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ORGANIZED CRIME AND ILLEGAL TRAFFICKING IN THE CAUCASUS

■ ANALYSIS		
Networks of Crime and Corruption in the South Caucasus		2
By Richard Giragosian, Yerevan		
■ ANALYSIS		
The Georgian Mafia		5
By Gavin Slade, Oxford, UK		
■ ANALYSIS		
Georgia's Fight against Organized Crime: Success or Failure?		9
By Alexander Kupatadze, St Andrews, UK		
■ OPINION POLL		
Assessment of the Police		13
<hr/>		
■ CHRONICLE		
From 17 July to 15 September 2009		14

Analysis

Networks of Crime and Corruption in the South Caucasus

By Richard Giragosian, Yerevan

Abstract

Since the sudden independence of the three South Caucasus countries following the Soviet Union's collapse, each state has struggled to overcome a daunting set of internal and external challenges, ranging from the need for economic and political reform to the onset of violent and destructive conflicts. Armenia, Azerbaijan and Georgia continue to face broader security threats emanating from organized crime, human trafficking and proliferation. These threats raise important considerations for regional stability and demonstrate the imperative to police the networks of crime and corruption.

Organized Crime

A wave of instability consumed the South Caucasus in the early 1990s as separatist conflicts triggered outright war: Georgia fought a civil war as Abkhazia and South Ossetia broke away from the rest of the country and Armenia and Azerbaijan clashed over the majority Armenian-populated region of Nagorno-Karabakh. Against this backdrop of conflict, new networks of crime and corruption flourished as the embattled authorities in each state were too weakened and distracted by more pressing military threats.

In the context of the new security environment that arose in the wake of the terrorist attacks on the United States on September 11, 2001, there was a new focus on the threats from proliferation and Islamic extremism in the South Caucasus. The US greatly expanded aid for counter-terror and border security programs, increased its direct military support in the region, and imposed new demands on the Armenian, Azerbaijani and Georgian governments to do more in confronting new security threats. At the same time, there was renewed concern over the existing networks of crime and corruption, which many military analysts prudently recognized as offering attractive networks for proliferation and terrorism.

There have been disturbing signs that such concerns are well-founded. Despite Russian claims that al Qaeda operatives had taken refuge in the notoriously lawless Pankisi Gorge, an area of northern Georgia along the border with Russia long viewed as beyond Georgian control, an operation in late 2002 by Georgian forces found little more than small-scale smuggling activities. Yet although the Georgian operation turned up little at the time, Georgian territory has been used for several years by criminal groups engaged in smuggling highly radioactive materials, such as cesium, strontium and even uranium, each of which could theoretically be used to construct primitive radiological or "dirty" bombs. According to the Monterey Institute of International Studies' Center for Nonproliferation Studies, as recently as 2007, reports of

the seizure of weapons-grade uranium from traffickers in Georgia raised new concerns about the poor level of cooperation against nuclear terrorism.

The Threat of Terrorism

Azerbaijan has also been plagued by a terrorist threat, with several operational al Qaeda cells discovered in the country, including one with a link to the attack on the USS Cole in Yemen in early 2000. More recently, other terror groups, including the Egyptian Islamic Jihad and separate al Qaeda-linked cells largely comprised of foreigners operating in Azerbaijan, were uncovered in the Azerbaijani capital Baku, and the members of one were arrested as they were planning a spectacular attack targeting the US embassy in Azerbaijan.

For its part, Armenia has much less exposure or connection to these security threats and remains a marginal player in the region. Armenia lacks any significant links to the regional crime and corruption networks largely due to geographic obstacles, as two of the country's four external borders have been closed since 1993 (Azerbaijan and Turkey imposed a trade embargo and closed their borders with Armenia in protest over Armenian victories in the Nagorno-Karabakh war).

Nevertheless, Armenia's relationship with Iran has provoked proliferation concerns, and in May 2002, the US State Department sanctioned several Armenian companies and individuals, along with firms in Moldova and China, for supplying Iran with equipment that could have been used in the production and development of weapons of mass destruction. But while the threat from Armenian organized crime is largely limited to a domestic context, the combination of crime and corruption does pose a serious challenge to the Armenian state.

The Cancer of Corruption

Corruption remains a serious obstacle in each of the three states. According to the annual assessments of

Transparency International, for example, Armenia and Azerbaijan rank 109th and 158th out of 180 countries surveyed, although Georgia has posted a more impressive ranking of 67th out of 180.

Yet even these figures obscure the specifics of the problem of corruption in the region. For Armenia, corruption has become well-entrenched and has even spilled over into politics, as several notorious and allegedly corrupt “businessmen” or “oligarchs” have secured seats in the country’s parliament. Their new found political power has not only provided a welcome parliamentary immunity for them but has also allowed them to influence legislation that directly affects their business interests. Structurally, the power of these oligarchs rests with their hold over key sectors of the economy through commodity-based cartels, hindering competition and erecting barriers to entry of new firms and entrepreneurs.

The Azerbaijani model, in contrast, stems from corruption within the energy sector. As with other “petro-states,” Azerbaijani corruption is based on extracting rents from the energy sector, which is the primary national asset. Georgia, alone among these countries, has successfully implemented an effective degree of reform, although in some cases, its anti-corruption drive has been both arbitrary and used to target political opponents.

In the broadest sense, entrenched corruption poses a serious threat to the legitimacy and authority of each state. Corruption represents much more than an impediment to economic development and good governance; it also erodes public confidence in the state and its institutions, as it weakens them by undermining their legitimacy and credibility. There are also negative economic implications from corruption, as it denies the government essential tax revenue necessary for vital social spending on education, health care, and pensions, affirming that it is in no way a “victimless crime.” Thus, from this larger perspective, it is corruption that poses one of the more serious threats to these countries’ national security and statehood.

But there are some important responses available to each state to confront the cancer of corruption, although any such measures must be bolstered by a sincere strengthening of the rule of law and require the implementation of a careful combination of measures to enhance the independence and accountability of state structures, starting with a focus on creating and strengthening regulatory agencies and bodies. And the real test for both Armenia and Azerbaijan rests on the need to find the political will to confront the powerful vested interests at the heart of corruption in each country.

