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# Georgia: breaking out of a vicious cycle?

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## **ABSTRACT**

Georgia represents a remarkable case of transformation from a particularistic regime to ethical universalism even though it remains to be a 'borderline case. This paper looks at Georgia's path to reform in 2004-2012. It outlines a timeline of changes, discusses political actors of change and their backgrounds and then looks at internal and external factors which were regarded as significant in bringing about such change. It is argued that the young elite, both ideologically and structurally cohesive, capitalised on the window of opportunity and implemented 'big bang' reform in 2004-2008. As time passed the new incumbents developed vested interest that became apparent in 2008-2012 when a state-business nexus re-emerged with the state apparatus becoming increasingly manipulated for the sake of private and group interests. These interests undermined market competition, and elite networks used state power to control economic and political structures during the Saakashvili administration. Even though concerns over particularistic practices have remained, petty bribery has decreased substantially.

## **KEYWORDS**

Georgia, Georgian Dream, United National Movement, Corruption, Anti-Corruption

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## Introduction

In the literature on political transitions it has been argued that some post-transition countries may become trapped in a 'gray zone' when 'transitions get stuck' (Przeworski 1991, Carothers 2002). Similarly, empirical evidence suggests that countries often get stuck in vicious cycles of malfeasance and corruption despite economic transformations or political developments. Strikingly, besides a few notable exceptions cases of highly corrupt countries becoming less corrupt are rarely observed (Damania, Fredriksson and Mani, 2004).

Georgia demonstrates transition from *neo-patrimonialism* that is a particularistic governance regime with a hierarchical monopoly of central power, a state captured by private interests and a distribution of resources that benefits privileged individuals, to *ethical universalism* that is an impartial governance regime based on the norms of fairness and citizen equality with the state autonomous from private interests (Mungiu-Pippidi 2011a, 2013). This transition is especially remarkable for a country previously infamous for its corruption levels. Even in Soviet times Georgia was especially notorious for its levels of graft, corruption and bribery (Clark 1993). Between 1958 and 1972, 180,000 people were tried for abuse of office and looting of state-owned property in Georgia (Gerber 1997, quoted in Christophe 2003, p. 197); however this was only the tip of the iceberg. Rampant bribery perpetuated in post-Soviet Georgia in the 1990s that led to dysfunctional state institutions and permanent economic crises. In 2003, at the eve of the Rose Revolution, Georgia could safely be categorised as a 'failed state' (Wheatley 2005). Ranked number 124 out of 133 countries surveyed by Transparency International's (TI) Corruption Perceptions Index in 2003 Georgia, together with Tajikistan, Azerbaijan and Angola, was found languishing at the bottom end of the table.

The change in corruption levels happened immediately after the Rose Revolution in November 2003, which brought to power a team of young politicians led by US-educated lawyer Mikheil Saakashvili. The new authorities initiated radical public sector reform that is often referred to as the 'big bang' approach. The reform comprised cutting red tape and deregulation, massive dismissal of staff from public institutions and hiring new recruits, radical tax reform, improvement of public services, etc. The result was the dramatic decrease of bribery especially in the sectors where state and citizenry interact (street policing, licensing, public services, etc.). Ranked 52 out of 174 countries in TI Corruption Perception index of 2013 Georgia had one of the lowest levels of perceived corruption in Eastern Europe and the former Soviet Union. However, these achievements remain controversial since some of the practices of particularism survived and have become even more engrained in the governance regime. Overall Georgia remains a borderline case (Mungiu-Pippidi 2011b), according to which ethical universalism has not yet emerged with some elements of patrimonialism still existing.

This paper looks at Georgia's path to reform in 2004-2012. It first outlines a timeline of changes, discusses political actors of change and their backgrounds and then looks at internal and external factors which were regarded as significant in bringing about such change.

### **Era of radical reform (2004-2008)**

The reforms started immediately after the Rose Revolution in November 2003 that removed the corrupt regime of Eduard Shevardnadze and opened up the path to a young team of reformers headed by Mikheil Saakashvili. During this time, the state was financially broken and institutionally dysfunctional to an extent that it was ungovernable (King 2004, Light

2012). 'We had no other choice... budget was empty... institutions were dysfunctional... we had to function somehow' said Shota Utiashvili former high-ranking official in Ministry of Interior in an interview with the author. The authorities decided to capitalise on the popular mandate and implement radical and swift reform. 'You need to make changes freshly as soon as you build public confidence in the government,' said Kakha Bendukidze (2009) the author of Georgia's neo-liberal reforms, indicating that usually the window of opportunity provided by a revolution is short. Such a special 'window of opportunity' was acknowledged in one of Saakashvili's (2004) speech. Demonstrating results in a short period of time was crucial building the government's credibility in the public eye and show that reform is possible (Zguladze in Pomerantsev et al., 2014). A key aspect of reform was creating this credibility through demonstrating to all stakeholders that change was imminent. These measures were soon reflected in restored public confidence in the government's anti-corruption efforts. In 2004, 60% of survey respondents expected that corruption would decrease in the following three years (Transparency International, Global Corruption Barometer 2004).

