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## GEORGIAN SECURITY SECTOR: ACHIEVEMENTS AND FAILURES<sup>73</sup>

### Introduction

Currently, the term security sector is not only understood in terms of traditional military-political institutions such as army, external intelligence, and command and control systems. As the edition of the UK Department for International Development "Understanding and Supporting Security Sector Reform" puts it: "[...] in broad terms the security sector comprises all those responsible for protecting the state and communities within it."<sup>74</sup> Accordingly, police, justice, public and nongovernmental organizations and human rights protection institutions can also be included in the security actors' list.

The understanding of security policy has been broadened over the years and thus also the definition of what the security sector is. This can be illustrated by the fact that security becomes a field of interest and activity not only for national defense ministries, security councils or regional military-political organizations. Nowadays, the international or national developmental agencies also pay attention to this area, which traditionally belonged to the sphere of the so called 'high politics' and was associated with the military build-up and strategic planning. Recent conferences dedicated to developmental issues are not content to simply condemn armament and excessive military spending, but also address the subject of best practices in building security institutions, the

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<sup>73</sup> This text will also be published in Wilhelm N. Germann and Andrzej Karkoszka (eds.), *Success and Failure in Security Sector Reform in Central and Eastern Europe. A Review of Case and Country Studies*. Baden-Baden: NOMOS, 2004 (forthcoming).

<sup>74</sup> Understanding and Supporting Security Sector Reform, Issues, DFID, 2002, p.7

transformation of roles and missions of defense and security agencies, civil control and the development of a national strategy.<sup>75</sup>

The notion and politics of security are currently under change for several reasons and are conducted in several directions. Firstly, on the national level the threats have changed and imply now activities of non-state actors rather than hostile intentions of competing national powers. Those include organized crime, drug trafficking and terrorism. Intrastate conflicts, environmental degradation and mass displacement of refugees also constitute new risks. It is essential to protect energy routes and international free trade regimes. In several transition states corruption has increased to a degree that it has become a national security threat.<sup>76</sup> Consequently, intra-political, economic, societal, environmental dimensions increasingly enrich the military-strategic dimension of security politics. It expands the number of actors and agencies of the national security systems.

Secondly, in the West the notion of national security is further complemented with the concept of human security. This is partly due to a highly developed civil society that cares about security issues as much as do the military, diplomats or police. This is enforced by the fact that the borderline between security and development policies is slightly blurred and that human rights and human basic needs have acquired paradigmatic understanding. According to a new approach the national security concept does not suffice to guarantee people's security.<sup>77</sup> The protection of state sovereignty, territorial integrity and independence cannot be the only set of objectives of a security policy. The new approach thus advocates for the humanization of the security system, calls for the protection of citizens in their daily life and the respect of

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<sup>75</sup> Conflict, Peace and Development Cooperation on the Threshold of the 21st Century, Development Assistance Committee. Organization for Economic Cooperation and Development 1998; Military Expenditures in Developing Countries: Security and Development, DAC, Government of Canada 1998 (Final Report and Follow up to the 1997 Ottawa Symposium).

<sup>76</sup> Chris Donnelly, Rethinking Security, NATO Review 2000-2001, p.33.

<sup>77</sup> Human Security. Safety for People in a Changing World, Canadian Department of Foreign Affairs and International Trade, April 1999.

citizens' rights even at the expense of short-term efficiency of security institutions.

The human security policy stipulates that national security threats foremost arise when the governmental and security institutions fail to protect the citizens' rights, and/or even treat them in a predatory manner. At the same time, developmental issues such as unemployment, problems of nutrition, clean water and sanitation, become relevant for security. The merging of security and development policies and the equal importance of national and human security policies is becoming a cornerstone of the foreign assistance to the developing world. As an example one might recall the US assistance to Honduras and San Salvador in the 90's, when anti-insurgency assistance has had important developmental and democracy building dimensions.

At the same time a shift from armament and security dilemmas towards a cooperative security approach could be observed since the late Cold War period. The concept of cooperative security sees the basis of peace not in a balance of power, but in confidence building and the coincidence of national value systems.<sup>78</sup> In fact, the cooperative security fits the broader understanding of security, since the democratization of national security sectors and the transparency of security postures are the best tools for confidence building in the international arena.

However, the implementation of new security approaches is not always effective. The outcome of security assistance for developing and post-Soviet countries depends on the level of donors' coordination and the professionalism and political will of the recipients. Speaking about security, one cannot completely disregard competing national interests, old animosities and mistrusts in international relations. Still, despite the absence of world peace or the end of history, despite the dramatic developments since 9/11, the attitude of the international community towards various security issues basically follows the above-described pattern of cooperation. Deviations from the cooperative and human security approaches risk bringing international isolation and are

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<sup>78</sup> Richard Cohen, Michael Mihalka, *Cooperative Security: New Horizons for International Order*, The Marshall Center Papers, No 3, April 2001.

particularly dangerous for weak countries, as it is the case of Georgia. Globalization imperatively requires the democratization of the security sector and underlines the need of cooperative and human security.

### **The Georgian Security Sector: an Oversight**

From the first glance, the Western lessons and assistance given in the democratization and civilianization of the national security sector and policy did make a difference in the activity of the Georgian political elite.

Georgia is a member of the Council of Europe and participant of the NATO Partnership for Peace (PfP) Program. After NATO's Prague summit the Georgian government started the development of the individual partnership action plan with NATO. The country receives assistance from international financial organizations and from the US and other developed Western states. As a result, Georgia is obliged to take into consideration the recommendations and demands of the international community with regards to security sector reform and the involvement in regional or international cooperation programs.

To a certain degree, the Georgian security sector has many similarities with the democratic security systems. The country has a constitution, which stipulates the division of powers and submits the military and paramilitary agencies to a political control. The parliament discusses and adopts the state budget, which includes defense and security spending. The President is the Supreme Commander of the armed forces and chairs the National Security Council. The armed forces, including army formations and the National Guard, border protection forces, interior troops and some other units, are subordinated to the various state ministries and agencies. An independent judiciary is guaranteed under the constitution. Furthermore, Georgia joined the Convention for the Protection of Human Rights and Fundamental Freedoms<sup>79</sup> and incorporated many of its principles in the constitution.

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<sup>79</sup> [www.echr.coe.int/Convention/webConvenENG.pdf](http://www.echr.coe.int/Convention/webConvenENG.pdf).

