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Lili Di Puppò:

International and National Approaches to the Fight Against Corruption in Georgia: Different Methods, Different Objectives?

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Abstract

Despite the attempts of organisations such as the World Bank and Transparency International to develop an anti-corruption expertise that is applicable to different countries regardless of the political and cultural context, this paper argues that anti-corruption instruments are still characterised by vagueness and uncertain results. It is not yet clear what measures the fight against corruption encompasses. The example of post-revolutionary Georgia, where an energetic government has developed its own broad conception of the fight against corruption, sometimes criticising the approaches of international organisations, shows that the fight against corruption takes different forms depending on the actors' interests and needs. The paper will refer to a new literature on corruption and anti-corruption (Krastev 2001, Polzer 2001, Browne/Clocke 2004, Chandler 2006, Bukovansky 2006), which question "mainstream" World Bank corruption research. The confiscations and property rights issue in Georgia will be used as a case study to illustrate differences in targets, methods and objectives in international and domestic anti-corruption approaches, as well as different understandings of the rule of law. The approach of the Georgian government, though not without its own flaws and inconsistency, will be used to shed light on certain shortcomings in international anti-corruption approaches. It will be argued that cultural and political factors cannot be just dismissed as irrelevant by international organisations and have to be taken into account when addressing the corruption problem.

Introduction

Corruption has been publicly debated, exposed and "fought" in various ways over decades in Georgia. Three years ago, the popular anger against the corruptness of state elites triggered the mass demonstrations that led to the Rose Revolution. It was subsequently labelled the "first anti-corruption revolution" in the post-Soviet space.¹ In reality, corruption has been much more "talked about" over the years in Georgia than it has been practically fought. Anti-corruption is as much, if not more, a rhetorical activity aimed at shaping perceptions and supporting claims to legitimacy as a practical activity with a measurable impact. While the international community has greeted the anti-corruption efforts of the Saakashvili government and supported them with substantial financial help, certain international organisations have also criticised the methods used by the new administration on the ground that they are undermining the rule of law. Why are certain aspects of the Georgian government's anti-corruption initiatives irritating international organisations such as the Council of Europe?

This paper argues that the answer to this question can be found in the different understandings of corruption and anti-corruption that underlie the actions of both the Georgian government and external actors. The definition, attribution and the choice of methods to combat corruption reflect the actors' interests. By focusing on institutional reform and the rule of law, international organisations want primarily to increase predictability and create a favourable investment climate for foreign companies. The reformers in Georgia, for their part, use the fight against corruption first of all as a legitimacy tool and a pillar of the post-revolutionary state-building and modernisation project. This paper explores how different ways of conceptualising corruption and the fight against corruption coexist and conflict in Georgia. In particular, it will examine the specificities of the national fight against corruption in Georgia and the differences between international and domestic anti-corruption approaches as exemplified in the confiscations issue. In conclusion, the paper will tentatively shed light on certain shortcomings in international approaches, in particular the ignorance of the crucial role of public perceptions, the local political realities that affect the way the fight against corruption is framed and the legitimacy issue.

1 See Scott, Erik R.: A culture of corruption? Anti-corruption rhetoric and revolution in Georgia, in: CCAsP Newsletter Spring 2005, p. 7, <http://violet.berkeley.edu/~bsp/caucasus/newsletter/2005-07ccan.pdf> (access May 2007).

1. The confiscations and property rights issue in Georgia

Differences between international approaches and the governmental approach in the fight against corruption in Georgia are particularly evident in the issue of the confiscation of assets and property in Georgia. Two major elements that differentiate both approaches are the choice of targets and the visibility issue. The confiscations issue illustrates a different understanding of the rule of law: one based on the independence of the judiciary and predictability and another based on a concentration of power in the executive and “law and order”.

With the confiscations of illegal assets, the Georgian government is targeting specific individuals in what it portrays as an attempt to “correct” the illegal and unfair effects of the privatisation process during the Shevardnadze era. The recent destruction of illegally built properties in the capital Tbilisi does not necessarily qualify as an anti-corruption measure. However, these measures can be seen as a continuation of the confiscation of assets targeting high officials after the Rose Revolution and the result of an anti-corruption campaign in the area of privatisation that aim at “correcting” the past and addressing the corrupt deals of the Shevardnadze era.² The government has used the anti-corruption argument to justify these destructions. They can be seen as an example of the anti-corruption campaign “gone wrong”. These measures appear as one element in a broad conception of the fight against corruption, where the strengthening of state power and a redefinition of the public sphere and state-society relations are central themes. A broad view of the fight against corruption has to be adopted in order not to overlook fundamental aspects of the governmental anti-corruption rhetoric. The formal “National anti-corruption strategy” that was adopted by the Georgian government in 2005 does not reflect what the government itself understands as the fight against corruption.

