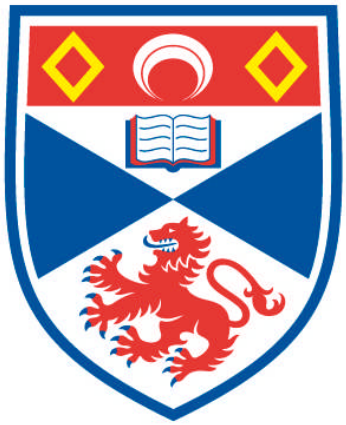
POLICE REFORM AND STATE-BUILDING IN GEORGIA, KYRGYZSTAN AND RUSSIA

Liam O'Shea

A Thesis Submitted for the Degree of PhD
at the
University of St Andrews



2014

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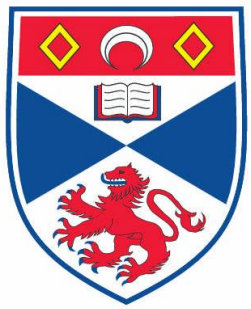

This thesis is submitted in partial fulfilment for the degree of PhD

at the

University of St Andrews

Date of Submission – 24th January 2014

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Abstract

This dissertation provides an in-depth study of police transformation in Georgia, Kyrgyzstan and Russia since the collapse of the Soviet Union. It draws upon interviews with police, NGO workers, politicians and international practitioners, and employs a comparative-historical approach.

Contra to democratic policing approaches, advocating the diffusion of police power and implementation of police reform concurrently with wider democratisation, reform was relatively successful in Georgia after the 2003 Rose Revolution because of state-building. The new government monopolised executive power, fired many police, recruited new personnel, raised police salaries and clamped down on organised crime and corruption. Success also depended on the elite's political will and their appeal to Georgian nationalism. Prioritisation of state-building over democratisation limited the reform's success, however. The new police are politicised and have served elites' private interests.

Reform has failed in Kyrgyzstan because of a lack of state-building. Regional, clan and other identities are stronger than Kyrgyz nationalism. This has hindered the formation of an elite with capacity to implement reform. The state has limited control over the police, who remain corrupt and involved in organised crime. State-building has not precipitated police reform in Russia because of the absence of political will. The ruling cohort lacks a vision of reform and relies on corruption to balance the interests of political factions.

The contrasting patterns of police reform have a number of implications for democratic police reform in transitioning countries: First, reform depends on political will. Second, institutionalising the police before democratising them may be a more effective means of acquiring the capacity to implement reform. Third, such an approach is likely to require some sort of common bond such as nationalism to legitimate it. Fourth, ignoring democratisation after institutionalisation is risky as reformers can misuse their power for private interests.

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Notes on Transliteration and Translation

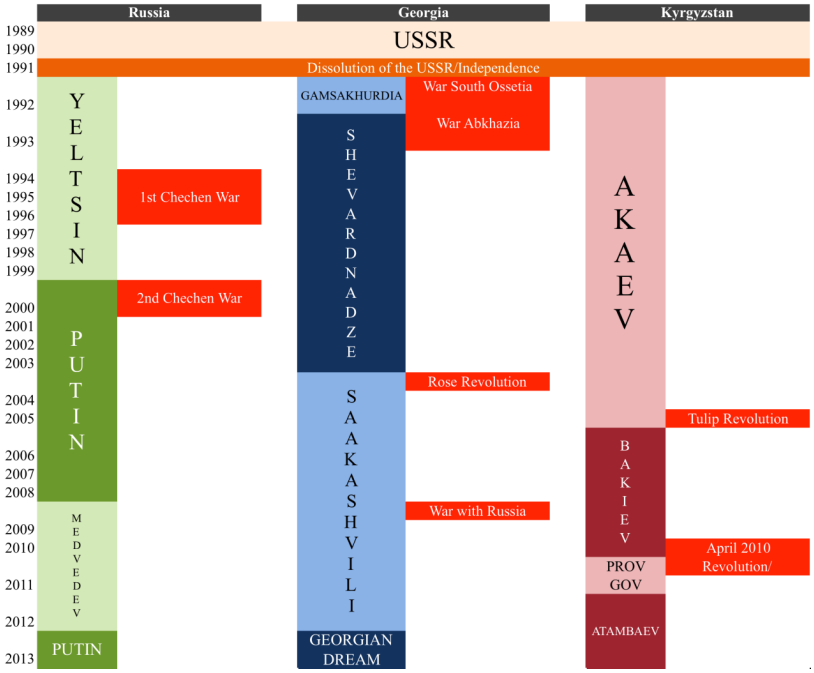
The text of this work follows the Library of Congress system of transliteration for the spelling Russian words in English. I have, however, used the familiar English form for well known names (e.g. Khodorkovsky instead of Khodorkovskii). In cases in which Russian authors have published in English, I have preserved the spelling used for publication. In all other cases, transliterated text conforms with the Library of Congress system.

Glossary

CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CRRC	Caucasus Research Resource Centers
CUG	Citizens Union of Georgia
ECHR	European Court of Human Rights
EIDHR	European Instrument for Democracy & Human Rights
FSB	*Federal'naia sluzhba bezopasnosti* (Federal Security Service, Russia)
FSKN	Federal Antinarcotics Committee (Russia)
FSU	Former Soviet Union
GAI	*Gosudarstvennoi avtomobil'noi inspektsii (*Directorate of the State Automobile Inspectorate)
GPO	General Prosecutor's Office
GYLA	Georgian Young Lawyers' Association
IRI	International Republican Institute
ISAB	International Security Advisory Board
IWPR	Institute for War and Peace Reporting
KGB	*Komitet gosudarstvennoi bezopasnosti* (The Committee for State Security)
Kompromat	Discrediting information (blackmail files) used to destroy or neutralise political or economic competitors
Krishivanie (roofing)	Extortion and protection rackets run by organised criminals and corruption officials.
MIA	Ministry of Internal Affairs (Georgia)
MVD	*Ministerstvo vnutrennikh del* (Ministry of Interior - Kyrgyzstan and Russia)
NKVD	*Narodnyi komissariat vnutrennikh del* (The People's Commissariat for Internal Affairs)
NM	National Movement (Georgia)
Nomenklatura	Officials holding key administrative positions in major economic, social and political spheres.
OECD	Organisation for Economic Co-operation and Development
OECD/DAC	OECD Development Assistance Committee
OSCE	□rganisation for Security and Co-operation in Europe
Siloviki	Officials with a background serving in Soviet/post-Soviet security organisations.

SK	Special Investigative Committee of the GPO
SSR	Security Sector Reform
Thieves-in-law	Closed fraternity of criminals emerging from the Soviet prison system, which ran the Soviet, and much of the post-Soviet, criminal world.
UNHCR	UN High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNM	United National Movement (Georgia)
UR	United Russia
WDI	World Development Indicators (World Bank)
WGI	World Governance Indicators (World Bank)
VTsIOM	*Vserossiiskii tsentr izucheniia obshchestvennogo mneniia* (All-Russian Center for the Study of Public Opinion)

Timeline of Major Political Events



Introduction

Since the end of the 1990s, major international actors have increasingly advocated use of democratic police reform and security sector reform (SSR) to improve security, justice and even democracy in developing and transitioning countries and post-conflict zones. SSR refers to policies and projects designed to reform security sectors so that they operate in an effective and democratic manner, respectful of human rights (Schnabel & Ehrhart, 2005a, p.316–317; Hendrickson & Karkoszka, 2005, p.25; Schnabel, 2010, p.4–7). Typically, these include providing security forces with better training and equipment and enhancing democratic oversight over the security sector (e.g. by parliament, civil society). The concept has rapidly become a standard among donors and has shaped international notions of policing and guidance on police reform (Bayley, 2005, p.7–9; Brogden & Nijhar, 2005, p.2; Hills, 2009a, p.71–72; Sedra, 2010b, p.102). After the Arab Spring, for example, various commentators were quick to advocate SSR and police reform to stabilise transitions and consolidate democracy (Carnegie Endowment for International Peace, 2012; Hanlon, 2012; openDemocracy.net, 2012; The Brookings Institution, 2013). A significant amount of Western/international assistance has also been spent on reform. The US expended approximately $635 million on development and support of police abroad in 2004[1] whilst, in Iraq alone, the US spent $194 million on rebuilding the police and military during the first year of the occupation. By 2006, the UK had distributed £533 million to projects which including police training and mentoring, and Japan donated approximately $1.5 billion towards similar programmes (Hills, 2009a, p.90).

There are few successful cases, however, where democratic police reform has resulted in sustainable change and addressed police brutality, corruption or politicisation (Hills, 2009a, p.222–223). Much of this failure has been attributed

[1] Bayley notes donor spending frequently lacks transparency and it is difficult to determine exactly how funds are allocated (Bayley, 2005, p.37). Most of the 2004 figure, for example, is comprised of funds spent on counterdrugs initiatives ($321 million) and anti-terrorism programmes ($131 million) but part of these programmes involve training and capacity building (Bayley, 2005, p.30–33).

to problems with international donors' implementation of reform. Donors frequently overestimate the extent of domestic political will for reform and, when this is lacking, concentrate on its technical rather than governance aspects (Bayley, 2005, p.62–64; Peake, 2010, p.214; Jackson, 2012, p.254–255). In part, however, the impact of democratic police reform in transitioning countries has been limited because most research focuses on international actors' roles (e.g. Holm, 2000; Bayley, 2005; Linden et al., 2007; Marenin, 2007; Bayley & Perito, 2010). Remarkably little research has been conducted on domestic factors which affect police or police reform in such contexts. Overall, there remains, 'a lack of scholarly knowledge about policing systems in the developing world or their interaction with the local political environment, particularly within young democracies.' (Hinton & Newburn, 2009, p.3; See also: Mawby, 1990, p.1; Bayley, 2005, p.11; Stenning & Shearing, 2005, p.168) We thus have a limited understanding of factors affecting the behaviour of police in such environments or of measures that can be taken to reform this behaviour.

This dissertation aims to make a contribution to addressing this research gap by providing an in-depth study of policing, and its interaction with politics, by exploring why police reform has been relatively successful in Georgia but not in Kyrgyzstan and Russia, and by providing a critical analysis of the Georgian reform. Since independence, Kyrgyz and Russian police have had a well-earned reputation for corruption and brutality. Police also remain implicated in organised crime and politicised and, although reform has repeatedly been mooted, any changes which have been instigated have had little impact. Prior to the 2003 Rose Revolution in Georgia police impunity and corruption were probably far worse than in comparison to Kyrgyzstan and Russia (Hensell, 2012; Light, 2013). The old regime's Ministry of Internal Affairs (MIA)[2] was involved in drugs and arms smuggling and ordinary officers[3] openly solicited bribes. This

[2] Internal ministries in former Soviet states are often known by the Russian acronym 'MVD' (*Ministerstvo vnutrennikh del*). I use MVD to refer to interior ministries in Russia and Kyrgyzstan, where Russian is the main or a common language, respectively. When referring to the Georgian interior ministry, I use the English acronym MIA.

[3] It is difficult to find a word equivalent to the English words 'policeman' or 'police officer' to describe police in the former Soviet states. Kyrgyzstan still has a militsiia, rather than a police, based on the Soviet model, as did Russia up until 2011. Strictly speaking, in the Soviet system and

makes the success of the post-revolution government's reforms seem even more remarkable and suggests such policing problems can be reduced quickly with the right policies and under the right conditions. In less than a year, the new government had re-established the state's political and economic control of the police by purging the previous regime's force of its corrupt leadership and around 16,000 officers (Kupatadze et al., 2006, p.94, 97), increasing wages by up to tenfold and cracking down against organised crime. Massive personnel changes curtailed the worst excesses of repressive, patrimonial and corrupt Soviet, and post-Soviet, institutional practices. Reforms had a dramatic impact on reducing corruption and improving perceptions of the police and Georgia was lauded by local and international commentators contrasting the open corruption of the old regime's dishevelled police with the incorruptibility of the new force, now driving around in shiny new patrol cars bearing a striking resemblance to New York's police (World Bank, 2012b, p.13–25). However, they had important limitations. The new police remains politicised, accountable only to personalities within the state and was complicit in a post-revolution redistribution of property that, in some instances, amounted to state extortion.

The contrasting patterns of reform pose a number of pertinent questions: What exactly were the 'right' policies in Georgia? Under what conditions were they achieved? Why were such policies not implemented/successful in Kyrgyzstan and Russia? What were the limitations of the Georgian reforms? Finally, what do the contrasting patterns tell us about the prospects of police reform in other transitioning states?

Police, the state and state-building

In this dissertation, I argue that the relative success of Georgian police reform was attributable to the extent and nature of state-building. I adopt an

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that of many of its successors, the very lowest ranks – privates – are not police 'officers'. The term '*militsioner'* exists but, although it can be used to refer to militsiia personnel, more generally, along with other terms, such as 'employee of the law enforcement organs' (*sotrudnik pravokhranitel'hykh organov*), on occasion it refers only to privates and lower officers (Nekrasov & Polublinskii, 2002, p.274). For the sake of simplicity, in this dissertation, I use 'police officer' to refer to militsiia/police of all ranks, including non-officers. For the purposes of continuity when discussing the organisation and its personnel, I translate 'militsiia' as police.

institutional definition of state-building as the creation of new government institutions or the strengthening of existing ones (Fukuyama, 2005, p.xvii; Rotberg, 2004, p.2–5). In particular, I define it as the process by which the executive branch of the state consolidates its territory to govern, monopoly of violence, collects revenue, enforces its rule of law and develops an effective bureaucracy to fulfil these functions.

I present an argument similar to Paris's 'institutionalisation before liberalisation' thesis. By liberalisation, Paris refers to the introduction of democratisation and market-orientated economic policies to transform post-conflict environments into peaceful and stable ones (Paris, 2004, p.151–178). As an alternative to liberalisation, he advocates that, prior to its introduction, peacebuilders should construct a basic framework of institutions to provide a government with authority: a constitutional court to resolve electoral disputes and uphold articles of the constitution; a reliable police force; a procedure for regulating hate speech in the media; a system for overseeing the conduct of political parties and civil-society organisations; electoral rules designed to reward moderation; a legal framework capable of regulating the market economy; and redistributive mechanisms to protect the welfare of the most vulnerable sectors of the population (Paris, 2004, p.188–205). Paris's argument also has application in low-capacity states (Taylor, 2011, p.20). In this thesis, I adopt the term, 'institutionalisation before democratisation' because reform of the police is more closely identified with democratisation and because of the predominance of democratisation within the literature on police reform in transitioning countries. By democratisation, I am referring to democratisation of the formal apparatus of state power and the construction of the institutions of divided power. This requires open contestation over the right to win control of government and free competitive elections which decide the government (Linz & Stepan, 1996, p.3; Bratton & Van de Walle, 1997, p.108; Cited in: Hills, 2000, p.x).

The new Georgian government was able to implement partially successful police reform because it enhanced executive power to establish a monopoly of violence and implement the measures aforementioned. Police reform has failed in

Kyrgyzstan because there has been no state-building process. Instead, incumbent elites have used the state to support their own patronage networks without building broader constituencies of support, resulting in a fragmented political arena. The police remain criminalised and accountable only to various formal and informal political patrons. State-building is not sufficient, in itself, to improve police performance. There has been substantial state-building in Russia since Vladimir Putin first became president in December 1999 but it has not been used to clamp down on petty corruption or reduce state actors' impunity. This is because the centre relies on patronage and corruption to control political factions, in contrast to post-revolution Georgia where one group dominated the political arena until 2012. Failure of reform in Russia is also attributable to a lack of political will and vision to reform bureaucracies such as the police, which remained dominated by patrimonial governance practices. The new Georgian government's prioritisation of state-building over democratisation was a double-edged sword, however. The revolutionaries improved the ability of the police to maintain their order but they did not strengthen the control or oversight roles played by other actors, such as parliament, local government or civil society. Not only did the new police remain accountable to a tight cohort around the president but the retention of patrimonial forms of governance after the revolution meant that police performance remains dependent on personalities rather than institutions.

Democratic police reform

In contrast to my state-building approach, democratisation approaches dominate scholarly and policy literature on police reform in transitioning states. There is a division within this. Critical theories question the historical and structural content of problems and the interests that may lie behind the use of theory. Problem-solving theories take existing structures and institutions as a given and attempt to resolve problems within these structures (Cox, 1981, p.128–130; Tooze, 2005, p.141–142).[4] Ellison and Pino's work is representative of critical research analysing police reform in the context of broader global trends – in

[4] Mowitt makes a similar point with reference to Foucault and Thomas Kuhn's engagement with epistemology and ontology (Mowitt, 1999).

their case, the nature of international development assistance and globalisation (Ellison & Pino, 2012, p.3; See also: Pino & Wiatrowski, 2006a; Ryan, 2011). They argue that police assistance cannot be separated from neo-liberal forms of globalisation which have fuelled social insecurity and created a market for private security services and a sustained governmental security response (Ellison & Pino, 2012, p.17). This confounds the prospects of successful police reform because it creates huge political and economic inequalities, generates insecurities around crime and fosters development of an often unaccountable and exclusive private security sector. This contributes to repressive policing, often required to deal with the consequences of neo-liberal reforms (Ellison & Pino, 2012, p.211).

The remaining scholarship on reform mainly focuses on police organisation and is divided into critical and problem-solving research. Sheptycki's work fits within the former. He seeks to take advantage of the increasing levels of coordination and cooperation between police globally in order to develop a 'constabulary ethic.'[5] This aims to instil values of transparency, openness, accountability, fairness, effectiveness, the rule of law and democracy into police structures and institutions transnationally (Sheptycki, 2002, p.334–335; Goldsmith & Sheptycki, 2007; Sheptycki, 2007, p.32). Similarly to Ellison and Pino, the principal structural barrier to the constabulary ethic is the 'fragmentary nature of the field of governance globally' because it depicts policing and security practices as the appropriate response to all manner of crimes and disorders (Sheptycki, 2007, p.33–34). Most policy-orientated SSR literature is located in the problem-solving category, along with a number of academic studies on how to promote democratic policing abroad (Holm, 2000; Bayley, 2001; Bayley, 2005; Perito, 2007; Bayley & Perito, 2010). In practice, SSR tends to focus on the state's formal organisations (Sedra, 2010b, p.108; Sedra, 2010a, p.26; Baker & Scheye, 2007, p.505–507). Similarly, police reform missions treat police as important agents of change and concentrate on introducing democratic policing by targeting police organisations, usually via training (Bayley, 2005, p.62–64).

[5] Sheptycki is not focused on promoting the constabulary ethic solely in transitioning states, although he does refer to police capacity-building missions (Sheptycki, 2007, p.55).

The divisions between the various positions taken by scholars mirror those existing within the literature on post-war reconstruction. In the main, debates in this literature revolve around the suitability and implementation of 'liberal peace' models of intervention in post-conflict zones. Paris provides a summary of these models as follows:

> The central tenet of th[ese] paradigm[s] is the assumption that the surest foundation for peace...is market democracy, that is, a liberal domestic policy and a market-orientated economy...Peacebuilding is in effect an enormous experiment that involves transplanting western models of social, political and economic organisation into war-shattered states in order to control civil conflict: in other words, pacification through political and economic liberalisation. (Paris, 1997; Cited in: Ramsbotham et al., 2011, p.198)

Since the end of the Cold War, liberal peacebuilding, at least ostensibly, has dominated major international donors' approaches to post-conflict reconstruction and peacebuilding (Ramsbotham et al., 2011, p.198). The extent of donors' engagement with liberal peacebuilding expanded from a relatively light engagement, characterised by steps to support rapid democratisation and the introduction of market mechanisms, in the late 1980s and early 1990s, to more extensive interventions into conflict zones, purporting to address the root causes of conflict and the needs of a wider variety of local actors (Richmond, 2010a, p.17–23; Sabaratnam, 2011). After 9/11, the policy agenda shifted again towards a greater concern with fragile states, state-building and a focus on security. This resulted in a concurrent shift in emphasis of SSR policy, from holistic, governance approaches to narrower focuses on the development of effective security institutions (Heathershaw, 2008, p.611–616; Paris & Sisk, 2009, p.1–2; Hameiri, 2011, p.200–201; Sabaratnam, 2011, p.23–24).

The policy and problem-solving literature on police reform and SSR (e.g. Bayley, 2005; Bayley & Perito, 2010) is underpinned by an orthodox approach to the liberal peace, which assumes the value of controlling the power of the state by promoting the rule of law, good governance and democratic oversight (Andersen, 2012, p.109–112). Moderate critiques, such as Paris', support the basic underlying assumptions of the liberal peace but critique the universality of its

merits and the formulaic manner in which it often implemented/introduced. Richmond, for example, suggests an alternative approach focusing less on the top-down creation of liberal states and engaging more with local social and welfare issues, via an emancipatory, bottom-up approach to peacebuilding (Richmond, 2009). Similarly Mac Ginty critiques donors' and others' formulaic approaches to liberal peacebuilding which fail to examine the potential contribution offered by local actors, networks and structures and their interaction with more powerful domestic and global actors involved in peace processes (Mac Ginty, 2010). The police studies' scholarship of Ellison and Pino, Sheptycki and Ryan is more closely related to more radical critiques of the liberal peace, which question its goals and assumptions. From a Foucauldian position, Duffield sees the liberal peace as an attempt control and manage the global South, to resolve conflicts, reconstruct societies (in its image) and establish functioning market economies (Duffield, 2001, p.34). In part, the liberal peace is a response by Northern powers to manage the insecurity generated by the expansion of neo-liberal economic and political policies (Duffield, 2001, p.2–9; See also: Pugh, 2005). Chandler sees liberal interventionism as a form of neo-colonialism which Western powers use to assert their hegemony over developing countries (Chandler, 2006, p.1–24; See also: Selby, 2013). There is not space to discuss the strengths and weaknesses of the various positions in this debate in detail but I shall refer to them in relation to the literature on democratic policing, particularly in Chapter 3.

Although the literature on democratic police reform highlights important issues it is mostly focused on problems relating to the police organisation, liberal interventionism or a lack of democratisation. There are three main limitations with this. First, there is a lack of detailed research on the prominent barriers to reform in transitioning states (Cawthra & Luckham, 2003, p.17). This is because there is limited research on police in non-Western contexts. Most research is focused on England, Wales and the US (Mawby, 1999a, p.13). Although an expanding literature has emerged to analyse Western assistance in various transitioning contexts, little research has been conducted which focuses on the police themselves. The result, as described by Brzoska, is that:

> Generally speaking, there is a specific lack of analysis of how security sectors in many countries function, their role in society, their behaviour in crisis situations and their relations to other elites, etc… *As a rule*, *the greatest lacunae relate to institutional and sociological aspects of policing and other non-military security forces*. (Emphasis added. Brzoska, 2003, p.41)

These lacunae exist, in part, because criminology, of which police studies is a sub-discipline, is mostly national in focus, has not taken much notice of global developments and, despite being comparative by nature, is often ethnocentric and parochial (Hardie-Bick et al., 2005, p.1; See also: Karstedt, 2001, p.295). Thus, there has been only a limited amount of research on police in non-Western contexts by criminologists with an in-depth knowledge of these contexts (Ellison & Pino, 2012, p.5). This has hindered development of a theory to explain what determines police behaviour and police reform in such contexts (Ellison & Pino, 2012, p.3). There have been few systematic attempts to develop a theory by which to compare police across countries since Bayley's *Patterns of Policing*, first published in 1985 (Bayley, 1990) and fewer studies comparing police in transitioning states.[6] Comparative research on police in transition is mainly empirical and published in edited volumes lacking detailed theoretical frameworks (Pino & Wiatrowski, 2006a; Haberfeld & Cerrah, 2008; Hinton & Newburn, 2009). The sheer complexity and variety of forms of policing have also stymied development of a theory of policing in transitioning contexts. Forms of policing vary considerably and reflect the unique structures of power relations particular to contexts (Bayley, 1990, p.215; Findlay & Zvekic, 1993, p.7; Marenin, 1996, p.310).

A poor understanding of police in transition has resulted in poor policy. Similar to Carothers's assessment of international rule of law missions, SSR programmes are often conducted on a worryingly thin base of knowledge (Carothers, 2006, p.27). Of particular importance is SSR's continued underemphasis of the importance of politics (Ball et al., 2003, p.38; Baker & Scheye, 2007, p.506; Peake et al., 2006, p.252). A 2005 OECD document notes, for example, that SSR is, 'often suffused with technocratic and apolitical conceptions, often derived from previous, and often unsuccessful, exercises in public sector reform.' (OECD, 2005,

[6] Hills, Hinton and Taylor provide rare examples: (Hills, 2000; Hinton, 2006; Taylor, 2011).

p.86; See also: Caparini, 2010, p.248; Peake, 2010, p.214) Police assistance and SSR missions often fail to analyse the nature and capacity of recipient states and are implemented in contexts where there is insufficient political will for reform (Ball et al., 2003, p.30; Jackson, 2012, p.254). Similarly, Hills' critique of the constabulary ethic could apply equally to the goals of many police assistance and SSR programmes:

> The possibility of developing a genuinely transnational policecraft is…slim. The immediate reason is political, and to do with power, but the deeper reason is that sub-state policing realities invariably outweigh the idealism and universalising tendencies of liberal commentators and organisations. (Hills, 2009b, p.301)

A second problem is that there is an assumption in the literature that democratic police reform must be implemented in its entirely and concurrently with democratisation of the political system. Pino and Wiatrowski state that:

> Reforming policing in a democratic form is not likely to succeed unless we also work on democratising the state and its institutions in general, reducing corruption, building social capital, including marginalised groups and women, reconciling ethnic and other forms of conflict, and working towards genuine socioeconomic development and the enhancement of citizen and institutional capacities. (Pino & Wiatrowski, 2006b, p.113)

Similarly, in her study of policing in Brazil and Argentina, Hinton argues that democratic police reform must be accompanied by broader measures of democratisation to address the lack of accountability and respect for democratic norms in the government system overall (Hinton, 2006, p.199–200). Hinton and Newburn maintain that 'democratic political and police reform are intertwined. One cannot endure without the other' (Hinton & Newburn, 2009, p.23; See also: Ellison & Pino, 2012, p.210–212). It is far from clear, however, that democratisation and democratic police reform can overcome the significant barriers to reform which exist in transitioning countries, such as the existence of powerful spoilers including warlords, local strongmen, organised crime groups, vigilantes, etc. What exactly constitutes a 'spoiler' may be contested but the SSR and police reform literatures have done little to conceptualise how reform can be implemented against the resistance of powerful actors. Instead, they tend to take a romanticised view of 'the local', consisting of civil society groups or NGOs supportive of democratic policing (Murphy, 2007, p.250). This ignores that, in

the same contexts, the 'local' can also consist of groups with little interest in, and even diametrically opposed to, reform (Jackson, 2012, p.264).

The third problem is that there is little research on the conditions under which it is possible for reformers to emerge with the capacity to implement reform or on the long-term processes which produce barriers (Egnell & Haldén, 2009). The existing literature correctly identifies that the nature of policing and the success of police reform are both dependent on politics. Hills, for example, argues that police are relatively passive and reactive to political changes:

> The reason is that police are content to be used; they rarely have an ideological stake in the political regime of their country… Typically, they are adjuncts to groups that control resources more directly. (Hills, 2009a, p.207)[7]

The literature is less clear on how reform can be implemented when there is only partial political will for it. Incumbents within the executive may, for example, support reform but face prominent political and/or popular opposition. Will is either assumed to be absent or present, the latter usually as a result of a 'pacted' agreement between previously opposed elites (Kupatadze, 2012b, p.41). There is little discussion of how reform can be implemented when there is only a modicum of support for reform and substantial opposition. The literature has also largely ignored that on state-formation (Egnell & Haldén, 2009; Taylor, 2011, p.22) and, consequently, failed to understand adequately that reform is a type of social engineering (Egnell & Haldén, 2009, p.29). It is often simplistically assumed that democratic security arrangements can be created, and be effective, in contexts without functioning state structures, or a history of these (Hills, 2009a, p.20, 72). Many of the states for which police reform is advanced, however, lack the capacity to implement reform (Baker & Scheye, 2007, p.507). They are characterised by 'artificial and imposed borders, heterogeneous and divided populations and privatised and personalised structures, where traditional notions of kinship, religion and community matter more than modern ideas of citizenship and nationality.' (Baker & Scheye, 2007, p.508; Andersen, 2007, p.23–24)

[7] For similar points, see: (Bayley, 2001, p.35–36; Ellison & Pino, 2012, p.210).

This dissertation aims to make a contribution to address the outlined research gaps by examining the relationship between the state and police in transitioning countries and by exploring the relationship between police reform and changes in state capacity and governance types. There has, however, been little crossover between research on police reform and state-building (B. Wilson, 2010, p.9). There has been a notable neglect of law enforcement structures in comparative politics and within the statist literature more specifically (Taylor, 2011, p.11; Tanner, 2000, p.101).[8] In the scholarship on the post-colonial state, too, little research has been conducted on the dynamics and forms of security, authority and governance in low-capacity states (Andersen et al., 2007, p.16). Before expanding on the structure of the study, I shall first define some key terms and measurements.