Also, the government declares that the conflicts with the secessionist, former autonomous, republics from Abkhazia and South Ossetia should be managed by peaceful means and through international peace mechanisms. Official Tbilisi condemns the so-called 'aggressive' separatism, but the extremist nationalism from the Georgian side is not welcomed either. The former Georgian president, Edouard Shevardnadze, supported and promoted the idea of regional co-operation in several international forums. Among the South Caucasus countries, Georgia is especially inclined towards a strategic partnership with Azerbaijan as it has a vital interest in transporting Azeri energy resources towards the West. However, Tbilisi is also sensitive in relations with Armenia, which has serious problems with Azerbaijan. Thus, Georgia has acquired some sort of leadership and actively promotes the idea of cooperative security within the South Caucasus region. Despite the tensions arising in its relations with Russia, one can say that the official rhetoric with regards to this northern neighbor is relatively cautious and peaceful.

But Georgia is also being called a weak state.<sup>80</sup> Therefore, the country's security sector encounters a range of serious problems. Some of those are determined by external and internal risks and threats. Others result from the shortfalls of the security sector and the political system itself. As a result, the achievements mentioned above are only partial, to put it mildly. The legislative activity and the steps made in the international arena cannot disguise failures of the security policy and in the state building process. But the main problem remains the change from words to acts.

Neither national nor human security is provided in Georgia and its real contribution in promoting cooperative regional security is very weak. The conflicting situation in the region is not the only cause. The low level of internal legitimacy and international respect for the former Georgian government caused further difficulties. Problems of legitimacy

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<sup>80</sup> For more information see: Darchiashvili, David and Ghia Nodia. 'The Weak State Syndrome and Corruption', in *Building Democracy in Georgia*, International IDEA, Discussion Paper no5, Printinfo, Armenia, May 2003.

and lack of respect had been strongly affecting the security sector for years.

Using the criteria of "best practices" in the security sphere, this paper discusses Georgia's bewildering pace towards democratization, particularly in regard to its security sector. Together with a few achievements, the essential problems and threats faced by the country are shown and ways ahead are highlighted.

## **Achievements**

Several mechanisms for the establishment of the democratic civilian control over the defense and security forces are incorporated in the constitution and the subsequent laws. As an example, one can mention that according to the constitution, the parliament adopts the budget and defines the main lines of the national and foreign policy. The president, as the supreme commander, cannot employ armed forces in emergency situations without the parliamentary consent.

Among the laws addressing roles and responsibilities of power agencies<sup>81</sup>, there are some on defense, on policing, the interior troops and on state security etc. The law on operative-investigative activity is noteworthy in this respect: according to it, special operations, which are secret (covert observation of suspects, creation of a network of special agents etc) can be conducted by not less than seven agencies. Four out of the seven belong to military power agencies, two are more civil than militarized institutions and one is the State Intelligence Department.<sup>82</sup>

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<sup>81</sup> The Notion, "Power Agency" comes from Soviet past and is still heavily used in some post-Soviet states. It implies those structures, which have military character.

<sup>82</sup> Among them, the Ministry for Interior and the Ministry for Security, the State Protection Service and the State Department for Border Protection are defined as power agencies. The State Intelligence Department can also partially be regarded as power agency (its officers have ranks, analogous to the military. They are armed and participate in special operations). The two remaining ones are the Customs Department and the Taxation Inspection. (The Law on operative-investigative activity, 1999, April 30, in Sakartvelos Sakanonmdblo Matsne, No14, 1999).

This or some other special laws (i.e. the Law on State Secrets and the Law on the Status of the Servicemen) contribute to the building of a democratic state, based on the rule of law. For example, amendments of the Law on Defense, adopted in 2001, made an attempt to separate the functions of the General Staff and the Ministry of Defense. This idea derived from the practice of civil-military relations in mature democracies. Parallel to that, a general legislation such as the Administrative Code establishes the principles of democratic accountability.

According to legislation, any commercial activity is prohibited for the employees of power agencies. This prohibition also follows the pattern of democratic civil-military relations. Security agencies can lease or sell property which is not needed any more. Some of the power structures, namely the State Protection Service and the Property Protection Department of the Ministry of Interior, can place contracts and provide protection for payment. But this should be done in a transparent manner, monitored by the state authorities and the income should be used for the respective agencies' development and not taken by its commanders. All power structures have some productive assets, agricultural or other, which might be used for extra budgetary income generation, but this income should also be shown in the state budget. The law dealing with conflicts of interest and corruption in public agencies regularizes the above-mentioned in order to prevent the uncontrolled commercialization of power agencies. According to it, any public servant is prohibited from commercial deals with his/her relatives.

The political activity of the military, police and special agency employees is also restricted. The Law on the Status of the Servicemen, passed in 1998, prohibits any political activity of the military. Policemen are not allowed to create political party cells in their units. Those restrictions can be understood as a tribute to the liberal-democratic ideals of the separation of military/paramilitary and political spheres.

There are other noteworthy expressions of the respect for the rule of law and human rights in the legislation: According to the Law on Police, blackmailing, coercion and deception of citizens is prohibited in

operative-investigative activity. Policemen are not freed of personal responsibility if they execute a clearly illegal order.<sup>83</sup> Servicemen of the Security Ministry are obliged to follow the law in case a superior orders unlawful actions.<sup>84</sup> The Administrative Code enforces transparency and human rights and underlines the principles of human security on the level of national security. According to the article 3 of the Code military information should be disclosed if it is related to human rights and liberties. The Law on Alternative Service also has some positive implications on the human rights' protection. The law gives the chance to avoid military service on the grounds of conscience and religious beliefs. It should be mentioned that the law was adopted in 1997 but its full implementation was not possible until 2002 because no alternative service had been established. Moreover, until 2002 the duration of alternative service was 36 months, thus twice as long as the military service and having a discriminatory character. Positive steps have been taken in May-June 2002, when the first 200 conscripts were drafted into the alternative service and the duration was reduced to twenty four months.

Together with the constitution and the above-mentioned laws, civilian control over the armed forces is also promoted by the Law on Budgetary System and Responsibilities, enforced through the committees of the parliament, by the Ad Hoc Investigative Commission of the parliament and by the Group of Trust. The Group of Trust is formed in the parliament for the oversight of special, classified military and security programs and activities.

The most effective mechanism of civilian control is the institution of the president. As a Supreme Commander and Chairman of the Security Council, the president is entitled to lead power agencies and to play a crucial role in staffing of their commanding layer.

The legislation allows for judiciary control. The judiciary is declared independent and subordinated only to the legal provisions. The office of the prosecutor general, which is part of the judiciary, has to oversee the investigative activity of the relevant agencies. This office also controls

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<sup>83</sup> The Law on Police, article 24.