As Justice Minister in 2001, Mikhail Saakashvili showed photographs of the luxurious properties of high officials which stood in sharp contrast to their meagre salaries, during a televised cabinet meeting.³ Two elements that characterise the post-revolutionary fight against corruption already stand out in this action: the targeting of individuals by referring to a moral responsibility and appealing to a sense of social justice, and media coverage of this moral condemnation to achieve visibility. In post-revolutionary Georgia, legislation on confiscations was eventually adopted. Changes to the Law on the Office of the Prosecutor and the administrative code were adopted by the Parliament in February 2004 to allow the confiscation of assets of those officials and ex-officials and their relatives who fail to produce proofs that these assets were acquired legally.⁴

A Transparency International Georgia report identifies three waves of “post-revolutionary expropriation”: the arrests of high officials after the Rose Revolution; a second wave of confiscations, in late 2005 to early 2006, mainly affecting restaurant owners in the capital Tbilisi and Mtskheta; and a third wave, in late 2006 to early 2007, where confiscations culminated in the demolition of properties.⁵ Following the Rose Revolution, several high-ranking officials of the Shevardnadze administration were arrested by the new

2 Ana Dolidze, former President of the NGO Georgian Young Lawyers Association (GYLA), refers to the destruction of properties as an element of the governmental anti-corruption campaign. See Dolidze, Ana: A closer look at the progress of reform in Georgia, Center for International Private Enterprise, 31 March 2007 <http://www.cipe.org/publications/fs/pdf/033107.pdf> (access May 2007).

3 See Anjaparidze, Zaal: Georgian kompromat, in: Russian and Eurasian Review, 2002 (vol.1), Issue 5, http://www.jamestown.org/publications_details.php?volume_id=15&issue_id=603&article_id=4450 (access May 2007).

4 See the 2006 Group of States against corruption (GRECO) Evaluation Report on Georgia on administrative confiscation, “Criminal confiscation is of a general nature and deals with deprivation of instrumentalities and proceeds from crime, while the latter is specifically aimed at recovering illegally acquired property and unexplained wealth of officials.”, in Group of States against corruption (GRECO): Evaluation Report on Georgia, Greco Eval II Rep (2006) 2E, December 2006, p. 3, [http://www.coe.int/t/dgl1/Greco/evaluations/round2/GrecoEval2\(2006\)2_Georgia_EN.pdf](http://www.coe.int/t/dgl1/Greco/evaluations/round2/GrecoEval2(2006)2_Georgia_EN.pdf) (access May 2007).

5 Transparency International Georgia: Property rights in post-revolutionary Georgia, Georgia’s International Commitments Assessment Programme, 2007.

authorities on corruption charges. These arrests answered two urgent needs: to satisfy the public desire to see social justice restored and fill the state coffers. However, the plea-bargaining procedure applied to the suspects following their arrests has been criticised. Suspects were released after pleading guilty and repaying the state substantial sums. These arrests were televised, as the new government wanted to make an example of these individuals to prove the genuineness of its anti-corruption efforts on which it had staked its reputation.⁶ The Council of Europe criticised the plea bargaining procedure for the risk of arbitrariness it involves⁷. Such confiscations can be initiated by the prosecutor with a low standard of proof, since the burden of proof lies with the defendant. The 2007 GRECO evaluation report also points to concerns about the procedure's selective application and the lack of transparency in the destination of the confiscated property.⁸

During the "second wave of confiscations", restaurant owners were "reminded" that they had acquired their properties through corrupt deals during the Shevardnadze era.⁹ They were asked to give their properties to the state as "gifts".¹⁰ The third wave of confiscations has culminated recently in the demolition of properties in Tbilisi. Small shops, booths and stalls, especially in visible locations such as in the proximity of metro stations or in the centre town, have been targeted. The Tbilisi Mayor's office's Supervision Agency presented no court order or written notice prior to the destruction of the properties. The owners had no opportunity to appeal the decision in court. To justify its actions, the city invoked the illegality and "ugliness" of the buildings, as well as the necessity to free up space for "public use".¹¹ Although the owners could formally prove that their property was certified, the authorities claimed that the properties had been illegally acquired.¹²

1.1. Choice of targets: institutional reform vs. moral responsibility

The choice of targets reveals a different way of framing the fight against corruption in international and national anti-corruption approaches. International organisations such as the World Bank see institutional structures rather than individuals as the locus of corruption.¹³ In the World Bank discourse, the corrupt individual is a rational maximiser responding to incentives and not a moral agent.¹⁴ Corruption is a symptom of dysfunctional institutions. "Corruption control thus becomes a technical matter of effectively manipulating incentive structures."¹⁵ International approaches tend to emphasise institutional reform and the preventive character of the legislation as opposed to the prosecution of individuals involved in past corrupt acts. Transparency International refuses to investigate individual cases of corruption, arguing that its approach is based on inclusion and the building of broad coalitions and consensus among political elites. As

6 See Wheatley, Jonathan: *Georgia from National Awakening to Rose Revolution*. Ashgate, 10/2005, p. 211.

7 Council of Europe Parliamentary Assembly: *Honouring of obligations and commitments by Georgia Report*, Doc. 10383, 21 December 2004, <http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc04/EDOC10383.htm> (access May 2007).

