



GENEVA CENTRE FOR THE DEMOCRATIC CONTROL OF
ARMED FORCES (DCAF)

CONFERENCE PAPER

**CRIMINALIZATION AND CROSS-BORDER ISSUES:
THE CASE OF GEORGIA**

Alexandre Kukhianidze

*Senior Research Fellow, Transnational Crime and Corruption
Center, Georgia Office, Tbilisi, Georgia*

alexkukhianidze@hotmail.com

*Paper presented at the Workshop "Managing International and Inter-Agency
Cooperation at the Border", held in Geneva March 13-15 2003, organized by the
Working Group on the Democratic Control of Internal Security Services of the
Geneva Centre for the Democratic Control of Armed Forces.*

DCAF Conference Papers

DCAF Conference Papers constitute studies designed to promote reflection and discussion on civil-military relations and issues of democratic control over defence and security sector. The publication of these documents is **unedited** and **unreviewed**.

The views and opinions expressed are those of the author(s) and do not necessarily reflect those of the Geneva Centre for the Democratic Control of Armed Forces.

DCAF Conference Papers are **not for quotation** without permission from the author(s) and the Geneva Centre for the Democratic Control of Armed Forces.

CRIMINALIZATION AND CROSS-BORDER ISSUES: THE CASE OF GEORGIA

Alexandre Kukhianidze

Alienated Statehood: the Historical and Psychological Context

The problem of how organized crime and corruption influence border management is multidimensional, all the more so if the subject of analysis includes complicated historical, psychological, and geopolitical issues. Such is the case in Georgia.

The history of Georgian statehood goes back thousands of years; most of these years were spent in wars against invaders - ancient Greeks, Romans, Byzantines, Mongols, Persians, and Turks. When in 1801 Russia annexed Georgia, it was a weak feudal country, divided into small kingdoms with uncertain and frequently changing borders. Integrated statehood within the Russian Empire, with more or less permanent borders, remained absent from most Georgians' perception until the beginning of the 20th century. This is why after the collapse of the Russian Empire in 1917, Georgians tried to restore independence in the form of a democratic republic (1918-1921), but failed due to the Bolshevik invasion in 1921. The creation of the Georgian Soviet Socialist Republic within the USSR headed by Josef Stalin, an ethnic Georgian, created double standards among Georgians about how they perceived Moscow's domination. Feelings of alienation toward statehood were shadowed by the insecurity of a proud of a small, unknown nation, which believed it had "produced" the greatest leader of the World. On March 9, 1956, when Soviet troops shot hundreds of Georgian students in Tbilisi, who protested against Nikita Khrushchev's speech denouncing Stalin at the 20th Congress of the Communist Party of the Soviet Union, covert feelings of alienation toward Russian-Soviet statehood were revived. (Interviews with witnesses. See also Materials of the 20th Congress of the CPSU).

The first symptoms of open alienation with Soviet rule appeared under conditions of comparative liberalization of Soviet policy in the form of rapidly growing corruption, embezzlement, and underground enterprises, which from the beginning of the 1960s grasped all levels of Georgian society, especially the ruling Soviet and party "nomenclature," and the so-called "red directors" of state enterprises. Double standards of life, which were latent under Stalin, became an open way of life under Brezhnev. In Georgia and other non-Russian republics a comparative freedom to pursue corrupt practices was a form of independence for local elites, who perceived Moscow as a "cash cow" for "milking" billions of rubles. From year to year they became more and more skilled

and sophisticated in the means and methods of stealing money from the Soviet state. A brilliant description of the shadow economy and corruption in the Soviet Union and Georgia is given in "The Russians" by Hedrick Smith, American journalist, who worked in the USSR in the 1970s. At the beginning of 1970s the problem in Georgia became so sharp that the Kremlin decided to replace the Georgian Communist Party leader Vasili Mzhavanadze. Eduard Shevardnadze, Minister of Internal Affairs, was appointed to the post of first Secretary of the Central Committee of the Georgian Communist Party, with a clear task – to struggle against so called "negative phenomena," by which they meant everything in opposition to the model Soviet way of life, including first of all corruption, the shadow economy, and criminal activities. Many people were imprisoned by Shevardnadze for different reasons: bribery, criminal acts, underground entrepreneurship, etc., but the problem only increased as prices for risky illegal services went up as their supply diminished. The reasons for this were rooted in the Soviet system itself, which was able to control corruption and criminality through extremely repressive, Stalinist measures. Another way means of fighting corruption was by reforming the entire system, by means of economic liberalization and political democratization. Mikhail Gorbachev chose this way in the mid-1980s, but Shevardnadze in 1970s, under close control by Moscow, did not have this option. Only after the Soviet collapse did Georgians see the creation of the modern nation-state with its contending borders (See: "Contending Borders in the Caucasus", edited by Bruno Coppieters).

