and partners within the electoral field in Armenia by external organizations like the EU is not sufficient (interview 11). This has a direct influence on improving implementation of legislation. Since local partners and observers are key in providing the bottom-up process of democratization in Armenia, the process establishing better execution of policies, their positive influence is undermined and undervalued by the lack of support they receive (interview 3). Would external organizations be more vocal in their support for NGO’s and partners, these partners would be stronger in their fight to improve electoral processes and put pressure on the government to correctly implement legislation. However EU delegation officials themselves claim a lack of attitude within the opposition to really strive for change:

*“The EU supports civil society and the development of reforms related to good governance, rule of law, elections what should also contribute to the field where everyone, including opposition, is freely operating and have the same possibilities to execute their political rights (...) However, from 2008 to 2013, no real changes were seen within the attitude of the opposition, partly by a lack of opposition interest in the processes”*(interview 6)

Another factor given is the lack of hard power and pressure possessed and/or used by international organizations to enforce proper implementation of electoral policies, as well as a lack of engagement by these organizations. Within the analysis of the policy documents in chapter 5, it is confirmed that international organizations involved in influencing electoral policies lack structured hard power to directly influence Armenia’s electoral policy development due to the absence of agreements signed between Armenia, the OSCE and the EU as well as the voluntary character of the VC and the CoE. This is acknowledged by both OSCE, the EU delegation and the VC themselves (interview 4; 6; 13).

*“Once again the EU is not imposing its rule on anybody. Imposing is not successful and has negative effects; the EU looks for local political will to change and works with that.”* (interview 6)

The result of the lack of this hard power is therefore a lack on the actual process of implementing of policies, the international organizations hope that through extensive communication and working together with government and incumbent parties in combination with financial aid in different projects, better implementation can be established, whilst in practice this has not been the case until this date. Mr. Ghazinyan underlines this:

*“Because EU and the West in general they don’t have any political leverage to the Armenian political system and the political parties because they (pro-EU parties) are not represented in the political system.”* (interview 3)

Primarily local experts don’t fully agree with these conclusions and statements made by officials. They claim that the EU, especially in the period surrounding the negotiations of the AA and the DCFTA, actually possessed the power needed to enforce better implementation of policies in Armenia. It used this hard power to some extent in the negotiations of the AA (interview 5) but lacked the will or engagement to continue this process (interview 2)

*“The EU needs to take a more pro-active and insistent role in discussing implementation of policies with Armenia” (interview 9).*

Mr. Ghazinyan of the Yerevan State University acknowledges that the EU has used mainly its soft-power in the past in regards to democracy promotion and demands of electoral policy implementation. It wasn't however engaged enough with both local and civil society. Because the EU worked mainly with incumbent and governmental parties (EU expected the change to be top-down) it lacked the ability to use hard power in delivering the message of faulty implementation because it was wary of ruining the relationship it had established with the incumbent rulers since the 2008 elections (interview 3), something acknowledged by Mr. Giragosian:

*“But in practice, neither the EU nor any western government has done a good enough job, in challenging gross violations of elections, fraud or electoral irregularities” (interview 2).*

Violations were written down to some extent in the reports of the European organizations, but clear consequences of these violation were not observed or formulated in the policy documents, as chapter five has shown.

Parliamentary members Edmon Marukyan and Mr Poghosyan acknowledged that the EU has power and conditionality in its relationship with Armenia: As a large political and economic organization, they possess the money, funds and grants to actually have more influences that for instance the CoE or OSCE (interview 8). The EU however lacks the political will and is not active enough in its assessment and support of actual changes. A clear example is the lack of long-term observers within the electoral field and the large bureaucratic structure of the international organizations; this diminishes their power and influence on the proper implementation of electoral policies in Armenia (interview 8; 12). An example of this bureaucracy is the large amount of time it takes to publish these reports due to acceptance by all the member states of for instance OSCE or the EU:

*“The most official (reports) come, come, very late after the election result. Where for the ordinary citizen in RA, it makes little difference, it could be used for a stronger benchmark or metric, to measure overall reform by the government within the international arena.” (interview 2)*

In regards to other international influences, experts characterize some influence of the United States on the implementation of electoral policies. Whilst 'European' institutions work on an institutional level intensively with the Armenian government in establishing their influence, the USA works primarily through American NGOs and GOs like IFES, TI, OSI, OSF and USAID and is featured in funding numerous projects within Armenia. In this capacity, the United states have been a promoter of democracy, HR and rule of law within Armenia (interview 5). When we relate US influence to the implementation on electoral policies, one can view that a possible funding was based on the quality of the electoral process, this is similar to the EU carrot approach by Lavenex et al. (2009) (interview 5). They furthermore supported and funded the observation missions of Armenian local NGO's, putting clear pressure on the implementation of electoral policies (interview 9) and were involved in the development of electoral procedures through USAID (interview 14). All in all, influence of the US is stated as slim, they lack the institutional basis that the 'European' institutions have to constantly monitor and provide advice in regards to electoral legislation and implementation.