<sup>84</sup> The Law on Security Service, article 12.

the implementation of the legislation for preliminary detention and prisons. Thus, the general prosecutor's office is directly involved in controlling some power agencies. The military prosecutor's office is part of the general one. In times of peace, Georgia does not know military courts, and servicemen have to stand before civilian courts. It should also be mentioned that in the second half of the 90s the penitentiary system was transferred from the Ministry of Interior to the Ministry of Justice. The main reason was to separate investigative agencies from the penitentiary ones.

In essence, one can retain that in 1995, when the new constitution was adopted and the activity of the semi legal military formations were restricted, the foundation of the political and the security system of independent Georgia had been laid down. It is based on the democratic tradition, namely on the basics of Western justice and civil-military traditions.

Attempts in this direction were made even earlier, immediately after the declaration of independence. So, in December 1990, the National Guard was created. In 1991 the presidential model of the political system was elaborated, the Ministry of Defense founded and the first law on alternative service adopted. Parliamentary commissions for defense, national security and legal order started to operate. Parallel to the Governmental Commission for Defense, the parliamentary commission worked on the concept of an army build-up. However, an inexperienced political elite, the isolation from the international community, the commingling of civilian and military responsibilities,<sup>85</sup> the uneasy relations with Moscow and the unrestrained personal ambitions soon moved the political process towards armed struggles.

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<sup>85</sup> The chairman of the governmental commission for defense, Tengiz Kitovani, was at the same time a member of the parliament and the commander of National Guard. The chairman of the parliamentary commission for defense, security and legal order Vaja Adamia was commanding the armed unit; In April 1991 President Gamsakhurdia personally subordinated the National Guard and other power structures. Little later he was personally deciding who should be the battalion commander (D.Darchiashvili, *Politicians, Soldiers, Citizens*, Tbilisi State University Publications, 2000).

The new parliament, elected against the background of civil war and ethnic conflicts, adopted in 1992 several laws related to defense and security issues. From 1993 to 1994 further changes in the security and defense system had been conducted. At that time the government started the build-up of border protection troops. However, the process was influenced by the extraordinary circumstances and the numerous changes were contradictory. Armed struggles and hyperinflation continued. The leaders of the competing official as well as unofficial armed units had no less political weight than the civilian governmental institutions. There was no permanent and structured cooperation with relevant agencies from abroad apart of the Russian military. But the mission of the Russian military had nothing to do with reforming the Georgian security sector. It was not until 1995 that serious changes happened in this regard.

The most noteworthy changes in the second half of the 1990s was that the Georgian government was looking for external security guarantees, asking for the Western assistance in security sector reform and made attempts in the direction of a cooperative security approach within the region. However, the breakthrough in those spheres did not happen immediately in 1995. As a deputy secretary of the Security Council once said, it was decided in 1998 that Georgia's security orientation would be towards the Euro-Atlantic community. As evidence he mentioned the Georgia's accession to the Council of Europe and the decision of the oil companies to choose the Georgian territory in order to transport Azeri oil to the West.<sup>86</sup> As a result, the projects of the Baku-Tbilisi-Ceyhan oil pipelines and the Shakhdeniz-Arzerum gas pipelines have been elaborated.

The political elite saw in these projects less economic than strategic and security benefits. They were perceived as a tool to increase the Western, especially the US, interests in an independent Georgia. Eventually, the Russian border guard which had stayed there as a remnant of the dissolved USSR left the Georgian-Turkish border in 1998. D. Tevzadze, a Georgian military educated in the USA, took the position of a Defense

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<sup>86</sup> Newspaper, Akhali Taoba, October 19, 1999.

Minister, replacing the Russian oriented General V. Nadibaidze. After this, Georgia's Individual Partnership Program under NATO's PfP programs, formally started in 1996 already, finally became the real cornerstone of the army build-up. Also in 1998, an International Security Advisory Board (ISAB), entitled to come up with recommendations concerning security was founded under the provision of the National Security Council of Georgia and led by a retired British general. The chairman of the Parliamentary Defense and Security Committee, R. Adamia, known for his pro-Western stance, became the liaison between the ISAB and the Georgian security structures.

In 1996, the so called GUUAM<sup>87</sup> initiative was launched as an attempt to develop the cooperative approaches in the region. It was created by Georgia, Moldova, Ukraine and Azerbaijan and later joined by Uzbekistan. Supported by the US and the EU, the first step of the initiative was the harmonization of the positions regarding the Agreement over Conventional Forces in Europe (CFE Treaty). The member states refused to share their national quotas of conventional weapons with Russia, which was still maintaining its military bases in Moldova and Georgia. A Cooperation for conflict settlement and the development of East-West transport corridors was also one of GUUAM's key interests.

Georgia's main objective when participating in these or other regional initiatives was the reduction of the Russian influence. During the first half of the 1990s, Georgia tended to agree on the Caucasian dialogue formula 3+1, which meant a special role for Russia. But in 1996 Shevardnadze came up with the initiative "Peaceful Caucasus", according to which Russia and Turkey would have equal roles in regional affairs. In 1999, the Georgian government went further. Its new security discourse increasingly paid attention to Russia's dubious role in Georgian internal affairs while also the CIS's critique was becoming sharper and more frequent. All these on the objective grounds of a long experience with the Russian policy, which used its mediating position in

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<sup>87</sup> For more information see: [www.guuam.org](http://www.guuam.org), accessed on 27 November 2003.

the Georgian-Abkhaz conflict to actually supported Abkhazia's secessionist government.

In 1999, Georgia left the collective security treaty of the CIS, openly noting its ineffectiveness. In the same year it refused Russia the use of the Georgian territory for the Chechen operation. On the OSCE's summit in Istanbul in November 1999, Georgia got the promise from the Russian side, that two out of four Russian bases would be closed by July 2001 and that the future of the two remaining bases would be decided by that time through negotiations. This agreement was fixed in the final act of the conference<sup>88</sup>. Georgia achieved in Istanbul the right to control its own security. The Georgian side considered this agreement a success not only in terms of a Russian military withdrawal from the country, but also from the viewpoint of giving the Russian-Georgian military relations a European and transatlantic resonance. According to the then Foreign Minister of Georgia, I. Menagarishvili, this was made possible by the adapted CFE system<sup>89</sup>.

The Support and advice given to Georgia by the USA proved crucial. The advisor of the US State Secretary, S. Sestanovich, visited Tbilisi on the eve of the Istanbul conference and openly expressed the US' support of the Georgian demands regarding the dismantling of Russian military bases.<sup>90</sup> Nowadays, more than half of the Russian conventional armament is withdrawn from Georgia. Thus, US official publications admit that "...Sustained US Government engagement was critical in achieving this result".<sup>91</sup>

The US support became crucial once again after 9/11. At that time the relations between Russia and Georgia had deteriorated because of the movement of Chechen fighters on Georgian soil. Undeniably Russia had

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<sup>88</sup> [www.osce.org/docs/english/1990-1999/summits/istadec199e.htm](http://www.osce.org/docs/english/1990-1999/summits/istadec199e.htm), accessed on 28 November 2003.