In contrast to blanket measures endowing the state with more powers, however, the fight against corrup-

tion must be carried out by oversight bodies empowered to supervise privatization and the emerging securities markets and to police the economy for monopolies, cartels or trusts. Such regulatory bodies should be independent from, but accountable to, the government and governed by norms of transparency and strict oversight. But in reality, the paradox lies in the fact that, to a varying degree, these states themselves have already become infected with corruption, thereby questioning the viability of such an orthodox prescription.

And given this reality, such policy prescriptions can only be effective within a new context of “good governance,” necessitating a free press, the rule of law, and free and fair elections, while also reflecting the prerequisites of transparency, ethics, accountability and competent administration. While these prerequisites are notably lacking in the South Caucasus, it is clear that institutions matter, and judicial independence and meritocracy over favoritism in governance are essential not only to address the problem of corruption but to also forge more durable democracies.

Human Trafficking

One of the more tragic aspects of organized crime in the former Soviet Union has been the trafficking of people. Trafficking in people for prostitution and forced labor is one of the most prolific areas of international criminal activity and the overwhelming majority of trafficking victims are vulnerable women and children. Among many of the former Soviet states, the promise of well-paying work abroad attracts a large pool of potential recruits for traffickers, as many victims are eager to escape the poverty and lack of economic opportunity in their home countries.

This trend of poverty and economic desperation as a driver for trafficking has been most notable in Moldova and Ukraine, but the same trend is also visible among the countries of the South Caucasus, with Armenians representing a disproportionate segment of victims. Armenian women have been especially vulnerable to trafficking for sexual exploitation, with the top destinations including Dubai and Turkey, largely reflecting the existing networks of Armenian migrant workers and diaspora communities. To a lesser, but still significant extent, trafficking of Armenians to large Russian cities has also expanded in recent years, driven more by illegal workers than by victims of forced prostitution.

There is also a direct relationship between the power and operational capacity of organized crime and the extent of human trafficking in each of the South Caucasus countries. For example, both Armenian and Azerbai-

jani criminal gangs are well-established in Russia, while there has been a marked decrease in the presence of Georgian criminal groups in Russia. While the Azerbaijani crime groups have concentrated more on smuggling and coordinating the illegal migration of workers, Armenian gangs have specifically targeted their countrywomen in extensive human trafficking tailored to the Russian sex industry. This has also led the US State Department to place Armenia on its special “watch list” of trafficking countries for several years, necessitating greater US aid and pressure on the Armenian authorities to do more to fight human trafficking.

Border Security

The most pressing challenge in combating crime and corruption in the future may be from the possible opening of the Armenian–Turkish border. Since 1993, when both Turkey and Azerbaijan closed their borders with Armenia, there has been no real need for border security beyond basic patrols by border guards and military surveillance. But as the pace of diplomatic efforts for a normalization of relations has accelerated dramatically between Armenia and Turkey in the last two years, there is a new need for preparation and coordination.

If the Armenian–Turkish border opens, there is an obvious need for greater numbers of border guards, customs inspectors and law enforcement personnel capable of policing the border crossing points. The new personnel will also require adequate training and new facilities to ensure border management and to supervise the expected flow of goods and people.

An open border between Armenia and Turkey also necessitates a more specific response in light of the decades of Kurdish separatist terrorism in the districts of Eastern Turkey. Although there is a real danger that Kurdish terrorists from the Kurdish Workers’ Party, or PKK, may seek to infiltrate Armenia and attempt to establish logistical bases or safe havens on the Armenian side of the border, this same threat may actually serve to foster greater cross-border coordination and intelligence sharing among Armenian and Turkish security forces in terms of counter-terrorism cooperation.

Drug Trafficking

The potential opening of the border between Armenia and Turkey also raises fears of a new route for drug trafficking, especially given the attraction of Armenia as a drug trans-shipment point between Turkey and Iran. While the US State department has consistently recognized that Armenia is not a major drug-producing coun-

try, with the opening of the Turkish border, the country is viewed as having the potential to become a transit point for international drug trafficking.

Georgia is widely viewed as a country with the potential to become a transit node for narcotics flowing from Afghanistan to Western Europe, especially as Georgia’s geography and transit status between Europe and Asia make it a potential narcotics trafficking route, according to the US State Department. Asian-cultivated narcotics destined for Europe are believed to enter Georgia from Azerbaijan via the Caspian Sea and exit through ports in northern Abkhazia or Southern Ajaria. Generally, the drug trafficking concerns stem from a lack of adequate resources and personnel to police these areas, as well as several years of seemingly “lawless” authority and rampant smuggling through the separatists regions of Abkhazia and South Ossetia.

But in the wake of the August 2008 war between Georgia and Russia, the subsequent Russian recognition of the independence of both regions suggests that Russian border and security forces will impose a more effective border security regime that should impede earlier smuggling operations in Abkhazia and South Ossetia.

The larger concern is Azerbaijan, however. The US State Department has consistently expressed concern over Azerbaijan’s location along a major drug transit route running from Afghanistan and Central Asia to Western Europe, and from Iran to Russia and Western Europe. Although domestic consumption and cultivation of narcotics in Azerbaijan are low, levels of use have been increasing, and Azerbaijan has emerged as a significant narcotics transit route in the wake of the disruption of the so-called “Balkan Route” after the wars in the former Yugoslavia.

Conclusion

It is clear that the threats from organized crime, corruption and trafficking continue to pose substantial threats to the security and stability of the countries of the South Caucasus. But what is less clear to the governments of these countries is the need for a new degree of cooperation and coordination in combating these shared threats. Perhaps only with a breakthrough in the normalization of relations between Armenia and Turkey will the leadership of Armenia, Azerbaijan and Georgia find the political will necessary to forge a new regional approach to tackling these common challenges. In this sense, the possible border opening presents as many opportunities as possible difficulties.

(Please see overleaf for information about the author.)

About the Author:

Richard Giragosian, a former Professional Staff Member of the US Senate, is the director of the Yerevan-based Armenian Center for National and International Studies (ACNIS).