The statements above show that the arena of external governance and democracy, in which the EU OSCE and the VC operate, is not as black and white if one would hope or expect. The level of influence and factors are not hard numbers, but opinions differ from opposing experts within a realm where geopolitical decisions on a larger scale-level can influence policy developments on a lower level something for a researcher to take into account. The opinions of the experts on the (in)effectiveness of the EU in regards to implementation of electoral policies follow the theories posed in chapter 2 in regards to democracy promotion and policy adoption. As Youngs & Shapalnova (2012) state, the EU has been effective in providing the base for guiding democratic processes, something acknowledged by the experts (interview 2; 5). However, a problem the EU faces in its democracy promotion is the lack of interaction with both civil society and non-state actors, a problem also clearly apparent in the case of Armenia and a reason for the lack of successful implementation of policy. The lack of conditionality, either not possessed or not applied by the EU in the case of Armenia, follows theory presented by Lehne (2014) and Wunderlich (2009) who state that the EU is not able to use conditionality as an instrument successfully or is unwilling to do so. The mismatch between the goals of the international organization and the results presented by Armenia directly influence the levels implementation of policy and the effectiveness of external influence, following the notion of Boonsta & Shapalova (2010) of the problems with goals and policies within the ENP.

### **6.3 Russia's continuing sphere of influence**

Absent in the story of adoption and implementation is the role that Russia plays and the power it possesses within political processes regarding Armenia. Experts have been questioned on Russia's influence on the electoral processes in Armenia and general consensus is that there lacks any direct influence similar to that of the EU, VC or the OSCE and their written policy documents and goals. Russia does send electoral observers to monitor Armenian elections but these are not prominent in the evaluation of electoral processes or characterized as having any influence on this process and don't have a significant impact on the electoral process (interview 1; 6; 7; 11). However, Russia does influence the entire democratization process of Armenia, thereby indirectly electoral processes and legislation in numerous, more indirect ways.

Core in the relationship between Armenia and Russia is the fact that Armenia is dependent on Russian security provisions: Russia provides Armenia with border control assistance, discount to weapons and holds a large military presence in the country. It provides security guarantees against external threats to Armenia coming from both Turkey and Azerbaijan ever since the Karabakh war in the 90's (Armenia and Azerbaijan are officially still at war). Furthermore Armenia is also a clearly economic dependent to Russia: Russian oligarchs and companies have significant ownership of different sectors of the Armenian economy, provide discount oil and gas as well as owning media outlets (interview 2). There is a large Armenian immigrant population doing seasonal work in Russia as well, whom are dependent on the current flexible visa regulation between Russia and Armenia (interview 2). Parliament member Marukyan illustrates this by claiming that:

*"Russian influence is everywhere, because all of our economy is Russian"*(interview 8).

This relationship provides Russia with certain power over Armenia and a form of conditionality: the security dependence from Russia has indirect influence in the decision making process of Armenian society and politics as is primarily shown in the events surrounding the 2013 decision to move away



from the DCFTA and the AA and Armenia's decision to join the Russian led Custom Union (interview 12). Russia's outing of power is however subtle and mostly indirect, given Russia's already firm entrenchment both economically and politically within Armenia, it doesn't require an openly supporting stance towards pro-Russian politicians or parties (interview 2). This is also shown in the fact that within Armenia's society, approximately 70 to 75% has pro-Russian sentiments (interview 3; 5). The decision of Armenia to move away from the AA and the DCFTA in 2013 came as a surprise for European policy makers as well as Armenia society (interview 11) and is attributed by the experts as a clear example of the conditional power Russia possessed and the subtle way it moves in this regard on a more personal level as opposed to the more institutional approach used by 'European' institutions (interview 14). The democratization processes since 2008 and Armenia's approach towards the EU were seen by Russia as a move distancing Armenia from Russia. Further adoption and implementation of 'European' policy was deemed problematic for Russia, who saw a role to play for Armenia in its own Union, the Customs Union. After a personal meeting between President Putin and President Sargsyan on September 3<sup>rd</sup> 2013, it was decided that further integration with the EU would come to a hold and Armenia would join the Russian led CU. Signals of this decision were seen earlier on by experts, who established that the re-found ambition of Russia to take control of its sphere of influence in combination with the fact that the ENP and EaP was considered more and more as a geopolitical instrument by the EU itself as well as Russia (as seen in chapter 2.6). This provided a situation where a decision between either EU or Russia would have to be made (interview 12).