<sup>89</sup> TV Channel Rustavi-2, informational program Kurieri, 19 November 1999.

<sup>90</sup> Georgian state TV, Informational program Moambe, 20 October 1999.

<sup>91</sup> US Government Assistance to and Cooperative Activities with Eurasia, Fiscal Year 2001, Office of Coordinator of US Assistance to Europe and Eurasia, Department of State Publication 10952, March 2002.

objective reasons to be concerned about this, but the reaction was hardly proportional. Many Russian politicians and journalists accused Georgia of protecting terrorists and the Russian leadership did not exclude military operations on Georgian territory. After Bush administration came to power and even after 9/11 the Russian-US anti-terrorist dialogue did not hamper the US' containment strategy named "the Red Line policy"<sup>92</sup>, meaning, that Caucasus Range constitutes a natural barrier for the Russian expansionism.

US security assistance to Georgia during the last years was quite impressive in terms of material support and reform of the security sector of Georgia. It included a Georgia Border Security and Law Enforcement Assistance Program, a Military/Ammunition Relocations Program, Nonproliferation Programs, Anti-Terrorist Assistance Programs, Foreign Military Financing Program and an International Military Education and Training Program. The US is the main donor of Georgia's participation in NATO's PfP program. These efforts are focused on assisting the Defense Ministry by supporting the establishment of a defense resource management office to mention one example. For the first time in the history of the Georgian security and defense agencies, this office attempted to develop a relatively transparent budget program on defense spending in 2001. With regard to the US security assistance, one also has to mention the Training and Equipment program started in 2002. In the frames of this USD 65 million program, the build-up and training of four Georgian battalions has been planned. The program is scheduled to be accomplished in the early 2004.

The conversion of Georgian border troops into a civilian police structure supported by German experts, British and Turkish assistance to the Georgian military academy and other projects, supported and funded by the West, constituted a new wave of a security sector reform in the late 1990s.

Supported by the West various state commissions were created in 2000-2002, aiming at correcting different shortfalls existing in Georgia's security system. A commission was set up to develop the main directions

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<sup>92</sup> Interview with Georgian diplomats in the US, December 2002.

of an Anti-corruption Program and in April 2001 the president ordered the creation of the Coordination Council for an Anti-corruption Policy. In July 2001 the president issued an order concerning the creation of a state commission tasked to study and improve military legislation. In December 2001 a presidential order requested the creation of a commission, which would elaborate suggestions concerning the institutional reform of security and law enforcement agencies.

The work of these commissions was accompanied with the development of new draft laws, personnel changes and anti-criminal operations. In late 2001 the president replaced the Ministers for Security and Interior and the Prosecutor General resigned. In 2002 an anti-criminal operation was conducted in Pankisi Gorge, which had developed into a criminal enclave and where Chechen fighters had found shelter. In 2003 operations against the trade of smuggled petrol was conducted.

But Georgia remains a weak state despite these efforts. In this connection weakness is not defined in terms of territory, population or natural resources. The point is that even during the last years, when many legislative and administrative changes took place, the share of the shadow economy in Georgia exceeded half of the GDP.<sup>93</sup> Despite the Russian mediation and the participation of the UN and OSCE in conflict settlement, 10-11% of the Georgia's state territory, namely Abkhazia and South Ossetia, are de facto separated. Adjara autonomous region, which formally remains within the national borders, frequently ignores the state constitution.

There are objective reasons for this situation. Relations with Russia are tense as that state does not fully implement the Istanbul agreement concerning the dismantling of the Russian military bases in Georgia. Russian business illegally enters Abkhazia and South Ossetia, thus creating problems for Georgia's economic and political sovereignty. Russia also unilaterally eased visa procedures for Abkhazian and South Ossetian inhabitants and decided to grant them a privileged position in obtaining the Russian citizenship. In response to the US security

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<sup>93</sup> Tvalchrelidze, Alexander G. 'Shades of Georgian Economy', in *Caucasus US Context*, No1, 2003, p.76.

assistance for Georgia, the Russian military strengthens the Abkhazian and South Ossetian armed forces.<sup>94</sup> Russian military is stationed in Adjara, developing a special relation with its leadership. So far Russia is an almost monopolist supplier of energy to Georgia and there is a ground for suspicion that its monopolist position is sometimes used as a lever for the achievement of political objectives. Thus, an analyst points out that the Russian president, Vladimir Putin, should make clear whether he considers international law still applicable to the relation between the two countries.<sup>95</sup>

However, the handling of foreign policy problems would have been much easier without the internal, more subjective threats and risk factors. It was Shevardnadze's government, who until recently was largely responsible for the lack of progress in ethnic conflicts, budgetary cuts and unpaid salaries and pensions. The same can be said concerning the lawlessness cultivated in Pankisi Gorge and elsewhere and of the existence of a so-called war economy, the formation of clan oligarchy and a Mafia-dominated state. A serious lack of knowledge and political will for solving these problems must be stated as the laws mentioned above were constantly ignored. Despite the foreign assistance, until very recently, the security structures did not and could not effectively fulfill their obligations. By and large, if one takes the criteria of democratic national and human security, the laws in Georgia fall short from being perfect and the institutional reforms remain largely unfinished.

## **Failures**

One of the main shortfalls of the Georgian security system is the general character of some important laws and their internal contradictions. The work of the above mentioned various commissions did not provide answers to many vital questions.

The Constitutional clauses stipulating that the "parliament defines the basic directions of internal and foreign policy", and the president "directs

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<sup>94</sup> Interview with the representatives of British NGO Saferworld, March 2003.

<sup>95</sup> Socor, Vladimir. 'A Test Ground of Putin's International Conduct', in *The Wall Street Journal*, Europe, 18-20 October 2002.

and conducts foreign and internal policy" are quite close to each other and need further clarification. The clause saying that during the emergency situations, the president cannot employ armed forces without consent of the parliament seems decorative and doomed for violation, especially given the fact that the interior troops are formally part of the armed forces.<sup>96</sup>

Paragraph 98 of the constitution declares that the president defines the structure of the armed forces, while the parliament defines its number. As a result, a legal solution will not be found easily if two branches of the state fail to agree over the armed forces' composition. Moreover, the Law on Defense contradicts this provision when saying that a law (adopted by the parliament) should define the structure of the armed forces. More contradictions between the constitution and the legal provisions can be found. For example, paragraph 78 of the constitution prohibits any form of unification of the armed forces, security services and police. However, the Law on Defense says that interior troops, which are subordinated to the Ministry of Interior, also belong to the armed forces.