8 See Group of States against corruption (GRECO): *Evaluation Report on Georgia*, Greco Eval II Rep (2006) 2E, December 2006, p. 9, [http://www.coe.int/t/dg1/Greco/evaluations/round2/GrecoEval2\(2006\)2_Georgia_EN.pdf](http://www.coe.int/t/dg1/Greco/evaluations/round2/GrecoEval2(2006)2_Georgia_EN.pdf) (access May 2007).

9 Transparency International Georgia: *Property rights in post-revolutionary Georgia*, Georgia's International Commitments Assessment Programme, 2007, p. 2.

10 Transparency International Georgia: *Property rights in post-revolutionary Georgia*, Georgia's International Commitments Assessment Programme, 2007, p. 2.

11 Transparency International Georgia: *Property rights in post-revolutionary Georgia*, Georgia's International Commitments Assessment Programme, 2007, p. 2.

12 Interview with Koba Turmanidze, researcher at Transparency International Georgia, Tbilisi, 04/04/2007.

13 See Polzer, Tara: *Corruption: deconstructing the World Bank discourse*, Development Studies Institute (Destin) Working paper No. 01-18, London School of Economics, 2001, <http://www.lse.ac.uk/collections/DESTIN/pdf/WP18.pdf>, p. 20.

14 See Polzer, Tara: *Corruption: deconstructing the World Bank discourse*, Development Studies Institute (Destin) Working paper No. 01-18, London School of Economics, 2001, <http://www.lse.ac.uk/collections/DESTIN/pdf/WP18.pdf>, p. 20.

15 Bukovansky, Mlada: *The hollowness of anti-corruption discourse*, in: *Review of International Political Economy*, Volume 13, Number 2, May 2006, pp. 181–209(29), p. 183

Polzer remarks, “Institutions are reformed by applying rational criteria of efficiency, rather than a moral model of a ‘good polis’.”¹⁶

However, the liberal-rationalist discourse and its understanding of corruption as a structural problem tends to ignore that corruption is often discussed as a moral issue, for instance by citizens in post-communist countries.¹⁷ As in other post-communist countries, the concern with corruption in Georgia is not so much about issues of fairness, but rather about social inequality.¹⁸ Citizens tend to understand the fight against corruption as a restoration of social justice rather than the establishment of fair rules. As noted by Scott, “...for many Georgians, the anti-corruption campaign is not so much about the rule of law, but more about bringing those who abused power to justice.”¹⁹ The gap between rich and poor in Georgian society is understood in terms of “the corrupt” and “the socially unprotected”.²⁰ Georgians enjoying a high income are believed to have acquired their wealth through corrupt deals.²¹ Wealth is not yet associated with the product of hard labour; more often, with clever and illegal deals. Those playing according to fair rules are not likely to become rich. Georgian citizens distinguish between two forms of corruption: “survival strategies” that compensate for the absence of the state are socially acceptable, while “elite corruption” is perceived as harmful to society and morally wrong. As noted by Scott, the accumulation of wealth by a small elite is seen as corruption, even if not illegal, while the practice of helping relatives to get jobs is not exposed as corrupt.²²

The Georgian government has justified confiscations as a re-appropriation of the “public good” by emphasising the moral responsibility involved in corrupt acts. Another motive behind these actions is a radical break with the impunity of the Shevardnadze era. Under Shevardnadze, public officials were tacitly allowed or even encouraged to engage in corrupt activities, provided they would respect the informal rules of the game and handle a share of their corrupt earnings to their superiors. Nodia refers to the redefinition by Shevardnadze of the “Brezhnev social contract” to characterise the tolerance of corrupt practices.²³ The informal “pyramids of corruption” have been destroyed by the new authorities though a combination of incentives and sanctions. Salaries have been increased and drastic reductions of staff have been carried out in the state organs. Corrupt individuals are now singled out and punished by the state.²⁴ By targeting certain individuals, the government also wants to advertise the fight against corruption. Arrests of state officials after the Rose Revolution were shown on television. The Saakashvili government has quickly understood the potential of media coverage of the government’s actions as a means of staging and demonstrating state power and compensating for the limited real state capacities. Anti-corruption measures have targeted the most visible aspects of the corruption problem. The traffic police, which was purged after the Rose Revolu-

16 Polzer, Tara: Corruption: deconstructing the World Bank discourse, Development Studies Institute (Destin) Working paper No. 01-18, London School of Economics, 2001, <http://www.lse.ac.uk/collections/DESTIN/pdf/WP18.pdf>, p. 21.