Key terms and measurements

Transition

I use the term 'transitioning states' to refer to states emerging from a long period of non-democratic rule. It is far from clear that many of the states undergoing transition are doing so towards the democratic and market systems assumed by the early literature on the subject (Carothers, 2002, p.6–7; Cawthra & Luckham, 2003, p.13). I do not doubt that the term is often applied to a range of diverse and varied states and trajectories but I do not use it with the assumption of a clear end goal in terms of transition.

The police

I define the police as follows:

> Police are those persons authorised by a political authority to maintain an order defined by this authority as proper. In so doing, they are authorised to address all sorts of internal problems at the point of occurrence when and insofar as their solutions do, or may possibly, require the use of force.[9]

[8] Ball notes that during the Cold War little effort was made to understand the complex dynamics that shaped relationships between civilian and security elites (Ball, 2010, p.30).
[9] This definition is a combination of Cain's, Bittner's and Bayley's (Cain, 1979; Cited in: Hills, 2009a, p.49; Bittner, 1980, p.44; Bayley, 1990, p.7).

Police reform is dependent on state-building because police are defined by the state.[10] They are, to use Manning's description, 'Leviathan enacted' (Manning, 1997, p.20). Only police are authorised by a political authority to deal with all manner of problems which, 'may possibly require the use of force at the point of their occurrence.' (Bittner, 1980, p.44) The police also perform a social order function and, 'are appointed with the task of maintaining the order which those who sustain them define as proper' (Cain, 1979, p.2; Cited in: Hills, 2009a, p.49). Exactly what that order consists of varies from context to context but, regardless, it is the political authority which defines the propriety of the order and, in most modern contexts, that authority is the state.

Other definitions of the police lack universality. Police cannot be defined by function because there is huge variation in the type of functions different police perform across the world. Russian police register passports, Israeli police work as traffic wardens and UK police do neither of these things (Mawby, 1999a, p.17–18). In many countries, politicians, the media and members of the public define the police according to their crime fighting function (Bittner, 1980, p.123; Hough, 1996; Cited in: Wright, 2002, p.22; Waddington, 1999, p.4; Bayley, 1990, p.18). However, crime fighting only encompasses a fraction of what police actually do. Mawby states that legitimacy is incorporated into most definitions, along with function and structure. In his use of the term, 'legitimacy' refers to the overseeing of police by some 'political authority' (Mawby, 1999a, p.20). Whilst all police are defined by their political authorisation, the term 'legitimacy' is also used to refer to the popular acceptance of an authority and this is not a *defining* characteristic of the police.

The police are important because they are often the security institution which has the most impact on people's lives (OECD, 2007, p.163). Their authorised use of force provides them with substantial power and, in practice, the vast majority of their activity is unobserved by their superiors or any other actors (Reiner & Newburn, 2000, p.219). This, 'creates favourable conditions for the expression of

[10] For a discussion of policing functions performed by non-state actors, see: (Findlay & Zvekic, 1993). On bottom-up strategies to provide policing, incorporating non-state actors, see: (McEvoy & McGregor, 2008; Baker, 2007).

personal prejudice and for the advancement of corrupt interest.' (Bittner, 1980, p.108) Although there may be mechanisms to try to make police accountable for their actions (internal reporting processes, courts, etc.), most interactions between police and citizens are observed by no-one other than the police and the citizens involved and perhaps a few passers-by (Reiner, 2000, p.86). When combined with the sizeable inventory of powers usually available to them, this means that 'any policeman worth his salt ought to be able to arrest almost anyone on formally defensible grounds, with relatively little effort.' (Bittner, 1980, p.108) Finally, police are important because they can reinforce the state's power. The police are the 'state on the streets.' (Hinton, 2006, p.4) Police may be able to exhibit a high degree of discretion in the performance of their tasks but, because they are authorised and, to varying degrees, economically dependent on the state, it has substantial leverage over them.

The state

I adopt Migdal's 1988 Weberian definition of the state as:

> An organisation composed of numerous agencies led and coordinated by the state's leadership (executive authority) that has the ability or authority to make and implement the binding rules for all the people as well as the parameters of rule-making for other social organisations in a given territory, using force if necessary to have its own way. (Migdal, 1988, p.19)

The state dictates, at the very least formally, the normative framework in which police work and has a key role in making the rules in most large societies. As Mann notes, 'There are no civilised societies without any centre of binding rule-making authority, however limited its scope' and most societies have therefore developed states (Mann, 1986, p.119–120). There are contexts where the state is weak and/or rules are created and enforced by other individuals and groups (e.g. families, businesses, organised crime groups) but, formally, they must either be set within the parameters set by the state or they will be in conflict with it (Migdal, 1997, p.226). The police may have some discretion in enforcing the state's rules but, in many cases, they have to frame their actions either within, or against, the rules of the state.

To examine the relationship between the police, police reform and the state, I use two indicators of state performance: state capacity and state quality. State capacity, similar to Mann's term *infrastructural power,* is 'the capacity of the state…to penetrate civil society, and to implement logistically political decisions throughout the realm.' (Mann, 1986, p.113) Transitioning states often have low state capacity. Many post-colonial states, for example, have little penetration into society and are dominated by personalised forms of governance, an incomplete monopoly of violence and limited control over the state's territory (Andersen et al., 2007, p.8). In contrast to infrastructural power, these states' authority is maintained by the *despotic power* of the organisations and individuals in charge of the state. This is 'the range of actions which the elite is empowered to take without routine, institutionalised negotiation with civil society groups' (Mann, 1986, p.113). In sum, despotic power is the power the state elite has over civil society, whilst infrastructural power is the power of the state to penetrate and centrally coordinate the activities of civil society through its own infrastructure (Mann, 1986, p.114). Whereas a high-capacity state can implement routine decisions, a despotic state lacks the infrastructure to penetrate and coordinate social life (Mann, 1986, p.135). States assert their capacity primarily via their core administrative, legal, extractive and coercive capabilities (Skocpol, 1985, p.7). I use the term 'state quality' to assess the degree to which the states under study are democratic. By state quality, I am referring to, 'whether the state and its officials serve the interests of the population in a fair manner that promotes the general welfare' (Taylor, 2011, p.17). I discuss these terms and my methodology further in Chapter 1.

Police reform and state-building in the former Soviet Union

In Chapters 2 and 3, I explore the aforementioned theoretical details more closely. Chapter 2 investigates the relationship between the police and the state, in transition states. I argue that where state capacity is low, the police are likely to be involved in crime and corruption. Additionally, state quality is also low in many transitional states dominated by neo-patrimonial forms of governance. The police replicate this. Instead of observing the rule of law, they defend state

elites' political and economic interests. Chapter 3 explores the relationship between police reform and state-building and I argue that institutionalisation before democratisation may offer a more realistic alternative to democratisation in overcoming the obstacles created by low state capacity and poor state quality during the early stages of reform.

In the remaining chapters, I examine evidence in support of my argument on the basis of a comparative analysis of policing and police reform in Georgia, Kyrgyzstan and Russia (n.b. I provide further detailed references in each chapter). Most of the research on police in the former Soviet Union (FSU) focuses on Russia, however, there are important limitations. Historically, the more powerful political police, the KGB,[11] and its successors, has gained more attention, domestically and by scholars, than the ordinary police under the remit of the interior ministry (Knight, 1988; Knight, 1996).[12] There have, nevertheless, been several works on post-Soviet policing, generally, and/or reform (Shelley, 1996; Uildriks & Reenen, 2003; Beck & Robertson, 2009a; Taylor, 2011; Semukhina & Reynolds, 2013). Other studies focus on particular aspects of policing, such as: public perceptions of the police; police violence; corruption; police links with organised crime; and human trafficking (See Chapter 5). Relatively few major works, however, provide a thorough analysis of the impact of political transition on the police (With the exception of: Shelley, 1996; Volkov, 2002; Taylor, 2011).[13] Most of the work has also been quantitative.[14] Gladarev states that only six qualitative studies have been conducted in Russia and these suffer from a methodological bias as they were carried out by staff affiliated with the Russian Ministry of Internal Affairs (MVD)[15] (Gladarev, 2012, p.7).

The article I co-authored with Kakachia is one of the few pieces comparing police reform and state transformation in the FSU (Kakachia & O'Shea, 2012; See also: Marat, 2013). A few scholarly articles and chapters have been written on the

[11] *Komitet gosudarstvennoi bezopasnosti* (The Committee for State Security).
[12] Conquest provides a rare study of the Soviet police (Conquest, 1968).
[13] Volkov's study is not explicitly on the police but explores the commonalities between security actors and figures from the organised crime and business worlds.
[14] For a rare qualitative study, see: (Voronkov et al., 2011).
[15] See Footnote 2.

Georgian police reform (Boda & Kakachia, 2005; Kupatadze et al., 2006; Light, 2013; Marat, 2013). There are also a number of either short scholarly pieces or reports written for think-tanks/NGOs (Devlin, 2009; di Puppo, 2010; Slade, 2011). Very little sociological research, however, examines how police and state institutions mould officers' behaviour. Hensell's comparison of the Georgian and Albanian police is the exception but its focus is on police prior to the Rose Revolution (Hensell, 2012). Uzakbaev's conference paper is the only general study I found of police in Kyrgyzstan. I wrote the only ethnographic/sociological article on the Kyrgyz police on the basis of the research conducted for this dissertation (O'Shea, Forthcoming). A 2002 report by the International Crisis Group and a couple of pieces by Marat are the only account of reforms in Kyrgyzstan (International Crisis Group, 2002; Uzakbaev, 2009; Marat, 2010; Marat, 2013).[16]

The three cases provide an ideal 'laboratory' with which to study police in transition and this study is the first of its kind to extensively link the literature on policing and police reform in the FSU with the more theoretical literature on police and police reform in transitioning countries. Initially, this project started as a two-way comparison between Georgia and Kyrgyzstan. Georgia was included because of the scope and publicised success of its police reform. Kyrgyzstan is the most open environment in which to conduct police research in Central Asia. It provided a good contrast with Georgia because it is also relatively small and has an equivalent-sized population; both countries inherited the Soviet model of policing and experienced similar policing-related problems in the post-Soviet period, yet, unlike Georgia's, Kyrgyzstan's police reform has been unsuccessful. The contrasting patterns of reform therefore offered an opportunity to examine why reform was relatively successful in one context but not the other. Russia was added to the project in 2010 for the following reasons. First, most of the literature on police in the FSU, their history and related topics, is written about Russia. A reading of this revealed similar policing-related problems as in the other cases (up to 2003 in Georgia). Including Russia as a

[16] Lewis' review of the Organisation for Security and Cooperation in Europe's police activities in Central Asia also has sections on Kyrgyzstan (Lewis, 2011).

third case, therefore, provided more evidence with which to explain police behaviour and contrasting patterns of police reform.

Table 1 Major demographic and geographic features – Georgia, Kyrgyzstan and Russia

	Georgia	Kyrgyzstan	Russia
Population	4,556,000	5,548,000	142,500,000
Major ethnic groups	Georgian 83.8%, Azeri 6.5%, Armenian 5.7%, (2002 census)	Kyrgyz 64.9%, Uzbek 13.8%, Russian 12.5%, (1999 census)	Russian 79.8%, Tatar 3.8%, Ukrainian 2%, (2002 census)
Urbanisation	52.8% of total population (2011)	35.3% of total population (2011)	73.8% of total population (2011)
Size	69,700 sq km (Approximately the size of the Republic of Ireland)	199,951 sq km (Approximately the size of Great Britain, not including Northern Ireland)	17,098,242 sq km (Approximately 1.8 times the size of the US)
Geography	Largely mountainous with some good arable land in river valley flood planes. Coastline on the Black Sea.	Landlocked and mostly mountainous, situated at the peaks of the Tien Shan mountain range.	Varied. Broad plains west of the Urals; vast coniferous forest and tundra in Siberia; mountainous southern border regions.

Source: (CIA, 2013)

I examine the contrasting patterns of police reform by generating four research questions. Because Georgia offers a rare example of a relatively successful police reform, the dissertation allocates more space to a critical exploration of police reform and state-building in Georgia.

The first question is:

> What have been the most important factors which have shaped police behaviour in Georgia, Kyrgyzstan and Russia since the collapse of the Soviet Union?

I answer this question across Chapters 4 and 5. Chapter 4 provides an analysis of the post-Soviet policing environment by examining changes in state capacity and state quality. After the collapse of the Soviet Union, Kyrgyzstan, Russia and Georgia underwent a quadruple transition consisting of the introduction of democracy, market institutions, the difficulty of establishing sovereign states and the search for national identities to match the new states (G. Smith, 1999; Kuzio, 2001). The result of this was open contestation for the state, ethno-nationalist conflict and economic collapse. State quality remained low because, in addition

to these challenges, each country lacked an effective set of political institutions to regulate political conflict, distribute economic goods fairly and establish the rule of law. Instead, the states' political societies were characterised by weak constitutional structures and patrimonial forms of governance, precipitating factional politics and extensive elite corruption (Whitmore, 2004, p.3; Colton, 2006, p.7).

In Chapter 5, I examine how the police responded to these changes in their environments. The decline in state capacity meant that the new states lost their economic leverage over their police. The result was increased police collaboration with organised crime groups. Furthermore, the police became criminalised independently of organised crime and preyed on their populations through racketeering and systematic corruption (Gerber & Mendelson, 2008; Taylor, 2011, p.162–185). The barriers to democratic policing were not entirely caused by economic factors, however. Police in these countries remained politicised, patrimonial and corrupt because they were empowered by politicised, patrimonial and corrupt political elites. Additionally, each state retained Soviet-era legal codes and institutional practices and hierarchical, militarised policing models (Beck & Robertson, 2005; Gladarev, 2012; Semukhina & Reynolds, 2013, p.119–164, 201–242). Being accountable only to executive authorities encouraged and perpetuated police corruption and violence.

In Chapter 6 I examine the second research question:

> Why has police reform been relatively successful in Georgia?

The police reform was relatively successful because it was part of the state-building programme implemented by the new government, following the Rose Revolution (Areshidze, 2007; Cheterian, 2008, p.695; Welt, 2009, p.198; Jones, 2012, p.9–10; Kupatadze, 2012a, p.19; Lazarus, 2013, p.20). Led by President Mikheil Saakashvili, the government quickly enhanced its power by altering the constitution and using patronage to gain control of state institutions and the regions. It used this power to regain central control of Ajara, a territory run by a

regional warlord as a private fiefdom, to monopolise their control over political society, to increase state revenue and to implement an anti-corruption drive throughout the public sector. The government regained economic control of the police by raising salaries, purging the police organisation of the previous regime's staff and by implementing various institutional reforms, such as competitive recruitment, to curtail opportunities for corruption (Slade, 2011; Light, 2013). This created a more effective and law-abiding police force. The success was contingent on the ambition of the new elite to tackle petty corruption. Ultimately, state-building under the new elites was possible because of the weakness of the previous regime and existence of a strong Georgian nationalism, which provided the revolutionaries with a vision of the state to rally support around.

The third research question is:

> Why has police reform been unsuccessful in Kyrgyzstan and Russia?

Chapter 7 explains that there has been little police reform in Kyrgyzstan because no elite group has been capable of consolidating state power and acquiring the capacity to implement reform. Neither state-building nor police reform have been possible because the country's political society is fragmented and, at times, violently contested (Radnitz, 2006; Lewis, 2008; Juraev, 2008; Cummings & Ryabkov, 2008, p.247–249; Radnitz, 2010b; Temirkulov, 2010; Collins, 2011; McGlinchey, 2011). Incumbent elites have lacked the will to reform and relied on despotic power to support their own patronage networks, without building broader constituencies of support. The central state, therefore, has little control over the police, which has remained corrupt and/or under the influence of regional/criminal power brokers. This fractured political environment is partly attributable to the development of the Kyrgyz state. Unlike Georgia, the country has little history as an independent state or experience of processes which could produce a homogenising nationalism. Kyrgyzstan was imposed by the Soviets on a largely nomadic and diverse population in the early 1900s and there is no shared vision of the state with which to legitimise incumbent elites or the police.

Russia has a more established state and the existence of a widely shared nationalism. Since 2000, state-building has enhanced the capacity of the executive (Colton & Holmes, 2006; Cappelli, 2008; Easter G.M., 2008; Taylor, 2011). It introduced laws, regulations and a new administration structure to increase its control of the appointment and dismissal of regional governors; undermined the independence of the Russian parliament; and established a cohort around the executive consisting of personnel loyal to Putin. The regime has used its executive powers to attack political opponents and increase the state's ability to gather revenue. State-building has not resulted in drastic improvements in policing however (Taylor, 2011; Gladarev, 2012; Kakachia & O'Shea, 2012; Solomon, 2013). Although the state has regained control of the police and other security actors, and introduced a well-publicised reform programme in 2009, these remain able to prey on the population as long as they continued to answer to the demands made of them by political elites. Effective reform has not been possible because, unlike Georgia, the central state has not had enough political power to challenge the power of other key political figures or police leaders who continued to benefit economically and politically from corruption. Russian political society is characterised by the central government balancing the interests of competing factions. Moreover, the executive is dominated by men socialised into Soviet norms of governance which privilege maintaining central control and limits on corruption via loyalty, discipline and order rather than investigating and investing in alternative measures, such eliminating the economic relational aspects of police corruption.

The final research question is:

> What are the limitations of the Georgian police reform?

Chapter 8 argues that the new Georgian elite's prioritisation of state-building over democratisation limited the effectiveness of the police reform. Before they were voted out of office in October 2012, the elite developed the powers of the executive, constitutionally and via patronage, but placed considerably less emphasis on strengthening institutions which can act as a check on and distribute state power (e.g. parliament, the judiciary, the media, civil society)

(Areshidze, 2007; Mitchell, 2008; Jones, 2013, p.107–178). It also equated any opposition with a threat to the state. At the same time, it implemented a controversial anti-corruption policy which seized the property of organised criminals and corrupt officials, benefitting not only the state but also new elites' private economic interests. Furthermore, the new government's neo-liberal economic policies did not improve the economic fortunes of the vast majority of the population. Increasingly unpopular, the revolutionaries relied on coercion to target political opponents and also to push through their reforms. The new police replicated the new government. Although considerably less corrupt and violent, it lacks transparency and is accountable only to the executive. Consequently, the police remained politicised, was implicated in cases of high-level corruption and was often immune to punishment following incidents of police violence. Whilst the elites' prioritisation of state-building may have been required to establish capacity for the initial stages of reform, their subsequent failure to institutionalise the democratisation of reform may be a threat to its success, as the performance of the police remains closely associated with personalities, rather than institutions (di Puppo, 2010; Slade, 2011; Light, 2013).

Conclusion

The contrasting patterns of reform have a number of implications for the study and practice of police reform in transitioning states. First, the cases demonstrate that police behaviour is intricately related to state capacity and state quality. Where state capacity is low, police are almost inevitably corrupt and involved in organised crime. They also reflect patterns of governance as propagated by the state elites upon whom they are usually, at least partially, dependent. Democratic police reform, therefore, depends on establishing the state's capacity and on state elites with a genuine interest in reform. Second, an institutionalisation before democratisation approach may offer a more realistic means of implementing reform in low-capacity states, and those with a legacy of high levels of corruption, organised crime and neo-patrimonial politics, than attempting to introduce all aspects of democratic police reform concurrently. Democratising the police entails dispersing and weakening the state's control

over it. Before doing so, however, it is first necessary to establish the state's control of the police and its authority vis-à-vis security actors with no interest in democratic policing (e.g. organised crime groups). Improving police *effectiveness* and their observation of *equality in law,* by clamping down on corruption/links with organised crime, is more important, in the early stages of reform, than seeking to improve *legitimacy* or *accountability* by enhancing the role of parliament, local government, the judiciary or civil society.

Third, institutionalisation before democratisation is considerably more likely to be successful where there is some sort of bond linking members of the polis. The lessons we can draw from the contrasting patterns of reform, particularly the relative, although partial, success in Georgia, should therefore be treated with great caution before they are used to inform reform options in other transitioning contexts. Reform upsets existing patterns of relations and generates winners and losers but its success is dependent on the new police establishing their authority. Unless there is a bond such as nationalism which can legitimate this authority, success is unlikely. Finally, even if the structural preconditions for successful reform are present, institutionalisation before democratisation is a potentially repressive process and the costs of attempting it may outweigh potential benefits. Institutionalisation before democratisation can establish the requisite capacity required for reform but this capacity can be used for elites' private political or economic interests or to empower one group over another. A failure, in the long run, to ensure that reforms are dependent on democratic institutions can therefore undermine any policing gains achieved in the short-term, by enhancing state capacity. Exactly when institutionalisation before democratisation should be succeeded by democratisation remains unclear, however.

Chapter 1 – Methodology

In this dissertation, I analyse the relationship between changes in police performance, state capacity and state quality. I assess police performance in Georgia, Kyrgyzstan and Russia against six indicators of democratic policing (effectiveness, observance of equality in law, legitimacy, accountability, observance of human rights, sustainability). I assess state performance by examining the constituent parts of state capacity (a territory to govern, a monopoly of violence, the ability to enforce the rule of law, an effective bureaucracy) and state quality (democratic political society, equality in law, civil society, economic society, legitimacy). Due to their complexity, I do not attempt comprehensively to assess all the components of state capacity and state quality. Rather, I focus my analysis primarily on the state's coercive apparatus, its ability to enforce the rule of law and on each state's political society. The analysis I conduct consists of two parts. First, I examine the relationship between the capacity and quality of the states and the performance of their police (Chapters 4 and 5). I assess policing, state capacity and state quality using information gathered from fieldwork interviews and a comparative-historical analysis. I also use survey data to measure police performance and a number of indices to measure state capacity and quality. In the second part (Chapters 6, 7 and 8) of my analysis I account for the process of change by examining the relationships between changes in state capacity and state quality and police reform in the cases.

Timeframe

The cut off date for the information gathered is the end of 2012 for Georgia and Russia and the end of 2011 for Kyrgyzstan. These periods coincide with important elections for control of executive power (Hale, 2005) which provide a good marker by which to establish timeframes for study. Occasionally I source data outside of these periods.

Limitations

There are several important caveats to my methodology. First, breaking the concepts of democratic policing, state capacity and state quality into component parts reduces, but does not remove, their inherent ambiguity. The concept of democratic policing, for example, is controversial. Manning argues that a 'disconnect' has developed between the idea of policing as democratic and how policing is actually practiced in Anglo-Saxon countries – as a means, primarily, of controlling crime (Manning, 1997, p.29–32; Manning, 2010, p.135). Consequently, 'democratic policing', or the related concept of 'community policing', are exported as nothing more than 'empty buzz words' which ignore specific cultural, historical and economic traditions of host nations (Manning, 2010, p.95; See also: Brogden & Nijhar, 2005, p.1–3, 228–235). Both the police and state are defined, in part, by their coercive power. The very existence of power is often very subjective. Not only is it about resources, it is also about 'the socially structured and culturally patterned behaviour of groups and …is always a relational phenomenon.' (Hills, 2009a, p.15) The legitimacy of the police or the state remains subjective and dependent on the situation and actors involved.

Second, it is difficult to measure police and state performance accurately because both provide services and there is no clear set of criteria to judge their output (Fukuyama, 2005, p.74–79). The variety in police work means it lacks specificity. Unlike a jet mechanic, for example, whose failure would be obvious, it is often difficult to measure whether an individual officer has performed a useful social function by arresting a juvenile, pulling over a car just over the speed limit, or hitting a protester.[17] Breaking down the concepts above into component parts, nevertheless, provides greater analytical clarity. Doing so allows me to identify that particular *aspects* of democratic policing, notably efficiency and observation of equality in law, relate to particular aspects of democratic stateness (rule of law, a monopoly of violence, an effective bureaucracy, equality in law, etc.). This

[17] Fukuyama contrasts the high specificity of the mechanic's work with the low specificity of that of a high school careers advisor (Fukuyama, 2005, p.76). As is the case with the advisor's work, it is also difficult to monitor the successful output of police work.

is more productive than trying to assess the relationship between the concepts as ambiguous wholes.

Third, I do not profess that a democratic state or democratic policing are universally the most appropriate means of ordering a polity and maintaining this order. There are many contrasting versions of democracy and, furthermore, democratisation and marketisation may have powerful de-stabilising effects. At the same time, I maintain that democratic models of policing generally provide a fairer means of ordering society than other state police models. My main point, however, is that the components of democratic policing require components of a democratic state. If we are to understand the conditions under which democratic policing can be achieved, holistically or partially, we must also examine which components of a democratic state these relate to, and the conditions under which these can be achieved. Assessing the component parts of these concepts is a way of navigating through their ambiguity.

I will discuss further limitations more closely related to specific methodological points in the sections below.

Measuring democratic policing

To measure democratic policing I use criteria adapted mainly from Jones *et al*.'s criteria of democratic policing and the PRIME System,[18] developed to measure the success of post-conflict police reform (Jones et al., 1996; Bajraktari et al., 2006). Overall, there is a dearth of measurement systems to assess the impact of democratic police reform in transitioning countries (Bajraktari et al., 2006, p.14).[19] Those which exist tend to be *ad hoc* and focus on particular quantitative outputs of reform, which are often of limited utility (e.g. numbers of officers trained) (Bajraktari et al., 2006, p.16; Peake & Marenin, 2008, p.62–64). The list below provides a more holistic set of criteria to which democratic police must conform.

[18] Police Reform Indicators and Measurement Evaluation.
[19] Bajraktari *et al*. refer to measuring the impact of most post-conflict police reform but the same applies more generally.

The criteria can be used to assess police performance but are not dependent solely on the police themselves. Police performance is dependent on circumstances outside the control of the police (Bayley, 1990, p.74). For example, a force can have an excellent record on human rights but the degree to which it is considered legitimate can depend on the legitimacy of the government, the reporting of incidents and other factors which have little to do with the performance of the police.

Effective

To be effective, police must have authority and reach (Jones et al., 1996, p.191; Bajraktari et al., 2006, p.21). They need sufficient resources (e.g. manpower, equipment) and levels of training, but the authority of the police depends on more than this. It is important that they have no substantial challengers, such as organised crime groups or vigilantes. Democracies rely on the equal application of rules but where non-state actors effectively challenge the social order, or solve internal problems according to their own criteria, there are conflicting sets of rules and standards.

Equality in law

The police must enforce the rules on offenders or suspects equally, regardless of status, ethnic background and so on (Jones et al., 1996, p.190–191). The police should observe the rules set down by the state in a democracy and not engage in arbitrary, corrupt or abusive use of their powers (Caparini & Marenin, 2004, p.6). In reality, there is no such thing as a perfect democracy and in many states democratic norms are in conflict with formal legal codes (Schwendinger & Schwendinger, 2001). It may be considered more just, by the vast majority of citizens, for the police *not* to apply the law in certain circumstances, as when an out-dated law would see a juvenile heavily punished for a minor offence. In an ideal-type of democracy, however most rules and regulations are considered to be just. Similarly, the rules and norms which govern police culture must also be just. Police must be recruited, promoted and assessed on merit, rather than

favouritism, and be disciplined according to official regulations, rather than the whims of personal relationships.

Legitimacy

A democratic police force needs to be legitimate. A democratic police force has gained the trust of the vast *majority* of individuals and communities it serves. In doing so, it reflects the morality and norms of the society in which it works and is seen to protect society in a just fashion (Caparini & Marenin, 2004, p.5–6). Legitimacy means that there is public recognition and sanction of the police's monopoly on the use of force (Bajraktari et al., 2006, p.26).

Accountability

Even in an ideal-type of democracy, police will make mistakes and there will be incidents of corruption and the abuse of police powers (Caparini & Marenin, 2004, p.6). A democratic police is held accountable for its actions. Individuals who claim to have been wronged by the police have their complaints investigated and are compensated for any wrongdoing. Furthermore, there should be mechanisms in place to remove malevolent or incompetent police. In order to be accountable, the public require access to information on police staffing, resourcing and, especially, budgeting (Jones et al., 1996, p.192).

Human rights

The police can be viewed as legitimate by the vast majority of citizens but can still abuse the rights of individuals and minority groups.[20] Democratic police should therefore be assessed by their ability to observe human rights. In addition to adhering to the criteria above, they should respect the dignity of individuals and any use of force should be necessary and proportional (UNHCR, 1996, p.3).

[20] Hills, citing Bratton and van de Walle, also notes that democratisation is not the same as liberalisation. Whereas the former refers to the institutionalisation of mechanisms to divide political power, the latter concerns the relaxing of government controls on citizens (Bratton & Van de Walle, 1997, p.108; Cited in: Hills, 2000, p.x).

Sustainability

A democratic police force needs to have a sustained capability to be effective, otherwise democratic policing is liable to be undermined by corrupt or non-state actors with greater capacities (Bajraktari et al., 2006, p.27–29). The remaining five democratic criteria must also be institutionalised, acquiring protection from a body of rules rather than being subject to selective application, particularly by powerful political individuals/groups. This is vital to ensure the sustainability of democratic policing and prevent too much policing power being concentrated among a few individuals or groups, potentially undermining the equality central to the practice of democratic policing (Jones et al., 1996, p.191–192).

Data

I use a mixture of quantitative and qualitative methods to assess the degree to which police in my case studies conform to the criteria above.