Reforms developed in all directions: the executive branch was reorganized and streamlined and a cabinet style of government was introduced; a new legislation was adopted, which introduced a zero-tolerance policy and plea bargaining; the idea of a 'minimalist' state was carried out in practice that simplified regulatory framework, eliminated unnecessary bureaucracy and improved the management of public finances (Anderson and Gray 2006, p. 19). Seventeen percent of private sector turnover came out of the shadows one year after the revolution (Chamber of Control of Georgia 2006, pp. 24-25).

The campaign of arrests of former officials and imposition of large fines due to past malfeasance was in full swing by 2004. Prime Minister Zurab Zhvania said during a press conference in late 2004 that 'all those who are responsible for misappropriation of people's property will be held accountable' (Civil Georgia, 2003). In 2004 alone, 50 million USD was confiscated from corrupt Shevardnadze representatives (IWPR August, 2004), while property worth EUR 40 million was reclaimed (Council of Europe 2006, p. 9). These businessmen often made 'voluntary gifts' to the state, which were in fact forms of organised extortion through systematic pressure and harassment from law enforcement structures (Macfarlane 2011, Kupatadze 2012). Part of the business shares and property would be transferred back to the state and then re-privatised while part of it would be registered in the names of the most loyal allies of the incumbents (Welt 2009, US Department of State 2010). In 2004-2012, around 9,500 private properties were handed over to the state for free according to the prosecutor's office, which raises natural concerns as to how 'voluntary' these donations really were (Hammarberg 2013).

At the same time, the government clearly signaled that corruption even in its petty forms would not be tolerated and that any public employee committing such crimes would go to prison. A zero-tolerance policy was officially announced in 2006 when Saakashvili (2006) stated that 'there will be no probation sentences . . . everyone who commits these crimes will go to prison.' According to Georgia's Justice Ministry in 2003–2010, roughly 1,000 public officials faced charges of corruption, including six MPs, 15 deputy ministers and 31 deputy chairpersons of city councils. However this zero-tolerance policy legitimated more powers to the police and the prosecutor's office, which resulted in occasional tolerance for police misconduct, an increase in the prison population, regular breaches of human rights including mistreatment of detainees, disrespect for property rights and the use of excessive force.<sup>1</sup> Anti-corruption policies were frequently based on quasi-legal practices with little respect for

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<sup>1</sup> See, for instance, US Department of State (2006); and Amnesty International(2007).

rule of law. Many allegations of criminal procedural violations were made, such as arrests without warrants.<sup>2</sup> In response, the Tbilisi procurator once told reporters that because suspects would often attempt to flee or feign illness to avoid arrest, law enforcement was sometimes forced to detain them in such a manner. Disregarding the rule of law led to serious criticism from human rights watchdogs and other NGOs, who reported that police were at times involved in extrajudicial killings,<sup>3</sup> torture, and other violations of the law.

Despite the shortcomings it was clear that the government achieved significant success against petty bribery. According to a survey, only 3.8% of Georgians in Tbilisi paid a bribe to a public official in 2005, compared with 17% in 2000 (Bonvin 2006). According to EBRD enterprise surveys, the percentage of firms expecting to give gifts to public officials "to get things done" decreased from 74.2% in 2002 to 14.7% in 2008. Achievements started to consolidate once a neoliberal agenda had become a unifying ideological platform for the government. This coincided with Kakha Bendukidze's return to Georgia in order to take up a ministerial position in 2005. 'Everything is on sale except our conscience' said Bendukidze<sup>4</sup> upon his arrival in Tbilisi airport, signaling a wave of large-scale privatisation and deregulation. Before Bendukidze's entrance to the political scene, however, the economic thinking of the political elite was rather vague. For instance Vakhtang Lezhava, then an important member of the economic policy team, recalled that a dominant idea in early 2004 was to pass legislation imposing larger taxes on wealthy individuals; however the idea was rejected due to administrative considerations rather than on ideological grounds.<sup>5</sup> Bendukidze became the key ideologist and mastermind of deregulation, reform of taxation, and optimisation of public bureaucracy.

There was a large overhaul of staff in public institutions. Overall, the number of public sector employees dropped by almost 50% (from 120,000 public servants in 2003), while the salaries of the remaining civil servants increased roughly 15-fold. Some government institutions and/or procedures that had been generating illicit rents had been cancelled – these schemes included an anti-monopoly agency, food security agency, technical check-up of cars, etc. This was supplanted by general economic liberalisation policies that reduced red tape and eliminated opportunities for bribery (Lezhava 2010, Engvall 2012). A new tax code was adopted in 2005 that greatly simplified the tax system, with the total number of taxes decreasing from 22 in 2004 to six in 2008. This simplification coupled with strict enforcement resulted in greater levels of tax collection. As a proportion of the GDP, tax collection approximately doubled from 11.7% in 2003 to 24.5% in 2009 (Burakova 2011, p. 187-8).