Further Reading:

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- Jim Nichol, "Armenia, Azerbaijan, and Georgia: Political Developments and Implications for U.S. Interests," *Congressional Research Service*, 13 July 2009.
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Analysis

The Georgian Mafia

By Gavin Slade, Oxford, UK

Abstract

Amongst post-Soviet countries, Georgia has a reputation as a stronghold for a certain type of criminal, known in Georgian as *kanoneri qurdebi* (literally translated as thieves-in-law meaning thieves living by their own code). These figures have sometimes been mythologized as steel men alloying elements of the harsh penal subculture of the Soviet Gulag with the ancient cultural values of the Georgian *abrag*, the honest, honorable outlaw living by the informal laws of the mountains. Trying to move past the romanticized image, this article goes into some detail about what the *qurdebi* are, what they do and how they have changed in Georgia in the 1990s up to the Rose Revolution.

Introduction

The *qurdebi* are not simply involved in organized crime where this term denotes any coordinated activity between two or more individuals that attempts to monopolize the production and distribution of a certain commodity in the illegal sector – drugs, prostitution, stolen cars, fake documentation, trafficking in humans and so on.

Instead, as detailed below, the *qurdebi* arbitrate and enforce decisions, protect and extort from legal actors, and act as a vital lubricant for the cogs of organized criminal activity, lowering transaction costs for the actors involved and enabling trust relationships in a naturally volatile underworld. In short, the Georgian *qurdebi* are not an ordinary organized crime group, the *qurdebi* are a mafia.

Arbitration, Protection, Extortion

In conditions of low trust where the state is too weak to protect property rights and enforce legal decisions, two parties hoping to perform a transaction may often require a third party enforcer to guard against defection by either or both of the parties. The candidates for the role of third party enforcer need to have certain attributes and qualities that are easily signaled to all parties involved. In Georgia in such situations the *qurdebi* monopolized this role. But why them – what gives them a competitive advantage?

Firstly, to become a *qurdi* is no easy task, candidates have to prove themselves worthy of the title by such things as prison experience, evidence of living according

to the rules of the thieves' world, such as paying money from illicit activities into a communal fund, the so-called *obschak*, and refusing to work and wear uniforms. The title and nicknaming are bestowed by already made *qurdebi* during an initiation ritual and act as a brand of quality that signals honesty, manliness, fairness in decision-making and a, at least latent, capacity for violence. Moreover, the history of the *qurdebi* in Georgia, as noted above, goes back a long way, allowing the carriers of the title to draw upon a mythologized past.

Secondly, perhaps due to the extraordinary size of the second economy and the demand for informal dispute resolution in Georgia prior to 1991, the *qurdebi* already had vast experience in meeting this demand better than any bandits, robbers or paramilitaries who were, in Russia for example, often able to usurp the role of the thieves in the underworld through pure violence.

An example serves to illustrate the role of the *qurdi*. Around Kutaisi in Western Georgia there are fertile lands for growing various types of agricultural produce, including easily grown herbs and greens such as dill and tarragon. Two businessmen involved in the export of these herbs to the market in Moscow got into a conflict over a payment of a substantial sum of money, \$8,000, owed to one of them. They turned to a *qurdi* K. for help resolving the issue. K. was only too happy to arbitrate for a percentage agreed upon beforehand but once the dispute was settled the businessmen had evidently not guessed what would happen next:

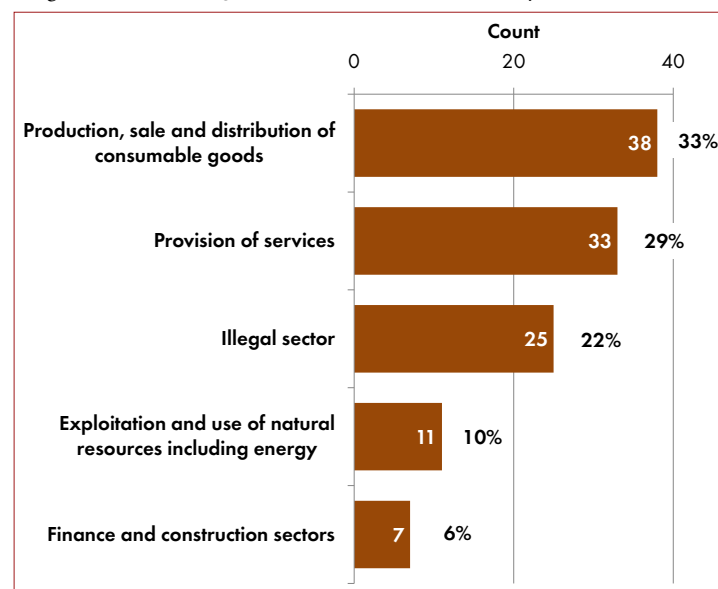
K. asked them, "sorry guys, but where are you making so much money from?" and they told him about their herb business ... After that they found themselves paying \$2 for every kilogram to the *qurdebi* ... the *qurdebi* had no idea that people could make so much money from herbs! But when you are dealing with 90 tonnes of it going to Moscow to market and you are getting \$2 per kilo, it turns out it's not bad business ... they controlled it here, at source in Kutaisi and on arrival in Moscow. It worked out the *qurdi* here took \$1 per kilo and another *qurdi* \$1 per kilo in Moscow.¹ This case reveals certain interesting features, firstly that the businessmen turned to the *qurdi* to resolve their dispute, secondly, that dispute resolution evidently is a mechanism for the *qurdebi* to collect information on businesses, thirdly, that once the businessmen turned to the *qurdebi*, they had no choice but to allow them a regular share of the profits, and finally that even though the business crossed borders the easy transplantation of the Georgian *qurdebi* to Russia (as evidenced by the anxi-

¹ Interview conducted by the author with the Head of Special Operations Department, Kutaisi division, in May 2009.

eties in Moscow about Georgians carving up the city in the present day) meant they had no problem dealing with the business at both ends. Though this looks like a case of straightforward extortion, we may suppose that the businessmen acquired some service for this fee as it is now in the *qurdebi's* interests both materially and in terms of reputation to make sure that the herbs are produced, exported and sold trouble-free.

This type of story with both illegal and legal ventures being racketeered by a network of criminals who live by a certain set of informal norms is repeated time and again. Either the *qurdebi* extract a rent from a business, or they take partial control through acquiring shares in joint stock companies, in some cases they have full ownership. The figure below gives a breakdown of the areas that became influenced by the *qurdebi* in Georgia before the Rose Revolution.