Armenia's move towards the CU paused the democratization processes at hand and lifted away any conditionality that the EU possessed in regards to pressuring Armenia for democratization and improvement of electoral processes within the negotiations surrounding the AA and DCFTA. It furthermore removed the motivation by the ruling party to continue on the path of democratization (interview 7). Mr. Lorenzo illustrates the general feeling of the experts in this regard:

*"Armenia is still willing to continue on the path of improving human rights, freedom of speech and further political relations with the EU. Partnering with countries (Russia, Belarus and Kazakhstan) known for their poor levels of HR and democracy might drive down current levels of democracy in Armenia"* (interview 5).

When comparing the Russian influence to EU influence, the EU clearly lacks the ability or willingness to provide hard security guarantees for Armenia. Further cooperation and influence of EU on Armenia is therefore diminished given Armenia's need for these guarantees (interview 12). Furthermore, Russian influence in the decision making process is deemed as more direct: one call from Moscow to Yerevan and things can be settled, whilst EU political decisions need to be conducted and agreed upon by member states and the EC as well as the EP (interview 3). Whilst EU funding is provided on the basis of policy reform and implementation (interview 9), Russian funding is provided on the basis of Russia's priorities or in the form of stakes in Armenia's economy (interview 3; 9).

The theories on external governance in regards to the EU could also be applied on Russia's influence on Armenia. The relationship between Armenia and Russia is clearly a hierarchical one with Russia being able to exert its power thanks to the security and economic dependence of Armenia on Russia as a form of conditionality. Russian external governance goals are for Armenia to comply to its set of policies and rules: join the framework of the CU. Since one cannot join competing free-trade zones



(DCFTA and CU) Armenia, in fear of damaging its economic and security relations with Russia made the decision to join the CU, moving away from the AA as well, which contained the EU policy goals in regards to democratization and electoral policies.

Armenia decision can also be explained from the realist and rationalist theories presented in paragraph 2.2.2. States base their decision making on the basis of what is best for the future of the state and will follow a stronger state if this is beneficial, furthermore the stronger state can impose its rules on the weaker state (Reus-Smit & Snidal, 2008; Hyde-Price, 2008). The security guarantees that Russia provides are of elementary importance for the future of the Armenian state, any negative influence on this guarantees is therefore unacceptable. From a rational Armenian viewpoint, Russian policy demands are deemed more important to follow than 'European' policy demands or propositions since not complying with Russia could harm set security guarantees.

## **7. Conclusion. The EU: Starting line-up for adoption, sidelined for implementation**

This thesis has tried to position itself as a research on the influence that the EU has on policy developments outside of its own borders. In this specific case electoral policy developments in Armenia. In this concluding chapter a comprehensive answer to the posed main research question is produced. Following this conclusion, an in-depth reflection on the proceedings and results of this thesis is also provided. The main research question of this thesis is:

***“To what extent has the EU, through the ENP/EaP, influenced changes in Armenian electoral policies?”***

Through the course of this thesis, it is shown that there is clear misfit in the connection between electoral policy promotion on the one hand and the EU with its ENP and the EaP on the other hand. Whilst one might think that the successful organization of democratic elections by Armenia should be a vital part in the promotion of European values of democracy and rule of law by the EU, the EU in practice is not actively involved in shaping electoral policies in Armenia. This is seen in the set-up of the AP's and the progress reports up until 2014, and is emphasized by the EU delegation itself in the expert interviews:

*“The line that the EU has on electoral policies is, is in line with the CoE and the OSCE/ODHIR missions and working. In the monitoring of the elections, the EU looks at the reports presented by OSCE/ODIHR and PACE and works with the recommendations presented in these reports.”* (interview 6)

The EU cannot, within the field of electoral policies in Armenia, be perceived as a single actor. Within electoral policy promotion I therefore propose that influence should be measured as the influence that the ‘European troika’ of the EU, the OSCE/ODIHR and the CoE and its VC has had on electoral policies instead of focusing on solely the EU. All three ‘European’ focused IGOs can be perceived as promoters of democratization processes in Armenia. Whilst clearly single actors on paper, writing and producing own policy and practices on electoral policies, in the Armenian case they work intensively together in the promotion of ‘European’ electoral policies by cooperating intensively with each other. This is for instance shown within the OSCE/EU project and the VC and OSCE/ODIHR cooperation on the electoral code. They also work intensively together with the Armenian authorities through formal (EaP, election monitoring) and more informal ways (conferences, NGO support).

