

U4 PRACTICE INSIGHT

2010: 2



Lili di Puppò

PhD candidate at the European
Viadrina University, Frankfurt/Oder
in Germany and editor of the
Caucasus Analytical Digest

Police reform in Georgia Cracks in an anti-corruption success story

The significant reduction of street-level police corruption has been hailed as one of the success stories of post-revolutionary Georgia. However, a closer look reveals that the broader reform of Georgia's Ministry of Internal Affairs has a number of shortcomings. While police no longer harass people for bribes, human rights abuses persist and weak accountability of police structures remains a significant problem. In the absence of external controls, a real break with Soviet-style institutional structures has yet to take place. Law enforcement in Georgia is still perceived to safeguard government authority before civilians in need of protection.

Background

The reform of the Ministry of Internal Affairs (MoI) in Georgia was one of the major priorities of the new government following the November 2003 Rose Revolution. As the largest government agency – and also perceived to be among the most corrupt – the MoI was a natural target for overhaul by a government that came to power on an anti-corruption platform.¹

Before the revolution, the MoI was a militarised Soviet-style structure whose mission was to defend government authority. Its 50,000 officers (1.5% of the population) had military rank and the right to carry weapons (Wheatley 2005:113). It had close connections with organised crime, in particular the drug trade. Policemen extorted bribes from drivers on a daily basis, passing a portion of their gains to their superiors. Corruption within the police and other state organs in Georgia was so deeply institutionalised that an official position had to be purchased, and taking bribes was seen as a necessity to repay this initial investment.

One of the key objectives of the MoI reform after the Rose Revolution was to transform it into a civilian body that protects citizens, upholds the law, and conforms to the international standards for policing in a democracy. Another priority of the new government was to improve the image of the institution and increase public trust by tackling corruption and human rights abuses.

The process of police reform

Among the most decisive early moves against corruption was the dismissal of a large

number of current officers – some 16,000 officers in total. The traffic police – considered the most corrupt branch of the institution – was particularly hard hit. In October 2004, salaries were increased to 350–500 Georgian laris (GEL) (approximately EUR 150–210), from an average wage of 80–90 GEL (approximately EUR 35–40). Incentives for taking bribes – such as meagre pay and the need to recoup the original investment made to buy their positions – were thus removed. The division was also ‘rebranded’ to improve its image: in addition to a different name, officers received new cars and uniforms. Such drastic steps were taken despite fears that angry policemen could create security problems in the country, and that there would not be qualified persons to replace them (Kronic & Siradze 2005:49).

The above measures were elaborated in the January 2004 concept paper “Outline of the Structural Reform of the Ministry of Internal Affairs” and approved by the government in April 2004. The European Commission funded a conference on “Democratic Policing” to further develop this set of general guidelines.² International experts participating in the conference recommended the demilitarisation of the MoI and its transformation into a civilian institution divided into three branches: uniformed/patrol police, criminal police and border police. They further suggested the development of a regulatory framework to guarantee respect for human rights and the creation of internal and external oversight mechanisms. On the basis of these and other recommendations, the Georgian government elaborated a follow-up document titled “Strategic Vision and Development Priorities in 2004–2006,” which was presented at a European Commission/World Bank donor conference held in June 2004 in Brussels. In late 2004, however, Interior Minister Irakli

¹ In an August 2003 survey, 70% of respondents stated that police officers are “most or almost all involved in corruption” (the figure was 73% in 2001 and 70% in 2002). Police officers came second to customs officers (GORBI 2003).

² More extensive information is available on the European Commission delegation in Georgia website (EC: nd).

Okruashvili abolished a short-lived agency established to coordinate the MoI reforms, and in general, subsequent decisions regarding reform measures appear to have been taken in an ad-hoc manner (Kronic & Siradze 2005:50). At the end of 2004, the Ministry of Security and the Ministry of Internal Affairs were merged. One major step in the demilitarisation of the MoI was the subordination of the Interior Troops, a military body within the Ministry of Internal Affairs responsible for public order, to the Ministry of Defence. The Border Protection Department was subordinated to the MoI.

Donor engagement in the reform process

Three donor organisations were involved in providing advice on police reform after the Rose Revolution: the European Commission (EC), the Organisation for Security and Cooperation in Europe (OSCE) and USAID. In addition to sponsoring the democratic policing conference, the EC together with the OSCE has provided expert advisors to assist the MoI. The United States, meanwhile, supported reform of the Police Academy with USD 500,000 in 2004 (TI Georgia 2005:2).

The first short-term police assistance project (STAP) was implemented from September 2005 to March 2006 by the OSCE. This was followed by the Police Assistance Programme (PAP) in 2006 and 2007, which focused on three main areas: community policing, human resources management, and police training. A conference on community policing was organised at the initiative of the OSCE in 2007 and resulted in a proposal to develop a “National Strategy on Community Policing” to improve relations between the citizens and the police. A project on community policing training was implemented by the OSCE in 2008 on the basis of a basic training curriculum elaborated in 2007. So far, the project has enjoyed little traction, likely

owing to a lack of interest by the MoI.³ In the end, no working group on the development of a community policing strategy or a “Community Development Policing Unit” was established as previously discussed with the ministry.