17 See Krastev, Ivan: The new Europe: respectable populism, clockwork liberalism, in: Opendemocracy.net, 21 March 2006 http://www.opendemocracy.net/democracy-europe_constitution/new_europe_3376.jsp (access May 2007).

18 See Krastev, Ivan: The new Europe: respectable populism, clockwork liberalism, in: Opendemocracy.net, 21 March 2006 http://www.opendemocracy.net/democracy-europe_constitution/new_europe_3376.jsp (access May 2007).

19 Scott, Erik R.: A culture of corruption? Anti-corruption rhetoric and revolution in Georgia, in: CCAsP Newsletter Spring 2005, <http://violet.berkeley.edu/~bsp/caucasus/newsletter/2005-07ccan.pdf>, p. 11. Scott says of the way corruption is discussed in Georgia, “Corruption is [...] a moral judgment, and a battle with corruption, if won, would mean the realization of ideals of social justice.”, in Scott (2005), p. 8.

20 See Nodia, Ghia / Pinto Scholtbach, Álvaro (eds.): The political landscape of Georgia – Political parties: achievements, challenges and prospects. Eburon Delft, 2006, p. 63.

21 See Nodia, Ghia / Pinto Scholtbach, Álvaro (eds.): The political landscape of Georgia – Political parties: achievements, challenges and prospects. Eburon Delft, 2006, p. 63.

22 See Scott, Erik R.: A culture of corruption? Anti-corruption rhetoric and revolution in Georgia, in: CCAsP Newsletter Spring 2005, <http://violet.berkeley.edu/~bsp/caucasus/newsletter/2005-07ccan.pdf>, p. 9.

23 See Nodia, Ghia: Georgia: Dimensions of insecurity, in: Coppieters, Bruno / Legvold, Robert (eds.): Statehood and Security: Georgia after the Rose Revolution. MIT Press, 2005, p. 70–71.

24 Corrupt public officials in various state branches are regularly arrested and these arrests have discouraged officials from engaging in corrupt acts.

tion, was the main organ through which citizens would daily experience the corruption of public officials. Petty corruption in the form of bribes to get passports or university diploma has been eradicated.

1.2 Rule of law: Independent judiciary or “law and order”?

The confiscation issue in Georgia shows that international organisations and the Georgian government differ in their understanding of the rule of law. International organisations emphasise an independent judiciary and predictability, while the Georgian government promotes the concept of “law and order”.²⁵

1.2.1 Predictability

In Georgia, international organisations are concerned with the confiscation and property rights issue primarily as a threat to predictability and a stable investment climate.²⁶ The insistence on the rule of law on the part of international organisations is very much linked to the idea that the rule of law and institutional effectiveness complement economic performance. Development is still understood in terms of economic growth and open markets by international financial institutions.²⁷ The international anti-corruption discourse emphasises open economies and trade as remedies against corruption. An independent judiciary is seen as the “backbone” of a system based on predictability that ensures the enforcement of contracts, the protection of property rights and free competition. International organisations promote the establishment of clear rules of the game that do not exclude foreign companies. In the eyes of international organisations, corruption equals economic protectionism.²⁸ The first steps in international anti-corruption legislation were the 1984 U.S. Foreign Corrupt Practices Act and the 1999 OECD Anti-Bribery Convention that criminalise payments to foreign officials that distort the logic of competition.²⁹ Predictability and the possibility of recourse to courts in case of unfair treatment are key factors for investors.

The 2006 European Bank for Reconstruction and Development (EBRD) Georgia strategy paper establishes a link between the improvement of the business environment and the independence of the judiciary system, an area where the Georgian government must concentrate its efforts: “improving further the business environment, in particular through sustained implementation of anti-corruption measures and through further strengthening of the administrative capacity and the independence of the judiciary system.”³⁰ The lack of judicial independence and the property rights issue are seen as major problems: “The judiciary lacks independence from the executive and also lacks experience in modern commercial law. Also, incidents of heavy-handed implementation of anti-corruption measures with little apparent respect for property rights have affected investor confidence.”³¹

25 Kleinfeld Belton (2005) distinguishes between five different ends-based definitions of the rule of law, including “law and order” and “predictable, efficient justice”, in Kleinfeld Belton, Rachel: *Competing definitions of the rule of law: implications for practitioners*, Carnegie Paper No. 55, January 2005, <http://www.carnegieendowment.org/files/CP55.Belton.FINAL.pdf> (access May 2007).

26 See Civil Georgia interview with IMF Resident Representative in Georgia, Robert Christiansen, where he mentions the link between property rights protection and a favorable investment climate, in *Civil Georgia: Tentative Projections Show Positive Outlook*, 2 March 2007 <http://www.civil.ge/eng/article.php?id=14717> (access May 2007).