Following the EEG paradigm it has been established that this ‘European troika’ has used different kinds of mechanisms to achieve its goal of policy adoption. By working together intensively with the Armenian authorities, the ‘troika’ has promoted twinning Armenian electoral legislation with ‘European standards’. The ‘troika’ reports on the state of electoral processes and financially support democratic processes through funding using mainly the distinguished ‘network governance mechanisms’ as a way of reaching its goals stated in their policy documents (chapter 5). Surrounding and following the violent elections of 2008, there were clear developments within mainly the electoral legislation of Armenia (as seen in chapter 4). The electoral code and amendments were aligned more and more to the electoral standards pursued by the ‘European troika’. OSCE/ODIHR

characterized the electoral processes of 2012 and 2013 as fair and as an improvement to previous elections held as was also established by the EU delegation itself:

*“The EU has seen improvements in the elections when we look 2007/2008 towards 2012/2013, there was a general attempt by the RA government to improve the electoral system, which include amending the electoral code.”* (interview 6)

Reading the above one would argue that influence of external partners is clear: there were irregularities, the ‘troika’ stepped in and through negotiations and cooperation with Armenia the electoral policies of Armenia were improved. However, it was not only due to external influences that ‘European’ policy was adopted. There are clear internal explanations for policy adoption in the Armenian case. This is primarily linked to legitimacy issues of the incumbent party as well as clear advantages for the Armenian ruling elite to adopt policy due to its low adaptation costs and usability in creating legitimacy for the ruling powers. This goes clearly beyond active influence of the ‘European troika’(chapter 6)

Furthermore, as stated previously in this thesis, external influence goes further than sole policy adoption but demands correct implementation and execution of set policies in Armenian practice as well. It is in this field where both the ‘troika’ itself as most experts consulted argue that electoral policies are not on the level demanded by the ‘troika’

*“Legislation changed under pressure, it has changed for the better, but the execution is still human dependent, the technology is still human technology, it is only as good as the people of the law”* (interview 1)

In choosing Europeanization as a paradigm for this research, a misfit between theory on mechanisms and the ‘troika’ practices in Armenia was actively created. By researching policy adoption and primarily focusing on actions by the EU, CoE and OSCE and the effect these actions have, local factors weren’t perceived as important as they actually are. Following the expert interviews, it became apparent that internal Armenian societal factors played a decisive role within the adoption of policy and should be considered of even greater importance on the reasons of unsuccessful implementation of electoral policies.

The clear importance of the domestic situation on Armenia in regards to implementation of policies is explained by different factors. What is important to take into account is that the Armenian political landscape has not followed the same route as the electoral legislation developments. Elections are based upon personalities, with political programs and ideology lacking or insufficient in mobilizing large parts of Armenia’s society. With political trust at an all-time low, a sufficient level of electoral policies is not enough to regain the confidence of the Armenian population. This lack of trust has created an electoral environment where correct implementation is simply not necessary due to the fact that it is cheaper to buy and rig the entire elections (both incumbent and opposition) than to actually follow up on the electoral policies adopted. The implementation costs of the policy apparent were deemed as too high by the ruling elite, emulating into continued violations surrounding the electoral processes such as vote-buying and misuse of funding in past electoral processes despite improvements that were seen by both internal and external observers.

This lack of implementation can be furthermore attributed due to a lack of conditional or hard power possessed (as is the case in the EU and OSCE) or willingness to use hard power (CoE) in practice towards Armenia. Correct policy implementation of adopted electoral policies wasn't demanded. Network governance mechanisms used successfully in the process of adoption of policies in Armenia were fruitless in terms of actual policy implementation. Despite implementation being regarded as a major issue by the troika, since the mid-2000's it has been intensively communicated within policy documents (chapter 5), results have been slim. The lack of improvement of implementation results in a clear difference between the goals set by the troika and the results of its policies in practice. The troika lacked 'sticks' that could hit hard enough e.g. punish Armenia for insufficient implementation by taking away privileges or was not willing to hit hard enough even if it had some conditional power in the form of the AA and the DCFTA that were on the table. Furthermore 'carrots' available (visa-liberation, ENPI funding, DCFTA) clearly didn't outweigh the possible consequences of correct implementation of policies for the ruling elite: a possible loss of power through the fact that the already mentioned implementation costs were apparently deemed too high.

Of equal importance is the Armenian dependency on Russia in general, clearly limiting its European integration process in recent times. Whilst this has not directly influenced the developments of electoral policies, the electoral structures and political culture in the country are highly influenced by the Post-Soviet legacies and Russian economic and energy dependence. Most of the political elite has strong ties with Russia and society and political parties in general can be considered as pro-Russian (chapter 6). Given Armenia's recent turn towards Russian-led institutions, it will be interesting to see in what way this will influence the Armenian electoral processes in Armenia.

## **7.1 Reflection and recommendations**

In reflecting the results of this thesis and reflecting on the research process some important issues come to mind. Whilst demarcating your research concepts at an early stage is important to successfully finish the research, the choice of linking up electoral policies with the EU and the ENP proved sometimes too narrow of a research topic. As stated throughout this research, whilst the EU is active through the ENP with promoting democracy, good governance and rule of law in Armenia, the ENP doesn't contain very specific policies in regards to electoral policies. Electoral policy promotion is a combined effort by the 'European troika' of international organizations. By focusing primarily on electoral policies, other aspects of Armenian democratic governance or rule of law, that were maybe more successfully influenced by EU external governance mechanisms have not been researched in this thesis. This limits the scope of this research to a certain extent.