Surveys measuring trust in the police provide an approximation of their legitimacy, whilst polls on police corruption and violence are indicative of the extent to which the police act in accordance with equality in law and are held accountable. The main polls used in this study are:

- Trust in the police – Sources: International Republican Institute (Georgia and Kyrgyzstan); Caucasus Research Resource Center's Caucasus Barometer (Georgia); The Levada Center (Russia); European Social Survey (All cases).
- Experience of police corruption – (OSCE, 2007a; OSCE, 2007b) (Kyrgyzstan); Caucasus Research Resource Center's Caucasus Barometer (Georgia); (Beck & Lee, 2002; Wilson et al., 2008; VTsIOM, 2010; Levada Center, 2012) (Russia); European Social Survey (All cases);
- Experience of police violence – (Gerber & Mendelson, 2008; Gilinskiy, 2011) (Russia);

Generally, however, there is limited quantitative data which focuses specifically on the police in the FSU. This is especially the case with both Georgia and Kyrgyzstan. That which does exist must be treated critically. As Lewis notes, opinion polls are often unreliable in Kyrgyzstan, where they are based on small samples and do not provide a robust indicator of perceptions or opinions (Lewis,

2011, p.50).[21] For all three countries there are insufficient polls based on the same framework with which to track changes in policing accurately over time on the basis of quantitative information.

Quantitative measurements of police activity rarely capture the complexity of policing, nor do they explain police behaviour. To provide more in-depth research, I conducted interviews in Kyrgyzstan (April – May 2011) and Georgia (July – August 2011) (See Appendix A). These were preceded by prolonged periods studying Russian in Kyrgyzstan (July – December 2008) and Russia (February – November 2010), during which time I also conducted basic fieldwork. Qualitative fieldwork enables the researcher to develop a 'thick description' of the subject matter (Bevir & Rhodes, 2002, p.136–137). The interviews were semi-structured. A list of questions was prepared in advance (See Appendix B) and questions were taken, or adapted, from this depending on the information sought from the interview respondent. A particular effort was made to interview serving and former, low-ranking police who were representative of the police citizens were most likely to meet. My aim was to meet them informally, where they were more likely to be open and frank, and to discuss their routines and the opportunities/constraints facing them. Further interviews and discussions were conducted with actors from various social spheres, ranging from NGO workers and politicians to taxi drivers and the staff of international organisations.[22] Many respondents agreed to be interviewed on condition of anonymity and their names are not disclosed. In March 2011, I also visited the archive of the Organisation for Security and Cooperation in Europe (OSCE) to access field reports from its missions in Georgia and Kyrgyzstan.

Studying the police in any context is difficult because researchers are usually interested in controversial issues which police may wish to keep secret (Reiner & Newburn, 2000, p.218). Furthermore, hierarchical police organisations are often closed to outsiders (Reiner & Newburn, 2000, p.225). These problems were accentuated during my fieldwork, for two main reasons. First, police

[21] For a critique of polling in developing countries, see: (Gill, 1993, p.9–12).
[22] See Appendix A. Hinton adopted a similar strategy in her study of police in Argentina and Brazil (Hinton, 2006, p.206).

organisations in the FSU have long traditions of being closed to external scrutiny. In Kyrgyzstan, for example, information on the MVD's budget and details of internal control and assessment systems remain state secrets.[23] In Georgia, the post-reform MIA lacks transparency. Documents on internal investigations which would be open in various Western states, for example, are not publicised.[24] Even where information is not officially restricted, secrecy covers up malpractices. One OSCE (Organisation for Security and Co-operation in Europe) official complained that he hit a wall of secrecy when trying to find information on staffing levels in several regions of Kyrgyzstan. This he attributed to discrepancies between official and non-official staffing levels (higher official staff numbers allow regional police to draw greater resources from the centre).[25]

Second, my UK citizenship caused some contacts and potential contacts to be suspicious, particularly in Russia and Kyrgyzstan which, unlike Georgia, have a history of poor/ambiguous relations with Western countries. For example, on one Russian message board,[26] I was accused of being a spy for trying to find information on the structure of the Soviet MVD whilst, at the end of one interview with a Kyrgyz police officer, I was told not to phone him in case Interpol bugged our conversation.[27] That was exceedingly unlikely but the incidents illustrate the barriers to police research posed by the suspicions of local actors.

The nature of comparative police research ensures that the quality of evidence, as Hills notes on her study of police in Africa, is often 'inevitably fragmentary and anecdotal.' (Hills, 2000, p.xi) I managed the problem by gathering from local journalistic sources, policy and political analyses and secondary academic studies where available, to supplement my interviews. To address the problem of a lack of trust, I used 'snowballing' and asked friends, colleagues and network

[23] Interviews: Zulfiia Kochorbaeva, Social Technology Agency (NGO), Bishkek (15th May 2011); Anonymous (K-1), NGO, Osh (May 2011); Anonymous (K-2), NGO, Osh (May 2011).
[24] Interview, Anonymous (G-1), Western police official 1, Georgia (August 2011).
[25] Interview, Anonymous (K-3), OSCE official 1, Kyrgyzstan (May 2011).
[26] www.policemagazine.ru
[27] Interview, Anonymous (K-4), *Praporshchik* (most senior lower officer rank), 15 years service, Kyrgyzstan (May 2011).

contacts to nominate potential informants (Devine, 2002, p.205). Introduction through a trusted party increased the likelihood of respondents being open to questions. Through this technique, I was able to conduct eleven interviews and conversations with police or former police in Kyrgyzstan. It proved considerably harder to gain access to police in Georgia, where six interviews were conducted with police or MIA officials. This is largely because the new MIA runs 'a tight ship' and efforts to meet officers informally usually resulted in being passed on to the press office. There was less need to conduct primary research on the Russian police because there is considerably more secondary and qualitative literature. Russia is also a considerably less open environment in which to carry out research on criminal justice issues and conducting informal interviews could have jeopardised future opportunities to visit the country. In recent years a number of Western scholars researching sensitive criminal justice and security issues in Russia have been denied visas.

Learning Russian to a good conversational standard was vital to gaining access to contacts and addressing trust issues. Language poses one of the greatest challenges to conducting primary research on police in a foreign context. Police are often drawn from the working classes (Bittner, 1980, p.7; Reiner, 2000, p.55), particularly in the FSU where policing is often poorly paid and, therefore, does not attract many English speakers. Another difficulty is that limited understanding of a language and/or the use of translators, can cause problems because terms, concepts and conceptual frameworks can be interpreted by different actors in different ways (Robertson, 2006, p.140; Killias, 1989; Cited in: Mawby, 1999a, p.19). In Russian, for example, the word 'arrest' refers to the moment a suspect is served with a protocol of arrest or the order imposing detention (Burnham & Kahn, 2008, p.37–38). The term *zaderzhanie*, meaning 'detention,' is closer to the English usage of 'arrest.' Language skills can therefore provide the researcher with an invaluable tool with which to understand local policing (Robertson, 2006, p.141). To develop these, I undertook a nine-month post-graduate in Russian and spent six months studying Russian in Kyrgyzstan prior to starting the PhD. A further six months were spent on language learning in Russia in 2010. I concentrated mainly on developing a conversational ability.

This proved invaluable as, of the 64 interviews conducted/encounters cited in this study, 34 were in Russian or a mixture of Russian and English. I do not speak Kyrgyz or Georgian. This limited my interviews to English or Russian speakers but did not prove too problematic as I was still able to converse with police of various ranks.

The size and selection of samples in Georgia and Kyrgyzstan means that they cannot be entirely representative of the police in each country. The most nepotistic, brutal and corrupt police were unlikely to meet with a foreign, Western researcher. Nevertheless, there are two factors indicating that the data gathered is representative of the workings of the police organisations in each country. First, findings from in-country data from interviews triangulate with information from interviews with non-police actors and media and academic analyses. Second, the interviews revealed similar working practices and conditions in each of the countries. This indicates that the findings from interviews were not exceptional but a result of a common set of causes across the cases.

To explain variations in police performance, state capacity and state quality, I use a comparative-historical approach, characterised by the use of systematic comparison and analysis of processes over time to explain large-scale outcomes (Mahoney, 2004, p.81). I combine two types of comparative-historical approach. A contrast of contexts approach uses comparison to analyse the unique features of each case and to show how these features affect the working-out of social processes (Skocpol & Somers, 1980, p.178). A macro-causal analysis uses comparative history to make causal inferences about macro-level structures and processes (Skocpol & Somers, 1980, p.181–183). By combining both I am able to identify the macro-level structures which, ultimately, impact on police, as well as the impact of meso-level, contextual factors (e.g. political leadership). I utilise a 'Method of Difference' approach to explain why a phenomenon and its hypothesised causes are present in one case (i.e. relatively successful reform in Georgia) and why this phenomenon and its causes are absent elsewhere (i.e. the absence of effective reform in Kyrgyzstan and Russia). A 'Method of Agreement'

approach is also used to explain the commonalities of certain phenomena across the cases (e.g. the expansion of organised crime in the 1990s, the politicisation of the police) (Skocpol & Somers, 1980, p.181–187).

Ethics

The research framework for this study was approved by the School of International Relations (St. Andrews) Ethics Committee, which is part of the University of St. Andrews Teaching and Research Ethics Committee (See Appendix C).

The most pressing ethical concern was the risk that the disclosure of critical comments had the potential to cause damage, harm or other problems for interviewees. The category most at risk were serving criminal justice workers who could be punished harshly for unauthorised disclosures. Regardless of the position of interviewees, to ensure that sources were protected from any risk, they were clearly informed, before interviews, of the goals and methods of the project, and that any information they provided would be treated in full-confidence. Special attention was paid to anonymity. It was made clear to interviewees that all, or any particular, aspect of the information they provided would be treated with confidence and they could request anonymity for all, or any part, of the information given, at any time.

Some of the interviews were recorded. Participants were asked clearly for their consent to be recorded. The data from these recordings was stored on the researcher's notebook, a back up external hard drive and an online secure-access data account. The encryption software TrueCrypt was used to encrypt electronic data. Participants were fully informed of this process. Written consent forms for the interviews were not used because, in the FSU, their production at the start of an interview frequently erects a barrier between the researcher and the interviewee. Robertson makes, a related point, regarding surveys, on the basis of her study of the Russian police:

> [W]hereas American society has had decades of exposure to surveys and is largely accepting of them, as have many Western societies, we cannot make the same assumptions about all societies. This is certainly true of Russia and even more so of the Soviet Union, where the political rulers were not interested in soliciting the opinion of the public. (Robertson, 2006; Citing: Gilinskiy, 2000)

Instead of written consent forms, I ensured that ethical standards were upheld by communicating the above information before the start of any interview.

Studying and assessing the state

In order to examine the political and social environments in which police in the FSU work, I assess the extent to which components of an ideal-type democratic state have been present/absent in Georgia, Kyrgyzstan and Russia since the collapse of the Soviet Union.

Analytical approaches to the study of the state differ according to how important scholars consider the state's 'embeddedness' in society to be (Cummings & Nørgaard, 2004, p.686). Levi recommends studying, 'the organisations and individuals who establish and administer public policies and laws.' (Levi, 2006, p.6) In his later work, Migdal maintains that scholars overemphasise the ideal-type and underestimate the complexity of state performance in real life where state authority is often fragmented and contentious. The ideal-type can also result in an assumption that only the state should create and maintain rules via its means of coercion, thus trivialising the, 'rich negotiation, interaction, and resistance that can occur in every human society among multiple systems of rules.' (Migdal, 2001, p.14–15)[28] To understand the gap between the ideal-type, and how it functions in practice, scholarship needs to start by examining the, 'image' of the state, which includes negotiation, interaction and resistance, as well as the 'practices' and limitations of actual states (Migdal, 1997, p.211). This leads Migdal to argue that scholars should study state *processes* and their interactions with societal actors (Migdal, 2001, p.23). In contrast Levi advocates, 'a combination of rationalist deduction and inductive investigation, and [the] use [of] comparative *statics* to produce falsifiable hypotheses which are then tested against empirical evidence' (Levi, 2002, p.52, Emphasis added).

[28] The quote is from p.15.

This dissertation adopts Levi's approach to assess 'stateness' because it allows for a concise approach. Migdal's theoretical insights, however, are important to explain different patterns of state-building, why the organisations and individuals who run the states in my case studies have had differing levels of capacity to implement their decisions, and why they chose, and were able to choose, particular strategies. However, constructing a comparative framework to assess police and state transformation around processes would be an extremely challenging undertaking. I therefore assess policing and stateness using a static approach and explain the reasons for differences in police and state performance with reference to state processes. As Taylor notes, there is nothing in a Weberian ideal-type definition that precludes the researcher from studying actual practices or using processes to explain variety across cases (Taylor, 2011, p.9).

Defining state capacity

A capable state must have a territory to govern, a monopoly of violence over this territory, the ability to collect revenue in order to sustain this monopoly (and itself) and an effective bureaucracy to fulfil these functions (Linz & Stepan, 1996, p.18). It must also have a monopoly of authoritative binding rule-making or, in other words, it must be able to enforce the authority's rule of law (Mann, 1986, p.112). Without these basic capabilities, no modern democracy is possible (Linz & Stepan, 1996, p.17).[29]

Of these criteria, rule of law and an effective bureaucracy are the most difficult to define. Rule of law is a commonly used, but ambiguous, concept (Carothers, 2006; Kleinfeld, 2006; Rothstein & Teorell, 2008, p.181). In a narrow sense it refers only to effective constitutional checks on the executive's power (Fukuyama, 2013, p.4). I prefer to use the term to refer to a state's monopoly of, 'authoritative binding rule-making.' (Mann, 1986, p.112) In this definition, the rule of law is predicated on stability. This is advantageous because the rule of law is often associated with stability and order (Rothstein & Teorell, 2008,

[29] Note, Linz and Stepan do not include the rule of law as a precondition of democracy (Linz & Stepan, 1996, p.17–19).

p.166), which are not guaranteed by constitutional checks on the executive. The Soviet Union, for example, managed to enforce some sort of rule of law without such checks. Of course, the official law in a non-democratic high-capacity state can be applied selectively and arbitrarily, and there may be incidents where it does not apply equally. But as an ideal-type, even under such conditions, the rule of law can be said to exist when, in most incidences, there is stability in state ability to enforce its formal and informal rules. In a high-capacity state, the state's infrastructural power enables it to penetrate into society to, 'enforce its will within the day almost anywhere in its domain.' (Mann, 1986, p.114) A low-capacity state lacks this penetration and can only use its despotic power to enforce its laws exceptionally.

Exactly what constitutes an effective bureaucracy is also ambiguous. There are no universally applicable rules to describe the organisational design of an effective bureaucracy. As Fukuyama notes, the post-war Japanese bureaucracy was elitist, hierarchical and patrimonial but probably more efficient than its supposedly more meritocratic American counterpart (Fukuyama, 2005, p.40, 58, 118–119). Furthermore, there is no commonly accepted measure of the strength of state institutions because different states have different capacities in different areas. Mubarak's Egypt had an effective internal security apparatus but a bureaucracy unable to complete simple tasks effectively such as processing visa applications (Fukuyama, 2005, p.12). It is difficult to go beyond a definition of an effective bureaucracy as one that consists of a cadre of skilled loyal officials able to maintain the state's territory and monopoly of violence, collect its revenues and enforce its authority (Skocpol, 1985, p.16)[30]. In other words, an effective bureaucracy maintains, rather than undermines, a state's infrastructural power.

Defining state quality

Defining a quality state is difficult because there is little agreement on what constitutes one (Fukuyama, 2013, p.1). The term 'quality' has gained some traction in the literature as a means of describing a democratic state (Taylor,

[30] This is my point, not Skocpol's. She, however, states that administrative, legal, extractive and coercive organisations are at the core of any state (Skocpol, 1985, p.7).

2011, p.17–19; Rothstein & Teorell, 2008; Kaufmann et al., 2007b; Fukuyama, 2013). Yet, defining a democratic state is also challenging because there are many variations of democracy and contested definitions (Held, 2006, p.1–8). There is little in the way of theory or universal principles to indicate the 'best system' to ensure fair distribution of power and resources (Fukuyama, 2005, p.32–33), despite the existence of a vast body of literature on the institutional design of democracies (e.g. on parliamentary versus presidential systems, electoral systems, federal systems, party systems, etc.). Of course, whether a democratic state constitutes a quality one or not is debatable but there is not space to expand on this point here. I make the assumption that, in most instances, democratic forms of government provide the best means of large human societies to govern themselves, despite ambiguity within the concept.

In addition to having high state capacity, a democratic state must have a consolidated *democratic political society*, the setting in which the polity arranges itself to contest the right to exercise control over the state. This is regulated by core institutions – political parties, elections, election rules, political leadership, inter-party alliances and legislatures – by which, 'society constitutes itself politically to select and monitor democratic government' (Linz & Stepan, 1996, p.8). Consolidation of these institutions means that contending political groups agree on the 'rules of the game' and contest power within these institutions rather than outwith them (Carothers, 2007, p.25). A modern democracy is also characterised by a degree of separation of powers between the executive, legislative and judicial branches of government to avoid concentration of power by one branch or group (Madison, 2003a, p.268–276; Madison, 2003b, p.288–293). Any political disputes, such as those arising from elections, are resolved via institutions of the political process or the judiciary (Paris, 2004, p.190). Democratic states must also be *legitimate* states. The leadership of the state's rulers must be accepted and recognised as proper and right by a majority of the population and these rulers must rely on consent, rather than coercion.

Democratic states require not just rule of law but also *equality in law*. Formal rules apply to all equally, including politically powerful individuals. Equality in

law requires a hierarchy of laws, interpreted by an independent judicial system and supported by a strong legal culture in civil society (Linz & Stepan, 1996, p.10). Equality in law state contrasts with the *rule by law* common in many low-capacity states. Abuses and violations of the law are addressed by recourse to personalities more than to institutions, and elites regularly manipulate legal institutions to further their political and economic interests (Hills, 2000, p.75). A democratic state must also have a *democratic bureaucracy* performing the same functions as a bureaucracy in any other high-capacity state, but according to democratically sanctioned laws and procedures, established by political society (Linz & Stepan, 1996, p.11, 14).

Democratic states have an active *civil society*, where relatively autonomous self-organising groups and individuals can articulate values, create associations and advance their interests. Civil society also includes ordinary citizens not part of any organisation but who are able to participate in the political process (Linz & Stepan, 1996, p.7–8). A democracy must be liberal and guarantee observation of human rights within the polis by limiting the political controls on citizens to a minimum (Bratton & Van de Walle, 1997, p.108; Cited in: Hills, 2000, p.x; Linz & Stepan, 1996, p.3). Democratic states must also promote 'good' civil society whilst simultaneously restraining the influence of 'bad' civil society. An open civil arena can provide space for extreme, anti-democratic and chauvinistic groups which undermine civil society and/or democracy (Paris, 2004, p.194–195). Democratic states have to protect themselves and civil society from groups that would undermine the democratic process.

Finally, a consolidated democracy must have an *economic society* comprised of a set of norms, institutions and regulations mediating between the state and market. The lack of democratic development in any command economy or pure market economy indicates that democracy necessitates some state intervention (Linz & Stepan, 1996, p.11). Although there is obviously an ongoing debate over the ideal balance between the market and the state, the stability upon which democracy is predicated requires of both some degree of protection of private

property and a degree of economic openness in order to avoid economic stagnation (Fukuyama, 2005, p.15; Paris, 2004, p.199).

Measuring state capacity and state quality

I use the World Bank's World Governance Indicators (WGIs) to estimate state capacity and state quality. I use the Political Stability, Absence of Violence and Government Effectiveness WGIs primarily as indicators of state capacity. The Voice and Accountability, Rule of Law and Control of Corruption indicators I use to measure state quality.[31] These indicators are based on aggregates from surveys of enterprises and citizens and expert polls, conducted by a range of organisations including NGOs, international organisations, polling organisations and business firms (World Bank, 2007, p.13–17). Kurtz and Schrank argue that the WGIs are negatively affected by adverse selection in sampling, perception biases in favour of business interests and some conceptual conflation (e.g. the control of corruption indicator measures combine surveys measuring bribery with others measuring 'intrusiveness of bureaucracy') (Kurtz & Schrank, 2007, p.538–543). In a rejoinder, the authors of the WGI project argued that the indicators rely on more than the views of business people and, whilst acknowledging indicators in general do not provide a perfect measure of governance, aggregated indicators are more reliable than individual ones (Kaufmann et al., 2007a, p.555–557). In my usage of the indicators I concur with Taylor's assessment that, 'Although these scores are not flawless, they represent the state of the art in terms of rigorous, comparative data on the performance of governments around the world.' (Taylor, 2011, p.5)

I provide a more detailed assessment of state capacity and state quality across the case studies by conducting a comparative-historical analysis. Conducting a comprehensive comparative-historical analysis of *all* the components of state capacity and state quality is beyond the means of this dissertation. I concentrate my focus on state capacity on each state's ability to maintain a monopoly of violence and enforce its rule of law, although I also review the other components.

[31] Taylor adopts the same approach (Taylor, 2011, p.5–6).

The police are authorised by, and dependent on, political authority. Therefore, I assess state quality by analysing the degree to which political societies in the case studies conform to those of an ideal-type democratic state and uphold equality in law.

Conclusion

The approach outlined provides a framework which can be used to examine the relationship between the components of democratic policing and the component parts of an ideal-type democratic state. In the next chapter, I expand on how the absence and nature of the state (i.e. low state capacity and low state quality) create challenges to democratic policing.

Chapter 2 – The State and Barriers to Democratic Policing in Low-capacity States

The capacity and nature of the state have a profound impact on police behaviour and implementation of democratic policing in transitioning states. Where the state has effective capacity, police replicate the state's quality because the state establishes the framework in which the police work; it has substantial influence over police operations; to varying degrees, the state can select and promote police who reflect its values and interests; and it has economic leverage over the police. In any state, opposition to democratic police reform from political elites is an insurmountable obstacle because police behaviour is, to a large extent, dependent on these very elites. Transitioning states present a number of additional barriers. First, police replicate neo-patrimonial forms of governance usually prominent in such states.[32] Instead of upholding equality in law, police defend the economic and political interests of their patrons. Second, and related, neo-patrimonial governance and legacies from previous repressive regimes have developed organisational cultures predisposed to favour the interests of elites and the states. Third, police in low-capacity states often compete for authority with non-state actors such as warlords, organised crime groups, vigilantes and private security companies. Fourth, low-capacity states may have little economic leverage and, therefore, scant control over their police. Instead, police in such states resemble organised crime groups and prey on the population for resources.

In the first section of this chapter, I examine how the police replicate the order dictated by the state. The second section explores the specific impact neo-patrimonial states have on their police. In all states, however, police organisations both replicate and resist their political masters. In the third section, I discuss the relationship between cop culture and the state. The final section analyses the impact of low state capacity on the police.

[32] Taylor notes that low state capacity is correlated with low state quality (Taylor, 2011, p.19–21), of which neo-patronialism is a component.

The police as reproducers of the state's order

Police are the formal conduit through which state power is channelled, in most contexts (Hills, 2000, p.6). The literature on police in transition is clearer, however, on *that* the state has profound impact on the police, rather than *how* it affects police behaviour.

Marenin provides a rare attempt to theorise some generalisations about interconnections between the state and policing but, by his own admission, the variety of forms of policing means that only rough and general answers are available (Marenin, 1996, p.311–313). The overall conclusion Marenin draws is as follows:

> [T]he change towards good policing [high protection and low repression] requires a simultaneous movement of civil society toward fluid group structures engaged in dampening conflict; towards states which are relatively autonomous and whose managerial reach and capacity is limited; and police forces which are granted autonomy and share in the reproduction of their own roles; organisations, policies, and discretion. (Marenin, 1996, p.325)

Marenin's analysis is based on his own subjective criteria, lacks detail and some of its conclusions are questionable. For example, he compares several countries and notes that the Japanese police are the least repressive *and* offer the highest protection. Yet Japanese society has a rigid group structure (Komiya, 1999, p.378–389; Bayley, 2007, p.259–262). Therefore, why should good policing require fluid group structures? Marenin classifies states on a matrix by state autonomy, on one axis, ranging from, 'high or hegemonic control to low or agent status,' and by managerial capacity on another axis refering to degree of state cohesion (i.e. how contested it is) (Marenin, 1996, p.317–318). Marenin does not, however, provide detailed definitions of state autonomy or managerial capacity. It is therefore difficult to distinguish between states, according to his classifications. Without more comprehensive criteria to measure 'stateness' (e.g. state capacity or state quality), it is difficult to determine which aspects impact upon police behaviour (or attributes of it). Despite these problems, Marenin's contribution indicates that the state has a prominent role in determining the character of policing, although it is less obvious how it does so.

Bayley provides a more detailed of the relationship between the police and the state. For Bayley, the character of police is tied to their historical development and that of the states in which they work. In a comparison of police in Great Britain, France, Germany and Italy, Bayley argues that British police developed into a force generally characterised as being more trustworthy, approachable and respected than those in the other countries because: the British police were created to maintain law and order; the political culture of Britain has, for the last two centuries, been averse to the intrusion of the state; and the force was imbued with the notion that they were servants, not masters. In the other countries, the police are generally more feared, distrusted or authoritarian because their development was tied to supporting regimes, there is more of a history of police repression and political espionage, and police have special status under the law as officials of the state (Bayley, 1975, p.373–375; Bayley, 1990, p.204). For Bayley, the character of government and police behaviour are virtually indistinguishable, 'The police are to government as the edge is to the knife.' (Bayley, 1990, p.189) In particular, the police play a more active role in politics if the government deliberately restricts competition for political power. This, as Bayley states, is obvious because such regimes require police to maintain their positions. Additionally, 'the specific factor which catalyses police into political life is group violence that is perceived to threaten the establishments of state power.' (Bayley, 1990, p.205)

Bayley's research is extensive but does not investigate in detail how police behaviour is affected by low state capacity or informal governance practices. With the exception of India and Sri Lanka, Bayley draws his comparisons from relatively high-capacity states (European and North American countries, Japan, Singapore) (Bayley, 1990, p.15–17). It is very clear that the state has in important influence on police behaviour. However, he provides more information on how the police replicate the character of the state and affect political life by arresting political opponents, supervising elections, regulating public meetings, etc., than he provides information on the means by which the state shapes the character of the police (Bayley, 1969, p.11–31; Bayley, 1990, p.190–201). His analysis of state mechanisms used to control police behaviour

are concentrated mainly on the state's formal mechanisms of control and on formal (courts, bureaucratic institutions, legislatures, etc.) and informal mechanisms existing within the police organisation (hierarchical supervision, socialisation, etc.) (Bayley, 1990, p.170–171).

Building on the nascent comparative police theory and empirical studies, we can identify a variety of mechanisms by which states shape the behaviour of police. First, the state has control of the legal and procedural frameworks that, formally, govern social and police behaviour (Migdal, 1997, p.226). These frameworks specify the missions and functions of the police, police powers, institutions of oversight and police standards (Bittner, 1980, p.55; Bayley, 1990, p.162–167; Bayley, 2005, p.51). Second, the state has a substantial role in deciding police strategy and, often, operational and tactical choices, because police managers are responsible to state leaders (Andvig & Fjeldstad, 2008, p.6). Regardless of the degree of autonomy the police have from the state and the mechanisms used to control the police, the police are dependent on political leaders for their authorisation which, in most contexts, gives the latter substantial influence over them (Bayley, 1990, p.190–198). Third, the state can recruit and promote those who mirror its normative stance and reject those who do not. The state appoints senior police personnel (Reiner, 2000, p.193; Hills, 2007, p.406, 411). Political leaders rarely directly select lower-level personnel but they can establish the criteria for selection and influence the process via their adjuncts. The state also has an important indirect influence over recruitment. Police uphold the social order as dictated by the political order and therefore self-selection processes tend to ensure officers are drawn from sections of the population that support, or at least are not opposed to, this order (Reiner, 2000, p.95–96). Fourth, and perhaps most importantly, the state often has substantial economic leverage over the police which can be used to mould behaviour (Bayley, 1990, p.169). Police are compelled to follow many of the state's rules and directives because the state pays them (Hills, 2009a, p.207). In post-conflict settings, for example, recruits join the police probably, in the main, to support their families and their behaviour is determined by material more than ideological or political concerns (Hills, 2009a, p.54).

Police in neo-patrimonial states

Transitioning states are often characterised by neo-patrimonial forms of governance which create challenges to democratic policing. In a neo-patrimonial state, or a 'dual state,' two types of state domination co-exist: state commands are obeyed both through a legal-rational channel of integration defined by law, formal regulations and state institutions, and through a second, patrimonial or informal channel (Timm, 2012, p.4; Sakwa, 2010c). Many transitioning states have a long history of authoritarianism and are characterised by both repressive legal-rational features *and* patrimonialism. There is frequently a lack of a separation of powers and power is concentrated within the executive. Legislatures are an ineffective check on executive power, judiciary and accounting systems are weak from decades of political interference and a lack of independence, and legal codes have developed to maintain political order rather than protect individuals (Hinton & Newburn, 2009, p.7).

A neo-patrimonial state has the following further characteristics: Matters of state are the ruler's personal affair and officials are personal servants subject to the ruler's arbitrary power (Andersen, 2007, p.23). However, whereas under patrimonialism, all power relations between ruler and ruled are personal relations and there is no division between public and private, under neo-patronialism there is that distinction, at least formally, even if, in practice, this is not observed (Erdmann & Engel, 2006, p.18). To maintain his grip on power, a neo-patrimonial ruler relies on patronage to control the major sources of power within the country, including economic resources and control of the state's coercive apparatus. The state has weak infrastructural power to penetrate civil society, nor is it structurally differentiated from society. Instead, its legitimacy and survival rest upon its use of despotic power to distribute resources via patron-client, vertical and personalised networks (Mann, 1986, p.113–114; Andersen, 2007, p.24).