Diagram 1: Areas of Qurdebi Influence in the Economy



Source: Special Operations Department, Tbilisi

The graph represents an analysis of police files on 114 *qurdebi* from different regions of Georgia. The count in the above graph refers to businesses (coded by sector) influenced by the *qurdebi* who in many of the cases had interests in more than one sphere. The data is in no way supposed to be exhaustive as more cases would be needed to build up a richer picture, however this gives us an idea of the scourge of organized crime and the mafia within the very sick economic body of the Georgian state.

As can be seen from the graph, the *qurdebi* were most parasitic in the area of trade (33% of cases) where this means the racketeering of shops, markets, petrol

stations, bakeries and wine companies and including the production and distribution of the famous Georgian mineral water Borjomi. Second come services (28% of cases) and this includes casinos, restaurants, hotels, mini-bus routes, car mechanics, pool-halls, TV stations, and sports including the Kutaisi Torpedo football team. Thirdly, the illegal sector (22%), which in most cases means the control of an organized crime group for the purposes of stealing cars, kidnapping for ransom, drug trafficking and selling. Following this is the exploitation of natural resources (10%), with the collapse of Georgian industry this mainly refers to the trade in timber and scrap metal as well as the distribution of petrol. Finally the finance and construction (7%) sectors have very few mentions and tend to involve the most authoritative and well-known *qurdebi* perhaps because control of banks and building societies required political connections and that government tenders for construction projects may have been a rare thing in the 1990s for a state with no budget.

There are commonsense reasons we might suppose that trade and services are so popular for organized criminals. Simply, they represent the best value, lowest risk investment in providing protection. Enterprises connected with natural resources, finance and construction are scarcer and thus competition fiercer. A lot depends on political connections in these spheres as well. Many sources attest that to racketeer these businesses the *qurdebi* themselves paid protection money to the police. Thus, the police reform following the Rose Revolution was undoubtedly a massive achievement in removing the corrupt policemen who had acted as a safety buffer for the *qurdebi*. This reform made them vulnerable to the attack that eventually came with the new laws on organized crime transferred from Washington and Rome.

Finally, areas such as kidnapping, trafficking and drugs may seem lucrative activities to get involved in, and as we can see the *qurdebi* do involve themselves in this (including using drugs), but compared to the simple racketeering of small and medium size enterprises in trade and services, they present big challenges in terms of logistics, the danger of conflict, and drawing attention to activities that may be seen as morally unacceptable in traditional Georgian society. This latter factor is a big issue: as for any mafia, advertising and the maintenance of a good reputation are vital resources for staying in business. I now turn exactly to this issue.

Reputation

As mentioned, the *qurdebi* trade on the renown of their status within Georgian society, converting reputational

capital into economic capital, maintaining a steady stream of young people either willing to steal or commit acts of violence on their behalf whilst possessing illusions of one day also holding the title. Of course, the *qurdebi* need to recruit constantly and ‘baptize’ fresh blood, however, they do not want to overfill the ranks, as this will mean sharing the common spoils (the *obshchak*) of organized crime with a greater number and more importantly might lead to inexperienced upstarts who are not properly socialized in the traditions to commit improper acts that will diminish the reputation of the whole group. Yet this is exactly what seems to have happened in Georgia in the 1990s:

After the Soviet Union collapsed younger people started becoming *qurdebi*... Before you would hear of a new *qurdi* “crowned” once every couple of years maybe and now they are scattered about like sunflower seeds! These days, if you steal a chicken you can become a *qurdi*!²

This again is a common opinion in Georgia; the *qurdebi* lost their traditions, became unscrupulous, money-grabbing, and cruel. I have no space to enumerate the reasons for this but there seems to be two clear contributing factors: firstly, the opportunity cost of monitoring other *qurdebi* and their activities in Georgia became very high, as, with money to be made, the most experienced *qurdebi* left for Moscow; secondly, conflicts with paramilitary groups such as *Mkbedrioni* in the early 1990s may have pushed the *qurdebi* to drop their entry requirements and recruit more people to their side, as has occurred in mafia wars in other countries. The downside to this is the sacrifice of quality for quantity; the new recruits might not have the necessary life experiences, one of the most important of which for a potential *qurdi* is time served in prison.

To give an indication of how this decline in quality occurred, Table 1 overleaf uses police data to compare the number of convictions for two cohorts of *qurdebi* from Kutaisi, 25 *qurdebi* born between 1956 and 1969 and 27 born after 1970. Given that my data suggest that the average age for being “baptized” a *qurdi* is around 25 the majority of the former cohort would be “baptized” around the 1980s and the latter in the 1990s.³ We can see from the table overleaf that the number of convictions is dramatically lower for the younger cohort.

² Interview conducted by the author with a former prison worker with 30 years work experience in prisons, Kutaisi, May 2009.

³ This is also based on the information contained in the police files.

Table 1: Number of Convictions across Cohorts for *Qurdebi* in Imereti

Cohort	Number of Convictions							Total (cases)
	0	1	2	3	4	5	6	
1956 – 1969	0	1	8	6	5	4	1	25
1970 – 1983	10	10	5	1	1	0	0	27
Total	10	11	13	7	6	4	1	52

Source: Special Operations Department, Kutaisi

As can be seen, 10 *qurdebi* from the younger cohort have no convictions, whereas all of the 25 from the older cohort have at least one conviction. Basic statistical tests revealed a statistically significant variation ($p = 0.000$) between the cohorts and a strong ($r = -0.7$) negative relationship between membership of the younger cohort and number of convictions.⁴ Now of course it may be argued that this is merely due to age, the younger ones simply had less chance to be convicted, and the weakening of law enforcement agencies after 1991 made conviction less likely, however these factors still do not explain why so many *qurdebi* were able to become *qurdebi* at all without having served any time in prison as this is quite against all traditions and their code of honor. Moreover, there have been many reports of people simply buying the title of *qurdi*, suggesting a corruption and demoralization on a par with Georgia's state institutions in the 1990s. Taken together these factors point to a lowering of the barriers to entry causing an influx of newcomers without the prerequisite experience, especially in prison, which could produce a reduction in trust between members, tainting the well-developed brand name that in the

⁴ I ran a Mann-Whitney U test, a non-parametric t-test for comparing the groups.