Another point of notice within this research was the initial neglecting of internal and societal factors in the initial stages of this research. By focusing on the causal relationship that external 'European' policies should/were expected to have on Armenia's electoral policies, Armenian societal issues and the Armenian political landscape as a factor were not taken into account in the analysis of policy documents in chapter 4 and 5. Only through the expert interviews did this importance become clearly apparent, justifying the prominent place that internal Armenian factors have in the explanation of adoption and implementation of electoral legislation in Armenia within chapter 6.

A last reflecting remark in regards to the research process of this thesis is the pro-European stance of the researcher and the belief of the normative power of the EU by the researcher. In believing that the values that the EU and other 'Western' institutions try to spread towards Armenia are worth

spreading, one could argue that this research focused too much on the right of EU values and legislation and not enough on possible other alternatives which can be just as beneficial for Armenian society and the Armenian people. This could be seen as some sort of post-imperial and colonial view by the researcher in believing that change and improvement is brought by external influences. As stated by one of the experts, real change in Armenia should always come from within the country and proposed by the people of Armenia themselves. Furthermore, in choosing pro-European NGOs and oppositional parliamentarians, the voice of the incumbent and governmental parties may not have been voiced as much as it should, reducing the validity of conclusions made in this research to a certain extent.

I would recommend that additional research on this topic should focus more on the Post-Soviet legacy of Armenia's democratic structures and what influence this political technology has on the electoral processes in Armenia. As is argued by the experts, the level of public trust is low and the knowledge and quality of the politicians within Armenia is deemed problematic. Further research could also focus on ways in which this trust can be raised and in which the political landscape of Armenia can be improved. Further research could also be done towards ways in which the ENP and the EaP can be more successful in regards to the implementation of adopted policies in practice, perhaps focusing on one of the used modes of governance more intensively. Furthermore, the effect of the recent (2013-2014) move towards Russia and its Customs Union and subsequent renegotiating of EU-Armenian relations will have on future electoral processes needs to be elaborated upon in future research on EU-Armenian relations. Interesting question will be if implementation can follow path that legislation has followed and can further improve in future electoral processes or if the political turn towards Russia will have a negative effect on processes present as well already adopted legislation.

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## 9. Appendix

### 9.1 Interview topic list

#### Block 1: Introduction and information about the interviewee

Questions	Guidelines question/remarks	Relation/Purpose to Research question
<p>Thank you for accepting my request to an interview,</p> <p>This research is about the development of electoral policies in Armenia since 2004</p> <p>Do you accept that this interview is being recorded?</p> <p>The recordings will not be passed on towards third parties without explicit permission.</p> <p>Would like to be addressed anonymously in the research?</p>	<p>Introduce the respondent towards the topics, the themes of the interview, the duration of the interview and ask about anonymity and recording of the interview</p>	<p>Situate interviewee in the context of the research, make respondent feel safe</p>
<p>Interview will consist of 4 blocks, after each block I will ask if you have any more questions or if you want anything to add to your given answers or statements.</p> <p>Interview will last maximum 1 hour</p> <p>Start with short personal questions</p> <p><b><i>Do you have anything to add?</i></b></p>		

## Block 2: Information about the decision making process regarding electoral policies and structures

This block revolves around the electoral policies in Armenia and its developments since the beginning of the 2000's.

<p>Could you tell me what you think are elements of electoral policies in Armenia?</p> <ul style="list-style-type: none"> <li>- Explain electoral structures, legislation and processes</li> </ul>	<p>Questions in this block are designed to test the knowledge respondent has on electoral policies in Armenia and to see</p>	<p>See who is responsible for development of electoral policies and their development</p>
<p>What can you tell me about changes in electoral policies in Armenia from 2004 onwards:</p> <p><b>Regarding: Structures, Legislation, Processes(elections)</b></p> <ul style="list-style-type: none"> <li>- When?</li> <li>- Who?</li> <li>- Was it prolonged or shortened by anything?</li> </ul> <p>Would you consider changes successful?</p>		<p><i>-To what extent have electoral legislation and structures changed in Armenia since the establishment of the ENP?</i></p>
<p>Can you tell me who was responsible for changes in electoral policies in Armenia</p> <ul style="list-style-type: none"> <li>- Why are they responsible</li> <li>- How are they responsible</li> </ul> <p>What do you think about the changes electoral policies in Armenia?</p>		<p><i>-To what extent have electoral legislation and structures changed in Armenia since the establishment of the ENP?</i></p>
<p>What can you tell me about the current situation of electoral policies in Armenia?</p> <ul style="list-style-type: none"> <li>- Change apparent?</li> <li>- Away of EU 2013</li> </ul>		<p>Same as above</p>
<p>What is your view on the past elections in Armenia</p> <ul style="list-style-type: none"> <li>- <b>Fair ?</b></li> <li>- <b>Corruption ?</b></li> <li>- <b>Preface/Aftermath ?</b></li> </ul>		<p><i>-To what extent have electoral legislation and structures changed in Armenia since the establishment of the ENP?</i></p>
<p><b>Do you have anything to add?</b></p>		