Neo-patronialism presents a barrier to democratic policing because the state's rules and functions, where they do exist and are applied, work in the interests of

state elites and these coexist with the instability and arbitrariness of patrimonial norms and procedures. Instead of a functioning democratic political society, neo-patrimonial states are run by regimes, elites that have captured the organisation of the state, established their own priorities and which maintain this position primarily by despotic power (Hills, 2000, p.27). Not only do regimes often require a repressive police force to maintain their positions (Bayley, 1990, p.189–211), they may have inherited institutional structures which enhance, rather than restrict, their powers (Murphy, 2007, p.246–247). Countries with an authoritarian past have often developed repressive legal-rational frameworks prohibiting the existence of a democratic political society, civil society or equality in law. The concentration of executive power also enables elites to develop and maintain formal frameworks governing police behaviour which reinforce the police as agents of the state rather than neutral arbiters (Cole, 1999, p.95; Hills, 2000, p.12). Police in many post-colonial neo-patrimonial states, for example, continue to be used to exert regime power and are typically characterised as structurally centralised and militaristic. They give more priority to public order tasks and derive legitimacy from political authorities, rather than populations more widely (Mawby, 1999b, p.25).

Vertical power relations and neo-patrimonial states' reliance on despotic power mean that such systems are governed by rule by law, rather than equality in law. Services and offices are provided, not according to 'needs' or 'what you know', but 'who you know' (Taylor, 2011, p.27), or, 'who you pay.' Police are therefore accountable to the law and procedures exceptionally, rather than routinely. Services are often provided and disputes resolved on the basis of relationships or resources. In Russia, ethnic minorities, political opponents and individuals regarded as deviant by political figures (e.g. gay activists) have been discriminated against and brutalised despite legal protections. Conversely, businessmen and politically well-connected people can use power and money to avoid police investigations and to target police activity against opponents (Beck & Robertson, 2009a, p.54). Neo-patrimonial states may also be limited in their ability or inclination to project their power beyond urban areas, and any benefits which accrue from the provision of a monopoly of violence are restricted to the

inhabitants of these areas, especially to social and political elites (Andersen et al., 2007, p.6, 7; Asiwaju & Marenin, 2009, p.294; Baker & Scheye, 2007, p.508).

Such states typically lack effective formal mechanisms of accountability (e.g. parliament, an independent judiciary, media or civil society) to counter-balance either executive power to shape, or patrimonial influences over, police behaviour. This provides ideal conditions for both police corruption and brutality (Hinton & Newburn, 2009, p.15, 19; Hills, 2000, p.20). The level of police corruption and observation of human rights depend on the desires of the patrons upon whom the police are politically and economically reliant, and the ability of these patrons to control the police. This not only hinders the development of democratic policing, it can actively prohibit it. In Brazil, promotion is contingent on loyalty to superiors and denouncing corruption or abuses of authority can result in sanctions, demotion and even imprisonment or expulsion (Hinton, 2006, p.110). I explain this in more detail below in relation to low state capacity.

Patrimonial practices present further obstacles to democratic policing at the level of the police organisation. Neo-patrimonial state leaders' use patrimonial selection and promotion procedures to control the police, undermining the latter's legitimacy and efficiency. In many African states, police commissioners are accountable, formally and informally, almost solely to political elites and are co-opted into elite networks. Elites exhibit control via intimidation and by determining the length of commissioners' tenure and the manner of their retirement or dismissal. Ordinary officers, dependent on their superiors and patrons for their jobs and livelihood, consequently maintain order, are repressive and perform regulatory activities in accordance with the dictates of regime elites (Hills, 2007, p.406, 411–416, 419–420; Hills, 2008, p.223). In Nigeria, for example, the police are integrated into a complex social conflict between various ethnic and regional groups, and are routinely used by political factions during elections (Asiwaju & Marenin, 2009, p.281–282). Control of the police is a valuable asset and selection and promotion are decided by connections and patronage (Asiwaju & Marenin, 2009, p.286, 295–296). Similarly, in India, politicians have control over police transfers, providing them

with considerable influence over the police via threats of transfer or offers of attractive alternative postings (Verma, 2009, p.128–129). Patrimonial practices also undermine the stability of police organisations which are dependent upon personalities rather than more abstract and permanent legal-administrative frameworks (Hills, 2010, p.181). If the personalities change, the security of officers' positions can be compromised, and career prospects and security, therefore, depend on loyalty to superiors rather than on performance assessed against any objective criteria.

Nevertheless, patrimonialism can, in certain circumstances, have a positive impact on certain individuals' and groups' relations with law enforcement actors. Where it is prominent, actors may use patrimonial mechanisms as a form of protection or resistance against the state. During the occupation of East Timor by Indonesia, for example, the Timorese police force was divided by family affiliation and networks and some members used their positions to provide information to, or directly support, the resistance (Peake, 2009, p.146). Indeed, the development of patrimonial norms in colonial contexts is partly a result of decades, if not centuries, of resistance by the colonised against the colonisers (I shall discuss this in more detail later, with reference to Georgia).

Cop culture and old state legacies

Police organisations do not replicate exactly the nature of the democratic or neo-patrimonial states in which they work. Regardless of their form, states can directly translate their norms only in a partial manner onto police organisations, which often exhibit an entrenched and resilient organisational police culture (Kappeler et al., 1994; Cited in: Hills, 2009a, p.209; Bayley, 1990, p.217; Reiner & Newburn, 2007, p.353–355). This culture can pose a significant barrier to democratic policing, particularly where authoritarian and patrimonial practices are woven deeply into the organisational culture of the police.

'Cop culture' exists because police work is inherently ambiguous, stressful and the men and women who perform it encounter numerous tensions between the

state's legal framework and various other organisational pressures and social values (Manning, 1997, p.4–6, 20–29). Reiner describes 'cop culture' as a patterned set of understandings which help officers cope with these tensions (Reiner, 2000, p.87). Its key features are: a sense of mission (the police exist as the 'thin blue line' between order and chaos); cynicism and pessimism; suspicion (stemming from the intrinsically unpredictable and potentially dangerous conditions of police work); and isolation from other parts of society and, consequently, solidarity with other officers (Reiner, 2000, p.87–93; Hills, 2009a, p.209–211).[33] Of course, police cultures differ according to country, region, culture, etc. The specific mechanisms by which cop culture shapes police behaviour, and is itself shaped, are complicated because there are so many variables which can impact (e.g. old historical legacies, the legal code, wider social values) (Marenin, 1996, p.310). They are also particular to specific police organisations. As Reiner notes:

> The culture of the police… is neither monolithic, universal nor unchanging… Informal rules are not clear-cut and articulated, but are embedded in specific practices and nuances according to particular concrete situations and the interactional processes of each encounter… Successive generations are socialised into [the cop culture], but not as passive or manipulated learners of didactic rules. (Reiner, 2000, p.87)

Reiner's conception of cop culture has been criticised for oversimplifying the political and social environment which shapes it and the fluidity of the rules constituting it (See: Chan, 2005, p.341–344; Hills, 2009a, p.209–211). However, just as there is nothing to preclude a researcher using an ideal-type state and explaining variances from it, cop culture can be studied by using Reiner's approach and acknowledging variations in rules and the external influences affecting these. To untangle some of the complexities of cop culture it is useful to differentiate between three types of rules which shape police behaviour. 'Working rules' are those that police officers actually internalise and are the effective principles guiding their actions. 'Inhibiting rules' are those that have a deterrent effect, which officers must take into account. 'Presentation rules' are norms developed to put an acceptable gloss on various actions, but which may be

[33] For an overview of the main definitions of cop culture, see: (Chan, 2005, p.338–339).

deemed unacceptable (Smith et al., 1983; Cited in: Reiner, 2000, p.86–87). Inhibiting rules include the formal rules governing police behaviour but these do not cover the entire ambiguity of police work and the diversity of situations and circumstances police encounter (Bittner, 1980, p.55). New recruits learn how to cope with the demands and prescriptions of management and the ambiguity of police work by learning working rules, informal inhibiting and presentation rules from more experienced colleagues. Exactly how this occurs differs from police organisation to police organisation but the common hierarchical structure of police organisations produces a socialisation structure whereby new recruits learn 'what there is to know' from senior and experienced officers, ensuring continuity of informal rules (Bayley, 1990, p.169; Reuss-Ianni & Ianni, 2005, p.304).

Somewhat paradoxically, police organisations, particularly in transitioning countries where order is more fluid, are highly adaptable to emerging forms of order, whilst resilient to external change. Police respond quickly to the demands of new political masters but, where directives are unclear, absent or unenforced, they often resort to established institutional practices.[34] Even where there has been substantial political and economic turmoil and a dramatic change of political leadership, some old institutional practices can survive. In post-war Germany, the effect of allied occupation and imposition of policing based almost exactly on British, American and French models was negligible on the structure and control of West German policing, which returned to what it had been in the Weimer Republic and the Second Reich (Bayley, 1975, p.369). In addition to the reasons set out by Reiner, cop culture is resilient because of a number of additional factors. Police organisations tend to be staffed by morally and politically conservative people. Police uphold, rather than challenge, the social order and, combined with the hierarchical nature of most police organisations, this means that those with a conservative outlook are more likely to fit in (Reiner, 2000, p.95–96). The existence of cop culture also makes it difficult for state leaders to reform police organisations. Personnel in organisations characterised by a strong *esprit de corps* may close ranks not only against outside critics, but

[34] Hills makes a similar point (Hills, 2009a, p.205).

also against internal reformers (Bittner, 1980, p.63). Finally, political elites come and go but the laws and regulations they prescribe, and the norms they establish, usually last longer. Contemporary elites may only have limited time and capacity to change formal and informal historical institutions that have developed over the course of decades, if not centuries.

Various examples, nevertheless, demonstrate the state's fundamental role in influencing the development of cop culture, although this is often a long-term historical process rather than a direct transmission from contemporary incumbents. Verma notes that the culture of the Indian police, as well as its organisational structure, ethos and most of its rules and regulations, remains remarkably unchanged from that established by British colonial authorities. This culture was shaped to convey an impression of subjugation of ordinary citizens to the police and of lower officers to their superiors. Everyday routines reinforced this hierarchy. Police were purposely separated from the communities in which they worked and the use of military-style salutes and morning parades reinforced the superiority of higher officers (Verma, 2009, p.122–123). The continued use of official colonial-era legal codes and regulations, and non-official colonial-era practices, has meant that the Indian police remain politicised, operate outside of the rule of law and are not accountable to local citizens (Verma, 2009, p.136). Similarly, it is difficult to understand police culture in Serbia without reference to the forces, internal and external, which shaped working, inhibiting and presentation rules within the police. After the Second World War, a politicised, militarised militsiia was developed in Yugoslavia. Decision-making was highly centralised and the militsiia controlled various aspects of citizens' lives by regulating passports, meetings and so on. The militsiia was somewhat liberalised in the 1970s but the position of the police as defenders of the regime, rather than of the citizenry, was reaffirmed once Slobodan Milosevic took power at the end of the 1980s (Stojanovic & Downes, 2009, p.74–77). These institutional and political legacies are important:

> …because they provide *the unwritten context* in which both the police service and the population are socialised. [And because] the heritage of a reactive, repressive standard of behaviour is more likely to persist in time through informal socialisation in such a police culture despite the introduction of new formal regulations for the police profession. (Original emphasis. Stojanovic & Downes, 2009, p.91)

The incumbent state can, however, mould 'cop culture' in the short-term by using its various mechanisms of control (Bayley, 1990, p.162–167). As discussed above, it controls the power to determine the formal inhibiting rules: the state has substantial influence over operational policing, it appoints senior police and it often has significant economic leverage over them. The influence of working and presentation rules is formed against the inhibiting rules set out by the state, not the other way round.

States also require police organisations to produce visible results of their work, thus producing a powerful set of inhibiting rules (Bittner, 1980, p.55). Regardless of the presentation strategies police use to meet such criteria, individual officers must contribute to the sum total of results demanded by their managers and political masters (Bittner, 1980, p.56). The state also shapes cop culture via mechanisms to punish police violations of inhibiting rules. In democratic states the formulation of inhibiting rules is shared by the various institutions of the state (the executive, judiciary and legislature) in various forms (Bayley, 1990, p.163). Courts play a key role in this process. Although the vast majority of police actions are never scrutinised by courts, the actions courts may take shape police actions:

> In general…, the norms observable in open court reach down and govern even the processes of its evasion. In the criminal process, like in chess, the game is rarely played to the end, but it is a rare chess player who concedes defeat merely to save time. Instead, he concedes because he knows or can reasonably guess what would happen if he persisted to play to the end. And thus the rules of the end-game are valid determinants of chessplaying even through they are relatively rarely seen in action. (Bittner, 1980, p.24)

In neo-patrimonial states, the predominance of executive power and personalised rule means that a small group creates and enforces the formal and informal inhibiting rules which govern police behaviour. Cop culture is, therefore, much more personalised and fluid, and formal and informal inhibiting rules help

to maintain elites' political power. In African neo-patrimonial political systems, for example, police must react to the rules established by the strong men who dominate these societies (Hills, 2008, p.221; Hills, 2009a, p.203). Additionally, inhibiting rules can be created to cover a substantial range of mundane functions. In Nigeria, for example, it is quite common to see police escorting the wives of police officials and carrying their loads (Asiwaju & Marenin, 2009, p.296). Regardless, in either democratic or neo-patrimonial states, the power of the state over the police means that, in most instances, cop culture responds to the dictates of state elites more than state elites react to changes in cop culture.

Low state capacity and the police

Low state capacity can pose substantial barriers to democratic policing because the state's limited reach means that its police lack authority across the whole of its territory. Policing functions may be performed by organised crime groups, vigilantes and private security groups (Andersen, 2007, p.25; Baker, 2007, p.125–126).

Distinguishing between these groups, and between them and the state's police, can be difficult. Police can resemble organised crime groups, organised crime groups can protect particular communities, private security actors may perform illegal functions and so on (Hills, 2000, p.163–164; Hinton, 2009, p.221). To overcome this difficulty, it is useful to conceptualise these groups as 'violence-management agencies.' This term was developed by Volkov in his study of organised crime in Russia in the 1990s and refers to:

> [A]ny human activity that commands organised force and manages this key resource in such a way as to make it the source of a permanent income, eventually by establishing control over a local economy. (Volkov, 2002, p.108)

I also use the term to refer to groups that exist, at least ostensibly, to protect local economic interests (i.e. state police, vigilantes).

Volkov differentiates violence-managing agencies according to their relationship to the law (i.e. whether or not they command force and manage resources

legally/illegally) and their relationship to the state (whether or not they are state or non-state actors (public/private).

Table 2 Violence-management agencies

	Illegal	Legal
Public	State agencies acting informally	State protection actors
Private	Criminal/vigilante groups	Private security actors

Source: (Volkov, 2002, p.167–169)

Rather than distinguishing violence-management agencies by their formal relationship to the state, I categorise them by whether, *functionally*, they operate in the interests of the public or private groups. As Hills notes:

> In all cases, it is sensible to use a definition that hinges on the interests of the agents concerned rather than their formal title. Although all policing acts against the interests of someone, privatised policing is exclusionary in a way that – ideally, if not realistically – public policing is not. (Hills, 2000, p.164)

The concepts of public/private and illegal/legal divides between violence-management agencies nevertheless remain useful to explain the obstacles to effective implementation of democratic policing, even if such divides are absent or nebulous in low-capacity states (Andersen, 2007, p.24). Without divisions between state police, legal private security actors, corrupt officials and organised crime groups, and so on, the police cannot perform their duties in accordance with principles of democratic policing. This requires violence-management agencies operating in the public interest dominate over those which serve private interests.

Warlords are not a type of violence-management agency, although they share many of the features of organised crime groups. Unlike warlords, criminal groups do not make bids to supersede political institutions in order to directly control people and resources (Reno, 2002, p.105), although they may collaborate with, and co-opt, state officials. Furthermore, warlords command loyal militias not under state control. They are distinct from 'local power brokers' with whom state leaders may have to bargain (Marten, 2012, p.6) and who are more integrated, either symbolically or materially, into the state's apparatus. Where warlordism is prominent, there is no democratic order for the police to police

and, where they do exist, police are at the mercy of factional leaders, who lack the capacity and often the will to implement democratic policing (See Hills, on Somalia: Hills, 2000, p.144–148).

Vigilantes are a block against implementation of democratic policing because they are subject to major problems of accountability (Brogden & Nijhar, 2005, p.233). They can, however, provide more effective and legitimate means of policing than the state's police, especially where the latter serve particular interests, rather than those of the public or community as a whole (Baker & Scheye, 2007, p.513; Baker, 2010, p.209). In Uganda in the mid-1960s, for example, the state's declining capacity resulted in one rural group, the Gisu, forming vigilante groups to control violence and eradicate thieves in their areas. Despite mutual animosity between police and vigilantes, a system of limited cooperation developed, with police investigating only serious crimes and delegating most of their powers to local chiefs (Hills, 2000, p.44–45). Nevertheless, rather than adhering to a set of criteria which conform to principles of democratic policing, vigilante groups are accountable to local elites who may be patrimonial and kleptocratic (Jackson, 2012, p.259). They may also not uphold liberal-democratic concepts of justice as, for example, the Gisu also formed vigilante groups to control women they considered to be witches.

Private security companies may also present a further barrier to reform. In principle, private security companies can offer security to those who can afford it and, with adequate regulation, their powers can be limited to prevent abuses. In practice, in low-capacity states private security companies tend to be the preserve of the wealthy and vigilante groups the response of the poor (Hinton & Newburn, 2009, p.20). In unregulated environments, the former can serve elites' political interests, as well as their more immediate security needs. In the 1930s in Mexico, for example, President Cardenas brought private police into Mexico City's public police as auxiliaries. Although they had a reputation for being responsive to the citizenry, they were also known to be extremely loyal to Cardenas and his political movement (Davis, 2009, p.193–194). Private security

firms have also been used to bolster regimes, local political factions and international companies in weak African states (Hills, 2000, p.163–166).

Violence-management agencies which are, *de facto,* organised crime groups, pose a great threat to democratic policing. The predominance of organised crime groups erodes the authority of the police, undermining their efficiency. In Russia, the collapse of the USSR meant that the state was no longer able to protect legitimate sections of the economy from crime groups, or its own security actors acting criminally. At the same time, the state was unable to counter crime groups seeking to exploit illegitimate avenues (Shelley, 1999, p.81–82; Beck & Robertson, 2009a, p.63–66; Hills, 2009a, p.197). When there are large sections of the economy or territories which the police cannot protect, the police cannot impose their authority or enforce equality in law and disputes are 'resolved' by groups serving private, rather than public, interests. In the Brazilian *favelas*, for example, there is little to distinguish vigilante groups from drug gangs. These groups openly patrol the *favelas* heavily armed with automatic weapons and grenades, often outgunning the police, and are firmly under the control of local drug barons (Hinton, 2009, p.219, 221). In other contexts, private security companies have posed a threat to political elites. Under Milosevic in Serbia, many companies served as conduits for money laundering and extortion by organised crime groups, to the extent that their financial capacity exceeded that of the police (Stojanovic & Downes, 2009, p.84).

Low state capacity creates ideal conditions for dominance of organised crime groups and also for their active collaboration with police. In conditions of economic scarcity, violence-management agencies and other groups collaborate, as well as compete, in order to maintain control over lucrative sections of the economy. The distinctions between state actors and organised crime groups, and between political and criminal agendas, can blur under such circumstances (Hills, 2009a, p.34). In Angola during the 1980s, illegal currency dealing and timber and diamond smuggling were common as a result of years of political and social dislocation. The police were deeply implicated in embezzlement, pilfering and so on, but the division between police, organised crime groups and political groups

was far from clear, with criminal violence becoming indistinguishable from political violence (Hills, 2000, p.48). State leaders may even manipulate levels of pay to ensure police support political elites' nepotism. In Brazil, for example, Hinton argues that police salaries are deliberately kept low to ensure that police continue to support, or ignore, high-level political involvement in organised crime and corruption (Hinton, 2006, p.116–117; Hinton, 2009, p.229).

Police in low-capacity states are also often deeply involved in 'predatory policing.' (Baker, 2007, p.123; Andvig & Fjeldstad, 2008, p.11; Hills, 2009a, p.215). Gerber and Mendelson coined the term to describe police activities mainly devoted to the material enrichment of the police themselves, rather than the protection of the public or elites (Gerber & Mendelson, 2008, p.2). One could also add that a system is predatory when police are used to advance the material, as opposed to the political, interests of elites. Predatory policing includes police racketeering and extortion and control of lucrative legal and illegal sectors of the economy, where relatively unchecked police powers co-exist with poor levels of police pay. Policing in Argentina in the 1990s provides an example of a well-organised system of predation. According to one investigation, unlicensed taxi drivers could expect to pay the police $20 per week, illegal gambling outfits were asked to provide $500 per week, owners of 'saunas' (i.e. brothels) $5,000 per month and stolen car traffickers $50,000 per month. The predatory system was marketised, with low-ranking officers competing to 'bid' for positions with lucrative opportunities for graft and obliged to pay their superiors a certain cut of their profits. These superiors, in turn, paid their superiors, and so on (Hinton, 2006, p.41; Andvig & Fjeldstad, 2008, p.9; See also: Stefes, 2005, p.11; Hills, 2010, p.186).

Predatory policing and police cooperation with organised crime are caused by a number of institutional and politico-economic factors. First, as noted above, they are an outcome of neo-patrimonial forms of governance. Personalised politics, vertical power relations and poor mechanisms of accountability produce ideal conditions for such phenomena. Furthermore, corruption is liable to be high in police organisations with a quasi-militarised structure, a lack of accountability

and transparency mechanisms and patrimonial recruitment and promotion procedures (Andvig & Fjeldstad, 2008, p.14).

Second, collaboration with organised crime and predation are inevitable where police are paid inadequately. Somewhat surprisingly, this cause is largely absent from the literature on democratic police reform. On the supply side, police perform functions citizens require, such as providing passports or vehicle roadworthiness certificates, that provide opportunities for corruption (Beck & Robertson, 2009a, p.57–58). They can provide services useful to organised criminals, such as selling information on rivals or investigations (Andvig & Fjeldstad, 2008, p.8). Police can also use their authorised use of force to create problems which can only be alleviated by bribery and payments. In Argentina, for example, poorly-paid police in the 1990s were empowered to punish misdemeanours with short-term imprisonment and fines. Combined with ineffective mechanisms of accountability, this resulted in the predictable outcome that police used their powers to extract bribes from prostitutes, street vendors and illegally parked drivers (Hinton, 2006, p.35–43). On the demand side, police frequently interact with individuals and groups which are relatively easy to exploit because they are disempowered due to a lack of connections, knowledge, rights and status (e.g. the poor, prostitutes, minorities, addicts, etc.). Furthermore, police are likely to encounter petty and high-ranking criminals providing opportunities for corruption (Andvig & Fjeldstad, 2008, p.15). Given these, and the stresses inherent in police work, police corruption and impunity is high and police capacity and discipline low, when inadequate levels of pay are the norm.[35] In Afghanistan, for example, Wright notes one officer commentating that some of his men required $120 per month to be satisfied with their work and to avoid links with crime. Many of them received only $15 and, consequently, most supplemented their salaries through bribery (Wright, 2006; Cited in: Hills, 2009a, p.137). Similarly in Kenya, the result of an inadequately paid force is that over 95 percent of dealings with the police result in a bribe, with Kenyans, on average, paying bribes 4.5 times a month (Baker & Scheye, 2007, p.515).

[35] In the Democratic Republic of the Congo and Sierra Leone, for example, police discipline collapsed after authorities ceased wage payments (Cawthra & Luckham, 2003, p.16).

Third, predation and collaboration with organised crime are inevitable where political elites are heavily involved in organised crime and/or have a strong relationship with organised crime groups. In many parts of the world, states do not serve the interests of their publics but are basically large and self-legitimated protection racket schemes (Tilly, 1985; Andersen et al., 2007, p.11; Kupatadze, 2012b, p.26–45). Police replicate the political nature of the state and, where elites are kleptocratic, their security actors are as well. In Zaire, for example, President Mobutu stole at least half of $12 billion worth of aid allocated during his 32 year reign, during which the security agencies served the personal interests of their members and of Mobutu himself (Clark, 1998, p.91–92; Hills, 2000, p.164; The Guardian, 2004). The divisions between organised criminals and kleptocratic, or patrimonial elites may also be ambiguous and legitimate political and economic sectors can be dependent upon, 'the monopolies and networks of organised crime to sustain [themselves].' (Lupsha, 1996, p.32) Under such conditions, the police are used to serve the interests of state and criminal elites and solve internal problems in their favour (Kupatadze, 2010, p.22; Kupatadze, 2012b, p.31–32). It is quite obvious that democratic policing is not possible when the police's political masters are heavily engaged in organised crime. Democratic policing depends on the ability of elites to assert their authority and fashion the police organisation so that officers respect democratic and human rights principles. It requires an elite-dominated state where organised crime groups are limited to particular territories or spheres of influence and/or where they are constrained and prosecuted by the state (Kupatadze, 2010, p.24; Kupatadze, 2012b, p.32–35).

Conclusion

The state shapes police behaviour via its powers of authorisation, appointment and control of the political framework and economic resources. It is unsurprising, therefore, that police frequently replicate the nature of the states they work in.

Transitioning states are often characterised by neo-patrimonial forms of governance. Their police are prone to be both repressive *and* patrimonial because the state apparatus, where it does exist, serves the interests of elites and, at the same time, this apparatus is often bypassed by informal means of governance. Transitioning states' low capacity presents further barriers. The police may have to compete for authority with various organisations with little interest in principles of democratic policing. Furthermore, the retention of their authorised use of force and inadequate wages means that police collaborate with, or are actively involved in, organised crime and predation. These notable impediments are explained, in the main, by the nature of the state or its absence. As the next chapter demonstrates, however, much of the literature on democratic police reform underconceptualises the importance of the state and the importance of these hurdles.

Chapter 3 – Police Reform and State-building

The literature on police reform and security sector reform (SSR) mainly examines the difficulties of liberal intervention and how to overcome the obstacles to democratic policing caused by authoritarian legacies. It provides limited guidance on how to overcome the barriers to reform caused by neo-patronialism and low state capacity. Generally, although their recommendations often lack specific detail, most scholars argue democratic police reform should be implemented in its entirety, and concurrently with democratisation. This is a problem for the following reasons: first, holistic reform and democratisation can undermine state capacity. Distributing state power and resources can empower spoilers such as corrupt officials, predatory police or organised crime groups. Second, low-capacity states often have insufficient resources to implement holistic democratisation or police reform. States which barely have the ability to pay their police may struggle to improve performance by establishing oversight committees, accountability mechanisms, decentralising their police, etc., whilst democratising their political structures. This chapter builds on Paris's institutionalisation before democratisation state-building approach (Paris, 2004) and offers some steps which may provide a more realistic means of achieving modest improvements in policing, under certain conditions. Before democratising its police, the state must first control it. Democratic police reform requires the state to establish an effective and law-abiding police by paying officers adequately, purging the police of its most corrupt elements, reforming the police culture and by cracking down on spoilers.

In this chapter, I first discuss the strengths and limitations of the existing literature on democratic police reform. In the second section, I explain how institutionalisation before democratisation may offer a more effective means of implementing reform than democratisation approaches. In doing so, I acknowledge that it is only likely to be successful if key elites have sufficient capacity and desire to implement reform. In the final section, I examine some of the criticisms of institutionalisation before democratisation. I also argue that,

where nationalism is lacking, any form of police reform and SSR may be very difficult or even impossible.

Democratic approaches to police reform

Problem-solving approaches

Problem-solving approaches to democratic police reform (e.g. Bayley, 2005; Bayley & Perito, 2010) tend to assume the viability and desirability of reform and are closely related to the broader literature on SSR. Police reform is often conceptualised as a component of SSR (OECD, 2007, p.163–181) based on a holistic approach to reform, covering the security sector in its entirety. The security sector consists of core security actors (military, police, intelligence services, etc.); security management and oversight bodies (the executive, legislature and bureaucratic bodies); justice institutions (the judiciary, prosecution services customary judicial systems, etc.); and non-statutory security forces (liberation armies, guerrillas, private security companies, etc.) (Schnabel & Ehrhart, 2005b, p.6–7).[36] To reform this, SSR must:

- Strengthen the capacity of the military, police, judicial and penal systems, and civilian management and review mechanisms.
- Promote and guarantee respect for human rights.
- Implement and maintain civil society's ability to monitor security sector policy.
- Strengthen transparency.
- Promote regional confidence-building mechanisms.
- Prioritise the demobilisation and reintegration of combatants (in post-conflict settings).
- Limit the proliferation of small arms.
- Integrate and mainstream SSR into political dialogue and cooperation. (Schnabel & Ehrhart, 2005b, p.7–8)

SSR is rarely implemented holistically, however, and there is a strong preference for train-and-equip programmes over the governance aspects of SSR (Ball, 2010, p.37; Sedra, 2010b, p.111). In practice, the police reform component of SSR, as undertaken by international practitioners, tends to focus less on governance and more on reorganisation, training and equipping (Bayley, 2005, p.62–64).