27 “Economic growth remains the primary measure of development, and more open markets are widely seen as the best way to achieve such growth.”, in Bukovansky, Mlada: *The hollowness of anti-corruption discourse*, in: *Review of International Political Economy*, 2006 (vol.13), No. 2, pp. 181–209(29), p. 194.

28 Krastev, Ivan: *When “should” does not imply “can”: the making of the Washington consensus on corruption*, Workshop: *Honesty and Trust*, Collegium Budapest, 2001, <http://www.colbud.hu/honesty-trust/krastev/pub01.PDF>, p. 7.

29 See Krastev, Ivan: *When “should” does not imply “can”: the making of the Washington consensus on corruption*, Workshop: *Honesty and Trust*, Collegium Budapest, 2001, <http://www.colbud.hu/honesty-trust/krastev/pub01.PDF>, p. 14. The OECD Anti-Bribery Convention is officially the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

30 European Bank for Reconstruction and Development: *Strategy for Georgia*, 21 November 2006, p. 5, <http://www.ebrd.com/about/strategy/country/georgia/strategy.pdf> (access 27.03.2007).

31 European Bank for Reconstruction and Development: *Strategy for Georgia*, 21 November 2006, p. 19, <http://www.ebrd.com/about/strategy/country/georgia/strategy.pdf> (access 27.03.2007).

1.2.2 The state as the driving force in the fight against corruption

For the Georgian reformers, the fight against corruption equals a strengthening of the state. This process requires a concentration of power in the executive and a top-down approach. Power and decision-making is concentrated in the hands of a small circle of like-minded reformers.³² This “team spirit” allows the government to act quickly, but also presents some obvious dangers to democratic procedures.³³ The government aims at quick and visible results, often ignoring what it sees as lengthy procedures and deliberations. This conception of the fight against corruption was expressed by Saakashvili at the start of his presidency: “We need to introduce in the parliament very drastic anti-corruption legislation that would give vast powers to a new elite, small, honest investigative unit that would really tackle high-level corruption”.³⁴ Law-enforcement agencies or the prosecutor-general are used as the “state’s arms” in the fight against corruption, while institutions independent of the executive – the judiciary, the legislative and civil society – are seen as secondary actors. The prosecutor-general was given a prominent role during the arrests of high officials of the Shevardnadze administration in 2004. The justice system is regularly criticised for the lack of independence of the judges. This perception is reflected in a low level of public trust in the justice system.³⁵

Major reforms have targeted security structures. The traffic police was purged and a major part of the state budget has been dedicated to the building of the armed forces.³⁶ The government has tried to restore basic state functions: the monopoly of violence through the fight against organised crime and the disbandment of paramilitary groups; improvement of revenue collection through reforms in the tax department and in the customs services and combating smuggling; and the provision of basic infrastructures (energy, transport, roads). The reformers’ government wants to strengthen three different state functions that were missing during the Shevardnadze era: coercion, performance (or the capacity to deliver) and legitimacy. Not only have law-enforcement agencies been internally reformed with major purges, but their public image has been improved.³⁷ These communication efforts include the Ministry of Internal Affairs’ website “www.police.ge” or an information leaflet that was distributed to Tbilisi households in May 2007, both listing police achievements such as arrests of criminals and drugs seizures. The combination of repressive and more normative elements in the government’s strategy is apparent in the fight against crime. Nodia remarks, “...In late 2005 the Georgian government started a public campaign against organized crime that included not only new legislation and reforms in the penitentiary system, but also strong rhetoric about the necessity to fight both the “criminal mentality” and favourable attitudes towards criminal bosses in society.”³⁸ The mistrust towards the state in Georgia expresses itself in the reluctance to testify and cooperate

32 Nodia, Ghia / Pinto Scholtbach, Álvaro (eds.): *The political landscape of Georgia – Political parties: achievements, challenges and prospects*. Eburon Delft, 2006, p. 28.

33 Interview with Malkhaz Saldadze, researcher at the Caucasus Institute for Peace, Democracy and Development (CIP-DD), Tbilisi, 15/05/2007.

34 Citation in Hill, Don: *Georgia: Saakashvili Raising Hopes That Corruption May Be Tackled In Earnest*, in: RFE/RL, 9 January 2004 <http://www.rferl.org/featuresarticle/2004/1/0A0316B9-F4A4-495B-8C45-E27E30FB8282.html> (access May 2007) and Corso, Molly: *Georgian President Saakashvili’s Campaign Against Corruption*, in: *Power and Interest News Report*, 20 December 2004 http://www.pinr.com/report.php?ac=view_report&report_id=247&language_id=1 (access May 2007).

35 See International Republican Institute (IRI), Baltic Surveys Ltd./The Gallup Organisation, *The Institute of Polling and Marketing (IPM): Georgian National Voter Study*, February 2007, p. 95–96.