There is another reason why even now Georgians harbor feelings of alienation toward Georgian statehood. The Georgians can be described as basically a micro-social, group-oriented society, while Soviet ideology always forced them to follow collective forms of social life. The problem itself is not a difference between collectivism and individualism. Except for individual forms of life, advanced Western democracies demonstrate good examples of collective efforts by their citizens, which help them to solve their own problems, including criminality (take the example of neighborhood associations in the USA, which have had success in this area). The problem is rooted in the absence or underdevelopment of grassroots democracy in Georgia, and not only in society's reaction against the forceful imposition of the ideological norms of collectivist life. While Georgians rejected these norms, they also failed to develop local democracy. This is why Western visitors to Georgia can see on the one hand poorly maintained public places, streets, entrances to multistory living houses, and on the other hand well-cared for private houses and apartments. In other words, according to such a mentality everything, which is outside the private door, belongs to the Soviet or post-Soviet state, i.e., to nobody, and if it is nobody's, than people can take it if they need to.

Orientation toward family, relatives, and friends at the expense of public life, two centuries of living in alienated statehood, and the absence of a modern nation-state mentality were synthesized in a

habituated psychological attitude – an alienation of conscience toward the newly emerged Georgian state and a benign perception of corruption in Georgian society.

From “Perestroika” to Soviet Collapse and the Criminalization of Georgia

When Gorbachev started “perestroika” with “glasnost,” instead of the Chinese way of a new economic policy (NEP), he laid the foundation for the end of Soviet ideology. Freedom of opinion, sharp public discussions and an enormous wave of criticism against the Communist system led to the elimination of the Sixth Article of the Soviet constitution concerning the ruling role of the Communist Party in the Soviet state system, and stimulated demands for independence in several non-Russian republics. Logically, these changes led to the collapse of the existing political system and to a constitutional war between Kremlin and the newly elected dissident government in Tbilisi. The next stage was the collapse of economic system, which was highly centralized and dependent upon political decisions. “Red directors” of state enterprises in Georgia were obliged to carry out instructions coming from newly-elected nationalist authorities in Tbilisi even if they were not economically expedient, while “red directors” in Russia and other republics followed the instructions of local political leaders. The united and interdependent Soviet economy collapsed immediately, causing economic turmoil on the whole territory of the USSR. It was especially painful in small republics, such as Georgia.

When in 1990 the Georgian electorate voted for the dissident presidential candidate Zviad Gamsakhurdia, it was a widely-held sentiment among the population that if they replaced local Communists and voted for independence, then tomorrow they would have living standards comparable to those in the West. But the results of the election were quite different: massive unemployment, sudden poverty, and marginalization of the vast majority of the population. Conditions were set for a broad-scale criminalization, except for three remaining factors: the availability of weapons, open civil conflicts, and the demoralization of law enforcement bodies.

Coup d'etat Against Gamsakhurdia and the Criminalization of Civil Conflicts

Zviad Gamsakhurdia's attempts to create a new authoritarianism met sharp resistance from the opposition and led to a civil war in Tbilisi from December 1991 to January 1992. In two weeks more than one hundred young lives were lost, and criminalization from that time grew massively, rapidly and openly. Both political sides appealed to Georgian society for assistance and promised guns to supporters, while they fought against each other on Rustaveli Avenue, Tbilisi's main street. Many people obtained guns and disappeared. Soon the city experienced innumerable robberies committed by newly formed armed criminal groups. For example, while the government fought

against opposition, a criminal group of approximately forty men broke into the hostel of Tbilisi State University (TSU), where several hundreds foreign students lived, mostly from Asian and Latin American countries, and robbed them. Luckily nobody was killed, and only one student was wounded (Interview with foreign students of TSU, January 1992).

Once the criminal world was unleashed, the criminalization process became thorough. Gangsters attacked families, robbed cars, buses, organizations, banks, business people, and ordinary citizens. In attempts to survive, the marginalized population stole equipment and everything else that could be looted from state enterprises and sold them as parts or junk metal, in most cases abroad to Turkey. The streets of the city of Tbilisi were “dead” one hour before darkness, and the subway worked until 5 or 6 p.m. instead of until midnight. Demand for more weapons led to innumerable attacks against Russian troops located in Georgia and against police stations. In many cases gangsters made deals with Russian army officers to buy weapons. Within weeks, gangs grew to the size of small armies, armed with modern and sophisticated Soviet weapons, including Kalashnikov type machine-guns, grenade launchers, grenades, and even armored personnel carriers, against which the police stood no chance, having only Makarov type pistols. Police patrolling practically stopped that time, traffic between cities and villages became extremely dangerous, and the population was left at the mercy of fate.