past afforded the *qurdebi* respect and a reputation. Perhaps it is easiest to think of this as one police respondent does:

“Yeah it was a problem. Imagine Manchester United signing some shit! Yeah, you buy some crap and then you see he can't play, maybe he can kick the ball but that's all he can do ... if you make someone a *qurdi* and then he can't work properly then it will be you who has problems ...”⁵

Conclusion

To conclude then, we have seen that the *qurdebi* were indeed embedded in the Georgian economy and that the state needed to act. However, before blowing President Mikheil Saakashvili's trumpet too loudly, we should understand, as the police investigator above suggests, that the *qurdebi* brought problems on themselves, adapting yet undermining themselves in the conditions of emergent capitalism. Once this is understood we can start to explain why, for example, in Georgia, there was very little resistance to the anti-mafia campaign compared, say, with Italy in the early 1990s where fire was fought with fire. We can also start to understand why Georgian youth have, by all accounts, suddenly given up on the thieves' world – the gap between the myth of the honest thief and the cruel, shallow reality simply had grown so large that societal support for the *qurdebi* was waning. All that was missing was the political will to seriously attack the Georgian mafia, and that all changed with the Rose Revolution.

⁵ Author's interview with a police investigator, main division of Special Operations Department, Tbilisi, April 2009.

About the author

Gavin Slade is a DPhil candidate in Law at the University of Oxford, UK. His research interests include organized crime, prisons and police in post-Communist countries.

Recommended reading

- For the best analysis of the mafia as protection providers: Diego Gambetta, *The Sicilian Mafia* (Cambridge: Harvard University Press, 1993).
- A solid overview of the anti-mafia campaign in Italy is given in Alison Jamieson, *The Anti-Mafia* (London: Palgrave Macmillan, 2000).
- Letizia Paoli, *Mafia Brotherhoods* (Oxford: Oxford University Press, 2003), chapter 1.
- Thomas C. Schelling, “What is the Business of Organized Crime?,” *Choice and Consequence* (Cambridge: Harvard University Press, 1984).
- Vadim Volkov, *Violent Entrepreneurs* (Ithaca and New York: Cornell University Press, 2002) discusses the emergence of different potential mafias of varying stripes.

Analysis

Georgia's Fight against Organized Crime: Success or Failure?

By Alexander Kupatadze, St Andrews, UK

Abstract

Hardly anyone in Georgia before the year 2004 would have believed that it would have been possible to curb the influence of professional criminals, so-called *vory-v-zakone* in Russian or *qurdebi* in Georgian. They lived lavish lives, enjoyed almost unlimited influence over the state, controlled the prisons, provided protection for businesses and acted as arbiters between entrepreneurs. However, the government that came to power as a result of the Rose Revolution in 2003 set out to fight against organized crime, and was quite successful in this endeavor. From the viewpoint of democracy and the rule of law, however, the government's fight was not unproblematic. Critics point to the problem of unchecked police and emphasize reports that law enforcement officers engaged in extrajudicial behavior. This contribution looks at the process of fighting organized crime in Georgia's post-revolutionary period, discusses achievements and drawbacks and points out the remaining challenges.

Historical and Cultural Background

During Soviet times Georgia was distinctively notorious for its level of graft, corruption and bribery. According to research carried out by Byung-Yeon Kim, before the break-up of the Soviet Union in 1989, Georgia had the largest shadow economy among all Soviet republics.

The strong informal economy certainly helps to explain Georgia's disproportionate contribution to the world of professional criminals. This small nation, comprising two percent of the overall population of the Soviet Union, contributed 31.6 percent of the professional criminals active in the country. In comparison, the much larger Russian population provided 33.1 percent. Georgian criminals gathered extensive resources through what amounted to a tax imposed on the domestic shadow economy. These financial resources ultimately corrupted the institution of professional criminals itself: Georgians are widely represented among the so-called *apelsini*, the professional criminals who bought their title as respected criminal leader rather than earning it through traditional methods, such as serving time in prison.

Georgians' resistance to Russian colonialism and their political and cultural clash with the dominant Russian culture can partially account for the large numbers of Georgians in the Soviet underground economy, as well as in the "thieves" community. As in Sicily, Georgians distrust government and state power due to their history of constant invasions. Under these conditions, a survivalist culture developed as the Georgians learned to rely on informal ties to provide the resources necessary for sustaining life. The *qurdebi* can be viewed as rational actors who used criminality as an alternative channel of social and economic mobility. The institution of *vory-v-zakone*, which is more egalitarian than hierarchi-

cal in structure, allowed non-Russian criminals to circumvent the dominance of the more numerous Slavs and gain access to scarce resources.

A deep understanding of Georgian culture helps to explain the career success of Georgian criminals. The notion of being a *mochaliche* is highly valued in Georgian society. The word signifies someone who is apt, cunning and resilient. He is able to find an easy path to success and for acquiring material or other goods while circumventing the formal rules. The term does not necessarily imply that goals need to be achieved through legal or ethical means. The criminals and bribe-takers in Georgia do not suffer from societal discouragement in contrast to many Western countries where illegally earned money does not bring the same respectability as wealth earned through honest labor. Hence cultural relativism produces different perceptions of corruption. The practices labeled as corruption from a "Western" perspective may be seen as *pativistsema* in Georgian society, a term that literally translates as "respect," but frequently is used to denote giving a gift in exchange for a favor done by a relative or close friend.

The Era of Thieves' Dominance

The *qurdebi* were keen to profit from Georgia's post-Soviet transition and hijack its newly-established public institutions. The Georgian state fell to underworld control during the early 1990s, when various paramilitary groups seized power. Chief among them was the influential *Mkhedrioni*, headed by professional criminal Dzhaba Ioseliani. Such groups benefited greatly from the weakness of the new state's incipient institutions, the rampant bribery and the breakdown of the state monopoly on violence due to the three wars that

rocked Georgia at that time (Georgia's civil war, the so-called "Tbilisi war," and the conflicts over Abkhazia and South Ossetia).