36 The defence budget is planned to reach almost 1 billion Georgian laris (957.8 million Georgian laris or 566.7 million dollars) in 2007. See *Civil Georgia: 2007 Defense Spending to Reach Almost GEL 1 bln*, 1 May 2007 <http://www.civil.ge/eng/detail.php?id=15047> (access May 2007).

37 Public confidence in the police has subsequently increased. See International Republican Institute (IRI), Baltic Surveys Ltd./The Gallup Organisation, *The Institute of Polling and Marketing (IPM): Georgian National Voter Study*, February 2007, p. 95–96.

38 Nodia, Ghia / Pinto Scholtbach, Álvaro (eds.): *The political landscape of Georgia – Political parties: achievements, challenges and prospects*. Eburon Delft, 2006, p. 78.

with law-enforcement agencies.³⁹ Criminal “authorities” such as the Soviet-era “thieves-in-law” used to replace the state in the provision of security and the settling of conflicts.

The post-revolutionary government presents the fight against corruption as a pillar of the nation-building, state-building and modernisation project. Saakashvili has named Kemal Atatürk as an inspiration and has referred to King David the Builder and his success in unifying Georgia in the twelfth century.⁴⁰ The process of building a modern liberal state also takes place at a normative level. The government does not separate the fight against corruption from the process of rebuilding statehood and “re-capturing” the state. A strong state represents the means and ends of the fight against corruption. The weak or failing state of the Shevardnadze era is seen as intrinsically linked to corruption. The reformers’ government wants to reinvent state ownership and national pride.⁴¹ Citizens must see the state as their own, not an alien state imposed under foreign rule. Corruption is portrayed as a feature of the Soviet regime, rather than inherent to the Georgian culture whose European roots are emphasised. Citizens are encouraged to obey laws not only out of fear of punishment, but also out of patriotism and a feeling of ownership of the state. Saakashvili expressed this view in his inauguration speech, “We must root out corruption. As far as I am concerned, every corrupt official is a traitor who betrays the national interest.”⁴² The nationalist references in the fight against corruption are not a coincidence.⁴³ The new elite faces the challenge of promoting a modernisation project, while not being perceived as a vehicle for the import of Western values. Nodia points to the importance of the concept of “cultural security” in Georgia.⁴⁴ Modernisation must be associated with the protection and strengthening of the Georgian national identity in order to gain popular support.⁴⁵ At the same time, the government sees modernisation and the introduction of liberal values as a “cultural revolution” that can be described in terms of a permanent fight between government and society.⁴⁶ The reformers’ government appears to believe that liberalism can only be imposed by force on Georgian society.⁴⁷ Nodia calls this process “authoritarian modernisation lite”.⁴⁸ Referring to Saakashvili, Wheatley remarks, “he attempted to introduce liberal measures by means of autocratic methods and illiberal discourse”.⁴⁹

39 See Nodia, Ghia / Pinto Scholtbach, Álvaro (eds.): *The political landscape of Georgia – Political parties: achievements, challenges and prospects*. Eburon Delft, 2006, p. 78.

40 Varia, Daisman: *Reporter’s notebook: Georgia*, in: *Transparency International Global Integrity Report Georgia, 2006*, <http://www.globalintegrity.org/reports/2006/GEORGIA/notebook.cfm> (access May 2007) and Scott, Erik R.: *A culture of corruption? Anti-corruption rhetoric and revolution in Georgia*, in: *CCAsP Newsletter Spring 2005*, <http://violet.berkeley.edu/~bsp/caucasus/newsletter/2005-07ccan.pdf>, p. 11.

41 Interview with Mari Gbedava, researcher at Transparency International Georgia, Tbilisi, 04/04/2007.

42 The inauguration speech of Mikhail Saakashvili on 25 January 2004 is available at <http://www.eurasianet.org/resource/georgia/hypermail/200401/0061.shtml> (access May 2007) (Source: Georgian State Television Channel 1, Tbilisi, in Georgian 1115 gmt 25 Jan 04 and BBC Mon FS1 FsuPol ws/ab).

43 See Scott (2005) on the link between the fight against corruption and nationalism. Scott, Erik R.: *A culture of corruption? Anti-corruption rhetoric and revolution in Georgia*, in: *CCAsP Newsletter Spring 2005*, <http://violet.berkeley.edu/~bsp/caucasus/newsletter/2005-07ccan.pdf>

44 See Nodia, Ghia: *Georgia: Dimensions of insecurity*, in: *Coppieters, Bruno / Legvold, Robert (eds.): Statehood and Security: Georgia after the Rose Revolution*. MIT Press, 2005, p. 75–76.

45 See Nodia, Ghia: *Georgia: Dimensions of insecurity*, in: *Coppieters, Bruno / Legvold, Robert (eds.): Statehood and Security: Georgia after the Rose Revolution*. MIT Press, 2005, p. 74.