The impact of the reforms

In terms of reducing street-level corruption, the initial measures taken by the Georgian government proved to be enormously effective. Indeed, the reform of the traffic police is widely recognised as a remarkable anti-corruption success story of post-revolutionary Georgia. Satisfaction with the reform is reflected in increased public trust in the police derived from the reduction in street-level corruption.⁴ Citizens are now more inclined to report cases of corruption through a hotline service or directly to the offender’s superior. The reform also appears to have resulted in improving police efficiency. For instance, the annual Global Competitiveness Report of the World Economic Forum indicated an increase of 2.6 points in 2004 to 4.6 points in 2007 on a scale measuring police reliability.⁵

However, these early indicators of success do not capture the complete picture, and in recent years, shortcomings in the reform process have resulted in a range of negative consequences. Despite its ability to reduce low-level corruption, the Georgian

³ Kubny (2009: 67) notes the resistance of certain decision-makers within the MoI to institutionalise reforms.

⁴ For example, a February 2007 survey of voters (IRI et al 2007) indicates that the reform of the patrol police was seen as the most important achievements of the Georgian government, after electricity and the repair of roads. The same survey indicates that 66% had a favourable opinion on the police in February 2007 (70% in April 2006) and the police were the fourth most trusted institution after the church, the army and the Georgian media.

⁵ The scale measuring the police reliability is from 1 to 7. Police services (1 = cannot be relied upon to protect businesses from criminals, 7 = can be relied upon to protect businesses from criminals).

government has been less successful in tackling human rights abuses by the police and increasing institutional accountability. A closer look at the course of the reforms and the outcomes holds important lessons for future anti-corruption and police reform efforts in Georgia and elsewhere.

First, the reforms have not fully introduced the norms and structures appropriate for policing in a democracy. To be sure, the MoI is no longer the same institution it was before the Revolution, when it derived its budget from involvement in the shadow economy and exercised inordinate influence on the state (Wheatley 2005: 114). The new government has actively combated organised crime and the links between law-enforcement bodies and criminal networks. However, the MoI remains a powerful and hierarchical state organ lacking transparency and external control, which – coupled with the securitisation of the organised crime problem and recourse to extrajudicial measures – has resulted in human rights abuses ranging from illegitimate phone tapping to excessive use of force.⁶ Some of the accountability gaps may be attributed to the way the MoI is currently structured: following the merger between the MoI and the Ministry of Security, there is no clear legal basis for a division of functions, for example between the police and the intelligence.⁷ Centralisation of MoI – promoted by the government as a measure to prevent the formation of corruption-prone informal power centres – appears to serve political interests. Unlike in other countries, there is no National Director of Police or similar police professional who would report to the political post of the Minister (and arguably, to an external oversight body) and hold overall responsibility for police actions. Instead, the Minister of Interior virtually

⁶ For example, seven inmates died when special forces used force during a prison riot in March 2006 (Gogia 2009:48).

⁷ Interview with expert on police reform, August 2009.

assumes the functions of the “highest police officer” in the country.⁸

As a result of weak external controls on MoI activities, there is a common view that neither the Ministry nor individual police officers are held sufficiently accountable for their actions. For example, there was widespread public dissatisfaction with the court decision on the Girgvliani murder case involving MoI officials.⁹ Police violence during the opposition demonstrations of November 2007 was further understood as a sign that the institution has not undergone a decisive transformation, and still protects the interests of the governing party rather than the citizens. The police are widely perceived to be used for political purposes, such as pressuring the opposition (Kubny 2009, Whitmore 2009). Herein lies perhaps the greatest failure of the police reform process.

Second, and related to the first, the recruitment of new officers was flawed by the lack of clear criteria. The ministry tended to hire young and inexperienced people, appearing to value loyalty to high-level officials and the ruling party over professionalism (Kupatadze et al 2006:5). This may contribute to the problem of the lack of initiative within the police: the officers appear afraid to take initiative, including reporting cases of corruption to their superiors (Kronic & Siradze 2005: 57).

⁸ Interview with expert on police reform, September 2009. Kronic & Siradze (2005:56) also observe that “the Ministry of Internal Affairs still often function as a Police HQ.” They recommend that the MoI should not deal with basic police duties, but assume only managing functions.

⁹ In 2006 top officials of the MoI were accused of having ordered the murder of banker Sandro Girgvliani, who was found dead on the outskirts of Tbilisi. Four officers of the Department of Constitutional Security at the Ministry of Interior were arrested and sentenced to prison. However, no impartial investigation was conducted to look into the claims that these officers were acting under the order of senior officials at the MoI. In a survey of voters conducted in February 2007 (IRI et al 2007), 78% were not satisfied with the court decision on the Girgvliani murder.