The legal frames regulating state secrets are also vague or contradict the principle of transparency. For example, paragraph 28 of the Administrative Code states that information can be classified only when its disclosure would harm a planned or ongoing military, diplomatic or intelligence operation and if the physical safety of those participating in those operations would be compromised.

However, the Law on State Secrets does not respect the above-mentioned clause. According to its paragraph 7, information about operational and strategic plans in the field of defense, issues of military

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<sup>96</sup> Basically, this clause has been violated by the president at least twice: In 1998 the president sent troops against rebel units in Western Georgia. Recently, in November 2003, the president alerted internal troops and some other units and deployed them around the presidential chancellery, when mass protest rallies started. The rallies have been conducted after the fraudulent parliamentary elections and have eventually led to the government's and the parliament's resignation. New elections are planned for early January 2004.

readiness, weapons development programs etc. are classified. In fact, this general clause can be understood as an obstacle for budgetary control of the armed forces. The more so as, according to the law, the president signs a list of state secrets and that currently everything related to the armed forces is classified. The list leaves no space for a transparent defense policy.

The Law on the National Security Council also raises questions as it contains elements of commingling of the executive and legislative branches. For example, the speaker of the parliament and the speakers of the legislatures of Ajaria and Abkhazian autonomous republics<sup>97</sup> participate in its work. The secretary of the council, who should direct the technical and administrative activities, is also a full member of it. The law does not make a clear functional distinction between those "participating" and those being members of the council. The council is an advisory body of the president, but at the same time it coordinates and controls the governmental security agencies. The law does not particularly specify the working procedures of the council.

The rights of Members of Parliament (MPs) regarding the budgetary processes are rather limited. The Georgian parliament does not have a right to discuss in advance and then approve or disapprove acquisition projects by the security agencies. The necessity of empowering the parliament in this regard was even recommended by external security experts. The parliament cannot make changes in the draft budget submitted by the executive. If a mutual consent between the legislative and the executive is not possible then the MPs can only disapprove the overall budgetary figures. But such a decision would require a serious mobilization and political courage and thus is always difficult to achieve. The legislation also does not provide clear guidelines and mechanisms for the work of the parliamentary Group of Trust, set up to control the special programs of the security agencies. However, when there is no shared point of view between the group and the president

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<sup>97</sup> Apart of the government of de facto separated Abkhazia, there is a Tbilisi based Abkhazian government in exile, claiming to represent refugees from Abkhazia.

regarding certain programs it is not clear what measures can or should be taken.<sup>98</sup>

It seems also problematic, that the structural and procedural details concerning the functioning of various executive agencies are defined through bylaws, mostly by presidential orders and internal regulations. It limits the legislative power of the parliament, which should be a cornerstone of democratic civilian control.

The transition of the security agencies for meeting NATO standards only insufficiently addressed the issue of the rights and duties of servicemen. For example, military servicemen do not have an effective legal lever for refusing to obey a criminal order.

On the other hand, Soviet norms still exist in the criminal procedural code and in other legal texts defining the activity of law enforcement agencies and thus making the ordinary citizens unprotected in case of police's and security services' misconduct. By maintaining the old Soviet right to investigate economic crimes, the Security Ministry and the police partly assume the role of a tax inspection agency. Also, the human rights protection organizations believe that criminal code and criminal procedural code do not clearly enough define the responsibility of law enforcers when torturing detainees, that the formal moment of detention is not clearly defined and hours might pass before the police formally registers the act of detention, that citizens do not have access to a lawyer from the beginning of the detention etc. A commission was set up in order to develop the recommendations made on the reform of the security and law enforcement system. The commission finished its work at the end of 2002, but the resistance of power structures' representatives made it impossible to find solutions.

This already difficult situation is further complicated by a more system-related shortcoming which has direct implications for the actual conduct of the security policy and the civilian control over security agencies. Namely, the shortcomings is that under the constitution the president cannot dissolve the parliament and that it is extremely difficult and

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<sup>98</sup> Personal interview with one of the author of this law, L. Alapishvili.

factually unimaginable to impeach the president. Therefore, it is virtually impossible to find a solution if the president and the parliament have principal disagreements. Thus either they find a consensus or one branch should find a way to politically control the other. Actually, through the various normative acts and political levers, it is the president who has practical advantages in comparison to the parliament and even to the judiciary. As a result, the control of the security agencies is concentrated in his hands.

For example, the parliament does not have the right to approve the appointment of the heads of some independent power agencies, which have lesser status than ministries. The list of such agencies includes the State Border Protection Department, the State Protection Service and the Intelligence Department. The parliament also does not control the staff of the National Security Council, which plays a crucial role in the development and implementation of various aspects of the security policy.

But the main shortfall of the Georgian security system lies in the fact that despite the numerous reform attempts and despite the establishment of the rule of law, the actual implementation of this legislation is on an extremely low level. One can also observe the weakness of the structures put in place to face and combat threats. One has to take into consideration the observations of many external or local experts, who point to the fact that interesting anti-corruption suggestions mostly remain on the project level or have been simply ignored by the Shevardnadze's government.<sup>99</sup>

Georgia faces an increased level of threats such as an expansion of the influence and scope of the organized crime according to the statements made by the Security Minister on the joint session of the Security and Justice Councils in December 2002. According to him, wealthy criminal-oligarchic groups, expelled from other countries, are settling in

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<sup>99</sup> See i.e. the statement made by George Soros on Rustavi-2, 20 June 2002, or the statement made by the secretary of the Anti-corruption Coordination Council, M. Gogiasgvili, during the extended governmental meeting on 4 September 2001 (Newspaper, Sakartvelos Respublika, 6 September 2001).

Georgia. They use the poverty of the population in order to buy people, objects and influence. They purchased famous buildings, mass media and strategic objects of transport and the facilities in the military-industrial complex. They are financial monopolists and blackmail the government's representatives.