The situation began to change in 1994, when the authorities started consolidating their legal power and neutralizing the influence of the criminal gangs. Eduard Shevardnadze used Interior Ministry forces to crack down on various armed groups and reduced criminality to the point that it no longer threatened the political order. Since 1995 the locus of power moved from the underworld to overlapping networks that included representatives of both legitimate and illegitimate spheres. The popular strategy of co-optation frequently led to incorporating individuals with a criminal past into the ruling elite. However, as a consequence, Georgia's public institutions, including the police, increasingly became linked to corruption and organized crime. For instance, the Interior Ministry came to play a role in the cigarette and oil business while also exerting control over retail and wholesale goods markets. This process blurred the lines between licit and illicit, informal and illegal.

Arguably the political elite gave state employees a green light to engage in rent-seeking activities in exchange for their continued loyalty to the regime. In 2001, the amount paid in bribes to state officials was estimated to be somewhere between \$75 million and \$105 million while the state budget revenues in the same year amount only to \$499 million. Hence, bribery was rampant and compromised every level of government, up to the very top. Such a high level of corruption contributed to the formation of a political-criminal nexus.

In fact the professional criminals were ruling the country. They enjoyed a near monopoly over racketeering and extortion, participated in violent crime, and owned stakes in the legal economy. They levied fees from business profits, used violence and intimidation to acquire shares in various businesses, and established their own companies to provide cover for illicit activities.

The Rose Revolution and Post-Revolutionary Reforms

In November 2003, a public uprising, subsequently dubbed the "Rose Revolution", toppled the corrupt Shevardnadze regime and brought US-educated lawyer Mikheil Saakashvili to power. A desire to fight corruption and crime unified members of the movement. Hence, the fight against corruption can be thought of as political good deliverable by the state, or as Robert I. Rotberg points out in his book *When States Fail, Causes and Consequences* (p. 2–3), as an "indigenous expectation, con-

ceivably obligation that gave content to the social contract between ruler and ruled."

Immediately after his election as president in January 2004, Saakashvili made it clear that fighting corruption and crime would be one of his top priorities. Indeed professional criminals had matured to become the main competitors against the legal authorities and were perceived to represent the main threat to the newly pronounced goal of building a strong Georgian state. Importantly, from the very beginning, Saakashvili's focus was state-building rather than democratization. Capitalizing on their popular mandate, the incoming elites sought quickly to implement some much-needed reforms. In order to achieve their goals, they often circumvented time-consuming democratic procedures, such as winning approval from the legislature or courts, or including civic society stakeholders in the decision-making process.

Over a short period of time, the government greatly simplified the regulatory framework for the business sector, implemented a major tax reform, improved the management of public finances and strengthened oversight institutions. The political elites sought to restore the state's legitimacy by prosecuting corrupt representatives of the previous regime. Unfortunately, however, these efforts sometimes violated civil liberties.

These practices produced mixed results. On the one hand, the stronger presidential powers that Saakashvili acquired through constitutional reform allowed the new authorities to increase budgetary revenues and restore financial order. On the other hand, though, their anti-crime and anti-corruption policy was not subject to the supervision of public or non-governmental bodies. As a result, the steps taken were sometimes quasi-legal and demonstrated disrespect for the rule of law. Georgia has endured a process of transformation from "democracy without democrats" to one of "democrats without democracy," as Laurence Broers has aptly put it. The willingness to evade the law for the sake of expediency undermined the establishment of a state based on the rule of law, the key to which "lies not in technical matters but in political processes and the commitment of those in power to legal constraints" (quoted from Katharina Pistor).

The Georgian government's definition of organized crime as a security threat coupled with the practice of disregarding the rule of law legitimized the extrajudicial behavior of law enforcement structures in the name of national security. Human rights watchdogs and other NGOs have documented that the police engaged in the excessive use of force, torture and other legal violations.

According to a 2007 Transparency International report, in 2005–2006 twenty five people were killed during 73 special operations conducted by the Georgian Interior Ministry.

However, the Saakashvili administration deserves credit for creating an efficient and less corrupt police force. The World Economic Forum's police service reliability indicator, as measured in its annual Global Competitiveness Report, has increased from 2.6 points in 2004 (one of the lowest scores among over 130 countries) to 4.9 points in 2008, putting it on par with Slovenia and South Korea and lifting it to the second highest indicator among former Soviet Union countries after Estonia.¹

The Georgian policemen are much better trained, equipped and funded than they were in the pre-Saakashvili period. However the process of reforming the law enforcement agencies has concentrated power in the Ministry of Interior, which now holds a near-monopoly over all of the state's law enforcement functions. Along with undermining the independent functioning of the court system, the police have acquired nearly unlimited and unchecked power. Georgia remains a heavily policed society. In fact, the so-called process of "optimizing human resources" in the Ministry did not affect the secret police or other key policing units; rather mainly it was the policemen of certain administrative branches (ecology police, traffic police, etc.) who were fired.

The police became increasingly politicized, especially in November 2007, when the Saakashvili administration faced large opposition protests. Since then numerous sources allege that the main function of the policing structures is to undermine political opposition. Hence the Soviet practice of police safeguarding the security of the ruling regime rather than serving the larger community is being perpetuated.

Reportedly the government uses the law enforcement agencies as tools to silence businessmen who do not support the ruling party and to reward the businesses of "friendly companies" through preferential treatment. Hence, the ruling regime uses anti-corruption policy as an instrument to pressure its political opponents and their sources of financial support. The actions of law enforcement agencies cannot be viewed as nonpartisan. The crackdown on Salford Capital, the business group owned by Badri Patarkatsishvili, and Arti group, owned by a close associate of Irakli Okruashvili, should be viewed through these lenses. Both of these men came into conflict with Saakashvili.

¹ Police services (1 = cannot be relied upon to protect businesses from criminals, 7 = can be relied upon to protect businesses from criminals); see also Diagram 1 on p. 13 for comparison with Armenia and Azerbaijan.

The Downfall of the *Qurdebi*

Georgia's 2005 legislation, modeled after American RICO (Racketeer Influenced and Corrupt Organizations Act) and Italian Anti-mafia legislation, criminalizes the fact of being a thief-in-law per se and allows for the seizure and sale of property acquired through corruption and organized crime.