### Block 3: Information about EU influence on electoral policies

*This block revolves about possible EU influence on electoral policies in Armenia*

Electoral reforms are also an action point in the EU Progress reports, do you think the EU have any influence in this process of electoral reforms <ul style="list-style-type: none"> <li>- Why/Why not?</li> <li>- How</li> <li>- Successful?</li> <li>- In reality?</li> <li>- In general?</li> </ul>	Questions in this block are asked to see to what extent the EU has influence, which type EU external governance is used.	<i>-To what extent is this possible change accredited to the EU/ENP?</i>
Did the EU provided financial or technical assistance? <ul style="list-style-type: none"> <li>- Regarding electoral policies</li> </ul>		EU-external governance
Did the EU make changes in electoral policies mandatory for other financial or technical assistance? <ul style="list-style-type: none"> <li>- Regarding electoral policies</li> </ul>		EU-external governance
If not influence in Armenian electoral policies, what other types of democracy/rule of law does the EU try to influence and how do they try to do that?		
For governmental organization: Was the issue of electoral policies elaborated upon in bilateral dialogues between the EU and Armenia <ul style="list-style-type: none"> <li>- If yes: When</li> <li>- How</li> <li>- Issues raised</li> <li>- Reactions from both sides</li> <li>- Results of meeting</li> </ul>		<i>-To what extent is this possible change accredited to the EU/ENP?</i>
<b><i>Do you have anything to add to this block?</i></b>		

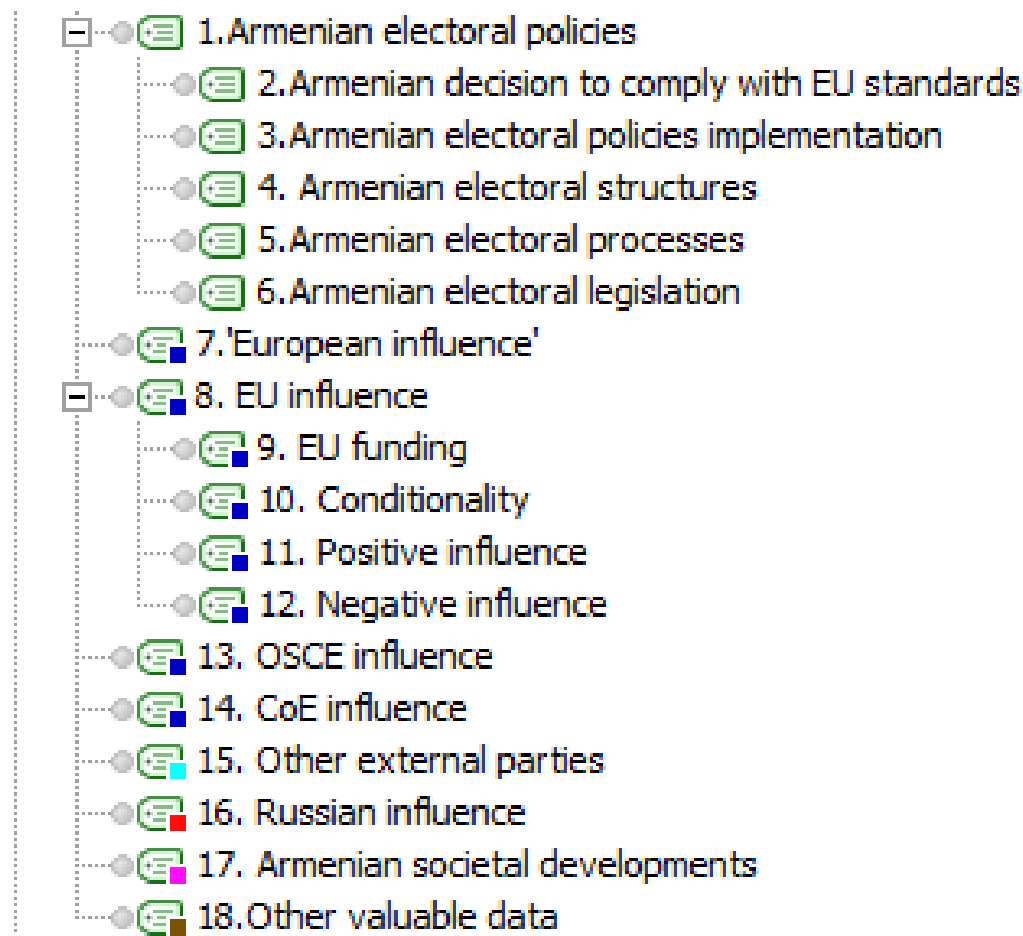
#### Block 4: Information about other influence regarding electoral policies and structures