As a consequence of these reforms, corruption has been substantially reduced in the sectors where citizens interact with the state most frequently, including policing, registering property, licensing businesses and tax administration. The distribution of public resources became fairer and it appeared that the state had become more capable of delivering services. Such progress was consequently acknowledged by numerous surveys and reports. The 2005 EBRD BEEPS survey identified Georgia as the transition country with the largest reduction in corruption in the period of 2002-05. The 2007 World Bank's Doing Business Survey ranked Georgia as the number one reformer globally, while the country became

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<sup>2</sup> Georgian Young Lawyers Association (2011), pp.8-9; RFE/RL (2004)

<sup>3</sup> The climax of alleged official disregard of law was the assassination of Sandro Girgvliani, a banker kidnapped and assassinated, allegedly by high-ranking police officials, in 2006. The case led to a major uproar in Georgian society and greatly damaged the public standing of the police.

<sup>4</sup> Businessman active in Russia in the 1990s. Minister of Economic Development in 2004-5, then State Minister for Reforms Coordination in 2005-8 and then the Head of State Chancellery in 2008-9

<sup>5</sup> Interview with Vakhtang Lezhava, former deputy Minister of Economy. Tbilisi, 21 January 2015.

increasingly attractive to foreign investment. FDI (foreign direct investment) had increased from 340 million USD in 2003 to 1.56 billion USD in 2008<sup>6</sup>, which had an important impact in what is a resource-poor country.

The period of radical reform shows clear signs of movement from particularism to ethical universalism; however the depth and sustainability of change is disputable. This became even more apparent in the second term of Saakashvili's governance but there were also some signs of this even earlier.

The team that initially took office was a broad coalition of democratic forces but the dominance of Mikheil Saakashvili within the team was apparent from the beginning as he emerged as the clear leader. Capitalising on his victory having attained 96% of the votes in the 2014 presidential elections Saakashvili's Georgia moved to an even more highly-concentrated presidential system than before that led some researchers to describe it as 'hyperpresidentialism' (Fairbanks 2004). As Henry Hale (2006) observes Saakashvili might have decided that 'necessary reforms are best promoted by the decisive actions of the chief executive rather than by sharing power.' Even though power had been tightly concentrated, the political system allowed upward mobility of gifted individuals from lower ranks to the top levels of management in public institutions.<sup>7</sup> Nepotism thus decreased but did not completely disappear. The number of survey respondents reporting that personal connections were important for getting a job decreased from 39% in 2007 to 21% in 2012 (CRRC Caucasus Barometer surveys).<sup>8</sup> New legislation on self-governance was passed in 2005 and reforms of civil service were implemented to limit incentives for nepotism (George 2009); however hirings in some public institutions continued to be influenced by considerations of political loyalty rather than merit (Siradze 2004). In addition, some researchers observed strong vertical integration in center-periphery relations and clientelism-based handlings of local political appointments (Timm 2010).

### **Reversal of the achievements? Controversial outcomes in the second term (2008-2012)**

While legal deregulation was implemented swiftly, Georgia however did not turn into the 'the Switzerland of the Caucasus' as the incoming leaders had wished for on the eve of the Rose Revolution (Eurasianet 2010). Compared to 2004, the UNM faction in the parliament elected in 2008 had a number of wealthy businessmen (Transparency International Georgia 2013, Wilson 2013) that indicates a decreasing amount of state autonomy and the re-emergence of a state-business nexus. As the re-privatisation process neared its completion in 2007-2008, a new class of oligarchs emerged including former cabinet ministers and close friends of Saakashvili that co-existed with some older oligarchs to fund the UNM after the Rose Revolution<sup>9</sup> (Rimple 2012). Pyramid-type corruption schemes may have disappeared but

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<sup>6</sup> See the 2003 figure see data available on Investment Guide for Georgia, available online at [http://www.investmentguide.ge/index.php?sec\\_id=145&lang\\_id=ENG](http://www.investmentguide.ge/index.php?sec_id=145&lang_id=ENG) and for 2008 figure see Civil Georgia (2010)

<sup>7</sup> Some examples would include Giorgi Vashadze started his career in Tbilisi district branch of Ministry of Justice and rose to the post of deputy Justice Minister; and Davit Sakvarelidze started as a specialist in Legal Expertise Department of Ministry of Justice and has grown to the post of first deputy General Prosecutor

<sup>8</sup> No data is available for pre-Rose Revolution period.

<sup>9</sup> Re-privatisation had other negative consequences as well. Since the change of government in October 2012 numerous complaints have been filed. More than 1 000 persons claimed that prosecutors had played a central role in the illegal seizure of their property, forcing them to 'donate' their real estate to the State (Hammarberg 2013).

other types of corruption more along the lines of clientelism and patrimonialism emerged where the state would often use discretionary power to distribute resources to benefit specific groups and individuals. The government was believed to have awarded public contracts to 'friendly' companies, in exchange for political support. The owners of such companies would be found among key financial contributors to the ruling UNM (EurasiaNet 2011, Transparency International Georgia 2013). It has been alleged that a company's contribution to UNM party coffers may be among the reasons why the prosecutor's office would show no interest in investigating large-scale fraud involving the company in question (Transparency International Georgia 2012).