[36] For more on SSR, see: (Wulf, 2000; Edmunds, 2002; Brzoska, 2003; Kinzelbach & Eden Cole, 2006; OECD, 2007; Hendrickson, 2009; Sedra, 2010a).

Problem-solving approaches to police reform provide some advice on how the state can improve its control of, and democratise, the police. They tend to do so by focusing on changing the rules which comprise police culture. This requires willing and effective police managers and political will. Various measures need to be taken to establish inhibiting rules compatible with democratic policing. A reformed legal basis for the new police should specify its missions and functions, criteria to assess performance, police powers, institutions of external oversight, internal disciplinary mechanisms and the responsibility for recruiting and promoting personnel (Bayley, 2005, p.51–54; Marenin, 2007, p.190). Further measures must ensure that working and presentation rules conform to the values of democratic policing. In addition to the aforementioned measures, Bayley advocates use of educational programmes to promote legality and fairness (Bayley, 2005, p.61). Marenin offers a less prescriptive method of reforming police culture, arguing that reform success depends on knowledge of particular cultures and incentivising individual officers to support reform (Marenin, 2007, p.192–193). He, nevertheless, notes several 'micro' guidelines for policy and actions. Reform requires the recruitment, training and retention of individuals with the desired qualities of being a good officer; support for an informal police culture which embodies democratic norms; establishment of organisational arrangements to create a shared sense of identity amongst officers and to empower managers and street cops to perform their duties democratically (Marenin, 2007, p.187–188). To achieve these goals, it is vital to establish a leadership supportive of reform within the police organisation. Reform does not start at the bottom but is managed by senior personnel with the power to direct and shape the police organisation (Bayley, 2005, p.54–58). As Marenin states bluntly, 'Managers can control behaviour and that is what matters.' (Marenin, 2007, p.189)

These measures may improve police observation of the rule of law and reduce police corruption and violence. The introduction of competitive recruitment and promotion, for example, can reduce or break superior officers' economic hold over recruits and promoted officers, as long as the latter are paid adequately (see below). Three additional important institutional steps are required to address

corruption and violence. First, reform must institutionalise measures to reduce corruption and to catch and prosecute corrupt officers. The former can be achieved by removing officers' ability to receive payment for fines in cash, for example; the latter can be countered by conducting sting operations and blind checks. Second, it may be desirable to ensure that observation of human rights should be prioritised over measures to improve accountability.[37] Whilst the two may be related, the membership of accountability mechanisms, such as parliamentary committees, may be susceptible to political or patrimonial influences. An ombudsman, or similar body, staffed by professionals focused and incentivised to observe police behaviour, may be a more effective check on human rights abuses. Third, and most challenging, reform must establish some sort of *esprit de corps* incentivising police to avoid corruption and excessive violence. Inhibiting rules constitute only one element of police culture and police behaviour is strongly shaped by working and presentation rules (Reuss-Ianni & Ianni, 2005, p.304). Reform must therefore address particulars set rules which incentivise and disincentivise officers. It is difficult to describe a set of universal measures to achieve this because of the variety in forms of policing and police cultures (Bayley, 1990, p.215; Marenin, 1996, p.310). Such measures require creativity, local knowledge and, as the problem-solving literature indicates, leadership is key.

It is often unclear, however, from such approaches exactly how these measures can result in improvements in the face of profound political and organisational opposition to reform. It is widely acknowledged within the literature on police reform and SSR that political will is a requirement for reform (Ball et al., 2003, p.30; Jackson, 2012, p.254; Stenning & Shearing, 2005, p.172; Wulf, 2000, p.22). As Bayley notes:

> If [a] government is opposed to reform, reform has no chance of success at all. Any institutional changes, whether of policy, training, or supervision, can be undermined by a determined regime. (Bayley, 2001, p.35)

In practice, international assistance missions frequently underestimate the importance of political will and treat reform as a technical exercise (Jackson,

[37] Jones *et al.* make a similar point by arguing that participation should be afforded a relatively low priority among the democratic principles they provide (Jones et al., 1996, p.192–193).

2012, p.254–255; Peake, 2010, p.214). Political will is regarded as a zero-sum game: it is either present or absent.

Implicitly, problem-solving approaches assume that political will requires 'elite pacting'.[38] 'Pacting' is used to refer to agreements between regime incumbents and the opposition which, whilst not obstructing regime change, assume the continued influence of past rulers and elites after regime change (Kupatadze, 2012b, p.41). The assumption is that political will means that there is a reasonable degree of broad support for reform within political society and no substantial opposition, and that reform is not perceived as a threat by the opposition. However, the conditions for pacting are frequently lacking in low-capacity states with a long history of neo-patronialism. The strength of the neo-patrimonial state is dependent on its ability to secure privileged access and control over resources and is diminished when competitors are able to uphold and maintain their own networks outside the state (Andersen, 2007, p.24). Many regimes are, therefore, not only preoccupied by their short-term physical survival from internal threats, they are also reliant on repressive security sectors because of their dependency on despotic, rather than infrastructural, power (Jackson, 1992, p.90–91; Job, 1992, p.27–29). Under such conditions, many incumbent elites have no interest in reform processes designed to dilute their power. In Africa, for example, the instrumentalisation of corruption and patrimonial relations means that reform is of little importance to African elites whose authority would be undermined by it (Hills, 2010).

In reality, political will for reform may well therefore exist concurrently with will *against* reform, both from within and external to the state. Democratisation and other aspects of transition can also create or reinforce barriers preventing the realisation of democratic police reform. Transition usually brings economic insecurity and, combined with political uncertainty, democratisation can result in mobilisation of support on the basis of fear and prejudice and can empower repressive, patrimonial and criminalised elites (Kaldor, 2009, p.180–181).

[38] Cawthra and Luckham mention the importance of pacting but do not discuss it in detail (Cawthra & Luckham, 2003, p.309).

Liberalisation of the economy and decentralisation can reduce state capacity and the resources available for effective public policy. This may engender spoilers, internal and external to the regime, who oppose reform or others who co-opt the reform process for their private interests (Woodward, 2003, p.280–281; Paris, 2004, p.159–168; Giustozzi, 2009).

Overall, however, the problem-solving, as well as the critical, literature on police reform and SSR rarely acknowledges the importance of spoilers, either within or outside of the state's apparatus, and provides little guidance on how to counteract their impact (Giustozzi, 2009; Sedra, 2010b, p.108). Both approaches tend to assume state capacity, and the control, penetration and access to resources of receiving states which it entails (Baker & Scheye, 2007, p.507). SSR literature is imbued with a distrust of the state and the need to improve the performance of security actors and security by making state power more diffuse (Andersen et al., 2007, p.4–5). As Ryan notes:

> State-building, or democratisation missions, and especially through police reform activities, focus upon transferring responsibility for security to non-state actors… [P]olice organisations…are compelled to improve, modernise and reform through strategies of decentralisation, demilitarisation, and depoliticisation. (Ryan, 2011, p.135–136)

This is not a new phenomenon. Huntington makes the following point, which applies today to Western approaches to governance and SSR and police reform:

> When an American thinks of the problem of government-building, he directs himself not to the creation of authority and the accumulation of power but rather to the limitation of authority and the division of power...The Lockean American is so fundamentally anti-government that he identifies government with restrictions on government. Confronted with the need to design a political system which will maximise power and authority, he has no ready answer. (Huntington, 1968, p.7)

The result is that, in the field, many reform programmes seek to weaken the traditional hierarchy of police organisations. Furthermore, the literature on SSR and police reform, in theory if not in practice, advocates increasing and broadening the scope of non-state actors in the reform process (Donais, 2009; Mobekk, 2010, p.232; Caparini, 2010, p.247). There has, however, been little empirical research conducted to distinguish between different types of non-state

actors (Reno, 2007; Baker & Scheye, 2007, p.505).[39] Reform processes may be strengthened by incorporating societal elements more widely and by creatively including non-state security actors. However, there is neither much guidance within the literature on what to do with non-state actors opposing reform, nor acknowledgement that reform may depend upon the instrumental use of violence.

The problem-solving literature also provides little information on how to sequence reform and which elements of reform to prioritise in order to counter spoilers. In *Changing the Guard,* Bayley provides a rough sequence of steps required for reform as follows: provide a legal basis for the police; create independent oversight; staff the police with the right personnel; develop the capacity of senior officers to manage reform; make the prevention of crime as it affects individuals the focus of policing; develop norms of lawfulness and fairness (Bayley, 2005, p.50–67). Bayley and Perito also argue that police reform must be implemented simultaneously with judicial sector and ministerial reform (Bayley & Perito, 2010, p.127–150; Bayley, 2005, p.66). Marenin notes that:

> The normal sequence of steps includes firefighting (attention to immediate security and the need to stop ongoing violence), pacification (getting some sense of normality and a minimal threshold of order back into the situation), stabilisation (beginning a process of reform), institutionalisation (creating minimal levels of performance and effectiveness), and legitimation (achieving self-reproducing support from local contexts). (Marenin, 2005, p.42–43)

These perspectives are, however, based on the assumption that incumbent elites have control over the means of violence, or are in the process of acquiring it, and have a reasonable degree of control over the police organisation. Such steps may be beyond the capabilities of low-capacity states. Academic and policy accounts provide little detailed breakdown of which components of police reform must be prioritised. The OECD/DAC Handbook on SSR, for example, stresses the need to strengthen government and civilian oversight mechanisms but does not detail when such mechanisms should be introduced or in which order (OECD, 2007, p.163, 169).

[39] For a rare exception, see: (Baker, 2007).

Critical approaches

More critical approaches to the study and practice of SSR and police reform implicitly or explicitly critique the focus on organisations in isolation from macro, global processes. Ellison and Pino argue that Bayley, in *Democratising the Police Abroad* (Bayley, 2001), says little about reform of political structures which, they maintain, must precede, or coincide with, democratic police reform (Ellison & Pino, 2012, p.72–73).[40] Overall, they view reform as inseparable from the negative impact of neo-liberalism and are reticent to offer detailed prescriptions on its implementation. This is because considering the vast amount of historical, economical, cultural and political variation across contexts makes promoting a single narrative of democratic police reform difficult (Ellison & Pino, 2012, p.194). Their main focus is on how neo-liberal global processes and donor policies (globalisation, deregulation, liberalisation, privatisation, etc.) affect reform (Ellison & Pino, 2012, p.11–34, 48–50). Although they maintain that a stable, non-repressive government is a precondition of reform, they also state that, before reform can take place, it is necessary to establish, 'a global economic and political system more conducive to independent development.' (Ellison & Pino, 2012, p.211) Sheptycki similarly argues that the behaviour of powerful actors, such as the US, in the global system has fragmented the political, economic and social components of this system (Sheptycki, 2007, p.33–34, 50). The essential foundation of his constabulary ethic, therefore, 'ought to be a politically, economically, culturally and socially inclusive global social order.' (Sheptycki, 2007, p.33)

Ryan's focus is not on barriers to police reform in transitioning countries nor how they can be overcome. Rather than measuring or explaining their success or failure, Ryan examines the assumptions behind, and goals of, democratic policing and the intended effects of liberal policing and police reform (Ryan, 2011, p.17). For Ryan, liberal societies consider themselves to be more ethical, enlightened and representative of the apex of rationality. They seek means to protect themselves from the irrational and, therefore, develop liberal police systems to

[40] Sheptycki makes a similar critique of Bayley (Sheptycki, 2007, p.51).

guarantee freedom within the boundaries of this rationality (Ryan, 2011, p.17–27, 29). SSR is an extension of liberal policing abroad:

> SSR is what binds security to development. It is a means that understands politics as a form of rule, a way to forge consensus. SSR is a pedagogical exercise in reasonable ways to think and act in the public realm…SSR intends to construct a society of communities and individuals bound by common sense that is imbued with liberal values and norms of behaviour. (Ryan, 2011, p.144)

Given his focus, Ryan is clearer at explaining the intended effects of democratic police reform and is more ambiguous regarding whether or not such reforms are desirable. He does, however, appear critical of the overall goal of SSR and police reform, noting that, 'a truly reformed police would abandon violence as an *ultima ratio* of order' (Ryan, 2011, p.155).

Critical approaches highlight a number of important issues. Police reform may include elements which enable neo-liberal elites to enhance their coercive capacities to manage the discontent engendered by neo-liberal social and political reforms (Ellison & Pino, 2012, p.17–28; See also: Garland, 2001, p.28, 38–39, 48–51, 179; Tierney, 2006, p.274–277; Sheptycki, 2007, p.33). The motives of many donors and assistance practitioners can be strategic and self-interested. States may use assistance and SSR to gain leverage over other states (Ellison & Pino, 2012, p.55–82, 212; Sheptycki, 2007, p.51). Furthermore, assistance, itself, is implemented by a global community of policy experts, including retired police and NGOs. These often profit considerably by promoting models of policing without regard for the suitability and sustainability of these models for the contexts in question (Ellison, 2007; Marenin, 2007, p.184; Peake & Marenin, 2008, p.60). Perhaps most importantly, the critical literature indicates that police reform is an inherently complex endeavour. Formulaic attempts to promote reform are likely to fail, unless adapted to local conditions (Mac Ginty, 2010; Richmond, 2010b, p.1–11; Ramsbotham et al., 2011, p.206) (more on this below).

When it comes to actually offering recommendations on how to implement reform, however, the critical literature offers little practical guidance. Paris's critique of human security applies to some, although by no means all, of the

guidance stemming from this literature which can be, 'so vague that it verges on meaninglessness – and consequently offers little practical guidance to [those] who might be interested in applying the concept.' (Paris, 2001, p.102) Scholars like Ellison, Pino and Sheptycki are critical of the relationship between police reform and the broader expansion of neo-liberal economic and political models. Although effective reform may be stymied by this climate, they offer few alternatives to liberal peace models or details on how critical models can be used to modify existing models to reduce police corruption, violence, impunity, and so on (Paris, 2010, p.350–365; Andersen, 2012, p.115–119). In linking the success of domestic police reform to that of the wider global political and economic system, more radical critiques are limited in their acknowledgement of the possibility of successes within the current global environment (Sheptycki, 2007, p.33–34, 50; Ellison & Pino, 2012, p.211). Furthermore, by stressing the inextricable links between police reform and democratisation, scholars within both the critical and problem-solving literatures imply that reform is impossible without broad social and political transformation (Pino & Wiatrowski, 2006b, p.113; Hinton, 2006, p.199–200; Hinton & Newburn, 2009, p.23; Ellison & Pino, 2012, p.210–212).

Institutionalisation before democratisation and police reform

As an alternative to simultaneous democratisation and democratic police reform offered in the existing literature, a more circumscribed version of reform, based on institutionalisation before democratisation, may be more realistic in low-capacity contexts. Hills, although not explicitly advocating such an approach, suggests police reform should be distinguished from unrealistic models of SSR. It should be defined as measures introducing a policing style which limits brutality, corruption and politicisation, encouraging more positive citizen-police interactions (Hills, 2010, p.178; See also: Murphy, 2007). An institutionalisation before democratisation approach to police reform is based on the idea that, in its early stages, reform is more dependent on prioritising the creation of an *effective* police, which observes *equality in law,* before seeking to improve its *legitimacy* and make it more *accountable*. These latter measures can include establishing

parliamentary, local government, judicial or civil society mechanisms of oversight (OECD, 2007, p.163–164). Whilst important, these can serve to weaken state control of the police, result in spoilers co-opting reform and, therefore, undermine police effectiveness and ability to observe the rule of law. Enhancing state control of the police may also be a more effective means of ensuring police *observation of human rights* than widening control and accountability mechanisms, as long as the state seeks to improve this observation and establish some accountability mechanisms later.

At the heart of the institutional approach to state-building is the argument that transitioning states' political institutions lag behind social and economic change (Huntington, 1968, p.5). In his classic *Political Order in Changing Societies,* Huntington noted that political institutions which exist to maintain order, resolve disputes, select authoritative leaders and, therefore, promote community more broadly, can fail to keep up with the pace of modernisation, resulting in instability and disorder (Huntington, 1968, p.8–9, 34–92). Polities are better able to withstand change depending on the scope of support for political organisations and procedures in society and their level of institutionalisation (Huntington, 1968, p.12). The latter is defined by four characteristics: First, the adaptability of an organisation or procedure to change (Huntington, 1968, p.13–17). Second, institutionalised procedures and organisations are more complicated. Being less likely to be upset by changes to particular social and economic patterns, they are more stable (Huntington, 1968, p.17–20). Third, they are also autonomous from other social groupings and methods of behaviour and, thus, insulated from the latter's impact. In less institutionalised systems, political systems can be the instrument of families, clans or classes (Huntington, 1968, p.20–22). Fourth, the more unified and coherent a political organisation is, the more institutionalised it is. Stability is provided by agreement on the boundaries of the organisation and the procedures for resolving disputes (Huntington, 1968, p.22–24).

Although Huntington's work was first published in 1968, the institutional approach was relegated in importance amongst the development paradigms

which predominated towards the end of the Cold War (Kohli, 2002, p.84–115). The Washington Consensus represented the dominant model, based on claims that liberal democracy and capitalist economics are not only the best form of governing/managing economies but also that democratisation, fiscal austerity, privatisation and market liberalisation are the best means of achieving development (Fukuyama, 1992; Carothers, 2002, p.6; Stiglitz, 2003, p.53; Paris, 2004, p.5). By the late 1990s, rapid democratisation and marketisation were linked to increased authoritarianism and conflict (Zakaria, 1997; Carothers, 2007) and, for some institutional critics of the Washington Consensus, the emphasis on reducing state capacity undermined the state's ability to provide minimal functions, including maintaining the rule of law, upholding property rights and conducting macro-economic management (Fukuyama, 2005, p.6–28).
In the area of post-conflict reconstruction and peacebuilding Huntington's thesis was revived as major donors' and academic approaches shifted from earlier 'quick fix' models of intervention towards a greater engagement with institution and state-building (Ramsbotham et al., 2011, p.199). Paris's influential 2004 work, *At War's End*, epitomises the shift. As discussed in the introduction, Paris's main thesis is that peacebuilders should construct a basic framework of governance institutions before introducing democratisation and market-orientated economic policies (Paris, 2004, p.151–178, 188–205). Paris argues that the creation of a reliable police force is an essential aspect of institutionalisation before democratisation. Although he does not explain how one can be created, the above approach can nevertheless be applied to the implementation of democratic policing.

On the presumption that political will does exist, this dissertation builds on Paris's thesis by identifying three elements, dependent more on state-building than democratisation, that are key to the state regaining control of the police organisation from predatory and corrupt elements, and reforming it. First, police must receive an adequate living wage. There is some acknowledgment in the literature that corruption is inevitable if police are not paid enough to look after themselves and their families (Stenning & Shearing, 2005, p.172). Adequate pay is seldom mentioned, however, as an essential requirement of police reform and,

in practice, police reform and SSR practitioners underestimate the resources required for reform (Baker & Scheye, 2007, p.508–509). Bayley, for example, concentrates on institutional measures in *Changing the Guard* and barely discusses police salaries. Democratisation is not necessarily incompatible with improving police pay and better accountability mechanisms may ensure that pay actually ends up where it should do. Some measures associated with democratisation can, however, undermine state fiscal control of the police. International advisors, for example, often recommend decentralisation as a prerequisite for democratic policing (Bayley, 2005, p.62). Decentralisation and diffusion of accountability can add extra layers of bureaucracy and, in societies where corruption is widespread, the multiplication of laws and procedures multiplies corruption possibilities (Huntington, 1968, p.61–62). Even where careful consideration has been applied to the institutional democratisation of the police, without adequate pay, police will not uphold democratic principles. A decentralised but inadequately paid police under local ownership is less likely to obey the rule of law or, possibly, to observe human rights, than a well-paid, non-transparent police.

Second, an institutionalisation before democratisation program must instigate strong measures to counter corruption. This includes implementing the anti-corruption/institutional reform measures discussed in the problem-solving literature. It also requires the state to regain control of a predatory police by purging it of its most corrupt elements. This is not without risk. Rapid personnel reform can reduce the organisation's cohesiveness and, under certain conditions, may jeopardise any post-transition/post-conflict political agreements (Bayley, 2005, p.54–56). There is no formula to determine the degree of personnel changes required as it depends on contextual factors. Nevertheless, an institutionalisation before democratisation approach may offer a more realistic method of enacting personnel changes than a democratisation approach. Reform success depends on police management, appointed by the state. If the state's process of appointment is divided across various branches (i.e. between the executive and the legislative, or between central and local government) there are greater opportunities for predatory and corrupt police and politicians to resist

reform and for non-state actors to co-opt the process. In Brazil for example, Hinton argues that all levels of the state, including the police, operate in an environment of corruption and are deficient of checks and balances. There has been no systematic attempt at police reform because state actors' political and economic positions are dependent on the very processes which democratic police reform or SSR undermine (Hinton, 2009, p.225–231).

Third, democratic police reform requires the state to consolidate its authority vis-à-vis other non-state police actors and establish a monopoly of violence. Democratic policing requires effective police with authority, which necessitates state actors asserting their own authority and eliminating that of organised crime groups, vigilantes, etc. There may well be means of co-opting non-state actors into the reform process, for example by the state licencing them or ensuring that they are accountable (Baker & Scheye, 2007, p.519–523). However, the existence of some non-state actors can be a direct threat to principles of democratic police reform, so the state may have to use coercion to enforce democratic policing. Democratic police reform may therefore require the state to seize, detain, imprison and even kill spoilers.

An institutionalisation before democratisation model of reform partially addresses the problem of introducing reform where there is limited political will for it. This approach can prevent components of reform being co-opted by 'bad' civil society actors or spoilers, as long as incumbent elites are dominant in their position within political society, and have a genuine interest in reform. Regaining or establishing the state's control of its police and countering corruption does not necessarily require broader democratisation, at least in the early stages of reform. Reform can be achieved in the short term by elites using their power to raise police salaries, purge the police, etc. In the long term, it is likely to fail and engender resistance unless it is institutionalised and support is broadened within political society by democratisation (Huntington, 1968, p.78–80). However, neither broader democratisation nor elite pacting are *necessarily* required during the early stages of reform, and the process of bringing opponents of reform into the process is likely to undermine it.

State-building, legitimacy and police reform

There are two main critiques to the institutionalisation before democratisation approach. First, in practice, institutionalisation before democratisation is a potentially dangerous, repressive process and can therefore be used as a tool by political elites to enhance their interests, rather than those of the population generally. The response to this critique is that such a process of state consolidation of power may be required in order to reduce insecurity generated by predatory security actors and organised crime groups. For it to result in anything resembling a democratic police force, however, elite political will for genuine reform and mass support are required, although neither of these factors guarantees its success. A second, legitimacy, critique poses a more substantial challenge to institutionalisation before democratisation and highlights the complexities of democratic police reform. To be successful, institutionalisation before democratisation and more holistic approaches to democratic police reform require some sort of common bond linking constituents of the polis but this is often lacking and likely to be difficult to create in the short term. Even if possible, such a process may require vast resources, the use of unacceptably high levels of force and necessitate considerable and unpredictable social change. Institutionalisation before democratisation is therefore far from a universal panacea for the problems associated with implementation of democratic police reform. Its adoption is unlikely to produce stability or improvements in democracy or policing, unless incumbents have a reasonably high degree of legitimacy and, in some contexts, this legitimacy may be contingent on the much longer process of state-formation, rather than state-building, which is out of reformers' control.

As discussed above, much of the focus of critical approaches is on how genuine reform is stymied because police reform, and SSR, are utilised to contain the discord created by wider neo-liberal reforms (Ellison & Pino, 2012, p.17–28; Sheptycki, 2007, p.33). This perspective implies that, in the context of a hegemonic neo-liberal discourse, institutionalisation before democratisation may be used as means of enhancing states' coercive capabilities to impose

fundamentally unjust social and political models onto their populations. Whilst this may be in part true, such critiques overstate their position. As with some of the critical literature on the liberal peace, they tend to assume democratic police reform is dominated by, and works in the interests of, a single hegemonic order. There is little evidence, however, that liberal interventions are well co-ordinated or result in an increase flow of resources from South to North (Heathershaw, 2008, p.603; Newman, 2009, p.46). There is also a tendency to underappreciate gains that have been achieved by introducing and promoting liberal models of governance and policing (Paris, 2010, p.351). Furthermore, critical literature focuses its critique mostly on international policymakers at the expense of critiquing state and local actors. In doing so, it exaggerates the extent to which international actors have the ability to transform local police (Newman, 2009, p.45).

Of course, institutionalisation before democratisation potentially gives state elites *carte blanche* to enhance their power to pursue private or ideological interests, rather than those of the public. Centralisation, for example, can enable a political leadership to enhance its powers and ability to expropriate resources (Baker & Scheye, 2007, p.508). Within the literature on police reform, there is some acknowledgement of the risks associated with reform, which mostly focuses on those associated with foreign assistance. Bayley maintains that US assistance should be based on an awareness of the impact it has on the distribution of power and influence in target contexts. 'Assistance serves some interests more than others, strengthens the ability to do one thing rather than another, and encourages some people and discourages others.' (Bayley, 2001, p.36) In practice, international practitioners often either ignore, or pay little attention to, this impact. In 2002 Amnesty International identified US police assistance to various countries implicated in human rights abuses despite a 1973 ban prohibiting such assistance (Amnesty International, 2002, p.21). According to Sheptycki, assistance continues, 'on the one side appearing to promote the values of human rights and democracy, while on the other funding and enabling police, intelligence services and military abuses of civilian populations.' (Sheptycki, 2007, p.51)

An institutionalisation before democratisation approach to police reform undoubtedly carries the risk that assistance and/or reform may create empowered central elites or police that will abuse their powers. Nevertheless, unlike more radical critiques of democratic policing, the basic framework of the approach offers policymakers practical guidelines from which they may tailor reform. Furthermore, contra to approaches advocating the implementation of police reform concurrently with either simultaneous democratisation or wide ranging institutional reform, an institutionalisation before democratisation model suggests a clearer and more limited set of steps by which policymakers can sequence reform. Implementing democratic police reform concurrently with democratisation can carry a greater risk of failure and reform being highjacked by spoilers. In fractured, neo-patrimonial and/or criminalised polities, distributing police power is unlikely to result in democratic policing and may provide opportunities for spoilers to co-opt reform (Baker & Scheye, 2007, p.508). Paris's point, discussing state-building more broadly, applies equally to holistic approaches to democratic police reform: 'Encouraging maximum freedom in the short term...ignores the 'Hobbesian problem' of building effective institutions to contain free competition within peaceful bounds.' (Paris, 2004, p.209) Institutionalisation before democratisation may be uncomfortably illiberal but, given the widespread limitations of holistic democratic police reform, it may offer indications of a more effective process than recognisably liberal approaches which produce illiberal outcomes.

Institutionalisation before democratisation also does not preclude the establishment of checks and balances on the police once basic control of police and anti-corruption measures have been implemented. Within the broader debate on institutionalisation before democratisation, as correctly pointed out by its critics, it remains unclear at what point liberalisation should begin (Newman, 2009, p.30). This, however, does not fatally undermine the concept. Overall, both the scholarly and policy research on the subject is in its nascent stages (Paris & Sisk, 2009, p.3). More work needs to be done on the timing of the sequencing of reform and factors which affect sequencing but this not

undermine the utility of the idea. Additionally, key proponents of institutionalisation before democratisation do not advocate its use universally or without sensitivity to the complexities of local contexts. In their 2009 work, for example, Paris and Sisk argue that there is no more complex task than post-war reconstruction and they explicitly call for more thinking on the role of state-building in addresses the problems existing within post-conflict and fragile states (Paris & Sisk, 2009, p.1–14).

Legitimacy critiques highlight a more awkward set of problems posing a barrier to successful institutionalisation before democratisation. Problem-solving approaches concentrate on improving the legitimacy of the police by reforming the police organisation. Typically, this is achieved via better training, improved procedural fairness, enhanced mechanisms of accountability and paying greater attention to the security needs of local populations (Bayley, 2005, p.60, 77). Legitimacy approaches to state-building, however, maintain that success is contingent not only on the creation of effective institutions, or the legitimacy of actors promoting the process, but on the ability of state-builders to generate support for state-building amongst the population (Lemay-Hébert, 2009, p.35). Chandler is critical of approaches such of those of Bayley or Paris to state-building. He argues that the way it has been practiced by international organisations in environments such as Bosnia has been unsuccessful because it has concentrated on the organisation of the state, but not developed legitimation of the state (Chandler, 2006, p.26–47). Chandler's point could equally apply to domestic elites that adopt institutional approaches to state-building which fail to develop the state's embedded legitimacy in society. The result is the creation of 'phantom states' which, on paper, have adequate governance structures but lack legitimacy to resolve social and political problems and divisions (Chandler, 2006, p.43–47). Similarly, Lemay-Hérbet maintains that institutional approaches view the state and society as separable. This belies the mutually constitutive relationship between state and society, where legitimacy strengthens the state and is, at the same time, an element of state strength (Lemay-Hébert, 2009, p.28).