Unlike purely criminal groups, paramilitary detachments were created to carry out the tasks of different political groupings. Jaba Ioseliani created the “Mkhedrioni,” while Tengiz Kitovani had his own paramilitary group called the Georgian Guard. Both were leading organizers of the *coup d’etat* against the president of Georgia, Zviad Gamsakhurdia. Aside from other Georgian paramilitary groups, called “brotherhoods,” ethnic Armenians created their own groups in the south of Georgia, and Abkhazian and Ossetian separatists – in the western and northern parts, while Gamsakhurdia’s armed groups controlled the region of Samegrelo in western Georgia. All these groups consisted of badly disciplined volunteers who surrounded their leaders and implemented their leader’s instructions. If these instructions were political tasks, then looting inevitably followed their implementation, such as in the case of the “Mkhedrioni” group, which several times was sent to western Georgia to fight against Gamsakhurdia’s supporters, and at the same time robbed the local population. In 1950s, Jaba Ioseliani, the leader of “Mkhedrioni”, participated in armed robberies against families in Leningrad (Russia) and spent many years in prison. Later he defended his Doctoral dissertation in the Arts. Another organizer of the *coup d’etat*, Tengiz Kitovani, also had a criminal biography. After the *coup d’etat* amnesty was announced, and many criminals joined their and other detachments. Both men, together with the former Prime Minister Tengiz Sigua, created the Military Council and appointed Temur Khachishvili, member of “Mkhedrioni,” to the post of Minister of Internal Affairs. Khachishvili later

organized the assassination of the Chairman of Georgian National Democratic Party. The criminalization of police was thorough and was destructive for the country.

The Military Council failed to run the country in conditions of total chaos and absence on any legitimacy, and invited Eduard Shevardnadze, who after the Soviet collapse was unemployed in Moscow, and whose contribution to the *coup d'etat* in Georgia still is uncertain.

Criminals and Soviet *Nomenclatura* in Power: How it happened and Which of them Won?

The Military Council was transformed into State Council with its Chairman Eduard Shevardnadze. Despite the fact that different political parties participated in its work, the key role belonged to Shevardnadze, Jabba Ioseliani and Tengiz Kitovani. Representatives of Soviet “nomenclatura” and the criminal world started collaboration in one governing body. None of them was elected and the absence of legitimacy, especially for the “Zviadists” (ex-president’s supporters), paralyzed the Council’s activity. Shevardnadze’s power lay in his international recognition and experience in government and political games, while the two others had sizable military power. Both forces needed each other to resist the “Zviadists,” who were much more dangerous for them than the separatist movements in Abkhazia and South Ossetia. The “Zviadist” resistance embraced all levels of Georgian society: universities, factories, families, neighborhoods, etc. For the Military Council, the Zviadist movement was like a dangerous infection, which could kill the whole body, while separatism was only an attempt to cut off a part of this body, without which the body, though dismembered, could survive. This is why Shevardnadze used Ioseliani’s and Kitovani’s paramilitary groups against the ex-president’s armed detachments. The “crusades” as people called these operations, were followed by marauding, rape and assassinations. Later, when armed conflict started in Abkhazia, these detachments actively participated in robberies against the ethnic Abkhaz, Armenian and Georgian population, while implementing political tasks. Abkhazia was the richest part of the former Soviet Union, the so-called Soviet Riviera, and the beginning of this war was a signal for many criminal groups to participate in the “struggle for state integrity.” Trucks full of expensive furniture, stolen cars and other goods were shipped together with wounded soldiers in exchange for arms and new volunteers going to Abkhazia. Such activities were typical not only for Georgian groups. Abkhazian and Ossetian groups used similar methods.

Despite the defeat of the Georgians in Abkhazia, this war helped Shevardnadze switch public opinion on Russia and separatism, and defeat “Zviadism” both by military and ideological. Both Ioseliani and Kitovani’s armed groups implemented their mission and lost their purpose after the

conflict. Both leaders of these groups were imprisoned in a typical Soviet manner, under pretext of the renewal of armed conflict in Abkhazia and the attempted assassination of Shevardnadze. Their detachments were dismissed, and many members arrested.

By that time Shevardnadze had already managed to organize the 1992 parliamentary elections and become the Head of the State as its Chair. He was able to strengthen police, create a governmental military force, and everywhere appointed to key governmental positions his former colleagues - the Soviet-era party and komsomol nomenclatura - people with whom he worked for many years. "Nomenclatura" restored its influence and power, and the same people returned to the same rooms, but instead of communist rhetoric they used a democratic and nationalistic one. Two things did not change much – their ability to "milk" money from the state and their double standards of behavior.