These concerns over 'elite corruption', that is distribution of public resources on a particularistic basis, have been voiced by numerous observers. The key indication of vested interests is the transformation of some members of the political elite into Georgia's wealthiest individuals. This is not the usual 'revolving door'-- the enrichment of a succession of officials - - because it involved establishing permanent near-monopolies in various markets and illicit takeover of businesses through blackmail and the use of the criminal justice system. Interestingly, the World Economic Forum's 2012 Global Competitiveness report ranks Georgia in the lowest tier in terms of effective anti-monopoly policy (141<sup>st</sup> out of 144) and for property rights (131<sup>st</sup>).

These practices also subverted key developments related with transparency such as e-government because many of the deals related with public procurement would be negotiated outside the realms of the online system. Due to large infrastructure projects the construction sector became one of the key business sectors quickly captured by oligarchs close to UNM (Wilson 2013). The drive of establishing a monopoly of rents was more motivated by the aim of consolidating political power, rather than private profiteering. In 2013 Tbilisi mayor Gigi Ugulava was charged with mispending USD 28.2 million of public funds from the capital city's development fund in 2011-12 through illegally channeling money for financing UNM and its activists by creating fictitious jobs (Civil Georgia 2013). Hence corrupt practices at the higher levels had been perfected and old interest groups had been replaced by new ones; however petty corruption and bribery remained relatively low. In 2010, 78% of Georgians surveyed said that they believed corruption had decreased in the last three years, a higher proportion than in any other country in the world (Transparency International 2010).

Importantly public support for the Saakashvili government had been decreasing since 2007. The government had failed to address the problem of unemployment and poverty, while mass dismissals and zero-tolerance policies had alienated many groups throughout society and who eventually took to the streets. Saakashvili was obliged to announce an early presidential election after the violent breakup of one such rally which he won with only 53% of votes. Political opposition had been gaining ground in the background of the increasingly unpopular UNM. This was exacerbated by a five-day war in August 2008 that Georgia lost with its de-facto independent territories of Abkhazia and South Ossetia now being formally recognised by Russia.

Arguably the authorities since 2007-08 had started to increasingly resort to using the criminal justice system in order to clamp down on political dissent and consolidate control. After the change of government in 2012 evidence has emerged that during the Saakashvili administration, officials of the Ministry of the Interior and Ministry of Defence engaged in illegal video recordings of the private lives of citizens and representatives of political opposition (US Department of State 2013). Evidence released by the prosecutor's office shows how key branches of the Interior Ministry were working to discredit and undermine the

political opposition through surveillance, eavesdropping and unsanctioned wiretapping.<sup>10</sup> The investigation also built up a well-documented case of how state law enforcement apparatus was manipulated to attack and bankrupt financial institutions owned by the political opposition leader (Civil Georgia 2013). In a sense, such policing driven by private or regime interests can qualify as another form of particularism if it is defined broadly as the use of official resources for private ends.

To be sure, during this period the reforms did not stall and the Saakashvili government continued to deliver in terms of public service efficiency. Already in 2010, 92% of citizens were satisfied with procedures concerning the delivery of official documents (EBRD 2010). But the highest achievement in this regard came in 2011 when the concept of public service halls started to come to life. The first service hall opened in Batumi and brought more than 250 services into one space ranging from business and property registration to passports and ID cards. This innovation won the United Nations Public Service Award<sup>11</sup> in 2013 and is regarded as a major achievement by local and international observers. Due to this and other changes the perceived role of connections, gifts and informal payments in dealings with formal institutions decreased substantially according to EBRD surveys.

This increase in efficiency of public service delivery should have resulted in higher trust and cooperation with public institutions; however some surveys suggest that this might not have been the case. For example Georgians were still reluctant to report crime to the police (Van Dijk and Chanturia 2011), and remained suspicious of institutionalized cooperation. In addition, blood kinship-based links still prevailed over formalized relationships (CRRRC 2011). This points to a high resilience of informal institutions that are very resistant to changes which take place in the formal environment.

### **Key actors: winners and losers**

Most of the reform-related decisions were made within a small group comprising Mikheil Saakashvili, Ivane Meraishvili, Giga Bokeria, Kakha Bendukdize and Gigi Ugulava. This constituted the core of the group that remained influential throughout the whole period (2004-2012) with the other key decision-makers being continuously reshuffled. For instance Irakli Okruashvili, the Minister of Defence and one of Saakashvili's closest allies went into political opposition in 2006. Most of the reformist initiatives belonged to the individuals in the team. For instance Ivane Merabishvili came up with the idea of glass-made transparent buildings for the police; Kakha Bendukdize authored most of the initiatives of reducing red tape; etc.

Importantly this was a team of young and well-educated individuals who demonstrated a large degree of structural and ideological cohesiveness. Most members were in their 20s and 30s with Saakashvili (2011) later saying that his team was 'nothing more than a group of young men and women from student organizations, opposition parties, and civil society groups.'<sup>12</sup> The core of the team had work experience in Tbilisi-based NGOs, in

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<sup>10</sup> Interior Minister Found His Own Phone Had Been Trapped, Democracy & Freedom Watch, Feb. 6, 2013, [date accessed Jan. 12, 2013] <http://dfwatch.net/interior-minister-found-his-own-phone-had-been-tapped-68937>; RFE/RL, 6 September 2013. available at <http://www.rferl.org/content/georgia-illegal-recordings/25096623.html>

<sup>11</sup> Another internationally acclaimed reform initiative was the launch of online submission program of asset declaration system in 2010 by the Civil Service Bureau ([www.declarations.gov.ge](http://www.declarations.gov.ge)) that replaced paper-based declarations and contains the data from 1998 onwards.