As noted in the introduction, moderate critiques of the liberal peace stress the need to adopt a more flexible approach to its implementation which is very inclusive of local actors (Mac Ginty & Richmond, 2007; Mac Ginty, 2010; Richmond, 2010b, p.1–34). Critiques which maintain that democratic police reform and SSR are components of a profusion of fundamentally unjust neo-liberal policies offer limited suggestions as to how such processes can enhance legitimacy. In the main, either explicitly or implicitly, these sources identify neo-liberal international elites, a hegemonic neo-liberal discourse and/or liberal intervention as primarily responsible for low levels of police and state legitimacy in transitioning contexts (Ellison & Pino, 2012, p.11–82). In addition to macro-level reform, Ellison and Pino argue that successful, and therefore legitimate, reform, requires local actors' involvement in all aspects of reform and addressing accountability and transparency issues. More generally, donors and recipient governments must genuinely support reform. Although they do not explicitly address the issue of spoilers the authors argue that the cultivation of the norms of global civil society can help to make democratic policing acceptable to recipient nations (Ellison & Pino, 2012, p.208–213). For Sheptycki, governmental and police legitimacy has dissolved as governance has become increasingly transnational. However, he suggests that the problems of transnational policing may, at least in part, be addressed by critical study and the promotion of an emerging constabulary ethic which global, regional and transnational actors can use to shape policing practices (Sheptycki, 2007, p.36, 54–62).

There are a number of problems with these critiques. As Paris notes, legitimacy approaches do not explain how legitimacy is to be achieved without managing political and economic instability in the short term (Paris, 2004, p.209). As with their general advice, more radical approaches offer little practical guidance on how to improve legitimacy. Furthermore, approaches which advocate increasing legitimacy by enhancing the involvement of local actors provide little detail on how such a policy can successfully include local actors supportive of reform and restrict the participation of spoilers. An institutionalisation before democratisation approach by no means offers a universal solution to the legitimacy problem but it may offer a more effective means of increasing the

legitimacy of the police. Paying police adequately and anti-corruption measures may reduce insecurity generated by the police, if not enhancing their legitimacy, then at least reducing their illegitimacy, whilst cracking down on organised crime groups may well improve the reputation of the state and police.

Despite offering unclear policy guidance, legitimacy critiques make an important point by highlighting that the success of state-building and processes such as police reform are dependent on the state's legitimacy within society. In recent institutional approaches to state-building the emphasis is on legitimacy following from the strength of institutions (Rotberg, 2004, p.2–3; Chesterman, 2006, p.4). As Huntington recognised, stable complex societies require some sort of commonwealth binding their members. The bonds need to be institutionalised but they must also, 'give… meaning to the common purpose and create new linkages between the particular interests of individuals and groups.' (Huntington, 1968, p.10–11)

State-building, and police reform, are therefore dependent not only on political leaders' abilities to enhance legitimacy but also on the existing embeddedness of state institutions into society, or their potential to become embedded. This, in turn, means that SSR and police reform are only likely to be successful in environments where there is either a reasonably embedded state or a history of a prior one. Without this, the success of state-building, and other reforms which may follow, is less likely. Linz and Stepan's point on democratisation equally applies to state-building:

> The greater the percentage of people in a given state who either were born there or arrived without perceiving themselves as foreign citizens, and who are subsequently denied citizenship in the state (when their life chances would be hurt by such denial), the more unlikely it is that this state will consolidate democracy. (Linz & Stepan, 1996, p.33)

The most likely form of commonwealth described by Huntington in modern polities is nationalism (Rustow, 1970, p.350–352). Regardless of whether a democratisation or institutionalisation before democratisation approach is adopted, reform creates winners and losers. Attempts to establish an overarching rational-legal framework and consolidate the security sector within

a low-capacity state divided by fissures are liable to increase tensions. In polities where nationalism provides a potential bond between members, nationalism can counter the insecurity dilemma. Political elites are more likely to be inclined to collaborate in order to build the state and it is more difficult for them to acquire political support by appealing to other forms of identity. Furthermore, nationalism can enhance the legitimacy, and therefore authority, of security actors on the ground. Instead of being identified with a particular social cleavage, police and other state security actors are identified with a state that members of the polity relate to and are more likely to accept.

Legitimisation of state-building or police reform may, however, be dependent on long-term processes out of reformers' control. Nation-building, as opposed to state-building is a conceptually different and more complicated process. A nation is a complex entity with no clear organisational characteristics. It is based on a psychological identification of the people who constitute it, formed around some shared values and a shared history, real or imagined (Linz & Stepan, 1996, p.22; Anderson, 2006, p.5–7). The process by which nations are formed results from a complicated interplay between macroeconomic, social and political processes.[41] An in-depth analysis of this, or of state-building as a process of legitimating the state, is beyond the remit of this thesis. However, an overview of these subjects indicates that in polities with no prior history of a commonwealth linking members, democratisation may only occur after institutionalisation following a long, and potentially bloody, process of state-formation. On the basis of the European experience, Egnell and Haldén argue that:

> The key elements of modern countries emerged in sequence, i.e. the formation of a polity that transcended the interests of individual elite groups emerged prior to the expansion of the scope of state activity, and an increased interest in control and monitoring of the population was a precondition of the emergence of civil society. The attempt to achieve increased state control, legitimate government, civil society engagement and democratisation synchronically will be highly difficult because, historically, these developments were preconditions of each other. (Egnell & Haldén, 2009, p.41)

In Europe democratic security sectors developed as a result of state-formation. Only once elites were, 'tied into the workings of the state apparatus, could the

[41] For an overview on this subject, see: (Linz & Stepan, 1996, p.16–37).

state broaden and deepen its spheres of activity, which included increased control over their populations and internal pacification' (Egnell & Haldén, 2009, p.38). This is based on Tilly's idea that, 'states made war and war made the state.' (Tilly, 1975; Tilly, 1985; Tilly, 1992; Taylor & Botea, 2008) Basically, war required taxation, which prompted greater elite cooperation and involvement in the functioning of the state. This was followed by growth of the state's administrative capacity and development of representative institutions (Egnell & Haldén, 2009, p.37; See also: Ayoob, 1992).

Historical analyses of the development of criminal justice systems support the argument that institutionalisation before democratisation may depend on certain long-term processes. These attribute the democratisation, or humanisation, of criminal justice systems to the monopolisation of state power and other macro processes. Elias's theory of civilisation links more humane forms of order (specifically, stability, individual pacification and anti-violence norms) to the prior monopolisation of state power. Over the last six centuries of European history, the amount and stability of Europeans' self-control has increased, along with a differentiation of functions and, crucially, increased monopolisation of state power (Spierenburg, 2008, p.6). The state's monopoly of force, closely connected to its fiscal monopoly, enabled pacification of large masses of people. Development of this monopoly also poses great dangers as it allows exploitation of large masses by few people. Nevertheless, it may also curtail high levels of social violence by developing taboos against acts of violence (Elias, 1988, p.179–180; Fry, 2005, p.110–113, 247–261). Foucault attributes reductions in social violence and the development of more humane criminal justice practices to the development of capitalism and increased intolerance of economic offences (Foucault, 1991, p.78). New methods of punishment emerged, partly to assure a better and more efficient distribution of the power to punish throughout society (Foucault, 1991, p.80–81). The 'spectre of the scaffold' of the 'classical era' became a danger for sovereigns (Garland, 1986, p.850). The condemned, and his/her struggle with the law, rich, etc., was too easily identified with by the common man (Foucault, 1991, p.67). Public executions frequently resulted in disorder and precipitated violence against sovereign authorities.

With the development of capitalism, social institutions such as schools, armies, hospitals and prisons emerged as regimes of discipline power which normalise individuals and establish the boundaries of normal behaviour (Foucault, 1991, p.182–183). Through discipline, modern institutions create 'docile bodies', conditioned to perform useful economic activity and obey political authorities (Foucault, 1991, p.138).

Several important insights for the study and practice of SSR and police reform can be drawn from historical analyses of punishment and state-formation. First, although there is controversy over the timing and interaction between the various macro processes which impacted upon criminal justice practices,[42] these studies add historical evidence supporting the argument that the institutionalisation of security practices preceded their democratisation. The implication that follows, according to Egnell and Haldén, is that SSR's goals may be served more effectively by changing the context of elite political formation rather than directly reforming parts of the security sector (Egnell & Haldén, 2009, p.38). The European experience of state-formation was, however, a result of particular temporal and historical forces, which may limit the lessons applicable to state-formation in modern contexts. In particular, unlike the formation of European states, contemporary weak states are evolving in a relatively well-established system of states, with internationally agreed rules and norms fixing their boundaries (Ayoob, 1995, p.73–76; Holloway & Stedman, 2002, p.168–171). Egnell and Haldén are, therefore, cautious about proposing an elite formation approach and suggest more knowledge is required about the nature of state-society relations in non-Western contexts (Egnell & Haldén, 2009, p.49).

Second, the goals of democratic police reform and SSR may be dependent on macro-social processes beyond the means of policy makers to control. The fields

[42] For example, contra Foucault, Spierenburg contends that the humanisation of criminal justice began around 1600 due to changes in attitudes towards violence brought about by the formation of states and their internal pacification. Legal and cultural, including religious, factors also served as considerable drivers for penal reform (Spierenburg, 1984; Quoted in: Garland, 1986, p.869–870).

of SSR, international security and international development are dominated by technical approaches which suggest that government and development projects can 'socially engineer' various malleable and manageable contexts (Egnell & Haldén, 2009, p.47–48; Baker & Scheye, 2007, p.505–511; Hills, 2009a, p.77). The European experience, however, indicates the process of institutionalisation before democratisation is far from manageable and may be a long and bloody one. By not engaging with the literature on state-formation, much of that on SSR and democratic police reform has underestimated the development and complexity of non-Western contexts and overestimated the power of reform to transform them. Even if an institutionalisation before democratisation approach is adopted, democratic police reform and SSR may not be able to achieve improvements in the functioning of the security sector, particularly in polities which lack a nationalism binding members of the polity. Given the complexity of the process, however, and our limited knowledge of it, the existence of nationalism is far from a guarantor of the success of either type of reform.

Conclusion

Within the literature on democratic police reform and SSR there are some insightful commentaries on the problems associated with both processes. Critical research indicates that patterns of reform are related to the nature of global governance. More problem-solving orientated focused work highlights a number of steps that must be taken to reform the police organisation and to democratise it, in the long run. On the whole, however, the literature underconceptualises the notion that the success of police reform is contingent on the success and nature of state-building. Police behaviour depends on the state so changes in it depend on changes to the state. In particular, where state capacity is low and/or the state is heavily corrupted, democratic police reform may require the institutionalisation of the police before its democratisation. Institutionalisation is necessary to establish an efficient police force which observes and enforces the rule of law. This requires adequate payment of police and curtailment of corruption and the influence of prominent spoilers. Measures which weaken and broaden state control of the police are important in the long term but, in the

short term, they can undermine the state's ability to implement reform and empower spoilers.

For it to be successful, an institutionalisation before democratisation approach to democratic police reform requires elites with the political will to implement reform and a relatively high degree of legitimacy. As the Georgian experience demonstrates, the success of reform was contingent on the state leadership's desire for reform and the support it enjoyed due to the strength of Georgian nationalism. By contrast, reform has been unsuccessful in Kyrgyzstan because of a lack of political will and a common bond linking members of the polis. In Russia, a lack of political will and the continuation of factional politics are the primary reasons for lack of reform. The post-Soviet experience also demonstrates that institutionalisation before democratisation is dependent on contextual factors and that it is a risky, potentially repressive and somewhat unknown process. Contrasting patterns of police transformation are considered in further detail in Chapters 6 and 7. Our attention now turns to the challenges to democratic police reform in the FSU posed by low state capacity and the nature of the state.

Chapter 4 – The Post-Soviet Policing Environment

In Kyrgyzstan, Russia and pre-Rose Revolution Georgia, considerable challenges to democratic policing resulted less from a lack of democratisation and more from the collapse of state power, combined with continued dominance of neo-patrimonial governance. Until the late 1980s, the Soviet state had relatively effective state capacity and was able to maintain a territory to govern, a monopoly of violence, collect revenue, enforce its rule of law and had a bureaucracy with which to perform these functions (Colton, 2006, p.6). Its collapse precipitated a dramatic decline in state capacity across the cases. Each state underwent a quadruple transition which included aspects of democratisation, marketisation, attempts at state-building and challenges to Soviet-era conceptions of national identity (Kuzio, 2001; Kavalski, 2013, p.5). Resonating with Huntington's thesis (Huntington, 1968, p.5), the newly independent states inherited weak political institutions and overly large bureaucracies, ill-equipped to cope with problems stemming from the biggest peacetime economic crisis recorded in modern history. They had uncompetitive economies and problematic national identities (Snyder, 1998, p.1–5; Popov, 2004, p.96–98; Fritz, 2007, p.97–98).[43] Instead of smooth transition into market democracies, the result was low state capacity stemming from open contestation for the state, ethno-nationalist conflict and economic collapse. Throughout the 1990s and much of the 2000s, state quality remained low because Georgia, Kyrgyzstan and Russia retained political societies characterised by weak constitutional and legal institutions, resulting in rule by law to gain/maintain power, factional politics, patrimonialism and corruption.

This chapter provides information on the political environments which police in the FSU work in. I first examine how the quadruple transition resulted in a decline in state capacity across the cases. The second section examines low state quality and its causes.

[43] Huskey applies this thesis to Central Asia (Huskey, 1995).

The decline in state capacity

Major political events and open contestation for control of the state

Generally, state capacity in Russia is regarded as having been low under Boris Yeltsin (1991-1999) and considerably stronger under Putin (1999-2008, 2013-) and Dmitry Medvedev (2008-2012) (Wall Street Journal, 2008; Taylor, 2011, p.25). Throughout the 1990s, political instability was a prime feature of low state capacity caused by inadequate institutions. The newly independent Russia inherited a constitutional structure granting both the executive and legislative branches supreme state power (Sakwa, 2008, p.46). Intense competition between the two culminated in the 1993 crisis which nearly resulted in a civil war and ended only after forces loyal to Yeltsin assaulted the Russian White House, where members of the legislative were barricaded, killing around 200 people in the process (Dunlop, 2001, p.51–57; Mendras, 2012, p.84–85). In the aftermath of the conflict, the 1993 constitution was hurriedly written and established an enormously powerful executive, with limited horizontal or vertical constraints (Fish, 2000; Brown, 2001, p.49; Sakwa, 2010a, p.23; Mendras, 2012, p.85). Yeltsin, however, was unable and, perhaps, unwilling to concentrate power effectively. It is difficult to generalise about the complexities of Russian factional politics. Broadly, 1991-96 was marked by a political battle for control between the 'bureaucratic' cohort (the *nomenklatura*), whose power base was in state institutions, and the new 'oligarchs,' who rose to prominence after mass privatisation (Gaman-Golutvina, 2009, p.156–158). By 1996, the oligarchs had concentrated economic power and subverted the state to their narrow interests (Sakwa, 2009b, p.2). Yeltsin played a balancing game between various oligarchic and bureaucratic factions, with the former in the ascendency, but no dominant group emerged. Meanwhile, state extractive capacity dwindled, state institutions crumbled and corruption and nepotism increased dramatically (G. B. Smith, 1999; Breslauer, 2001; Dunlop, 2001; Shelley, 2010).

State capacity also declined because the executive struggled to control federal-regional relations. The 1993 constitution did not clearly define relations between

the centre and the 89 regions (Petrov & Slider, 2010, p.61). A lack of central support forced some of the latter to fend for themselves but the extent to which regional political actors resisted the centre (e.g. by declaring their laws sovereign, usurping federal tax privileges, imposing illegal tariffs) indicates wide scale collusion with regional economic actors to capture state assets (Stoner-Weiss, 2006). Yeltsin used a series of asymmetrical bilateral treaties to resolve jurisdictional and distribution issues and to keep regional and economic actors within the federal fold (Solnick, 2000), in what Sakwa terms a 'neo-medieval' system of governance (Sakwa, 2009b, p.6). In the North Caucasus, however, competition between Russian and ethnic minority conceptions of statehood contributed to large-scale violence and two Chechen Wars (1994-96, 1999-2002) (Cornell, 2001, p.185–240). Open rebellion has been largely subdued in the region, although violence remains very high. It is also a source of terrorism in Russia, as a whole, and between October 2001-June 2007 the number of people killed in terrorist attacks in Russia (1,170) was the highest in the world, excluding Iraq and Afghanistan (Taylor, 2011, p.87).

Since Putin emerged into public life in 1999 he has remained the dominant figure in Russian politics, even during the Medvedev presidency (Wegren & Herspring, 2010, p.293; Mendras, 2012, p.5, 208; Lane, 2013), and the capacity of the Russian state has increased substantially. From the outset, Putin began with a vision to restore the state, arguing, in January 2000, that:

> Our state and its institutions have always played an exceptionally important role in the life of the country and its people. For Russians a strong state is not an anomaly that should be gotten rid of. Quite the contrary, they see it as a source of and guarantor of order and the initiator and main driving force of change. (Wegren & Herspring, 2010, p.301)

The new administration quickly sought to reassert executive control over the regions by re-establishing the 'power vertical' chain of authority (Monaghan, 2012). Seven federal districts were created between the regions and the centre. These were headed by presidential appointees tasked, somewhat ambiguously, with restoring predominance of federal law, coordinating federal bureaucracy and bringing regional security organs firmly back under central control. Regional political actors lost their automatic seats in the Federal Council, the upper house

of the Duma and, in 2005, were no longer selected by popular election but by appointment of the president, with the approval of regional assemblies (Stoner-Weiss, 2006; Petrov & Slider, 2010, p.64–70). At the centre, Putin created a tighter cohort around the executive consisting primarily of former associates from St. Petersburg and *siloviki* – men[44] serving, or with a background, in the 'power ministries' (Kryshtanovskaya & White, 2009, p.295; Sakwa, 2009b, p.5–6; Willerton, 2010, p.35–39). This latter term refers to the Ministry of Defence, the MVD and the KGB, and their successors, which represented the core of the Soviet state's coercive apparatus (Taylor, 2011, p.36–52).

The establishment of United Russia ('Unity' from 1999-2003), a party allied with the presidency, allowed Putin greater control over the Duma than Yeltsin enjoyed (Remington, 2009; Remington, 2010) (more on this in Chapter 7). He also curtailed the influence of the oligarchs, which was waning after the 1998 financial crisis . The main turning point was in 2003 when Mikhail Khodorkovsky, owner of the Yukos oil company, was arrested and convicted of tax evasion. There are multiple reasons for the clash, including a power struggle between Yeltsin-era political figures and the *siloviki*, punishment for Khodorkovsky's political ambitions and an effort to stymie Yukos' development as a growing power on the domestic and international energy markets (Rutland, 2010, p.165–168; Taylor, 2011, p.105; Gans-Morse, 2012, p.278–279). More generally, the affair is regarded as an example of the Putin administration's fear of independent social forces (Hanson, 2005). In its aftermath there has been little open competition for control of the state from independent economic, regional or political forces.

In independent Georgia, up until the Rose Revolution, the creation of coherent state institutions was a more pressing problem than democratisation (Snyder, 1998, p.1). Also, the combination of the shock of independence, long simmering ethnic tensions, geopolitical instability and economic collapse generated several violent, ethno-nationalist conflicts resulting in the country being a failed state until at least 1994 (Goldenberg, 1994; Cornell, 2001, p.11–44; 129–184;

[44] Most siloviki are male.

Matveeva, 2002; Lynch, 2004, p.13–35; Closson, 2009, p.671). Throughout the 20th century there was a history of political, social and economic resentments amongst, and between, Georgians, who comprised 70.1 percent of the population in 1989, and non-Georgians (e.g. Abkhazians and Ossetians)[45] (Jones, 1997, p.505–529; Cornell, 2001, p.129–151). Conflict was not inevitable but the country's first president, Zviad Gamsakhurdia, lacked the qualities to guide an ethnically divided country undergoing drastic transformation (Suny, 1994, p.318; Toft, 2002, p.123). He was ideological, intolerant of opposition, conspiratorial and paranoid (Wheatley, 2005, p.46; Jones, 2006a, p.262; Jones, 2013, p.63). War broke out between Georgian and Ossetian paramilitaries in late 1990. The lack of a military victory in the region of South Ossetia and, Gamsakhurdia's equation of any opposition with treachery (Cornell, 2001, p.168), resulted in his ousting by nationalist paramilitary groups in January 1992. He died in murky circumstances in December 1993 (Radio Free Europe, 2010a).

The paramilitaries invited former Soviet foreign minister Eduard Shevardnadze to run a Military Council. Returning in March 1992, he negotiated a ceasefire in South Ossetia but had limited control over the country. Forces loyal to Gamsakhurdia, the 'Zviadists,' resisted the Council in western Georgia and, in July 1992, the autonomous province of Abkhazia declared itself an independent Soviet republic (Suny, 1994, p.329). After a bloody conflict, and with unofficial Russian military aid, Abkhazian forces expelled Georgian forces from the territory. Approximately 10,000 people died in the war and perhaps 200,000 persons were displaced (around 700 people died in South Ossetia) (Cornell, 2001, p.170, 174). Cease-fire lines remained relatively stable, despite several flare-ups, until the August 2008 war with Russia, after which Russia officially recognised the independence of the territories. The autonomous province of Ajara also effectively broke from central control in 1992 but did so without declaring independence or violence. Within Georgia's remaining territory, Shevardnadze cooled ethnic tensions by moving Georgia to a more civic nationalism (Jones, 2006a, p.265). He managed to stem resistance from the

[45] Minority groups then made up the following proportions of the population (figures in percentages): Armenians (8.1), Russians (6.3), Azeris (5.7), Ossetians (3.0), Abkhaz (1.8).

Zviadists with Russian aid and crackdown on the paramilitaries.[46] By 1995/1996 Shevardnadze had consolidated or co-opted all coercive powers (Demetriou, 2002; Christophe, 2004; Wheatley, 2005, p.82–97) but presided over a deeply corrupt country. Although Georgian political society was relatively open and competitive, and there was a relatively free media, it was organised along clientalistic lines. By the elections of November 2003, according to one analyst, Georgia resembled a medieval feudal kingdom more than a modern European democracy (International Crisis Group, 2003, p.1).[47]

Shevardnadze's 2001 announcement that he would withdraw from politics in 2005, at the end of his second term, set off a secessionist struggle. In less than a year, Saakashvili, then Minister of Justice, and a stream of other politicians broke from the president, leaving his party, the Citizens Union of Georgia, fractured (Mitchell, 2008, p.31–39; Berglund, 2012, p.9). Shevardnadze struggled on by attempting to resurrect the CUG, which was rebranded 'For a New Georgia' in 2003 (Mitchell, 2008, p.50–51). The new coalition was widely regarded to having resorted to corruption to steal the November 2003 parliamentary elections. This precipitated a series of protests and shifts in political alliances which ultimately forced the ageing Shevardnadze to resign (Wheatley, 2005, p.171–215; Areshidze, 2007, p.149–187; Mitchell, 2008, p.43–68). Saakashvili rode a wave of popularity to victory in presidential elections in January 2004, securing 96 percent of the vote (Mitchell, 2008, p.69–73). The revolutionaries then enacted a series of constitutional amendments in February 2004 which significantly enhanced presidential powers over those of parliament and gave Saakashvili considerably more formal power than Shevardnadze had. In parliamentary elections in March 2004, the president's position was further strengthened when his party, the National Movement, won 66 percent of the vote, enabling it to dominate the legislature (Wheatley, 2005, p.193–195; 234). With executive, legislative and judicial power firmly under the control of the presidency, the new government undertook an extensive state-building project, one component of which included reform of the police (See Chapter 6).

[46] For more on the conflicts, see: (Cornell, 2001; Lynch, 2004; Nodia, 2005; Zurcher, 2005).
[47] See also: (Nodia, 2002; Christophe, 2004; Wheatley, 2005, p.103–142; Jones, 2013, p.141–177).

In Kyrgyzstan, relative stability in the 1990s gave way to instability in the 2000s. Unlike Georgia, regional and national power brokers have not contested the boundaries of the state (Roy, 2000, p.115) although regionalism is a key feature of political society. Overall, politics in Kyrgyzstan can be described in terms of elite coalitions formed around regional, clan, but also political, business and criminal interests (Engvall, 2007, p.42). From independence in 1991 until 2005, President Askar Akaev led the country and a significant degree of political competition, economic liberalisation and a relatively free media gave Kyrgyzstan a reputation as the most liberal of the Central Asian republics (Anderson, 1999, p.2). However, Akaev's rule was also accompanied by institutionalised corruption, economic decline and, towards the end of his tenure, aspects of authoritarianism (Plater-Zyberk, 2003, p.4). Akaev's failure to maintain popular support, and his patronage network's inability to dominate or placate rival networks, led to his ousting in the March 2005 Tulip Revolution (Kupatadze, 2008, p.281; Temirkulov, 2010, p.593; Radnitz, 2010b, p.131–166). The fate of his successor, Kurmanbek Bakiev, followed a similar pattern. Bakiev's tenure was characterised by worsening nepotism and authoritarianism (Engvall, 2007; Marat, 2008). In April 2010 he was deposed and fled into exile. Although the April coup was more spontaneous than the Tulip Revolution (Nichol, 2010, p.6; Temirkulov, 2010) the underlying mechanics were similar. Bakiev maintained power via informal patronage but his network's attempt to consolidate economic and political power fostered resentment amongst the population and rival networks, triggering the uprising (Radnitz, 2010b, p.204–208; Collins, 2011, p.154).

After Bakiev, a provisional government initiated reforms to transform Kyrgyzstan from a presidential to a parliamentary system and to counter the influence of patrimonial governance (Collins, 2011, p.157–159). Parliamentary elections took place in October 2010 and a new president, Almazbek Atambaev, was inaugurated in December 2011. After the 2010 constitutional changes, the presidency retained the power to appoint and dismiss the ministers, and their deputies, responsible for defence and security (Constitution of the Kyrgyz

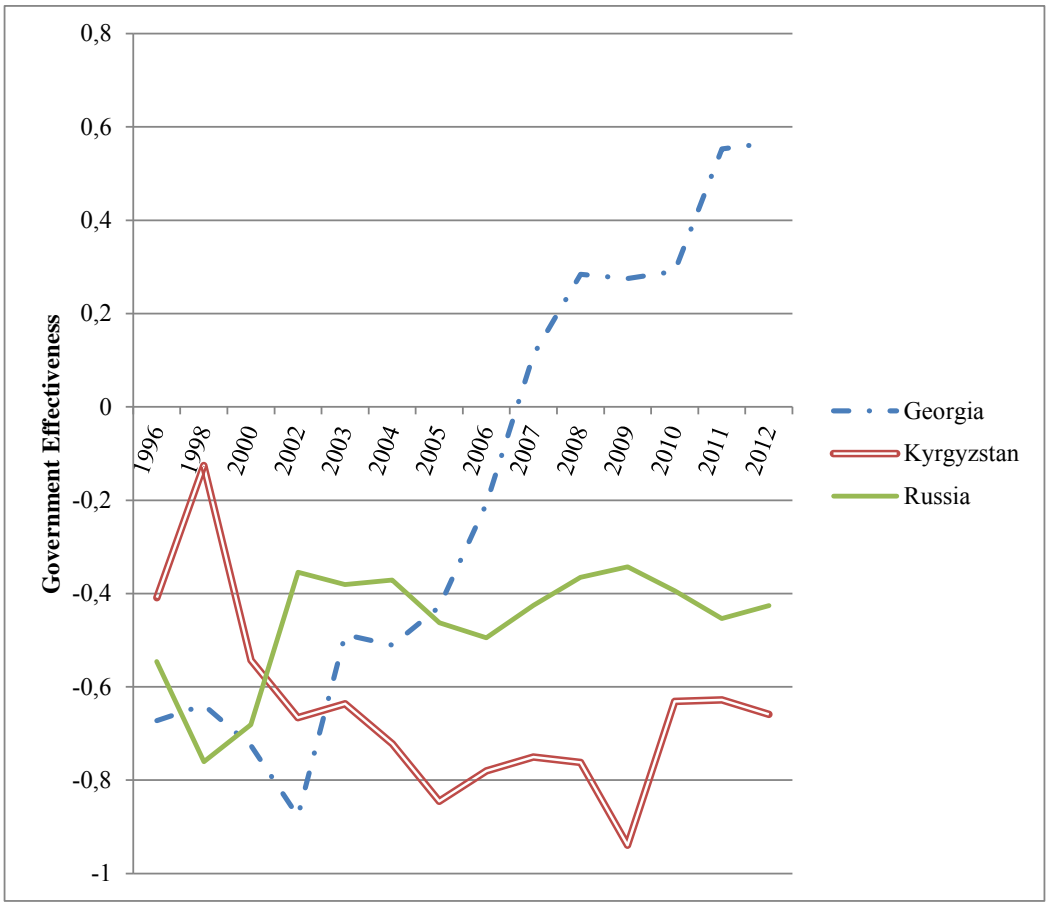
Republic, 2010, Art.64.4.2). The government, led by the prime minister, however, gained responsibility for drafting and submitting the budget (Constitution of the Kyrgyz Republic, 2010, Art.88.1.6). It remains to be seen exactly how the day-to-day balance of power between the president and the prime minister will be worked out in practice (Radio Free Europe, 2010b), although early indications suggest politics continues to be dominated by the struggle for power rather than debates over policy (Huskey & Iskakova, 2011, p.8–9). There remains a deficit of trust within Kyrgyz political society which is highly fragmented (Huskey & Iskakova, 2010; Huskey & Hill, 2011, p.879).