Georgian "ramkiani qurdebi" and the Criminalization of Government

Georgian "ramkiani qurdebi" are high rank professional thieves, who follow the special code of criminals, are recognized by other thieves, know the criminal world, and keep secret their illegal activities and information about other members of their society. They do not participate in violent, gangster-like crimes. In the Soviet Union they existed since 1930, and practically were part of a broader criminal net of thieves called in Russian "vory-v-zakone" ("thieves-in-law"). In 1970s and 1980s many of them were arrested and many left Georgia due to Shevardnadze's campaign against "negative phenomena." This campaign was carried out in a Soviet manner: police warned them that if they did not leave Georgia within one month then they would be jailed under different pretexts – drugs in their pockets, weapons, etc. (Interview with retired police officer).

The second wave of their migration took place at the beginning of 1990s, when Soviet collapse, severe civil wars and massive poverty of the population caused an expansion of gangsterism on the whole territory of Georgia. This last factor was incompatible with the principles and code they followed. They did not join police and other law enforcement bodies, like many other criminals did, and migrated mostly to Russia and other former Soviet republics. Later some of them moved to the countries of the European Union. But they maintained links with the younger generation of thieves in Georgia, and have established relations with government officials as well.

In the post-conflict period, after 1993, Georgian authorities organized a series of campaigns ("rounds") against the strongest and biggest groups of gangsters, and eliminated them. But during years of turmoil the police themselves were extremely demoralized. Violations of human

rights, torture, illegal arrests, extortion of money from business people, drivers and criminals, bribery, falsification of the results of investigations, involvement in crimes and assassinations became the usual practice of the police force. Only recently, in February 2003, there were two assassinations committed by Georgian policemen in Tbilisi (Newspaper "24 Saati", Policeman Kills Security Officer, p. 1).

This phenomenon helps us understand why, unlike in Russia, racketeering is not a wide-spread phenomenon in Georgia. Badly-paid law enforcement bodies implement these criminal functions and do not allow gangsters to compete – they control markets, small businesses, and smuggling. Gangsterism in Georgia is still wide spread, and exists mostly in the form of kidnappings, armed attacks against drivers and the stealing of luxury cars, and robberies of families or banks.

The Georgian Chamber of Control, which is obliged to monitor law enforcement bodies (Ministry of Internal Affairs, General Prosecutor's Office and Ministry of State Security), in violation of the law, is not allowed to investigate how law enforcement bodies implement their functions and if their officers are engaged in smuggling and other types of corruption.

Another process that has occurred over the past decade is the criminalization of government, mostly through illegal or unfair redistribution of state property (privatization, auctions, "voucherization", etc.), "milking" Western donors instead of Moscow, rampant corruption, and direct links with criminal groupings or businesses engaged in smuggling via badly-managed and transparent Georgian borders. As a result, the foreign debt of Georgia is \$1.7 billion in conditions of continuing economic decline, with the country's annual budget at only \$600 million (The Law of Georgia on the 2003 State Budget of Georgia. http://www.parliament.ge/LEGAL_ACTS/1968-rs02.htm).

Petre Mamradze, Head of the Apparatus of the President of Georgia, directly announced on television at the beginning of 2000 that there is no money in the budget to pay high-level salaries to government officials, and this is why corruption is a stabilizing factor in the country. Many local and international observers state that there is no political will in the country to minimize corruption, a situation which stems from the president of Georgia. Despite innumerable facts of corruption collected during independent journalistic investigations, no high-ranking officials have been punished.

Unmanageable Georgian Borders

The geographic location of Georgia is much more important rather than its size and economic meaning for the rest of the world. For the last ten years Georgia played a key role for two competing allies in the Caucasus: on the one hand Turkey and Azerbaijan, and on the other hand Russia and Armenia. Both allies' land communications links cross the territory of Georgia. The role of Georgian borders was vital for these parties during the war in Nagorno Karabakh, especially for Armenia, which was in blockade and had its only link to Russia run through Georgia. Although Georgia maintained neutrality, control of arms or fuel supply for each party was sometimes a tense question in Georgia's relations with both neighbours, which repeatedly raised questions of border management and smuggling.