<p>Are there in your opinion other (external )parties responsible for changes in electoral policies in Armenia?</p> <ul style="list-style-type: none"> <li>- Why</li> <li>- How</li> <li>- Were there conditions to this responsibility</li> <li>- Positive or negative</li> </ul>	<p>Question in this block are asked to determine other external partners and their influences of Armenian electoral policies.</p>	<p><i>-What other external and domestic factors influence and How did these other factors influence policy development regarding electoral legislation and structures in Armenia?</i></p>
<p>If respondent reacts negative ask about:</p>		<p>Same as above</p>
<p>Do you think the CoE played a role in electoral policies in Armenia?</p>		<p>Same as above</p>
<p>Do you think the OSCE played a role in electoral policies in Armenia?</p>		<p><i>-What other external and domestic factors influence is there and How did these other factors influence policy development regarding electoral legislation and structures in Armenia?</i></p>
<p>Do you think Russia played a role in changing of electoral policies in Armenia?</p>		<p>Same as above</p>
<p>Do you know other (domestic) parties which played a role in electoral reform? (USA?) (NGO?) (UN?)</p>		<p><i>-What other external and domestic factors influence and How did these other factors influence policy development regarding electoral legislation and structures in Armenia?</i></p>

### Block 5: Finalizing the interview

I would like to thank you for this interview		Sufficient closure of the interview/tie up loose ends
Do you have anything to add to your previous statements?		
Would you like to add something you deem relevant for this research?		Receive additional information
Once again question of anonymity?		Make respondent feel safe
Ask additional questions in person or via e-mail if unclear or new findings		Follow-up/snowball effect

## 9.2 Coding list MAXQDA





### 9.3 Description of coded segments

Parental codes	Sub codes	Description	Frequency (coded segments)	Frequency (# in interviews)
1: Armenian electoral policies	---	Segment describing general developments in electoral policies, not fitting one of the categories below	2	2
	2: Armenian decision to comply with EU standards	Segments in which experts describes Armenia's motivation to either comply or not comply with EU promoted electoral standards.	36	9
	3: Armenian electoral policy implementation	Segments in which experts elaborate on the way in which Armenian electoral policies are implemented in practice	35	14
	4: Armenian electoral structures	Segments in which experts elaborate on the developments of Armenian electoral structures since 2004.	6	4
	5: Armenian electoral processes	Segments in which experts elaborate on the developments of Armenian electoral processes since 2004.	26	11
	6: Armenian electoral legislation	Segments in which experts elaborate on the developments of Armenian electoral legislation since 2004.	38	13
7: EU influence	---	Segments dealing with general EU influence on electoral policies of Armenia, as distinguished by the experts.	33	11
	8: EU funding	Segments specifically dealing with EU funding in relation to developments of electoral policies in Armenia.	12	9
	9: EU conditionality	Segments where experts distinguish a certain amount om EU conditionality in regards to electoral policy developments in Armenia.	12	8
	10: Positive EU influence	Segments elaborating on the positive influence that the EU has had on electoral policies in Armenia.	7	7
	11: Negative EU influence	Segments elaborating on the negative influence that the EU has had on electoral policies in Armenia.	12	6
12: OSCE influence	---	Segments elaborating on OSCE influence on development of electoral policies in Armenia.	27	11
13: CoE influence	---	Segments elaborating on CoE influence on the development of electoral policies in Armenia.	31	10
14: "European influence"	---	Segments in which experts elaborate on a general "European" influence, not distinguishing between OSCE, CoE or the EU.	33	13
15: "Russian influence"		Segments in which experts elaborate on Russian influence on the developments of Armenian electoral policies.	32	12
16: "Other external parties"	---	Segments in which experts elaborate on other actors (external and internal) and their influence on the developments of Armenian electoral policies.	19	11
17: "Armenian societal developments"	---	Segments dealing with developments in Armenian society, characterized as influential on the development of electoral policies within Armenia.	31	9
18: "Other valuable data"	---	Segments providing with valuable data useful in the analysis chapter, not fitting one of the other codes presented.	12	6



## 10. Executive summary

The EU has been expanding eastwards ever since the collapse of the Soviet Union. Main mechanism in dealing with its southern and eastern neighbors is the ENP, a policy of which the main goals are to achieve the closest possible political and economic association with targeted countries whilst building on common interest and values like democratic governance, rule of law and respect for human rights. One of the countries targeted by the ENP and the EaP is Armenia, a country which democratic processes (read elections) in the past have been of low quality but where in terms of electoral legislation significant steps have been made since the establishment of the ENP in 2004.