Ethno-nationalism has not played as great a role in Kyrgyz politics as in Georgia, despite the country's high ethnic diversity. In 1989, Kyrgyz constituted 56.5 percent of the population, Russians 18.8 percent, and Uzbeks, located mainly in the south, 13.5 percent (Huskey, 1997, p.659). In June 1990, large-scale ethnic violence between Kyrgyz and Uzbeks left around 170 people dead in the south but there was no repeat of this until the summer of 2010, when approximately 470 people died in a further spate of ethnic violence in the same region (Tishkov, 1995, p.134; Huskey, 1997, p.661–662; Anderson, 1999, p.19; IWPR, 2011). Unlike Georgia, upon independence, Kyrgyzstan lacked a nationalist, urban elite and political mobilisation has orientated more around clan, regional and patronage networks rather than national identities (Jones Luong, 2002, p.63–82; Berdikeeva, 2006). Uzbek-Kyrgyz relations have had the highest potential for bloodshed but, unlike Gamsakhurdia, Akaev stressed the preservation of ethnic harmony, partly because the weakness of his power base meant he was reliant on balancing ethnic interests (Anderson, 1999, p.43–45; Lowe, 2003, p.123). Akaev failed to address structural cultural and economic tensions in the south, however, and the Bakiev regime's efforts to celebrate Kyrgyz nationalism and upsetting of patron-client relationships between Uzbek leaders and the central administration, contributed to the 2010 outbreak of violence (Berdikeeva, 2006, p.4; Fumagalli, 2007, p.224, 225; McGlinchey, 2011, p.90). Like most ethnic conflict in Central Asia, it operated mostly at a local level and was not taken on board by most national elites (Roy, 2000, p.177). I shall examine why ethno-

nationalism has not played a more central role in Kyrgyz politics in more detail Chapter 7.

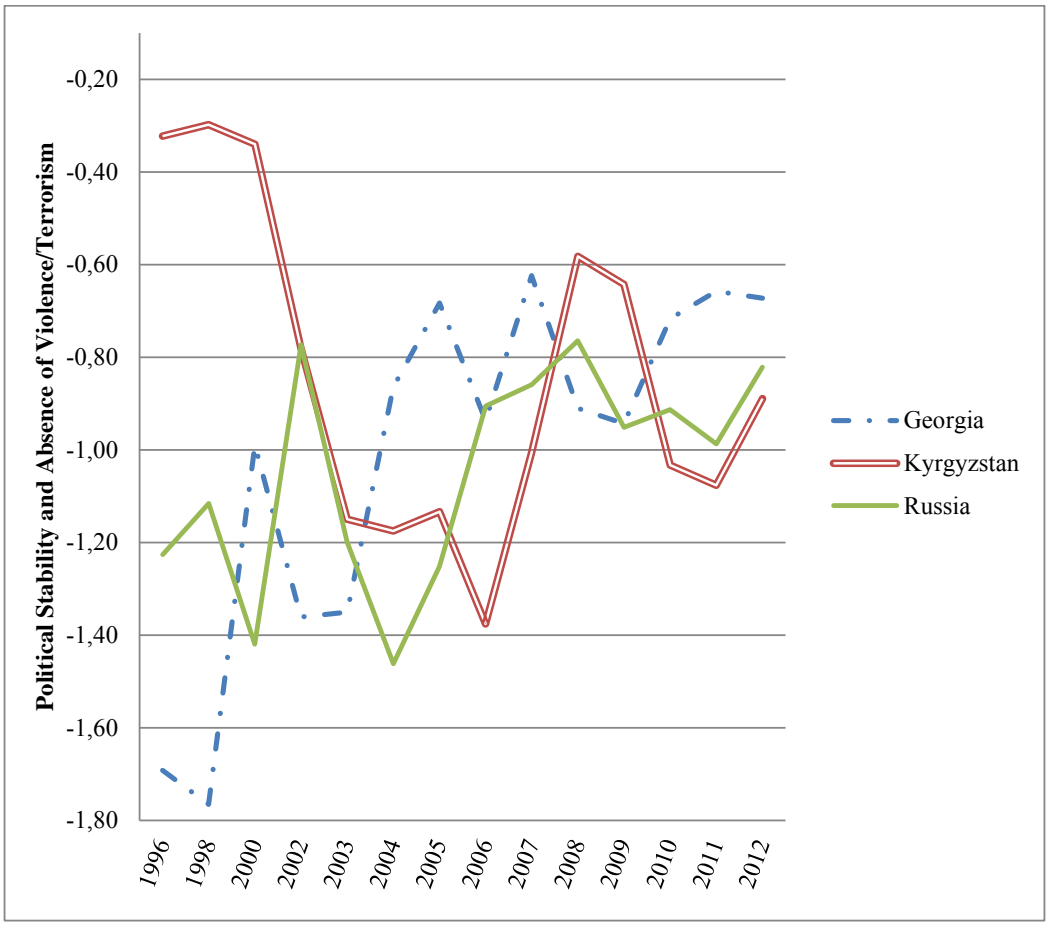
The World Bank's Government Effectiveness and Political Stability and Absence of Violence World Governance Indicators provide evidence of the changing patterns of state capacity (Figure 1 and Figure 2). Both government effectiveness and political stability declined into the 2000s in Kyrgyzstan, in contrast to marked increases in Georgia after the Rose Revolution. Russian government effectiveness has increased under Putin's tenure, although it remains low, and there has been some improvement in political stability from 2006, with the regime's consolidation of power and the end of the Chechen wars.

Figure 1 Government Effectiveness (WGI) – Georgia, Kyrgyzstan and Russia, 1996-2012



Index values range from -2.5 (very poor performance) to +2.5 (excellent performance). Source: Compiled by author from: (World Bank, 2013b).

Figure 2 Political Stability and Absence of Violence (WGI) - Georgia, Kyrgyzstan and Russia, 1996-2012



Index values range from -2.5 (weak governance performance) to +2.5 (strong). Source: Compiled by author from: (World Bank, 2013b).

Economic contraction

The collapse of the Soviet economy and subsequent marketisation in each of the case studies resulted in dramatic economic contractions. Liberalising centrally administered Soviet economic structures required privatisation of state property, ending state-regulated price controls, and opening up to international trade and investment whilst, at the same time, finding markets for uncompetitive products (G. Smith, 1999, p.11). The successor states, however, lacked adequate means of regulating privatisation and protecting property rights. Reduced state capacity enhanced organised crime groups' ability to extort revenues from economic enterprises and they were often better placed than state agencies to enforce contracts and provide protection, a practice known as 'roofing' (*krishivanie*) in

the region (Volkov, 2002, p.36–54). Additionally, instead of improving state capacity, marketisation served as an opportunity for predatory elites to capture state assets.

In Russia, rapid marketisation and corruption during *perestroika* contributed to the severe decline of the economy and GDP declined 52 percent and industrial production 60 percent between 1991-96 (Shiraev, 2013, p.216). The early Yeltsin period bore witness to a poorly managed and corrupted privatisation programme which resulted in the breakdown of law and order and merging of political, criminal and business interests (Bova, 1999, p.26). In the absence of effective property rights, businesses began to use criminal groups to enforce contracts and protect their assets and contract killings became a frequent means of resolving disputes (Volkov, 2002; Rutland, 2010, p.162–163; Gans-Morse, 2012, p.263). By the mid-1990s, the economy stabilised as economic power gradually consolidated into the hands of a small number of oligarchs and the government injected some stabilisation, using bonds and foreign borrowing. The oligarchic model proved parasitic, however, as oligarchs were draining the state of assets and revenues whilst simultaneously profiting from high interest on government bonds (Rutland, 2009, p.178; Rutland, 2010, p.163). In 1998, the state defaulted on its debts and devalued the rouble, which lost more than 60 percent of its value to the dollar (Fritz, 2007, p.296–300). Unsurprisingly, throughout the 1990s, the state's extractive capacity remained extremely weak and was one of the main factors leading to the fiscal collapse (Easter, 2006, p.26). The Russian tax police itself estimated that as little as one percent of the population was paying its taxes in full in 1999. One third of businesses paid no tax in 1996 and half paid, 'only sporadically.' (Sperling, 2000, p.12–13)

State fiscal capacity has improved considerably under Putin. Consolidation of political power and the oligarch's weakening facilitated a reform of the tax code (Fritz, 2007, p.303–305). A flat personal income tax was introduced, the code was simplified in various ways and the centre strengthened its control over tax policy and the amount of revenue it received vis-à-vis the regions (Easter, 2006, p.40–47). Simultaneously, the government has benefited from a more favourable

international exchange rate and high oil and gas prices, the former rising by ten times from 1998 to early 2008 (Mendras, 2012, p.233). The reduction in oligarchic and independent economic power has also enhanced the state's ability to extract revenue from corporations, with tax receipts from Gazprom, for example, increasing by 13 percent in 2001 (Easter, 2006, p.43). Overall, the Russian economy experienced substantial growth during Putin's first two terms in office: living standards doubled, GDP increased by 70 percent, almost all of Russia's sovereign debts were cleared and $402 billion of foreign currency accumulated (Rutland, 2009, p.173) The regime's critics, however, counter that these successes were possible only on the back of rising energy exports and a large share of its tax receipts come from a few corporations (Easter, 2006, p.44; Remington, 2006, p.287; Wegren & Herspring, 2010, p.292). Worryingly, whilst under Yeltsin, the state was too weak to protect business from criminal activity, under Putin the biggest danger has come from the state itself. The attack on Yukos was not an isolated case of the state utilising its coercive apparatus to seize corporate assets, often at discount prices. At a lower level, state officials commonly misuse licensing and registration laws to extract resources from small businesses (Rutland, 2010, p.174–176; Gans-Morse, 2012, p.278–287)

During the Soviet era, Georgia shifted from a rural to a moderately industrialised economy under Soviet central planning which, by 1991, was heavily dependent on the Soviet economy (Schroeder, 1996, p.475; Jones, 2013, p.41; 179–182) After independence, economic performance was severely constrained by conflict, massive corruption, weak market institutions and, between 1991-2004, official output fell by 70 percent and exports by 90 percent (Guledani, 2005, p.117; Scott, 2006a, p.20). Even during the Soviet era, however, Georgia was characterised by a large second economy so the exact scale of the contraction is difficult to determine (Mars & Altman, 1983; Schroeder, 1996, p.474). Georgia's tax revenue was only 13.7 percent of GDP in 2002, indicative of its poor performance and the state's limited economic capacity (Machavariani, 2006, p.38). After the Rose Revolution, annual tax revenues increased 48 percent and customs revenue multiplied five times in 2004 (Jones, 2006b, p.46). State revenues tripled from 2003-2006, from approximately $517 million to $1.78 billion (2010 constant)

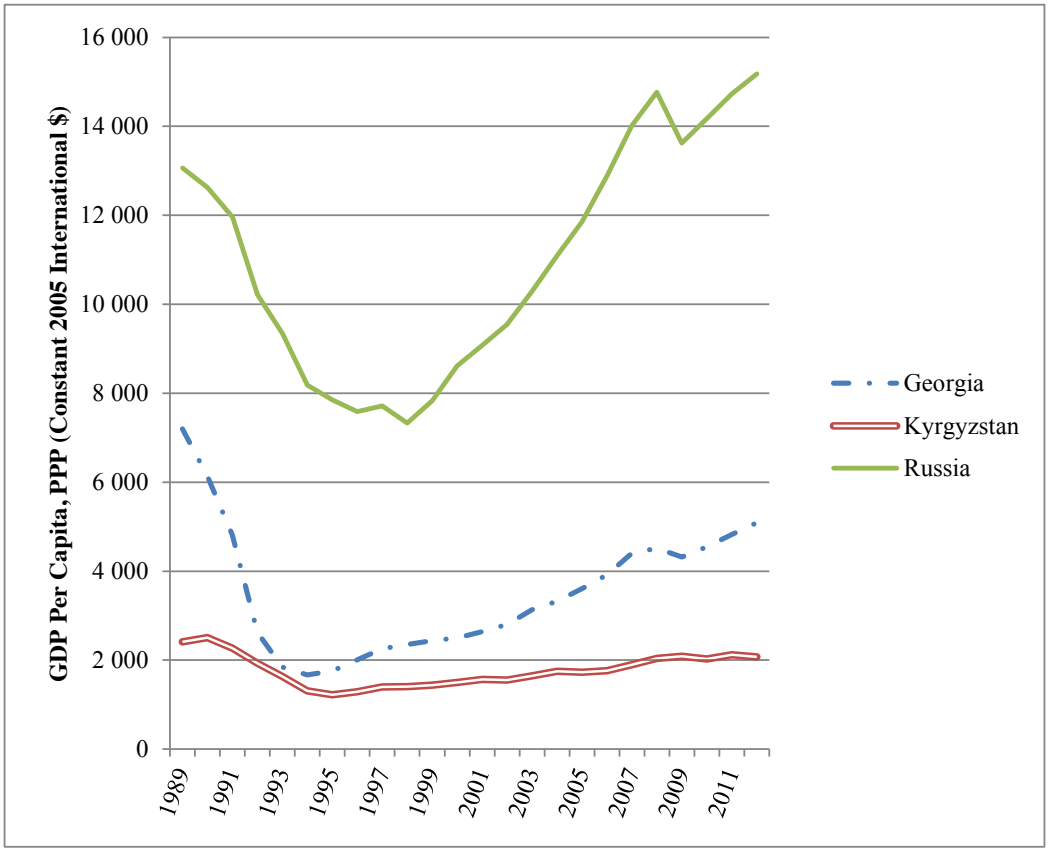
(Transparency International, 2007, p.1).[48] However, critical analyses of the Georgian economy highlight its dependence on investment and the weakness of other sectors (MacFarlane, 2011, p.2–7; Lazarus, 2013, p.270).

Kyrgyzstan was especially badly hit by the collapse of the Soviet economy. Like other Central Asian republics, it had a reasonable public infrastructure, universal literacy and relatively high life expectancy but it was both poor and deeply reliant on Soviet subsidies (Pomfret, 2007, p.316, 326). Of the fifteen constituent republics of the USSR, Kyrgyzstan had a per capita income around 2/3 the Soviet average and only Tajikistan was poorer (Anderson, 1999, p.16). Its limited industrial sector, which made specialised goods for Soviet industry, and the large rural sector, which produced a living for 62 percent of the population of the republic, were both uncompetitive on the world market (Abazov, 1999, p.197–198; Rumer, 2005, p.9). The economy contracted massively in the early 1990s, with GDP falling by around 45 percent from 1992-1995 (Anderson, 1999, p.79–83). Mass liberalisation and privatisation achieved some macro-stabilisation and economic recovery in 1996-1997 (Abazov, 1999, p.207) but Kyrgyzstan lacks the prized energy resources of other former Soviet republics, such as Kazakhstan and Azerbaijan (Huskey, 2003, p.111–112), and institutions to regulate market activity. The development of the economy has remained severely constrained by political instability and particularistic politics (McMann, 2009) with one commentator describing it as 'capitalist in form and cronyist in substance.' (Huskey, 2003, p.124) This has left the majority of the population and the Kyrgyz state impoverished. Two-thirds of the population live in the countryside and almost two-thirds of them live in poverty (Oroshbekovna, 2006, p.63–64). Elite nepotism and a botched privatisation programme has concentrated wealth and reduced much of the population to subsistence farming (Radnitz, 2010b, p.2). They also increased the state's external debt from $2 billion in 2006 to $2.5 billion in 2010, several times that of its budget (Marat, 2006b, p.44; Carnegie Endowment for International Peace, 2010).

[48] Calculated using data from TI, based on the average dollar to (Georgian) lari conversion in 2003 and 2006, and the conversion of these figures into a 2010 dollar constant.***

A comparison of GDP per capita (PPP), using a constant 2005 international dollar,[49] illustrates the process of economic transition across the case studies. It plummeted in each country during the 1990s and only in Russia has it regained its 1990 value.

Figure 3 GDP Per Capita, PPP (constant 2005 International $) - Georgia, Kyrgyzstan and Russia, 1989-2012

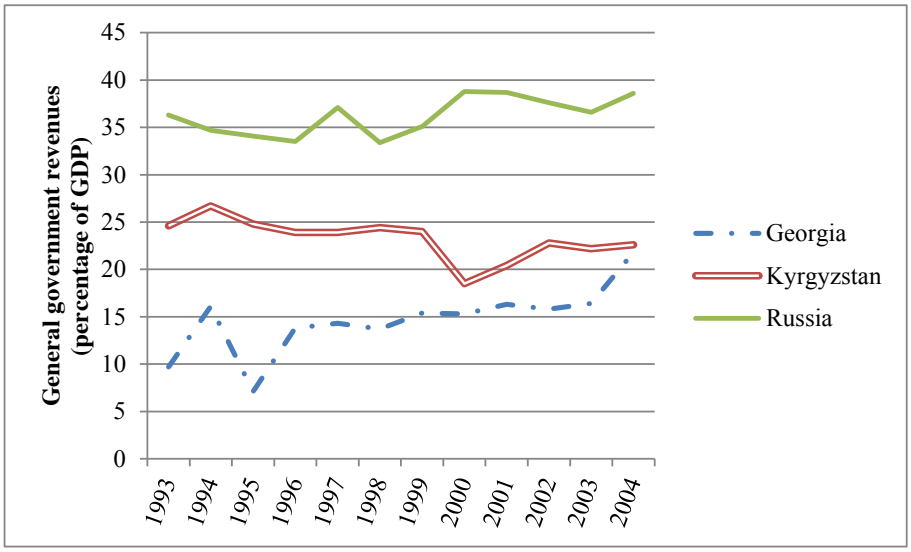


Source: Compiled by author from: (World Bank, 2013a).

Each state's capacity to extract revenue as a percentage of GDP remained fairly constant from 1993-2004 but was particularly low with regards to Georgia and Kyrgyzstan (Figure 4). As indicated, however, GDP declined massively during this period, leaving the states' overall extractive capabilities considerably reduced.

[49] Indices based on constant purchasing power parity (PPP), GDP per capita, are a recommended means of measuring relative growth performance between countries and over time (OECD, 2012; Harrison, 1994, p.243–247). Essentially the constant allows us to compare how much money would be needed to purchase the same goods and services in different countries.

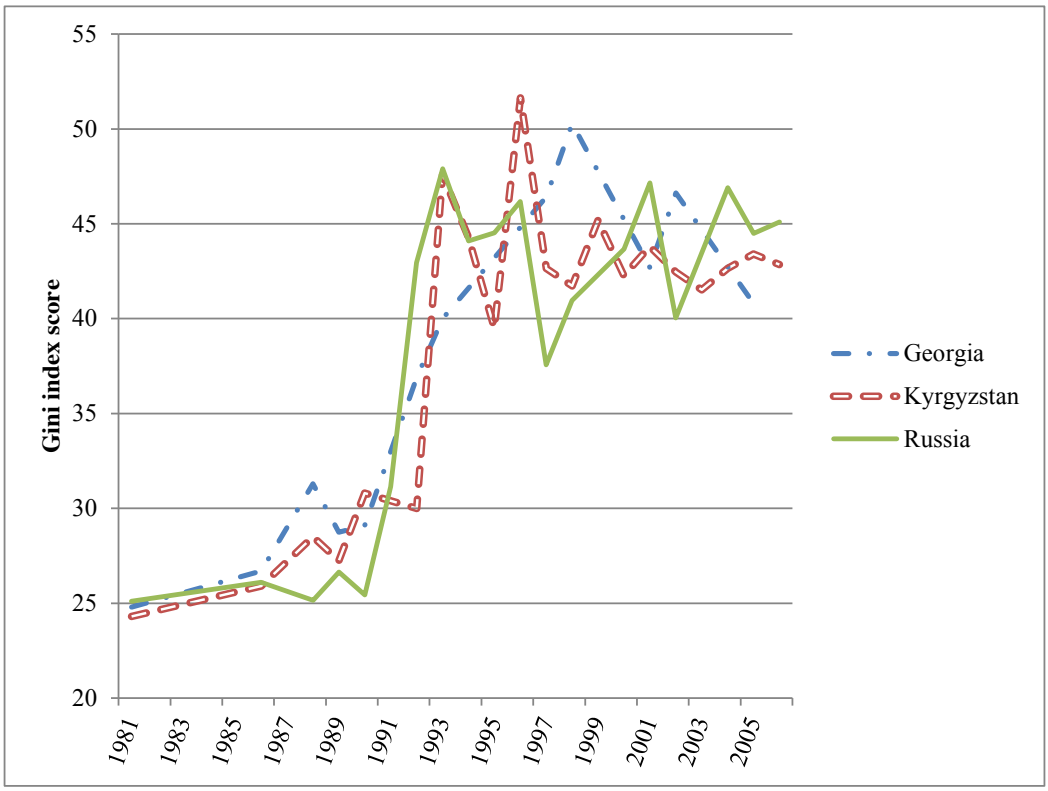
Figure 4 General government revenues (percentage of GDP) – Georgia, Kyrgyzstan and Russia, 1993-2004



Source: Compiled by author from: (Fritz, 2007, p.343)

These data do not capture the huge increases in inequality of wealth since 1990 (Figure 5). The trajectory of each country's Gini coefficient since the early 1980s illustrates a massive concentration of wealth as the countries became substantially poorer. This concentration of wealth has continued after the economies recovered in the 2000s. (Note: the higher a country's Gini index, the more unequal its income distribution is. E.g. Scandinavian countries have an index of around 25 and sub-Saharan African countries an index of 50).

Figure 5 Changes in Gini index – Georgia, Kyrgyzstan and Russia, 1981-2006



Source: Compiled by author from: UNU-WIDER World Income Inequality Database, Version 2.0c (UNU, 2008)

Barriers posed by poor state quality

Democratic policing requires not only an effective state but at least some of the attributes of a democratic state. The post-Soviet republics however were 'proto' states – never designed to function as, and lacking the institutional capacity to operate as, independent sovereign states. The dominance of the Communist Party and the centralisation of all decision making in Moscow had left state institutions inexperienced and underdeveloped (Whitmore, 2004, p.3; Colton, 2006, p.7). All three case countries inherited quasi-constitutional systems which failed to regulate the division of labour within the branches of the state and allocate functions between the centre and the localities (Sakwa, 2002, p.53). They also inherited political societies dominated by Soviet norms. As such, the new states were not equipped with the institutions to distribute the communist state's monopoly on power and property relatively equitably or to enforce property rights. Instead, patrimonial political elites captured the state, and used

rule *by* law to take advantage of privatisation processes and maintain their political and economic positions (Lynch, 2004, p.61; Remington, 2006, p.261–267).

Soviet governance

Neo-patronialism has been a prominent feature of political societies in the region for centuries, which are characterised by personalised power and the merger between power and assets (Shevtsova, 2012, p.210). During the Soviet era, neo-patrimonial governance practices evolved as the social climate generated by Stalinist governance strengthened kinship networks at the bottom of the system, and patronage in its upper reaches. First, continuity of peasant traditions encouraged continuity of patron-client relations. Second, the randomness of Soviet law meant it was better to seek security via relationships than by recourse to law or regulations. Third, the impossible demands of central government imposed unrealistic targets and crushing punishments, requiring officials to violate rules and protect themselves from the consequences. Fourth, the Soviet Union lacked an impartial and professional civil service to reduce favouritism in public service (Fairbanks 1996, pp.352-355; See also: Özsoy 2007, p.74).

The severity of Soviet rule lessened after Stalin's death in 1953 but the structure of the political system, combined with an economy of scarcity and the state's economic monopoly, perpetuated factionalism and nepotism, albeit constrained by the Communist Party's monopoly of power (Sakwa, 2010b, p.1–7). The Union's various constitutions established a state apparatus and representative bodies but did not clearly spell out their roles and limitations, nor those of the hierarchical Communist Party which *de facto* ran the Union (Brown, 2001, p.9–10; White, 2005, p.80; Shiraev, 2013, p.49–50). Scholars focusing on Central Asia similarly note that economic scarcity, a top-down system of governance and a general lack of rule of law facilitated a system lacking institutionalised and transparent procedures and favouring the use of force, intrigue and alliances of power in settling disputes (Roy, 2000, p.xii; Jones Luong, 2002, p.69–74). In the Caucasus too, a system developed where personal and family relationships

carried significantly more importance than loyalty to the state (Scott, 2006b, p.19; Shelley, 2006a, p.53). In a political system where power stemmed from relationships rather than the rule of law, Soviet officials maintained and advanced their positions, through patronage and gathering *kompromat* – discrediting information that could be used strategically across political, electoral, legal, professional, judicial, media or (in the late-Soviet era) business domains. In essence, *kompromat* is best translated as 'blackmail files', release of which can destroy or neutralise competitors (Ledeneva, 2006, p.58–90).

Neo-patronialism in the post-Soviet era

Yeltsin continued to rely on patrimonialism to maintain his position in power. Much like his successor, he was committed to the letter, but not to the spirit, of constitutionalism (Sakwa, 2009b, p.10). In part, Yeltsin's democratic options were constrained by Russian political culture. During the 1993 constitutional crisis, for example,

> The parliament (and especially its chair), the vice-president, and the chair of the Constitutional Court appeared to have no concept of their appropriate roles under a democracy. For each of them a naked struggle for political power became paramount and all consuming. (Dunlop, 2001, p.55)

Yeltsin, himself, was a product of the Soviet system, having emerged from the heart of the Soviet establishment (Brown, 2001, p.50). Mendras describes as 'Soviet-style thinking' Yeltsin's and his associates' decision in 1993 to abandon negotiation and consensus seeking and resort to force (Mendras, 2012, p.81). For the rest of his tenure Yeltsin relied on a crude mixture of decree power and patronage to balance rival factions and secure regional alliances (Easter, 2006, p.22). Presidential decrees are very powerful in Russia because they have the force of law, unless they contradict the constitution or federal laws (Willerton, 2010, p.30). Although he was constitutionally in a strong position to direct policy, the president played only a passive role and which decrees were signed depended on the changing fortunes of factions within or close to the administration (Brown, 2001, p.49). In return for bestowing advantageous decrees, state resources and gifts Yeltsin demanded obedience from supplicants and allies (Breslauer, 2001). The result was staggering elite greed with vital

social services deferred, or cancelled, in order that elites could appropriate billions of dollars worth of state assets. In 1996, for example, it was revealed that Yeltsin had signed a secret and, therefore, unconstitutional decree allocating approximately $4 billion for reconstruction in Chechnya. The decree lacked the approval of the Duma's Budget Committee and a large portion of the funds were unaccounted for (Dunlop, 2001, p.63–64).

Under Putin, the system of neo-patrimonial governance in Russia is more unified around the president. Putin's state-building has been characterised by rule by law and a strengthening of executive, rather than constitutional, power (Sakwa, 2010a, p.18). The establishment of the seven federal districts between the centre and the regions, although it did not require constitutional validation, clearly changed the relationship between the subjects of the federation. Furthermore, Putin established a number of bodies (the State Council, the Presidential Council, the Public Chamber) which run parallel to the government and further centre power around the presidency (Sakwa, 2009b, p.10–12). Putin has enhanced his power by centralising executive control over patronage. Under Yeltsin, 'vertically integrated' factions embraced various central and regional actors and sought autonomy from the centre but, under Putin, all autonomous power is granted by the presidency. By Putin's second term, Yeltsin nominees had been removed from all key posts and replaced by people with a background from St. Petersburg or the *siloviki* (Gaman-Golutvina, 2009, p.161). The rise of the latter is particularly notable. Kryshtanovskaya and White estimate that 32 percent of leadership positions were filled by *siloviki* (67 percent at national level) at the end of Putin's second term compared to 4 percent under Gorbachev and 17 percent by the end of Yeltsin's period in office (Kryshtanovskaya & White, 2009, p.295; See also: Huskey, 2001, p.84; Petrov & Slider, 2010, p.66; Willerton, 2010, p.38; Taylor, 2011, p.36–70).

Corruption remains instrumental to the regime's survival. Although less overt than under Yeltsin, the system of governance is based on factions fighting for presidential favour whilst simultaneously allowed to treat the state as their private patrimony (Shevtsova, 2007; Cited in: Sakwa, 2011b, p.72). It is difficult

to penetrate the murky set of relationships which cross political and economic interests in Russia, however. There is a lack of transparency concerning ownership of key private and state-owned corporations, and a number of journalists and investigators have been killed for investigating power networks (Mendras, 2012, p.236–237). Nevertheless, it is clear that the state has firmer control over key economic sectors and there is evidence to suggest the use of administrative resources for private economic ends. The World Bank's Enterprise Survey marked a rise in the number of Russian firms identifying corruption as a major constraint from 17.4 percent in 2005 to 33.1 percent in 2012 (World Bank, 2012a). Members of the executive branch and Putin's cohort sit on the boards of major companies whilst state corporations have used shell companies, offshore banking and other nefarious means to hide economic transactions. In the energy sector, Yukos' assets were bought at artificially low prices by the state-owned Rosneft from 2004-2007, and the initial sale was laundered through a Swiss company. One third of Russian oil is sold through a Swiss-based intermediary (Rutland, 2009, p.180; Rutland, 2010, p.174–176) In 2007, Mikhail Gutseriyev was charged with tax evasion and fraud. He fled the country and sold his oil company Russneft to a Kremlin-friendly tycoon (Gans-Morse, 2012, p.279). Political patronage is not confined to the centre. United Russia dominates politics in the Duma and the regions but has little influence over the presidency or developing political programmes. Instead, Remington described it as, 'a mechanism for extracting rents and distributing patronage.' (Remington, 2009, p.106)

After independence, Georgia retained a political society that perpetuated the patrimonialism that is well rooted in Georgian society (Dragadze, 1988, p.38–39, 105–106; Goldenberg, 1994, p.94; Suny, 1996a, p.381). Much like other ex-colonial societies (e.g. Sicily, Ireland), a long history of authoritarian and colonial rule entrenched ambivalence towards, and even contempt for, state law and patrimonialism (Shelley, 2006a, p.53; Jones, 2013, p.12). Politically, as in other Soviet republics, the organisational culture of the ruling elite was characterised by rule-breaking, clientalism and indifference towards the affairs of ordinary citizens (Wheatley, 2005, p.24). A history of invasion also meant a particularly

strong culture of 'getting around the rules' arose (Scott 2006, p.15). Kinship and patronage networks were considerably more influential in many regular economic and social activities than state institutions, or institutions regulated by the state (Mars & Altman, 1983, p.548–550; Pelkmans, 2006, p.181; Roberts et al., 2009).