<sup>12</sup> Initially the so-called reformers were divided in two camps: one headed by Mikheil Saakashvili (united under the banner of political party National Movement in 2001) and another by Parliamentary speaker Zurab Zhvania who resigned in founded political party United democrats in 2001 (Nodia 2006). The two groups only converged in the course of the Rose Revolution when Saakashvili, owing



particular the Liberty Institute, a prominent critic of the Shevardnadze government founded in 1996. In the late 1990s, the Liberty Institute was a key actor in campaigning for human rights and anti-corruption, and a shelter for liberally-minded young and dynamic individuals. Giga Bokeria (MP in 2004-08, Secretary of the State Security Council in 2010-2013), Gigi Ugulava (Tbilisi Mayor in 2005-2012), Givi Targamadze (influential MP, chairman of the Defence and Security committee in Parliament), and some of Saakashvili's closest associates have been among the founders and employees of the organisation. Saakashvili himself used the platform of anti-corruption while being the Minister of Justice (2000-1) in Shevardnadze's government with his popularity having owed much to his anti-bribery drive (Freizer 2004, p. 4). He was seen as an 'island of honesty' in the heart of a corrupt system. The Georgian public remembered well Shevardnadze's meeting with the government when Saakashvili, the then Minister of Justice, showed photographs of the impressive mansions owned by corrupt officials (some of whom were present at the meeting) and demanded immediate action against them. Certainly this rhetoric did not go unnoticed. His resignation from the position of minister was seen as 'a hopeless single-handed effort' of a brave 'corruption-crusader' against the whole machinery of state bribery. He said that his departure had been 'caused by the impossibility of reforming the government from within' (BBC Monitoring Former Soviet Union September 19, 2001).

After the Rose Revolution an anti-corruption campaign of incoming elites immediately targeted most of the corrupt bureaucrats of the Shevardnadze era as well as other entrenched interest groups. Several key groups of losers can be identified as having lost economic power and political leverage in the aftermath of the Rose Revolution. These included corrupt officials in Shevardnadze's bureaucracy, so-called oligarchs and powerful mafia structures headed by mafia bosses *kanonieri qurdebi* (thieves-in-law). Several conditions need to be considered in order to explain why these groups failed to oppose reform - (a) revolution, which provided a window of opportunity that was then used by (b) highly legitimate incoming elites to launch (c) a radical break with the past and a cleaning-up of the bureaucracy from carryovers from (d) the illegitimate old guard.

Arguably legitimacy is the most important aspect to consider here. The incoming authorities had a clear mandate to address corruption and had established credibility for being able to do so in the early stages. At the same time, the old guard had consumed all of its legitimacy due to a decade-long era of decay, unfairness and inefficiency of public institutions and widespread and unpunished crime. Hence these interest groups had been disempowered by past failures and a bad reputation. Corrupt officials could not even find support in the medium and lower ranks of bureaucracy. As Utiashvili comments 'most of the corruption schemes were organised in a pyramid and hence mostly benefited the top leadership of the government institutions' while the lower ranks had only been 'getting peanuts.' Most of these officials were dismissed from public offices and replaced by younger and more motivated individuals.

The oligarchical class - the richest businessmen on the eve of the Rose Revolution in Georgia - consisted of friends and family members of Eduard Shevardnadze. Three main groupings can be distinguished: first, the group headed by Guram Akhvlediani, father-in-law of Shevardnadze's son, Paata. He was the Chairman of the Chamber of Commerce, with business interests in minerals, oil and aircrafts, and who controlled the port of Poti, which directly or indirectly dominated the seaport's infrastructure. The second group, that of Gia

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much to his personal charisma emerged as an unequivocal leader of a popular movement. Consequently the two parties merged in 2004 and adopted a name National Movement-Democrats.

Jokhtaberidze, Shevardnadze's son-in-law, owned one of the two major cellular communication companies in Georgia, Magti, and held interests in the state Rustavi nitrogen plant and the nonferrous metallurgy plant in Zestafoni. The third sub-group, headed by Nugzar Shevardnadze, Shevardnadze's nephew, played a major role in the import of consumer goods, chiefly fuel (Chiaberashvili and Tevzadze 2005, p. 191). All groups made sure that their private interests would be guarded by the state through appointing close friends and relatives to government positions. For instance, Zurab Urotadze, Deputy Interior Minister, was a childhood friend of Nugzar Shevardnadze. Jokhtaberidze's best man, Gia Kakuberi, was the Deputy Minister of Communications. As the government changed its power base these individuals became undermined. Some of their businesses had been claimed back by the state; while others, for instance Gia Jokhtaberidze, owner of one of the largest cellular companies in Georgia, had to buy his freedom through paying large amounts of money to the state budget. Again these interest groups had no capacity to counteract the state because they lacked any legitimacy in a public eye.