Main research question posed is this regards is if there is a relationship to the developments in Armenian electoral policies and the EU external governance policies:

***“ To what extent has the EU, through the ENP/EaP, influenced changes in Armenian electoral policies?”***

In practice this involves the extent to which EU policy and European standards of electoral policies have been integrated into Armenia’s electoral practices and to what extent this change can be attributed towards EU policy alone. It is also possible that other are (f)actors responsible for changes in Armenia’s electoral policies.

In reviewing available theory, important concepts are ‘Europeanization beyond the borders of the EU’ as well as EU external governance. The EU uses different mechanisms to influence countries outside of the Union itself. Mechanisms used to influence policy can be hierarchical in nature, with a unequal power relationship providing the EU ‘hard power’ to actively make a targeted country adopt EU policies using positive or negative conditionality. Network governance mechanisms imply working together with a targeted country and mutually agree on policies written and established through intensive cooperation. Market governance mechanisms imply the existence of market forces (internal and external), whom can either have a positive or a negative influence on the adoption of EU policies by Armenia.

Methods used in answering the research questions were two-folded. By executing a content analysis of Armenian policy documents, an overview was given of the changes in Armenian electoral legislation and the development of Armenian electoral processes since the establishment of the ENP. Whilst electoral legislation was actively improved and twinned towards European standards, implementation of set legislation was not as successful in practice as one would hope. Out of the analysis of policy documents written by the EU, it was established that the EU cannot be perceived as a single actor within the field of democracy promotion in Armenia. The EU works actively together with both the OSCE and the CoE to achieve the stated goals of the ENP. Policy documents verified that all three ‘European’ didn’t use or possessed ‘hard power’ in pursuing the goals of democracy promotion in Armenia. The ‘European’ oriented organizations mainly relied on mechanisms of network governance such as intensive cooperation with the Armenian government to reach stated goals.

Through expert interviews conducted with NGO’s, parliamentarians and representatives from international organizations, an explanation for the successful adoption of policies legislation and the

failing implementation of set legislation was proposed. 'European style' legislation was adopted to enforce the internal and external legitimacy of the incumbent ruling elite, whilst twinning legislation also meant gaining access to European funds and expertise as well. The fact that European policy was the best policy available as was perceived by both the Armenian population as the political elite also enforced the adoption of the proposed 'European' electoral policies in practice and were genuinely cooperating with its European partners. The 'European' organizations were credited by the experts to the extent that they did positively influence legislation changes in Armenia, although local factors were of equal importance in the decision to adopt electoral legislation.

What has been the issue raised by both the international experts as well as local NGO's is the fact that within Armenia legislation is of a sufficient level to perform elections on the level expected by the European institutions but it is the implementation that is lacking. Reasons for a lack of implementation of policy can be seen in the underdeveloped democratic structures in Armenia, which include a lack of knowledge and agency within most political parties as well as a lack of trust in democratic structures and electoral processes amongst the population and a lack of the importance of one's vote. This has resulted to election day violations such as vote buying and voter intimidation by most parties involved in the electoral process. Whilst effective in regards to adoption, 'European' institutions have been unsuccessful in influencing the levels of implementation of electoral policies, this is stated in both their own policy documents as well as stated by the experts: the 'sticks' used by the EU and other international organizations weren't effective or powerful enough to promote full implementation of adopted policies and mechanisms of network governance were not as successful in pursuing correct implementation of policies.

Discussing the provided results of this thesis, one could argue that the decision to choose electoral policies as an effective concept for analyzing EU influence is debatable. The fact that the EU cannot be perceived as a single actor within the field of electoral policies seriously limits correlation between adoption of policy and the extent this can be accredited to the EU. Furthermore, given the pro-European and normative EU stance of the researcher, local and other international factors were neglected in the initial phases of this research. Thanks to the expert interviews the importance of the local Armenian context in regards to policy adoption as well as an explanation for the lack correct policy implementation came to the surface.

I would recommend that additional research on this topic should focus more on the Post-Soviet legacy of Armenia's democratic structures and what influence this political technology has on the electoral processes in Armenia. Furthermore, the effect of the recent (2013-2014) move towards Russia and its Customs Union and subsequent renegotiating of EU-Armenian relations will have on future electoral processes needs to be elaborated upon. Interesting question will be if implementation can follow path that legislation has followed and can further improve in future electoral processes or if the political turn towards Russia will have a negative effect on processes present as well already adopted legislation.