The "Deal of the Century," which international experts called Azerbaijan's oil contract signed in 1994 with leading oil companies, attracted the attention of international powers, and sharp debates began on the means of oil and gas transportation from the Caspian Sea to Western markets – via Russia, Iran or Georgia. Today, the decision is made – both small and large, oil and gas pipelines will go through Georgia. This fact makes Georgia's role for Western European markets and Russia more important. Geopolitical games for influence in the Caucasus and Central Asia among powerful political actors – Russia, Turkey, USA and the EU – were concentrated in Georgia and put this new, weak and small country in the center of these actors' national interests. Losing its influence in the region, Russia has tried to use all possible methods to maintain control over Georgia: military and economic support of secessionist movements in Georgia, attempts to block peaceful resolution of the Georgian-Abkhaz and Georgian-Ossetian conflicts, and direct military and economic pressure. In recent years Russia imposed a visa regime on Georgia, but did not do so against the secessionist Georgian regions of Abkhazia and South Ossetia. Instead, Moscow granted Russian citizenship to secessionists, and started the economic integration of these regions into the Russian economy in violation of its own agreements with Georgia. In response, Georgia has tried to maintain closer ties to NATO and the USA, and participates in the joint programs "Partnership for Peace" and "Train and Equip."

Georgia's dependence on Russia for conflict resolution makes impossible the effective prevention of smuggling through the territories of Abkhazia and South Ossetia, which are located outside of Georgian jurisdiction behind Russian peacekeeping checkpoints. Georgia has tried to replace Russian peacekeepers with UN, CIS and other international troops, but have received warning from Russia that in such a case the situation could be aggravated so that Georgia would "gulp down a bloody porridge," as the high-ranking Russian official Boris Pastukhov told to Georgian journalists. In February 2003 the Georgian government was induced to extend Russian

peacekeepers' mandate in Abkhazia for the next six months, without any hope of controlling its borders in Abkhazia.

Georgia has common land borders with four countries: Turkey, Armenia, Azerbaijan, and Russia. The Delimitation Commission was created in Georgia in 1992, but still now one-third of Georgian border demarcation has not been agreed upon with neighbouring countries, according to Zaza Kandelaki, Chairman of this Commission (Newspaper "Akhali Epoka", February 21-27, p.11). The present Georgian-Turkish border runs along the former Soviet-Turkish border, which is well demarcated and does not provoke any debate with Turkish authorities. There are no serious disagreements on demarcation with Armenia and Azerbaijan. But the most disputable border is that with Russia, which runs mainly through the high mountainous chain of Caucasus Mountains, and had never been demarcated before, and which in conditions of tense political and military relations between these two countries creates even deeper problems, such as the problem of Chechen rebels and international terrorists in the Pankisi Gorge.

There are other factors bringing Georgia to world attention besides the issue of Caspian oil transportation. Drug trafficking from Afghanistan and Central Asia through Caucasus to the West, the migration of international terrorist groups, the illegal arms trade, the disappearance of radioactive materials from former Soviet republics, and illegal migration and criminal expansion to the EU countries all identify Georgia on the world stage as the key transit country through the South Caucasus.

These factors of international importance, combined with a difficult internal economic situation, massive corruption and high criminal rate undermine the creation of an effective border management system. The problem is equally important for both the Georgian and international communities, and only joint efforts can help improve the situation.

Conclusions

Factors which may improve border management and minimize the rate of criminality and corruption in Georgia:

1. More active US and EU mediation in conflict resolution in Abkhazia and South Ossetia as a precondition for effective border control.

2. Reform of the Georgian Border Guard and Police force along the lines of the “Train and Equip” program for Georgian servicemen.
3. Stronger and better coordinated democratic pressure from International organizations, Western powers and local civil society to the Georgian government to enforce laws, express its political will and make practical steps against corruption and criminality.
4. New elections of the Georgian government – parliamentary elections in 2003 and presidential elections in 2005.



Established in 2000 on the initiative of the Swiss government, the Geneva Centre for the Democratic Control of Armed Forces (DCAF), encourages and supports States and non-State governed institutions in their efforts to strengthen democratic and civilian control of armed and security forces, and promotes international cooperation within this field, initially targeting the Euro-Atlantic regions.

The Centre collects information, undertakes research and engages in networking activities in order to identify problems, to establish lessons learned and to propose the best practices in the field of democratic control of armed forces and civil-military relations. The Centre provides its expertise and support to all interested parties, in particular governments, parliaments, military authorities, international organisations, non-governmental organisations, academic circles.

Geneva Centre for the Democratic Control of Armed Forces (DCAF):
rue de Chantepoulet 11, P.O.Box 1360, CH-1211 Geneva 1, Switzerland
Tel: ++41 22 741 77 00; Fax: ++41 22 741 77 05
E-mail: info@dcaf.ch
Website: <http://www.dcaf.ch>