The Security Minister, Khaburdzania, alleges that in some regions, criminals unite in clans. They support the former members of the paramilitary unit Mkhedrioni, abolished in 1995 by the government.<sup>100</sup> This semi-independent unit had been known for its disobedience and criminal habits. According to the minister, the leaders of a criminal group, the so-called 'Thieves in Law', who previously considered kidnapping as a sin, now happily participate in this "business".<sup>101</sup> This criminal institution, inherited from the Soviet past, mostly sustains itself through extortion. During the last years of the Shevardnadze's rule, there were indications that the 'Thieves in Law' tried to enter into politics. For example, in some places, the criminal leaders tried to influence the outcome of local elections in 2002. Also, the representatives of the then ruling party did not hesitate to contact 'Thieves in Law' on the eve of the 1999 parliamentary elections.<sup>102</sup> Various sources allege that during the parliamentary election campaign of 2003 the representative of the oppositional National Movement, Z. Dzidziguri, was confronted in his electoral district by the organized crime.

Many politicians and leading servicemen directly or through relatives have been monopolizing business areas despite the fact that combining a political or a public position with a commercial activity is prohibited by law. Until recently, substantial success in business was possible only through corruption which showed that illegal criminal relations was increasing in the politics and economics. Among the most influential

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<sup>100</sup> Mkhedrioni was notorious in the first half of 1990's as a combat force against Abkhazian secessionists, armed supporter of ousted president Gamsakhurdia and for its lawlessness. Former criminal authority, Jaba Ioseliani, led it.

<sup>101</sup> Caucasus Press, Tbilisi, 21 December, 2002; Prime News, Tbilisi, 22 December 2002.

<sup>102</sup> Personal interviews with the representatives of the parliament and of the political parties, June-July 2003.

business clans with such political connections could be found within the former president Shevardnadze's family. Shevardnadze's nephew and the father-in-law of the president's son have been associated with the petrol business for years. One can recall in this regard that the import of petrol became one of the vital parts of the shadow economy of Georgia.<sup>103</sup> So far The former president's relatives control big shares of the commercial activity at Poti Seaport. There is strong ground to believe that the success of the Shevardnadze family is achieved through corruption. For example, Poti seaport has received important privileges in comparison to Batumi seaport through presidential decrees and during last years the president allowed the postponement of tax payments to some companies. In both cases the main beneficiaries were members of Shevardnadze's family or the persons closely associated with him.<sup>104</sup>

It is debatable if the link between the politico-economic clans and the leaders of the organized crime constitutes an immediate national security threat. However, it seems clear that such developments do not facilitate the provision of human security in the country and that it does not meet the requirements of the rule of law, democracy, equality and market economy. Thus, clannish relations have immediate negative implications for the national security system.

The increasing corruption and professional criminality in politics and economy is dangerous and linked with security issues from more than one angle. Even some of those Georgian commercial companies who are widely respected today had misused Soviet/communist party funds in the period when the USSR collapsed and gained privileges through the governmental connections in the aftermath of the Soviet Union's breakdown. Representatives of the government in power at that time, the nomenclature and power agencies took part in this. As a result, the new Georgian business elite owes a lot to those forces. They know the "secrets" of the Georgian businessmen and one can guess that they have

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<sup>103</sup> Ken Stier, *Report Details Failures in Georgian Petroleum Tax Collection, Business and Economics*, 10 December 2002.  
[www.eurasianet.org/departments/business/articles/eav120202.shtml](http://www.eurasianet.org/departments/business/articles/eav120202.shtml).

<sup>104</sup> Interview with the representatives of the Young Lawyers Association, which monitors the fulfillment of the budget. September 2003.

means to control the young business elite.<sup>105</sup> This has dramatic consequences as those forces are not interested in democratizing and developing Georgia.

The so-called 'Thieves in Law' also find support in Russia. The lion's share of their income had been generated through money extortion and illegal business activities there. They have contacts with the representatives of the Russia's business and political elite<sup>106</sup> and probably also established links with the Russian special services. As Russia's relations with Georgia are not free from the post-imperial grievances and ambitions, one can guess that those criminals can potentially play the role of a Fifth Column for the Russian neo-expansionist circles.

But the statements of Shevardnadze and his lieutenants, distancing themselves from Russia and requesting security guarantees from the West were not unequivocal and certain steps with regards to the foreign orientation of the country were not coherent. Recently, there were evidences of a rapprochement between Georgia and Russia and in a certain degree these evidences have had a flavor of "forgetting" national interests from the Georgian side. The point is that the Georgian elite, led by Shevardnadze until the end of its rule largely believed that the restoration of the territorial integrity simply depended on Russia's good will. One can argue that the believe is still persistent in Georgia. As a result there were numerous discussions in Georgia whether in case of certain strategic concessions to Russia, the government could restore its jurisdiction in Abkhazia and South Ossetia.

During the meeting between Shevardnadze and the russian president Vladimir Putin, in Sochi in March 2003, Shevardnadze agreed in

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<sup>105</sup> The fact that political parties New Rightists and Industrialist's Union, claiming to be oppositional to Shevardnadze's rule, suddenly supported him and did not protest about very transparent frauds during the elections 2003, indirectly proves the above-said. The both parties consist of Georgian businessmen who enriched themselves through usage of former party funds and governmental connections.

<sup>106</sup> Mukhin, A. A. *Rossiiskaia organizovannaja prestupnost i vlast.* Centr politicheskoi informacii, Moskva 2003.

principle to prolong the mandate of the Russian peacekeepers in the Georgian-Abkhazian conflict zone. The mission would end when one of the conflicting parties would officially demand their withdrawal. As one Georgian diplomat puts it, this factually means an indefinite prolongation of the operation.<sup>107</sup> As a consequence, Georgia lost a meaningful means of influence over Russia, namely the compulsory approval of the prolongation every six months.

The Georgian elite accepted with a certain enthusiasm the suggestions of Putin to establish a three-lateral working group in the conflict zone<sup>108</sup> and to discuss the economic cooperation with Abkhazia before a political settlement takes place. Interestingly, the compatibility of this initiative with the UN initiative of a Georgian-Abkhazian dialogue was not clear. One has also to point out that the UN-led negotiations were somehow eclipsed during this meeting as the Russian side did not prove loyal to the UN initiative.<sup>109</sup>

By the end of 2002 Georgia increasingly softened its critique of Russia's non-compliance with the CFE conference of 1999 concerning the military bases in Georgia. At a ministerial meeting in Vienna concerning the CFE Treaty, the Russian foreign minister, Igor Ivanov, convinced Georgia to accept a new formula on this issue. They agreed upon taking a decision by the end of 2003, if the conditions allow for it. According to a high rank official of the OSCE, this decision clearly weakened Georgia's position with regards to the dismantling of the Russian bases in the shortest possible time frame and raised the question whether Shevardnadze's Georgia still cared about the issue. According to the same official, it is rather unclear, what Georgia expects from Russia or from the international community.<sup>110</sup>

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<sup>107</sup> Confidential interview with a Georgian diplomat, April 2003.