Other major losers from the post-revolutionary changes included the *kanonieri qurdebi*, the so-called thief-in-law, who are Soviet and post-Soviet professional criminals that became influential power-wielders throughout the 1980s and 1990s. These criminals provided protection for businesses, acted as arbiters and informal judges, and engaged in wide-ranging criminal activities including extortion, racketeering and smuggling. The state largely tolerated these individuals and would frequently enlist them in order to provide a number of services. The most influential thieves would maintain friendly relations and ran joint businesses together with officials of law enforcement structures and well-known politicians (Kupatadze 2012, Slade 2013). After the Rose Revolution the state response changed from tolerance and cooperation to antagonism when the Saakashvili administration initiated an anti-crime campaign integrating various strategies of legislative change (US RICO and Italian anti-mafia legislation), law enforcement personnel turnover, and educational campaigns. These policies played an important role in the demise of the thieves who lost nearly all political and financial leverage in post-revolutionary Georgia (Kupatadze 2012). However as Slade shows their demise should not be explained by state policies alone and that disintegrative processes within the thieves' world created internal pressures. The intra- (between different factions in the thieves' world) and inter-group competition (with other violent actors) created further pressures to expand the network that came at the expense of lowering entry standards and recruiting substandard individuals –trends that have had a detrimental effect for the status and reputation of the group and hence on its overall resilience. Along with the general commercialization of thieves' status the commitment-inducing mechanisms and disincentives for exit also became weakened with some such as forbidding the ownership of private property having been discarded. Increasing inter-linkages of their status with wealth and power were instrumental in undermining the reputation and popular legitimacy of the thieves (Slade 2013).

Hence the losers from the reform undermined themselves and had even lost legitimacy long before the reform started. This needs to be considered together with the high popularity of incoming elites and the willingness and commitment to pursue anti-corruption and anti-crime policies, which will be discussed further in the next section.

### **Accounting for change - internal factors**

In Georgia a number of internal and external conditions converged that made change possible. In the following sections I will briefly outline these conditions and discuss how they impacted upon levels of corruption.

As already mentioned Georgia matured into a dysfunctional state with very weak institutions under Shevardnadze's rule. A popular movement was triggered by parliamentary election fraud with facilitating conditions including a perceived decay of the state, malfeasance of rulers and the incapacity of political elites to deliver public goods. Many of the revolution's leaders were formerly part of Shevardnadze's government who then became known as 'reformers' and anti-corruption crusaders. The uprising itself was largely described as an 'anti-corruption revolution' by experts and politicians alike because corruption was perceived to be a major cause of the public uprising and anti-corruption slogans dominated the popular movement.<sup>13</sup> By mid-November 2003 the 'revolutionary situation' was defined by Charles Tilly (2006, pp. 163-77) as 'incapacity or unwillingness of [incumbent] rulers to suppress the alternative coalition and/or its popular support.'

The revolution was an important factor for anti-corruption reform because it provided a crucial window of opportunity. It removed the patrimonial regime of former Soviet Foreign Minister Eduard Shevardnadze from power and opened up the way for young reformers. However this condition alone is not sufficient because similar revolutions have occurred elsewhere, for example Ukraine's Orange Revolution (2004) and Kyrgyzstan's Tulip Revolution (2005), which thereafter largely failed on the anti-corruption front. The crucial difference is the influence of the old guard in the aftermath of these so-called Coloured Revolutions. The political leadership in Georgia was not constrained by the existence of reform 'spoilers' with the radical elite changeover distinguishing the Rose Revolution from the two other in Ukraine and Kyrgyzstan, where the transitions were 'pacted' and the 'old guard' retained significant power. Hence the explanation needs to be complemented by a number of other internal conditions including a radical break with the past; cohesiveness of incoming political elites; high popularity of incoming elites and the related mandate to change/reform; and commitment and willingness of the incoming elites to change. I will now go through each factor separately.

Even though Saakashvili and other members of his core team had worked on senior positions in the previous government, they were not part of the entrenched and corrupt interest groups of Shevardnadze regime. Also, initially Saakashvili's team was only peripherally connected with Georgia's large businesses and had only one or two financiers; for example natural gas trader David Bezhuashvili. Most of the licit and illicit economic resources were monopolised by members of Shevardnadze's family (Chiaberashvili and Tevzadze 2005). Hence the incoming elite were less beholden by the economic interests during which time most radical elements of the reform took place (2004-2007). Georgian's elected parliament in 2004 was overwhelmingly dominated by Saakashvili's United National Movement (UNM) that mostly consisted of young activists with only a few businessmen found amongst them. However this changed as re-privatization proceeded with several new incumbents developing vested interest. The temporary breakdown of state-business nexus and loosening of links between Saakashvili's team and the *ancien régime* eliminated the impact of reform spoilers and limited the opportunities of entrenched interest groups to oppose reform.