As a result of the campaign against organized crime, Tbilisi police alone detained 9 thieves-in-law and 37 criminal authorities in 2005. Reportedly there are more than 50 thieves-in-law held in Georgian prisons at present. The state has initiated a large-scale confiscation of the property owned by Georgian professional criminals. Some of the luxurious houses and apartments previously owned by thieves-in-law have now become the offices of regional and district police stations, for instance in the western Georgian towns of Kutaisi and Tsalenjikha. These efforts have badly damaged the financial base of the criminals as well as the connections they previously enjoyed within the Georgian government. Furthermore, the new legal authorities have become more cooperative with their counterparts in Europe, leading to the successful investigation of large organized crime groups in Spain and Belgium. All *qurdebi* have been transferred to prison No. 7, and are thus isolated from the rest of the inmates and the outside world. Therefore they lost the ability to exert influence within the prisons and to coordinate various criminal activities in the outside world from inside prison.

While the state has successfully curtailed the powers of professional criminals, some of their practices have survived, though they are now monopolized by state authorities. Numerous entrepreneurs have been summoned to the prosecutor's office, where officials extort money for newly created "development funds," the operations of which have never transparent. Additionally, the process of re-privatization has showed some strong signs of redistributing spoils for the benefit of the new elite.

Many sources have corroborated the allegations of mishandling private property. The 2006 GRECO (Group of States against corruption) report observed that it was unclear to whom this property has been transferred or sold and whether anyone apart from the state benefited from it. Georgia has made tremendous progress on Transparency International's corruption perception index and the World Bank control of corruption indices. While a drop in media coverage of bribery can partially explain falling public awareness of corruption, even the government's opponents acknowledge that petty corruption has decreased substantially. However, as the 2008 US Department of State Human Rights Report

states, “high-level corruption remained a persistent concern” and the anti-corruption policy is based on “prosecution as opposed to prevention and is ad hoc rather than systemic and participatory in nature.”

Concluding Remark

Illegality has developed its own *raison d'être* in Georgia. The state and various related actors are embedded into this illegality and, depending on who dominates, profit from it. This problem is exacerbated by societal acceptance, for instance rule-breaking is frequently encouraged as a display of “courage” or “manhood”.

The above discussion shows that while the Saakashvili government has dealt with the institutional context of corruption and criminality to some extent, it has done little to address cultural facilitators, which is a key component of any anti-corruption policy.

In this regard no revolution took place in Saakashvili's Georgia. The state-building in the post-revolution-

ary setting has proceeded in a traditional political culture that works to water down the overarching efforts of fighting lawlessness and abuse of power. The key informal institutions which knowingly or unknowingly serve the purposes of crime and rent-seeking, including various forms of clientelism and patrimonialism, have survived and prove to be resilient. Even if the state sought to address them, these norms do not change quickly. As Douglass C. North puts it “while formal rules can be changed overnight, the informal norms change gradually... revolutionary change is never as revolutionary as its supporters desire and performance will be different than anticipated.” The European legal-rational bureaucracy is difficult to establish in an environment which lacks a distinction between private and public and where rules are applied with partiality.

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Further Reading:

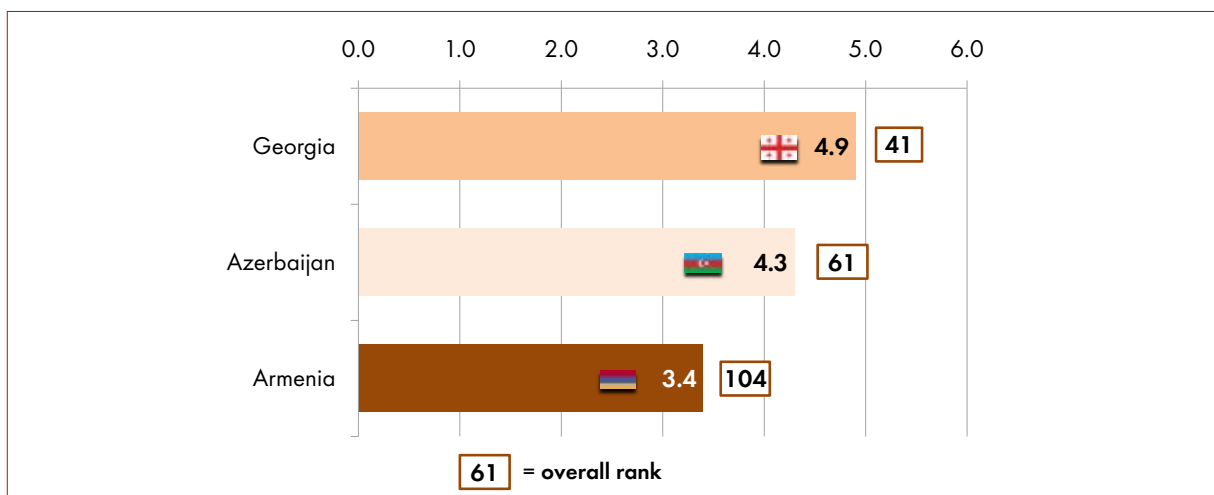
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Opinion Poll

Assessment of the Police

Diagram 1: Reliability of Police Services in Armenia, Azerbaijan and Georgia (executive opinion survey, 2008/2009)