<sup>108</sup> The history of this idea is somehow unclear. According to some Georgian sources, it actually meant the establishment of the Russian-Georgian-Abkhazian administration in Gali, but Abkhazians deny it (Prime News, March 10, 2003; Caucasus Press, 13 March 2003).

<sup>109</sup> Confidential interview with a Georgian diplomat, April 2003.

<sup>110</sup> Confidential interview, January 2003.

Georgia's dependence on Russia was further reinforced following a series of negotiations in effect of which the control of a number of strategic objects was transferred to the Russian companies. Currently, the electricity distribution network in Tbilisi is operated by a Russian state company. The Russian firm Itera received guarantees for the possession of the chemical enterprise Azoti.<sup>111</sup> In July 2003 negotiations between the Russian state gas company Gazprom and the Georgian Ministry of Energy were revealed. A protocol of understanding, which mentions the possibility of 25 years of strategic cooperation, was signed. Both the democratic opposition in Georgia and the advisor to the US president in Caspian energy issues expressed concern about this protocol, pointing out that strategic cooperation with Gazprom might have negative consequences for the national energy security.

In itself, settling the problems with Russia and enhancing economic cooperation between these two countries is necessary and would have a positive impact. But the point is, that

- a) Until today Georgia was too much inclined towards covert deals for the "return" of separated Abkhazia and South Ossetia, which might have included not only the departure from internationally recognized means of conflict settlement, but also revealed a dangerous readiness to compromise its national sovereignty and security;
- b) These moves put into question the sincerity of Georgian elite in its pro-Western rhetoric.

While the government of Shevardnadze has been adopting various conflict settlement strategies, the conflict zones themselves continued to pose a serious problem for the national security as they constituted a safe haven for criminal economic activities. From 1992 to 1993 bloody civil and ethnic struggles took place as the financial-economic system virtually collapsed. As a result, the state action became more and more illegal, resembling criminal practices. As an example one can mention that the army supply system of that period was mainly based on illegal extortion.

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<sup>111</sup> TV Company Rustavi-2, Program Kurieri, 21 March, 2003.

Under these circumstances people with criminal habits were gaining momentum.

After the civil and ethnic wars were over, the situation changed, but still the so-called zones of frozen conflicts were the source of fraudulent activities. Until recently, criminal 'rules' were established by the local bandits and guerillas, the Russian peacekeepers and the Georgian law enforcers. These rules were based on illegal deals between the actors and frequently accompanied by bloody competitions, where one could hardly distinguish a criminal motive from the competing nationalistic ones. In any case, the property and the lives of the ordinary people remained absolutely unprotected.<sup>112</sup>

The overall situation in these zones did not only indicate the weakness of the national security and law enforcement agencies, which was not improved despite various reforms, and showed that criminal structures penetrated into these agencies. But the lawlessness and corruption distinguished not only the state and security officials stationed in the conflict zone but became a characteristic feature of Georgian public life. Despite several anti-corruption measures and personnel changes, the misuse of budgetary funds, the extortion of money from ordinary citizens and businessmen and the cooperation with criminal organizations remained widespread, especially in law enforcement and security agencies.

In 2003 the State Chamber of Control made an audit of the Ministry of Defense with the results being declared secret. However, some independent media reported that about 40% of the foreign grants received by the ministry have been spent without further planning or at least producing of a financial documentation. The High rank officials of the ministry explained this with the lack of experience and the

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<sup>112</sup> The famous report "60 minutes", conducted by the TV company Rustavi-2, and broadcasted on 29 September 2002 showed that on the background of power agencies' passivity the criminal economic activity has been flourishing in the Georgian-Abkhazian conflict zone. Even the representatives of the Abkhazian government and the Tbilisi-based so called Abkhazian government in exile, Russian peacekeepers, guerillas and professional criminals participated in it. Many armed clashes have been taking place and were not so much the results of residual ethnic fights as of criminal competition.

underdeveloped mechanisms of accounting. However, this explanation is rather hard to believe as the US is supporting the Ministry of Defense since the end of 1990s in establishing a financial order.

Until the recent revolution of November 2003 it was frequent that the ministry's leadership was accused for their inability to curb desertion and to take measures against corrupt officers. Furthermore, representatives of the Ministry of Defense were linked with criminals, implicated in the protection of dubious commercial enterprises (nightclubs) and in illegal arms sales.<sup>113</sup>

At the same time, the Ministry of Defense was leading in terms of reform processes and it certainly was not the leading agency in terms of corruption and other forms of crime spread in the state structures. On the contrary, the Ministry of Interior has been so far successfully resisting demands of the Council of Europe and the local non-governmental organizations to adapt the procedures of preliminary detention to the standard practices of democratic countries. Also, cases of torture, extortion of money conducted by police, have been reported. Evidence indicates that the police, subordinated to the Ministry of Interior, has been continuing to tolerate the "Thieves in Law" and even cooperated with its representatives upon reception of regularly paid "taxes"<sup>114</sup>, as analysts point out. It is practically impossible to prove such payments as the criminals would hardly report about their colleague-policemen and thus endanger the freedom to "work" and the guarantees to control the prisons from inside. It is interesting to note that as the penitentiary system was transferred from the Ministry of Interior to the Ministry of Justice and thus controlling prisons by the criminals became difficult, the Ministry of Interior brought forward a request to get the prisons back. This request was strongly backed by the former president Shevardnadze. But in the whole, professional criminals still enjoyed privileged positions no matter whether they were free or in prison.

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<sup>113</sup> Interview with former high rank officer of the Ministry of Defense, September 2003; information about the audit in the ministry are published in the newspaper "24 Hours", 17 September 2003.

<sup>114</sup> According to some reports, police officers protected the meetings of the Thieves in Law.

Some experts suppose that the criminal world was an additional weapon for the security agencies and the government and mainly controlled by them.<sup>115</sup> However, it is not easy to determine who served whom and for what purpose under Shevardnadze's reign. For example, the media reported that a security officer was serving as a driver for an influential thief and also that the UN observers kidnapped in the Georgian-Abkhazian conflict zone have been released with the help of influential criminals. As a result, nobody was accused and punished for the kidnapping.

During the extended governmental meeting on 4 September 2001 the secretary of the Anti-corruption Council mentioned numerous complaints concerning the Ministry of Interior such as the behavior of police officers and illegal extra-budgetary income. Most of the power agencies were involved in corrupted activities, namely in "crisis corruption", "patronage systems", "friendship and the institution of godfathers". He summarized that the power agencies were the pillar of corrupted high ranking public servants and that their existence was a threat for the state.<sup>116</sup> A high ranking official from the presidential office openly admitted at that time that he knew of the involvement of power structures in smuggling. However, he feared that fighting the corrupted officials might leave the state without protection and thus be even a greater danger. On the other hand, by bribing the "guardians" the government had become their hostage.