The break with the past is related with another variable – elite cohesiveness. The two reinforce one another – a radical break with the past was possible because counter-elites were cohesive and vice versa, while a cohesive political elite was an outcome of a radical break with the past. The incoming political elite comprised a group of long-time friends which was structurally and ideologically cohesive. This then allowed for quick and efficient

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<sup>13</sup> See Shelley and Scot (2003), Nodia (2005, p. 99) and Kandelaki (2006, p. 3).

responses to challenges. As 'weak government hypothesis' (Roubini and Sachs 1989, Ashworth et al. 2006, Coffé and Geys 2005, Goeminne et al. 2007) predicted the lack of fractionalization increased the decision-making capabilities of the Saakashvili government.

Significantly, there was a generational change<sup>14</sup> in Georgia's ruling elites. Saakashvili was 37 years old when he took office and many of his cabinet members were in their late 20s or early 30s. The government had significantly reduced bureaucracy and had increased the salaries of staff in public institutions, which thus succeeded in attracting young and educated personnel for middle and lower levels of the bureaucratic apparatus, who wanted the opportunity to be part of imminent change. Many of these young bureaucrats were highly motivated, full of new ideas and, most importantly, zealously committed to institutional integrity (World Bank 2012). The impact of the 'age variable' on corruption can be related with strategic time horizons; in other words, when the younger leaders are more interested in curbing corruption for the sake of 'establishing the brand name' and ensuring a safer exit strategy (Manow 2005), Nonetheless, more research is needed on the causal mechanisms of how the age of elites influence anti-corruption policies. However it is safe to argue that the young team, both structurally and ideologically cohesive, was an important factor that made radical reform possible.

This political elite enjoyed high levels of legitimacy and hence could afford radical, often unpopular, reforms. In 2004 Saakashvili was elected by 96% of the votes,<sup>15</sup> which provided a clear mandate for unconstrained action. This popularity converged with electors' support for strong measures against corruption. Survey from June 2003, just before the revolution, indicate that corruption was perceived by the population as one of the gravest problems in the country. More than 60% of the population was convinced that all public institutions were engulfed in corruption. Another survey immediately after the revolution suggested that a decrease in corruption ranked highest on the agenda of the citizenry - some 64.3% of the respondents were hopeful that the political change would lead to a decrease in corruption (Sumbadze 2009).<sup>16</sup> This meant the anti-corruption policies would be highly popular and that the incumbents elected by a large margin of votes had the necessary mandate to implement them.

Capitalising on the popular mandate Saakashvili's team demonstrated an impressive level of dedication and commitment to anti-corruption reform. In fact his government earned large political dividends from its fight against crime and corruption (Macfarlane 2011, Slade 2013). Arguably the need for 'legitimising' did not provide the initial impetus; rather, the success of the regime's anti-corruption measures was effectively used to establish the government's credibility in the public eye and vis-a-vis the international community.

The fight against corruption and organised crime became key elements of Saakashvili's state building project from the very beginning in late 2003. It became clear that the new government would not tolerate the existence of rampant bribery that undermined the legitimacy of the ruling elite and worked to distort the political system. In general, his administration concentrated on state-building rather than democratising (Mitchell 2006, pp. 674–5). Saakashvili's role models were strongmen/state-builders such as Mustafa Kemal

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<sup>14</sup> By 2000 more than 50% of the Georgian state officials consisted of former nomenklatura members (Stefes, 2006)

<sup>15</sup> <http://www.electionguide.org/countries/id/81/>

<sup>16</sup> these hopes were associated with an anticipated diminution of corruption (64.3%), economic development (55.8%), restoration of territorial integrity (46.6%), the rule of law (42.9%), good governance (40.9%), the fostering of close relations with the West (40.4%), and improving relations with Russia (23.8%).

Atatürk and Charles de Gaulle rather than democratisers like Vaclav Havel or Thomas Jefferson (Cornell 2013). In a highly symbolic gesture, just before his inauguration as president in January 2004, Saakashvili visited the tomb of the Georgian king David the Builder and gave an oath to build 'a united and strong state.' This concept of 'strong state' comprised efficient public institutions, low levels of organised crime and corruption, and aspects of a 'minimalist state' (cutting red tape and deregulation).

These internal factors need to be complemented by crucial external dynamics in order to further account for the change.

### **Accounting for change - external factors**

Georgian elites' drive to clean up its ranks was significantly delineated by antagonism toward Russia and their willingness to get away from any notions of 'post-Sovietness.'<sup>17</sup> The Georgian political elite had explicitly chosen policies that would divert the country away from the developmental path of Russia. Saakashvili reiterated several times that the Georgian leadership was building an 'alternative governance model in post-Soviet Eurasia,' meaning a government marked by low levels of corruption, in contrast to the way Russia was and still is functioning (Civil Georgia 2008, Saakashvili 2010). Also concerns about the co-optation of Georgian security forces established strong incentives to crack down on corruption in law enforcement structures, which partially prompted a major clean-up in Georgian police and security forces (Light 2013, Slade 2013).