46 See Parsons, Robert: *Georgia: Analyst Ghia Nodia Assesses Saakashvili’s Attempts To Transform Country*, in: *RFE/RL*, 15 June 2007, <http://www.rferl.org/featuresarticle/2005/6/404C8894-8F48-4403-8045-BFDA6D4764EE.html> (access May 2007). The Georgian president Mikhail Saakashvili used the term during a speech, “A cultural revolution is taking place in our country”, see <http://www.president.gov.ge/?l=E&m=0&sm=3&st=80&id=436> (access 29.03.2007). President Saakashvili meets with law-enforcements at the constitutional security department, 26.07.2005.

47 Wheatley, Jonathan: *Georgia from National Awakening to Rose Revolution*. Ashgate, 10/2005, p. 208.

48 Varia, Daisman: *Reporter’s notebook: Georgia*, in: *Transparency International Global Integrity Report Georgia, 2006* <http://www.globalintegrity.org/reports/2006/GEORGIA/notebook.cfm> (access May 2007).

49 Wheatley, Jonathan: *Georgia from National Awakening to Rose Revolution*. Ashgate, 10/2005.

2. Missing elements in international approaches

2.1 The visibility of the fight against corruption

In a study of perceptions of corruption in Ukraine, Čábelková and Hanousek argue that perceptions can encourage corruption.⁵⁰ The more an institution is perceived as corrupt, the more an individual is willing to pay a bribe. The perception that the government does not undertake legal action against corrupt individuals also encourages corruption.⁵¹ Perceptions of corruption are subjective; they are not shaped by the actual experience of corruption, as encounters with corrupt officials are rather rare, but by discourses and the way corruption is “talked about” in the mass media or in conversations with neighbours and friends.

These findings highlight some problems in internationally sponsored anti-corruption reforms. While international organisations seek to enhance public concern with corruption through public awareness campaigns, they usually fail to advertise their anti-corruption efforts. The stigmatisation of corruption through public awareness campaigns may have the unintended effect of reducing trust in state institutions, while promoting the social acceptance of corrupt practices. Ironically, the well-anchored idea in Georgian society that elites are corrupt seems to be an example of how the international discourse on corruption is incorporated into a local discourse. Chandler discusses the case of Bosnia-Herzegovina, where public awareness campaigns and the dismissal of high-level corrupt officials by the international administration have contributed to a feeling of passivity in the population and mistrust towards state elites.⁵²

A second problem is the lack of advertisement of anti-corruption programs. Since institutions are the main anti-corruption targets, the fight against corruption is not personalised and not always visible. However, since corruption exists in the first place in perceptions, the visibility of anti-corruption reforms is essential. In this light, even if the Georgian government’s actions can be seen as arbitrary, they respond to an authentic public desire for visibility and immediate proofs that anti-corruption efforts are genuine. Karklins notes, “If those responsible for grand corruption are called to account, this can significantly raise the credibility of any anti-corruption program and galvanize public support.”⁵³

2.2 The legitimacy issue

The “depoliticisation” of corruption was a precondition to its use by international organisations such as the World Bank. As the reference to liberal values transcend their mandates, the World Bank favour technical terms such as ‘good governance’ and ‘participation’ rather than ‘democracy’. As noted by Polzer, “‘Administrations’, ‘institutions’ and even ‘governments’ become non-political and open for intervention as soon as they are connected with ‘efficiency’, ‘development’ and especially ‘structural adjustment’.”⁵⁴ International financial institutions want to promote a neutral and economic understanding of corruption that allow for universal recipes. Anthropologists contesting the existence of a value-free definition of corruption are accused of promoting a certain cultural relativism. Corruption is de-contextualised and presented as a quantifiable object through the accumulation of data. By ignoring the political connotations of the term corruption, international organisations also neglect the legitimacy issue.

50 Čábelková, Inna / Hanousek, Jan: The power of negative thinking: corruption, perception and willingness to bribe in Ukraine, in: *Applied Economics*, 2004 (vol.36), No.4, ,pp. 383–397(15).

51 “Since corruption scandals in Ukraine do not result in a legal action, information about corruption in the mass media inform the public that government is open for dirty business. Such information might encourage people to give bribes.”, in Čábelková, Inna / Hanousek, Jan: The power of negative thinking: corruption, perception and willingness to bribe in Ukraine, in: *Applied Economics*, 2004 (vol.36), No.4, , pp. 383–397(15), p. 384.

52 See Chandler, David: Building trust in public institutions? Good governance and anti-corruption in Bosnia-Herzegovina, in: *Ethnopolitics* 2006 (vol. 5), No. 1, pp. 85–99.

53 See Karklins, Rasma: The system made me do it: Corruption in post-communist countries. M.E. Sharpe, April 2005, p. 158. It has to be noted that the current demolition of properties is unpopular in Georgia.