As mentioned above, only in 2002-2003 the government made some initial steps in fighting crime, corruption, conflict economy and shadow business in general. The Ministers of Interior and Security had been changed. Under public pressure the prosecutor general stepped down. The official rhetoric about fighting criminal leaders had been increasing and in the summer 2003 the police, the security service and the special legion of the Ministry of Finance started an operation against tax evasion in the cigarette and petrol business and a new commission, tasked to

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<sup>115</sup> Interview with Gigi Tevzadze, member of the local expert group of the International Institute for Democracy and Electoral Assistance (IDEA).

<sup>116</sup> Newspaper, Sakartvelos Respublika, 6 September 2001.

coordinate the fight against tax evasion, was set up within the government. The operation started with actions against unregistered petrol in petrol stations. Officials have been mentioning in their interviews some MPs, public servants, “Thieves in Law” and representatives of the local government, who were behind many petrol stations involved in tax avoidance.<sup>117</sup> However, the former political opposition as well as the independent analysts considered this anti-corruption campaign with suspicion.<sup>118</sup> D. Usupashvili, a former member of the commission working on the reformation of security and law enforcement agencies and R. Gotsiridze, head of the Budgetary Office of the Parliament, pointed out its missing coherence and they doubted that the campaign would be successful. This suspicion proved to be well-founded as the fight was conducted against petrol stations while the main problem with regards to illegal petrol trade is smuggling. Doubtful was also the fact that no names of direct or indirect owners of these stations have been disclosed so far.

## **Ways Ahead**

One can continue pointing out the shortfalls of the security system and failures of its security policy by mentioning the constant disagreement and quarrel between the Ministries of Defense and Finances which have been hampering a real move towards a transparent defense budgeting. Until very recently MPs were receiving the parameters of the defense budget in the very last moment and thus not being able to devote enough time for its discussion. Also, the Ministry of Defense did not or could not provide the parliament with precise information about officers studying abroad and many young officers, graduated from Western courses and colleges. Another essential shortfall of the security sector can be seen in the still existing parallelism and overlap as, for example, armed units are dispersed under six state agencies. The situation looks even grimmer when we consider that progressive laws or recommendations for the reform of the security sector have been adopted

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<sup>117</sup> Newspaper Mteli Kvira, 18 August 2003.

<sup>118</sup> Newspaper Mteli Kvira, 18 August 2003. Also interview with David Usupashvili and the member of the board of Young Lawyers Association, Tina Khidasheli.

but, by and large, are not implemented. Completely different "laws" and relations governed the reality of Georgia under Shevardnadze's regime.

In the light of the current development it remains largely a rhetorical question, whether the former government of Georgia had enough political will to build-up an effective national and human security system and a policy based on the rule of law. The former ruling elite bore clear features of an oligarchy and invested many efforts in the monopolization of economic and political levers.

But in November 2003 something not very much expected happened. The democratic opposition appeared to be able to launch mass anti-governmental rallies, triggered by the fraudulence of the November 2 parliamentary elections. The event, which resulted in the retirement of president Shevardnadze, was named a Revolution of Roses for its peaceful character and with reference to the roses, carried by the opposition leaders, when they occupied governmental buildings. An interim government, led by the former speaker of the parliament, Nino Burjanadze, has been established.

One can argue that people's determination for the revolution was caused by many sins and shortfalls described above. In any case, the revolution was conducted under the democratic slogans, demanding the establishment of the rule of law.

Today, it is with great interest that the West, Russia and Georgia itself await the complementary presidential and parliamentary elections. A sound analysis of the attitudes of the elected MPs as well as of the new president will be necessary in order to know where Georgia will tend to go and in what pace. In her speeches, the ad interim president, Nino Burjanadze, made clear that Georgia is willing to continue its cooperation with the West and seeks a further harmonization with the Western standards. Nevertheless, in the light of the above-said one has to remain cautious and wait for the first steps of the new elected government regarding the fight of the organized crime, corruption and the misuse of funds inside and outside the state apparatus. Another important criterion in a later phase will be the settlement of the conflicts

with Abkhazia and South Ossetia and the management of the autonomous republic of Adjara. Clear steps towards the reformation of the security sector will also be an indicator of the future development of the country.

Should the new government and parliament fail, then Georgia risks losing the remaining Western assistance. As the head of the budgetary office of the parliament says, if the situation does not improve in regards to criminal activity, Georgia will not attract any serious Western investment. The foreign businessmen already hesitate to travel to Georgia, because business has become a risky endeavor during the last five years.<sup>119</sup> It is due to the criminality and corruption that a budgetary crisis developed, causing the decrease of financial assistance from the world financial institutions. Before the so called Rose Revolution took place, the US State Department was considering serious cuts in its Georgian programs. Thus, the future Georgian government has to make serious corrections regarding the internal policy. It is thus primordial that no member of the new government is either linked to the former ruling class or to the organized crime.

It is hopeful for a start that the demission of both the government and the parliament happened in a peaceful manner. However, there is still a danger that the former ruling elite might regroup and completely turn its back to the West, searching for support in Russia. There are influential circles in Russia which do not care about the level of democracy in Georgia, if only the country decides to go back under Moscow's unilateral protectorate.

On the other hand, there exist numerous resources to change the situation including the constitution and laws, which provide levers to fight with legal means criminality. There exist thus independent media and nongovernmental organizations like the TV Company Rustavi-2, which openly criticized the shortfalls of the political and the security system in Georgia, and which contributed to the democratic revolution no less than the oppositional political figures. We can also observe a

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<sup>119</sup> Prime News, Tbilisi, 22 December 2002.

further strengthening of the civil society such as the Young Lawyers Association, which has been monitoring the financial activity of the Interior Ministry even under the Shevardnadze's regime. And last but not least, masses of the population opted for change. It was only these massive protests by the society which finally brought down the government.

But, by and large, Georgia still remains on the crossroad and the future is vague. The forces of the past are weakened but not completely defeated. The democratic movement is expanding, but former oligarchy maintains its wealth and power, allegedly having supporters and followers among the law enforcers. Thus, the near future might bring new struggles and violence cannot be excluded. As the democratic forces internally, so the international community from the outside should do its best in order to keep Georgia on the path of a peaceful and democratic development. Otherwise Georgia might risk facing a new civil war. It remains, that Georgians long for a national and human security.

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