The effect of antagonism toward Russia regarding corruption has been exacerbated by Georgia's drive to get closer to the EU and NATO. The absolute majority of the respondents from Georgian political parties interviewed in 2010 looked positively at notions of EU integration (AIR 2010). This orientation towards the West was thought of as a national mission in Georgia (Saakashvili 2013). On a symbolic level, EU flags have been frequently displayed in government buildings and offices of senior officials and during important events such as the president's inauguration in 2004. On a rhetorical level, various members of the ruling party have repeatedly emphasised the foreign policy priority of 'Euro-Atlantic integration.' As Giga Bokeria expressed, Georgia had no other choice: 'There is no other environment. There is no other family we can move to' (Bokeria quoted in De Waal 2011, p.33). This attitude promoted strong ties between the Georgian political elite and European leaders, which may have contributed to a more reformist stance as the model offered by Way and Levitsky (2007) predicted. The reforms are also believed to have been an attempt to compensate for the geographic ambiguity of Georgia's location vis-a-vis Europe. In 2011 Thornike Gordadze, a Georgian government minister, told the Croatia Summit of senior European and North American leaders that in its efforts to get closer to the EU, 'Georgia is fighting geography [relative distance from EU borders compared to Balkan states] with successful reforms' with the first example of these successful reforms having been 'the elimination of corruption and organised crime.'<sup>18</sup>

However as Carnegie Endowment analyst Thomas De Waal argues the rhetoric about foreign policy goals was often controversial. The models of emulation have been

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<sup>17</sup> Georgia, due to its Moscow-backed breakaway republics had a few alternatives to the West (US and European Union). Since mid-1990s Georgia pursued the policies of integration with NATO and drifted away from Russian orbit. Georgia and Russia fought a short war in August 2008 and there is no diplomatic relations up to nowadays. The belligerence with Russia did not leave Georgia with much foreign policy choice.

<sup>18</sup> Gordadze's address is available at [https://www.youtube.com/watch?v=sD5oAXG\\_nOc](https://www.youtube.com/watch?v=sD5oAXG_nOc). Retrieved 13 March 2013

diverse with confusing and contradicting references to Estonia, Singapore, Switzerland and a host of European countries (De Waal 2011). Saakashvili's reference to Singapore goes as far back as 2007 and was based on the belief that Georgia is in a similarly difficult geopolitical environment. In 2011 Saakashvili said that the awareness that Georgia is not bordering Norway or Finland [like the Baltic countries] is the reason why Georgia needs to be innovative and to look for inspiration in countries like Singapore.

Due to this ambiguity it is difficult to assess the cumulative impact of emulation of different models. The impact of foreign expertise varied from one sector to another. For instance Mart Laar, former Prime Minister of Estonia, and appointed as government advisor in 2006, 'gave many useful recommendations regarding deregulation and tax reform.'<sup>19</sup> Foreign expertise was also instrumental in drafting crucial legislation; for example the US RICO act and Italian anti-mafia legislation served as models for laws with similar effect in Georgia. However, the overall antagonism with Russia was a more powerful driver rather than the more ambiguous ideas concerning emulation. As Light (2012) argues the foreign policy objective of rapprochement with NATO and the EU was not a primary impetus; however the Georgian government had nonetheless successfully promoted reform for these objectives. Hence it is not entirely clear whether the impact of the EU goes much beyond a symbolic role and influencing change on the legislative level such as ratifying the Council of Europe's Civil and Criminal Law Conventions or the accession to GRECO in 2004.

On an operational level, government officials would often go against the advice of European institutions and advisors. Interviews with some decision-makers suggest that the advice of European experts often emphasised a more moderate approach while the authorities had been in favour of quick and radical action. For example, the mass dismissals in 2003 were undertaken against Western counsel (Burakova 2011). European experts 'mainly wanted us to write plans and strategies' said Shota Utiashvili, former official of the Interior Ministry in an interview and 'strongly favoured slow pace of reform.' Another respondent Vakhtan Lezhava, former Deputy Economic Minister, said that despite the low regards in the Georgian political establishment for the need for an anti-corruption strategy on paper, finally 'the government decided to write it due to the Western obsession.'

## **Conclusion**

Despite perpetuating problems Georgia represents a remarkable case of transformation from a particularistic regime to ethical universalism even though it remains to be a 'borderline case.' This paper has outlined the timeline of change, discussed actors and looked at the internal and external factors that account for the change. Most radical reform happened in 2004-2008 when the young elite, both ideologically and structurally cohesive, capitalised on the window of opportunity and implemented 'big bang' reform. As time passed the new incumbents developed vested interest that became apparent in 2008-2012 when a state-business nexus re-emerged with the state apparatus becoming increasingly manipulated for the sake of private and group interests. These interests undermined market competition, and elite networks used state power to control economic and political structures during the Saakashvili administration. Even though concerns over particularistic practices have remained, petty bribery has decreased substantially.

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<sup>19</sup> Interview with Shota Utiashvili, former head of analytical department, Ministry of Interior. Tbilisi, 17 January 2015.

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## Project profile

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The fundamental purpose of ANTICORRP is to investigate and explain the factors that promote or hinder the development of effective anti-corruption policies and impartial government institutions. A central issue is how policy responses can be tailored to deal effectively with various forms of corruption. Through this approach ANTICORRP seeks to advance the knowledge on how corruption can be curbed in Europe and elsewhere. Special emphasis is laid on the agency of different state and non-state actors to contribute to building good governance.

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