54 Polzer, Tara: Corruption: deconstructing the World Bank discourse, Development Studies Institute (Destin) Working paper No. 01-18, London School of Economics, 2001, <http://www.lse.ac.uk/collections/DESTIN/pdf/WP18.pdf>, p. 11.

“The Bank constructs the state purely as a service provider for the economy, rather than as a political entity whose legitimacy is derived from the creation of identity for its citizenship and accountability towards them.”⁵⁵

Krastev is sceptical about the possibility of depoliticising the fight against corruption⁵⁶. On the contrary, he argues that the focus on corruption in the political discourse tends to moralise policy choices to the extent that for the public the choice is between a corrupt government and a “not-yet-corrupt opposition”.⁵⁷ As Mungiu-Pippidi remarks, “Many anticorruption initiatives fail because they are non-political in nature, while most of the corruption in developing and post communist countries is inherently political.”⁵⁸

The international anti-corruption discourse implicitly assumes that the liberal democracy and market economy models, which have become de facto universal standards in the post-Cold War era, are remedies against corruption. It is inspired by rational choice and economic liberal models with an anti-state bias.⁵⁹ Corruption is portrayed as a problem of developing countries, in particular of the “Third World state”. However, this approach ignores how privatisation, deregulation, decentralisation and an electoral democracy can create new opportunities for corruption. Privatisations conducted in the absence of a transparent regulatory framework provide a fertile ground for corrupt bidding. The argument that more democracy equals less corruption still lacks solid empirical foundations. In reality, donor assistance has often encouraged the unaccountability of state elites towards their citizens.

Conclusion

This paper has argued that different anti-corruption approaches coexist and sometimes conflict in post-revolutionary Georgia. The differences in concepts and methods reflect different objectives. The fight against corruption is not necessarily an end in itself; it is not necessarily aimed at a society free of corruption. Actors use instead the fight against corruption as a process that allows them to create an “intervention field” and apply their preferred instruments.⁶⁰

Differences between the Georgian government and international organisations are reflected in the choice of targets, the choice of institutions that are at the forefront of the fight against corruption and a different understanding of the rule of law. International financial organisations such as the World Bank and the IMF see deregulation and the prominent role of the market as a major anti-corruption instrument. In this field, they are satisfied with the Georgian government’s policies, which favour radical liberal reforms. International organisations have expressed criticism on the property rights issue, even if it affects more local businesses than foreign investors. Criticisms also concern the concentration of power in the executive. While the Georgian reformers see the state as the driving force in anti-corruption efforts, international organizations give a prominent role to a system of checks and balances and monitoring mechanisms in the form of a strong judiciary, legislative and civil society. They defend the idea that the state must be held accountable.

55 Polzer, Tara: Corruption: deconstructing the World Bank discourse, Development Studies Institute (Destin) Working paper No. 01-18, London School of Economics, 2001, <http://www.lse.ac.uk/collections/DESTIN/pdf/WP18.pdf>, p. 15.

56 Krastev, Ivan: The new Europe: respectable populism, clockwork liberalism, in: Opendemocracy.net, 21 March 2006, http://www.opendemocracy.net/democracy-europe_constitution/new_europe_3376.jsp (access May 2007).

57 Krastev, Ivan: The new Europe: respectable populism, clockwork liberalism, in: Opendemocracy.net, 21 March 2006, http://www.opendemocracy.net/democracy-europe_constitution/new_europe_3376.jsp (access May 2007).

58 See Mungiu-Pippidi, Alina: Corruption: Diagnosis and Treatment, in: Journal of Democracy, 2006 (vol.17), No.3, pp. 86–99.

59 See Bukovansky, Mlada: The hollowness of anti-corruption discourse, in: Review of International Political Economy, 2006 (vol.13), No.2, pp. 181–209(29) and Brown, Ed / Cloke, Jonathan: Neoliberal Reform, Governance and Corruption in the South: Assessing the International Anti-Corruption Crusade, in: Antipode, 2004 (vol.36), No.2, pp. 272–294(23).

60 See Polzer, Tara: Corruption: deconstructing the World Bank discourse, Development Studies Institute (Destin) Working paper No. 01-18, London School of Economics, 2001, <http://www.lse.ac.uk/collections/DESTIN/pdf/WP18.pdf>, p. 11.

The paper has argued that the heterogeneity of approaches illustrates that the anti-corruption field is still hampered by a lack of knowledge and the neglect of political and cultural factors. International organisations tend to overlook how the anti-corruption rhetoric has entered the political sphere and shapes public perceptions, which in their turn have an impact on actual social practices. The fight against corruption takes place at a value level and involves a complex change of perceptions and public attitudes. The national fight against corruption in Georgia, though not without its own flaws and inconsistency, shows that visibility and legitimacy are key aspects to achieve public support for anti-corruption efforts.