Finally, the method of fighting corruption through sweeping dismissals violated due process rights and led to social unrest. Some 16,000 officers were dismissed without clear written explanation or a government plan on how to deal with them. The wave of dismissals resulted in protests in the capital Tbilisi and regional towns in 2004. Lower level police officers, in particular, had trouble finding new jobs and there are reports that former policemen might be linked to organised crime, for example through their involvement in the car trafficking from the EU to Georgia (Kupatadze et al 2006:10). Despite these consequences, however, the reform has not provoked any major security problem in the country.

Impact of donor engagement

Before the Rose Revolution, donor influence was hampered by the lack of political will within MoI to change the status quo. Following the revolution, donors' input into the reform process has remained limited in the absence of a clear strategic framework. In fact, since coming to power, the current government's interest in engaging with Western donors seems to have gradually decreased. This is evidenced, for example, in the lack of momentum in implementing the community policing model. Another constraint on donor impact on reform is the government's tendency to limit the independence of state institutions. For example, the OSCE's work with the border police reform process was compromised after the border police lost autonomy following a management change. It has since become more vulnerable to political interference from the executive branch.¹⁰

¹⁰ The MoI's leadership wants to avoid the emergence of semi-autonomous agencies within the MoI structure. The current Interior Minister Vano Merabishvili is an influential figure in the Saakashvili government. He is the only politician who has been able to keep his position for the last 4-5 years despite frequent changes among top officials. Interview with police reform expert, August 2009.

Analysis and lessons learned

The police reform in Georgia illustrates two important points. First, targeting highly visible areas of corruption can quickly enhance public trust in state institutions. Undeniably, the reform of the traffic police had an immediate positive effect on the lives of ordinary Georgians. This improved public image also restored pride among policemen in their job performance.

Second, while reforms undertaken with strong political will can rapidly reduce some forms of corruption, other abuses of power may persist or emerge in the absence of adequate oversight. The lack of a transparent and strategic reform process has pre-empted external actors from monitoring the MoI's activities. This lack of public control increases the risk of political interference and subsequent human rights violations.

Police reform in Georgia thus illustrates broader challenges in the fight against corruption. The strong determination of the Georgian leadership to implement reform enabled difficult and unpopular decisions such as the firing of policemen. A gradual reform process would certainly not have reached the same dramatic results, or made the same impression on the public. At the same time, there is a danger in emphasising administrative ("petty") corruption as the single most important challenge in institutional reform. Without adequate checks and balances, the result may be a police force still perceived not as protectors of the citizens but rather of executive interests.

References

European Commission delegation in Georgia (EC), [nd]. *European Commission cooperation with the Ministry of Internal Affairs* [online]. Available at http://www.delgeo.ec.europa.eu/en/press/January_2005.htm [accessed 1 February 2010].

Georgian Opinion Research Business International (GORBI) 2003. *Corruption survey in Georgia: Third wave*. Tbilisi: August. Available at <http://gorbi.com/download.html> [accessed 1 February 2010].

Gogia,G 2009. Strong state vs. strong rights. In A Hug (ed.), *Spotlight on Georgia*. London: Foreign Policy Centre.

International Republican Institute, Baltic Surveys Ltd. / The Gallup Organization, The Institute of Polling and Marketing (IRI et al) 2007. *Georgian National Voters Study*. Tbilisi: February. Available at <http://www.iri.org/eurasia/georgia/pdfs/2007-04-04-Georgia-Poll.pdf> [accessed 1 February 2010].

Kronic,Z and Siradze,G 2005. *The Ministry of Internal Affairs of Georgia - Report on the current situation with the recommendations for the reform*. Report for the European Commission, Tbilisi: January. Available at http://www.delgeo.ec.europa.eu/en/press/REPO_RT_ON_MOIA_January-2005.pdf [accessed 1 February 2010].

Kubny,M 2009. Policing and its reform in Georgia: A review and outlook. In A Hug (ed.), *Spotlight on Georgia*. London: Foreign Policy Centre.

Kupatadze,A, Siradze,G and Mitagvaria,G 2006. *Structural Reorganization and Staff Optimization in the Ministry of Internal Affairs*, Tbilisi: Transnational Crime and Corruption Center (TRACCC) Caucasus Office.

Transparency International (TI) Georgia 2005. *Reform of law enforcement bodies in Georgia*. Tbilisi.

Wheatley, J 2005. *Georgia from national awakening to Rose Revolution: Delayed transition in the former Soviet Union*. Farnham, UK: Ashgate.

Whitmore, B 2009. Fading rose: Can Georgia's democratic dream be revived? *RFE/RL*, 3 August. Available at http://www.rferl.org/content/Faded_Rose_Can_Georgias_Democratic_Dream_Be_Revived/1791536.html [accessed 1 February 2010].