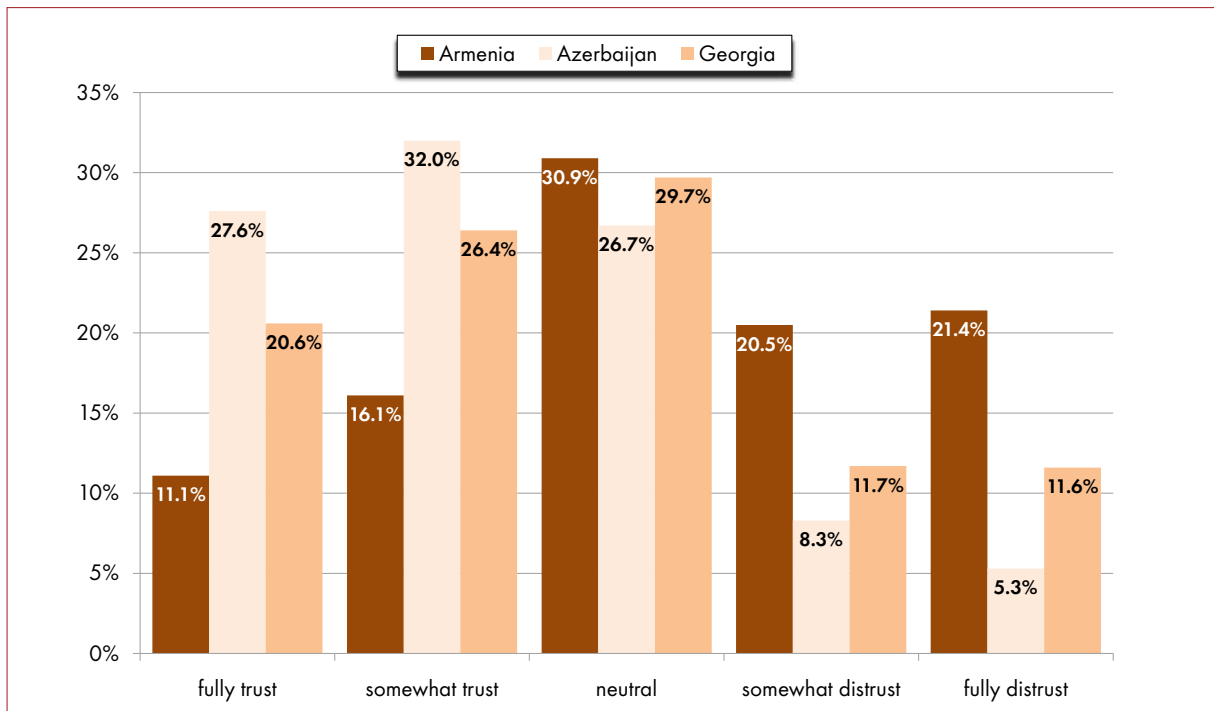
To what extent can police services be relied upon to enforce law and order in your country? 1 = cannot be relied upon at all; 7 = can always be relied upon.



Note: mean for all 133 countries included in the survey: 4.3; 2008–2009 weighted average.

Source: *The Global Competitiveness Report*, p. 360, <http://www.weforum.org/pdf/GCR09/GCR20092010fullreport.pdf>

Diagram 2: Trust toward Police in Armenia, Azerbaijan and Georgia (public opinion poll, 2007)



Source: *Securing Personal Safety in the Caucasus*, Caucasus Research Resource Centers, <http://crrc-caucasus.blogspot.com/2009/02/securing-personal-safety-in-caucasus.html>

Chronicle

From 17 July to 15 September 2009

17 July 2009	Azerbaijani President Ilham Aliyev and Armenian President Serzh Sarkisian meet in Moscow to discuss the settlement of the Nagorno Karabakh conflict
20 July 2009	A delegation of EU officials on a visit to Azerbaijan criticizes the arrest of two opposition bloggers
20 July 2009	Armenian Foreign Minister Edward Nalbandian dismisses calls for his resignation from political groups over his handling of the Nagorno Karabakh settlement process and the Turkish–Armenian rapprochement
21 July 2009	Georgian Deputy Foreign Minister Giga Bokeria says that Georgia wants the United States to participate in the EU Monitoring Mission (EUMM) at the administrative borders with Abkhazia and South Ossetia
22 July 2009	US Vice President Joe Biden visits Georgia
28 July 2009	The head of the EU’s inquiry mission into the Georgian–Russian war Heidi Tagliavini meets with Russian Deputy Foreign Minister Grigory Karasin in Moscow
4 August 2009	Georgia and South Ossetia accuse each other of provoking incidents at the border
4 August 2009	American President Barack Obama and Russian President Dmitry Medvedev discuss the situation in Georgia in a phone conversation
5 August 2009	The Parliament of the breakaway republic of South Ossetia approves Vadim Brovtsev as new Prime Minister
7 August 2009	Georgia marks the anniversary of the Georgian–Russian August war with official commemorations
12 August 2009	Russian Prime Minister Vladimir Putin visits Abkhazia
14 August 2009	The U.S. Defense Department declares that the United States will resume the training of Georgian troops for counterinsurgency operations in Afghanistan
14 August 2009	The Georgian and South Ossetian sides held a meeting facilitated by the EU Monitoring Mission (EUMM) within the framework of the Incident Prevention and Response Mechanism in the village of Dvani
17 August 2009	Georgia detains a Turkish cargo vessel en route to Sukhumi in Abkhazia
18 August 2009	Georgia finalizes its withdrawal from the Commonwealth of Independent States (CIS)
26 August 2009	An Armenian police officer is charged with “excessive force” during the dispersal of the 2008 post-elections demonstrations
31 August 2009	Armenia, Turkey and the mediator Switzerland release a protocol on “The establishment of diplomatic relations” that acts as a guideline for both countries to sign an agreement on diplomatic recognition
31 August 2009	Moscow Mayor Yuri Luzhkov visits Tskhinvali in South Ossetia
1 September 2009	The European Commission hails the efforts of Armenia and Turkey to normalize ties
2 September 2009	The EU Monitoring Mission (EUMM) says the Georgian, Abkhaz and Russian sides should address tensions over maritime dispute issues involving cargo ships en route to and from Abkhazia during a meeting planned in Gali on 8 September as part of the Incident Prevention and Response Mechanism (IPRM)
4 September 2009	The trial of two Azerbaijani bloggers arrested on charges of hooliganism begins in Baku
8 September 2009	Turkish Foreign Minister Ahmet Davutoglu meets with Georgian President Mikheil Saakashvili
8 September 2009	Georgia releases the Turkish captain of a cargo vessel seized in August 2009 when trying to deliver fuel to Abkhazia
9 September 2009	Leader of Armenian opposition party Zharangutyun (Heritage) Raffi Hovannisian decides to resign from the Armenian Parliament
9 September 2009	The UN General Assembly passes a resolution on the return of displaced persons and refugees to Abkhazia and South Ossetia
10 September 2009	Venezuela recognizes Abkhazia and South Ossetia
15 September 2009	Belarus President Alexander Lukashenko says that the Belarusian Parliament will consider recognizing Abkhazia and South Ossetia
15 September 2009	Georgian Foreign Minister Grigol Vashadze meets with Azeri President Ilham Aliyev in Baku
15 September 2009	Russia signs treaties on military cooperation with the breakaway republics of Abkhazia and South Ossetia in Moscow
15 September 2009	Georgia starts the construction of a high-voltage power line to Turkey

About the Caucasus Analytical Digest

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