The development of Georgian political society also, in part, contributed to a symbiosis between Georgian political and criminal elites, which was particularly substantial in the late-Soviet era. Georgians were overrepresented in the Soviet criminal underworld, dominated and regulated by *vory v zakone*, the thieves-in-law.[50] This closed fraternity, which emerged from the Soviet prison camps of the 1930s, operated according to a system of norms tying members to the community, most important of which were a lack of cooperation with state authorities, observance of a thieves' code, settlement of disputes within the confines of the code and contribution to communal economic funds (Volkov, 2002, p.54–59). The thieves functioned as a mafia by providing, and attempting to monopolise, governance functions such as protection and dispute resolution services over a given territory (Slade, 2012b, p.624). They controlled the large prison population and the majority of criminals outside the prison system (Volkov, 2002, p.54–59; Kupatadze, 2010, p.61; Kupatadze, 2012b, p.53–57). Despite comprising only two percent of the Soviet population, in 1990, Georgians were estimated to comprise around 1/3 of the thieves operating in the USSR (Glonti, 2005, p.75). Even in the 1950s, there were solid relationships between criminal and political figures in Georgia and an extensive underground economy and cooperation in siphoning off raw materials from the official economy (Kupatadze, 2012b, p.78; Mars & Altman, 1983). By the 1970s, a number of criminal groups had increased in prominence and forged links with the highest echelons of government (Suny, 1994, p.313; Scott, 2006b, p.18; Shelley, 2006a, p.52).

[50] A more accurate translation in English is probably, 'thieves-professing-the-code.' (Serio & Razinkin, 1995). This is quite unwieldy however, and the term 'thieves-in-law' dominates within the literature on the subject (Slade, 2012b, p.624).

For much of the 1990s, a patrimonial form of governance, formally dominated by the executive, and ambiguous relations between political figures and organised crime groups characterised Georgian political society. Gamsakhurdia's bloc won the Supreme Soviet elections in October 1990, and in May 1991, he was selected as president with 86 percent of the vote (Jones, 2013, p.34–35; 158). In practice all authority was embodied in the president. Like many ex-Soviet politicians, Gamsakhurdia's political education emphasised absolutism, infallibility, struggle and contempt for the rule of law. As he associated moderation with capitulation, he consequently adopted an authoritarian style of governing (Nodia, 1998, p.23–27; Fairbanks, 2010; Jones, 2013, p.54–55). After returning to Georgian politics, Shevardnadze was directly elected as parliamentary chairman with 96 percent of the vote and parliament subsequently selected him as head of state. In reality, his position was dependent on the paramilitary groups, Tengiz Kitovani's National Guard and Jaba Ioseliani's Mkhedrioni, which had usurped Gamsakhurdia (Wheatley, 2005, p.79; Zurcher, 2005, p.97; Jones, 2013, p.75–104). The influence of organised crime was particularly prevalent in the early 1990s. For example, Ioseliani was a crowned thief-in-law (Kupatadze, 2008, p.149).

By 1995, Shevardnadze was in a strong enough position to establish a constitutional regime with a powerful executive. Although parliament retained limited powers to shape legislation, the newly established presidency dominated the process and appointed all ministers (Wheatley, 2005, p.93–97; Areshidze, 2007, p.36–41; Jones, 2013, p.101–102). Informally, Shevardnadze used patronage to build his power base by promoting Soviet-era nomenklatura, district-level administrative personnel, factory managers and former Communist party bosses whom he had known before his departure for Moscow (King, 2001; Christophe, 2004, p.15). He consolidated power by taking personal control of the MIA, ruling by decree, establishing a presidential party (the Citizens' Union of Georgia) and joining the Commonwealth of Independent States, successfully cowering opposition with the threat of Russian support (Wheatley, 2005, p.82–92). From the mid-1990s, power shifted from underworld centres of power to overlapping networks of upper and underworld (Kupatadze, 2010, p.157) as Ioseliani and criminals were imprisoned and state actors took over key sectors of

the economy (Kupatadze, 2010, p.156–160; Kupatadze, 2012b, p.117–122). The state, nevertheless, remained thoroughly criminalised. Thieves-in-law not only ran extensive racketeering and extortion schemes but retained links with officials in Shevardnadze's cohort (Kupatadze, 2012b, p.122–126). Georgia's energy network, for example, was exploited by the Shevardnadze family, state and local state bureaucrats, and legal and illegal business groups to the extent that, in the winter of 1998-1999, Tbilisi only had four to six hours of electricity a day (Closson, 2009, p.764–769). At the end of the decade international donors, particularly the IMF and World Bank, pressed for substantial reform and Shevardnadze responded by briefly bringing in to his government a number of young reformers. By artfully manipulating criminal and other clientalistic networks, however, he was able to dispense with these and structure a new government entirely dependent on his support, until the Rose Revolution (Christophe, 2004, p.16–17; International Crisis Group, 2003, p.12).

In Kyrgyzstan, as in Georgia, patrimonialism has long been the dominant system of governance in the country. The causes of patrimonialism and its contemporary form are disputed (For an overview, see: Ryabkov, 2008, p.301–305; See also: Gullette, 2007). Collins argues that politics in Central Asia is organised by, and around, clans which she defines as informal organisations comprising a network of individuals linked by kin and fictive kin identities (Collins, 2006, p.17). Although the clan system was disrupted by Soviet rule, many pre-Soviet clan structures and cleavages proved resilient and were empowered via interaction with the Soviet system (Collins, 2006, p.62–101). Jones Luong maintains that, in Central Asia, imposition of Soviet administrative-territorial structures, regional economic specialisation and creation of national cadres constituted by regional divisions eliminated political identities based on tribal, religious, clan or national identities. This created and institutionalised *regional* political identities, interregional political competition and intraregional patronage groups (Jones Luong, 2002, p.51–101; Jones Luong, 2004, p.12–13) On Kyrgyzstan, scholars are also divided by the emphasis they place on a north-south divide between patronage networks. Roy and Collins note that the Akaev network was constituted mainly of northerners (Roy, 2000, p.115; Berdikeeva,

2006, p.11; Collins, 2006, p.244) and divisions (Jones Luong, 2002, p.52; Jones Luong, 2004, p.12–13) between northern and southern networks. The latter, affiliated with Bakiev, were widely reported to be a main source of the conflicts which followed the Tulip Revolution and April 2010 coup (Hale, 2006, p.315; IWPR, 2007; Collins, 2011, p.160; McGlinchey, 2011, p.88–92). Radnitz, on the other hand, downplays the significance of a north-south division and presents a more complex picture of regional politics. Although national elites utilise regional client networks to mobilise support, they also co-operate with each other to undermine the influence of rival networks. The relationship is also usually mostly one way as mass mobilisation, led or usurped by elites, does more to preserve elite, rather than grassroots,' interests (Radnitz, 2005; Radnitz, 2010b, p.9, 131–166, 196–197; See also: Ryabkov, 2008).

Although the nature of patrimonial politics in Kyrgyzstan may be disputed, its dominance is clear, as is its increased instability in the independence period. In the Soviet era, Moscow's tolerance of fiefdoms in return for loyalty (Anderson, 1999, p.16) ensured relative stability between networks. With the breakdown of the Union, the country's nascent rational-legal structure proved incapable of regulating conflict and has, instead, been used as a tool within intra-patronage conflicts. The 1993 constitution lacked a clear relationship between the branches of government (Collins, 2006, p.184) and was dominated by the executive. Although Akaev's presidency initially brought a semblance of democracy and stability this was based on an unstable balancing of patrimonial networks, rather than the institutionalisation of government or democratisation (Juraev, 2008, p.254–262). Akaev responded to heightened instability from the mid-1990s onwards with increased authoritarianism (Roy, 2000, p.137). A series of manipulated referenda in 1996, 1998, 2000 and 2003, enhanced presidential powers over those of parliament (e.g. to appoint various key national and regional political figures) (Dukenbaev & Hansen, 2003, p.30–32). In the years before his removal in April 2010, Bakiev similarly manipulated the constitution whilst simultaneously placing close relatives in high office to consolidate his power (Temirkulov, 2010, p.594–595). In September 2007, for example, he announced a programme of constitutional reform which granted him control of

the government and parliament. Only one month later he secured 76 percent of the vote on a, widely regarded as falsified, referendum (Marat, 2008, p.232–233).

Kyrgyzstan's difficult transition resulted in a more open and conflictive system of patrimonial politics. Not only did the stability of Soviet-era networks fracture along clan, family and regional lines but the influence of organised crime networks increased (Radnitz, 2005, p.406; Marat, 2006a; Kupatadze, 2012b, p.140–152). Although there was a general increase in organised crime throughout the Soviet Union in the late-1970s and 1980s, Kyrgyzstan was not particularly affected:

> In Soviet times Kyrgyzstan was known as a *krasnaia respublika* (red republic) implying low crime rates, rigid control by the Soviet police (militsiia) and weak influence of professional criminals, or 'thieves-in-law' (*vory v zakone*). Organised crime was always under the control of Soviet police, according to a Kyrgyz police official. (Kupatadze, 2012b, p.140–141)[51]

In the independence period, there has been a substantial blurring of the boundaries between state, business and organised crime groups (Kupatadze, 2008, p.281). On the one hand, criminal leaders have sought to expand, or protect, their activities by permeating political and state institutions and, on the other, politicians and businessmen have utilised criminal groups' support when political competition has been severe and/or the state has failed to regulate economic conflict (Marat, 2006a, p.6, 7; Starr, 2006, p.4, 5, 20, 21). There has also been heightened conflict over control of the lucrative drug trade. Kyrgyzstan is a transit country for narcotics, mainly from Afghanistan, and the weakness of the state has expanded the scale of the trade (Anderson, 1999, p.92–94; Zelichenko, 2003; Madi, 2004, p.250–252; Kupatadze, 2012b, p.140–152). Overall, weak political institutions and low state capacity have developed a highly kleptocratic political society, characterised by a zero-sum game where the victors claim political and economic power and incumbent elites, none of which have consolidated a monopoly of power, seek to enhance control of the media, legislative activity and executive power in order to maintain this (Temirkulov, 2010, p.589; Engvall, 2007, p.35).

[51] Also: Interviews: Anonymous (K-8), Former Colonel, Directorate of Criminal Investigations, 25 years+ service, Kyrgyzstan (May 2011); Almaz Bazarbaev, Head of the Kyrgyz MVD Academy, Bishkek (7th May 2011).

The nature of the links between criminal and state elites has shifted with the fates of incumbent elites (Kupatadze, 2012b, p.148–151). Until late in Akaev's tenure, organised crime was relatively less influential and the Akaev network controlled virtually all lucrative economic opportunities. It is estimated that the Akaev family used this power to amass between $500m and $1 billion over 14 years in power (Engvall, 2007, p.40; See also: Aslund, 2005, p.477). The network's monopoly was, in part, its undoing as, by curtailing opposition networks' opportunities, organised crime became one of the few alternative sources of political power (Engvall, 2007, p.35–37; Marat, 2008, p.235). In the late 1990s and 2000s a more fragmented and fluid set of relationships developed between organised crime and political figures but the political elite managed a balance by playing criminal groups off against each other (Kupatadze, 2008, p.284; Marat, 2006a, p.85–86). After the Tulip Revolution, the overlap between politicians, state actors and organised crime groups became far more disjointed and sporadic (Marat, 2006a, p.23). In the immediate aftermath, in addition to widespread looting in Bishkek, there was a surge in contract killings[52] and Kyrgyz political society became more violent and competitive, enhancing the influence of organised crime (Hale, 2006, p.316).

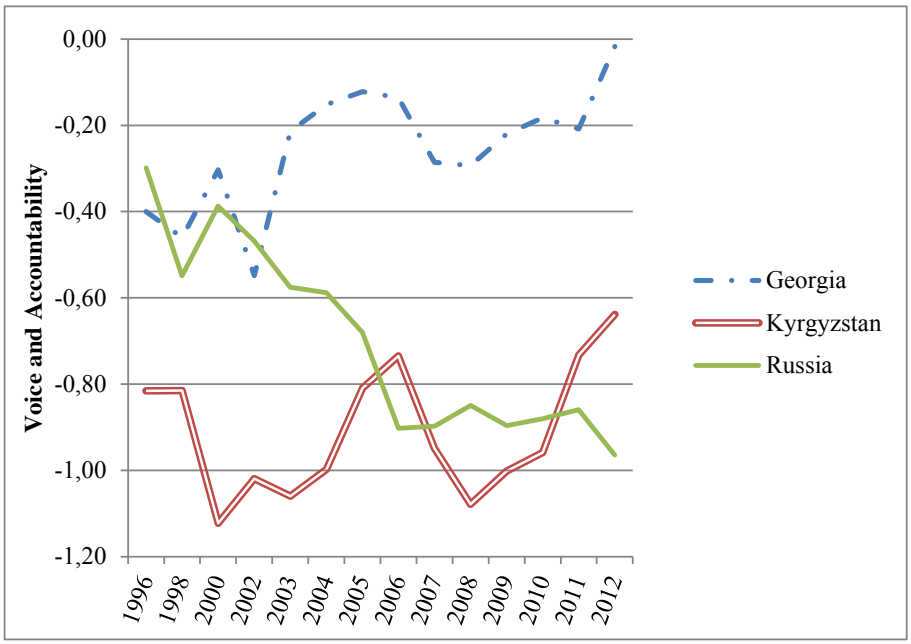
Bakiev was, at first, unable to crackdown on organised crime groups because he was dependent on their support, particularly in the north of the country. He removed political figures known for holding an anti-corruption stance and, in one notable incident, was forced to meet with a well-known organised criminal who demanded the president personally investigate the circumstances surrounding his brother's death (which he attributed to Bakiev's first prime

[52] Gullette reports the several assassinations of political and criminal elites following the Tulip Revolution, including: Usen Kudaibergenov (10th April 2005) – a supporter of former prime minister Feliks Kulov; Jyrgalbek Surabaldiev (10th June 2005) – an MP and businessman. He was an ally of Akaev and had been linked with organising gangs to fight the anti-government demonstrators during the revolution. Bayaman Erkinbaev (21st September 2005) – MP and businessman. He controlled a market in southern Kyrgyzstan. The details of his death seem to be related to a drugs deal (See also: Kupatadze, 2012b, p.145–148). Erkinbaev had survived a previous assassination attempt on 28th April 2005. Tynchbek Akmatbaev (20th October 2005) – MP and chairman of parliamentary committee on security and policing. There is speculation that his murder was ordered by Aziz Batukaev, a prison inmate, whose brother-in-law, Khavaji Zaurbekov, was killed by Akmatbaev's brother, Rysbek Akmatbaev, a well-known criminal (Gullette, 2006, p.38).

minister, Felix Kulov) (Marat, 2006a, p.91–92). From late 2005/early 2006, however, the Bakiev network used its control of the state to assert its dominance over criminal groups and many criminal leaders were arrested and killed, sometimes, allegedly with the complicity of political elites (Kupatadze, 2008, p.290–292). Unlike Akaev's regime, under Bakiev, state control of the criminal world was more overt and more high-ranking officials were reported to be involved in criminal activities. Whilst many top officials, under Akaev, were suspected of involvement in the drugs trade, especially in the south, under Bakiev, the ties between the executive and drugs smugglers were more obvious, with one of the president's brothers allegedly involved in controlling most of the trade (Madi, 2004, p.253, 269; Kupatadze, 2008, p.284, 288–289; Kupatadze, 2012b, p.150–151). By 2010 political elites controlled the main sectors of the economy, hydroelectric sites, customs controls and the banking system, and were involved in extortion of businesses and smuggling of drugs and weapons (Marat, 2008, p.231–235).

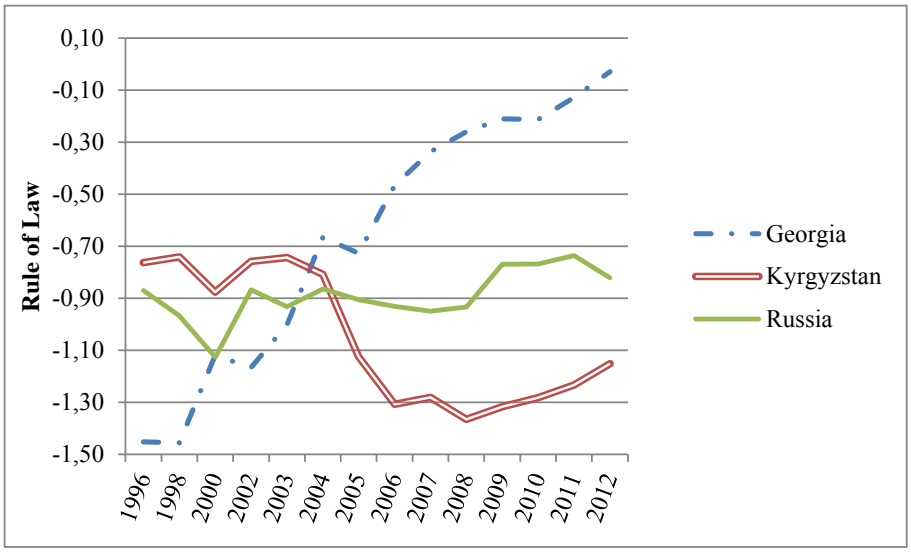
The World Bank's Voice and Accountability, Rule of Law and Control of Corruption World Governance Indicators provide some indication of changing patterns of state quality in the region (Figure 6, Figure 7 and Figure 8). Georgia's score on all three indicators remained poor under Shevardnadze but increased rapidly after the Rose Revolution. In Russia, Voice and Accountability have deteriorated sharply under Putin, but there has been little change in Russia's ability to enforce the rule of law or control corruption. Kyrgyzstan scores consistently lowest with regards to Voice and Accountability and there has been a marked decline in the rule of law and control of corruption into the 2000s.

Figure 6 Voice and Accountability (WGI) – Georgia, Kyrgyzstan and Russia, 1996-2012.



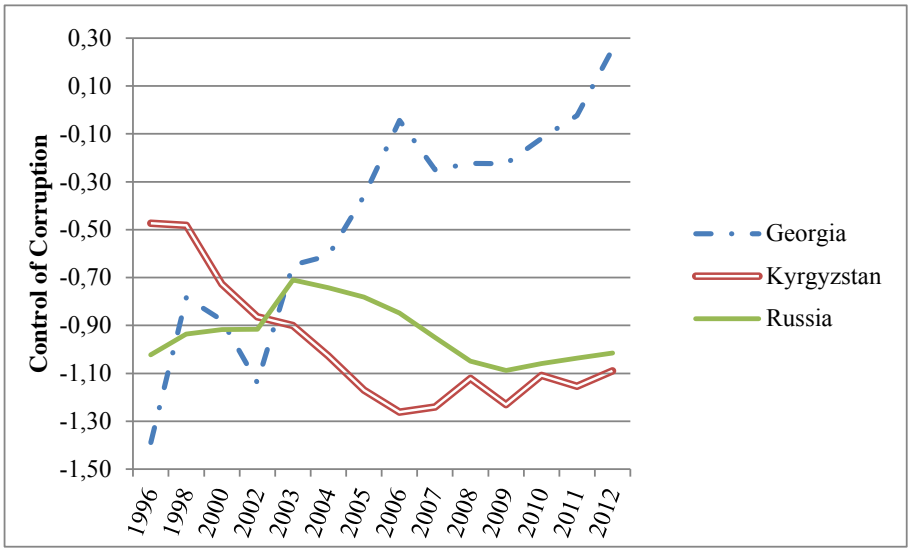
Index values range from -2.5 (weak performance) to +2.5 (strong performance). Source: Compiled by author from: (World Bank, 2013b).

Figure 7 Rule of Law (WGI) – Georgia, Kyrgyzstan and Russia, 1996-2012.



Index values range from -2.5 (weak performance) to +2.5 (strong performance).Source: Compiled by author from: (World Bank, 2013b).

Figure 8 Control of Corruption (WGI) – Georgia, Kyrgyzstan and Russia, 1996-2012.



Index values range from -2.5 (weak performance) to +2.5 (strong performance). Source: Compiled by the author from: (World Bank, 2013b).

Conclusion

With the collapse of the Soviet Union, state capacity and state quality declined rapidly in Georgia, Kyrgyzstan and Russia. Each state underwent a quadruple transition characterised by democratisation, introduction of market economics and the difficulty of seeking to establish sovereign states, and national identities, within diversely populated territories. State capacity was drastically reduced because of open contestation for control of the state, ethnic conflict and economic collapse. The new states lacked political institutions which could weather the storms of intense social, economic and political change. The inherited constitutional and legal frameworks were incapable of regulating political conflict, particularly as they had evolved to assert, rather than control or balance, the state's powers. Instead each state retained a political society characterised by neo-Soviet forms of governance. Incumbent and political elites utilise patronage, corruption and rule by law to maintain political and economic dominance, and there has been a substantial blurring of the boundaries between political and criminal elites. The limited capabilities of the new states and their patrimonial and semi-authoritarian characteristics, have had a profound impact on the police who are authorised by, and to an extent, dependent on these states, as examined in the next chapter.

Chapter 5 – Police in the Former Soviet Union

The decline in state capacity created and reinforced significant hurdles to democratic policing in Georgia, Kyrgyzstan and Russia. During open conflict (i.e. in Chechnya, Georgia) the police disappeared. Where the state retained a degree of control but state capacity declined, low police wages meant that police increasingly came under the influence of, and collaborated with, organised crime groups and corrupt political figures. This resulted in a concurrent decline in the effectiveness of the police, their ability to enforce the rule of law (let along equality in law) and in police legitimacy, which was already low at the end of the Soviet period. Poor pay precipitated a rise in predatory policing and police usurping organised crime groups' control of large sectors of the legitimate and illegal economies. Policing problems also stemmed from poor state quality. Formally, the police continued to be accountable only to political elites and repressive legal and bureaucratic practices were a cause of human rights abuses. Neo-patrimonial political societies facilitated politicisation of the police and the states retained formal legal and institutional frameworks favouring the interests of the state over those of individuals. Police powers were used by political elites to target rivals and political opponents. Corruption increased because elites depended on patronage and corruption to maintain their power by appointing clients within the police who would use force to defend elite political and economic interests. Where elites did not provide clear formal or informal means of directing police behaviour, post-Soviet police fell back on standard operating procedures from Soviet-era 'cop culture' – institutional practices that were militarised, repressive, patrimonial and corrupt.

This chapter examines police in Kyrgyzstan and Russia, from independence until the present day, and police in Georgia, prior to the Rose Revolution. The first section provides a background to the Soviet model of policing. In part two I examine obstacles to democratic policing resulting from the decline in state capacity. The final section examines the relationship between poor state quality and police behaviour.

The Soviet militsiia

Understanding the institutional legacy of police in the FSU requires an understanding of the Soviet militsiia. Formed shortly after the Russian Revolution of 1917, the militsiia preserved the continental character of the tsarist police but also developed a colonial character to assert Soviet domination over the Caucasus, Central Asia and Siberia (Shelley, 1996, p.3–19) with a proactive, communist style of policing intended to mould peasants and workers into the new, Soviet citizenry (Semukhina & Reynolds, 2013, p.56). Because the Soviet government lacked legitimacy, however, the militsiia's prime role was not crime control or upholding equality in law, but supporting government control (Koszeg, 2001, p.1; Roudik, 2008, p.139). Throughout the Soviet era, it remained a politicised, militarised and repressive organisation accountable only to the leadership through the Communist Party. As with other Soviet institutions, the militsiia was given a range of impossible targets. Party bosses demanded glowing reports on prevention and prosecution of crime. In the late-Soviet era, the militsiia was expected to clear 95 percent of all crimes (Shelley, 1996, p.52; Semukhina & Reynolds, 2013, p.79). To navigate the contradictions of Soviet society, the leadership and ordinary officers alike, therefore, sought advancement and security through corruption and patronage.

Internal security forces throughout the FSU are frequently divided, in common parlance and in various contemporary organisational forms, into organisations responsible for ordinary and political policing. This stems from the structure of policing for most of the post-war era, when ordinary police came under the remit of the MVD and political policing under the KGB. Until the 1950s, a number of organisational forms existed and these functions were, at various junctures, merged (Knight, 1989; Shelley, 1996, p.19–44; Mulukaev et al., 2005, p.269). From 1953-1991, the system stabilised and the organisations responsible for ordinary and political policing were permanently separated. The MVD shared responsibility for maintaining basic order and investigating crimes with the KGB and the procuracy. The procuracy oversaw prosecution of criminal cases, prosecuted serious cases and supervised the compliance with Soviet laws by

executive bodies, including ministries, state enterprises, institutions and organisations of local government and also by ordinary citizens (Feldbrugge et al., 1985, p.623–624). In reality, its supervision/oversight role rarely interfered with its prosecution role, it had little hold over the KGB and was minimally independent of the executive (Shelley, 1996, p.160; Littell, 2006; Greenberg, 2009, p.11). Although there were often jurisdictional conflicts, the procuracy investigated the most serious ordinary crimes, the MVD the bulk of ordinary crimes and the KGB political/elite level crime (Shelley, 1996, p.67–68). The MVD was regarded as the least powerful and prestigious major security actor, both in general and within the security establishment. Putin, a former KGB officer, remarked that, 'those of us in the Cheka [the precursor to the KGB] never liked the police.' (Gevorkyan et al., 2000, p.128–129) Yet it was also the largest security actor the citizenry was most likely to encounter.

For most of the post-war period, the MVD structure replicated the Soviet federal system, composed of a Union-level structure at the top (the USSR) and 15 republics beneath this (including the Georgian, Kyrgyz and Russian republics). There was a central, USSR-level MVD and each of the republics had its own MVD (e.g. MVD Kyrgyzstan), with the exception of Russia, which came under the USSR MVD.[53] Below this level there were regional (*oblast/krai*) and either district (*raion*) or city divisions (Shelley, 1996, p.64).[54] Most encounters between the militsiia and ordinary citizens involved militsiia from the Directorates of Social Order and GAI[55] (Directorate of the State Automobile Inspectorate), which performed the bulk of the MVD's basic order maintenance functions.[56] The former housed various departments maintaining order via a mixture of deterrent and regulative measures. These included the patrol police (*patrul'no-postovaia sluzhba*), visa, passport and licensing divisions, an office responsible for sobering up stations and a department for collection and analysis of data (Menyailo, 2009,

[53] Until 1989, when a republican-level MVD was created in Russia (Shelley, 1996, p.64).
[54] In small republics, such as those in the Baltic, the regional level was not present.
[55] From the Russian, *Gosudarstvennaia avtomobil'naia inspektsiia.*
[56] Shelley's description of the main directorates is a little misleading because the directorate structure altered in shape from 1960-1992 and she labels the 'passport division' as an independent directorate when, for much of the period in question, it came under various main directorates (Shelley, 1996, p.62).

p.51). The prime function of the patrol police was to cover a territorial area (Nekrasov & Polublinskii, 2002, p.388–389). GAI's main role was to police transport routes or facilities, by administering driving courses and issuing licenses, patrolling the highways and performing checks to inspect passports, the safety of vehicles, etc. (Shelley, 1996, p.130–131) The remaining main three directorates upheld criminal law. The Directorate of Criminal Investigations investigated crimes at an early stage and the Investigate Committee prepared cases for processing in the court system.[57] The Directorate for Crimes against State Property existed to prevent theft of state-owned property, combat speculation, currency counterfeiting and sabotage (wrecking) of goods and cooperative produce (Nekrasov & Polublinskii, 2002, p.125–126, 471–472).

The functioning of the militsiia in the Soviet Union

From its inception, the Soviet police supported suppression of real and perceived threats from the population, and from other political elites. In the early Soviet period, the militsiia supported the Cheka and its successors to impose Soviet order and Stalin's purges (Conquest, 1968, p.13–21; 41–50; Harris, 2001, p.426). After Stalin's death (1953), the system was relatively less repressive but continued to assert Communist Party political power. On KGB directives, the militsiia subdued public protests and arrested, unlawfully detained and threatened political opponents (Shelley, 1996, p.171–184). The militsiia was also involved in political intrigue. In the late 1930s, Genrikh Iagoda, director of the NKVD,[58] then responsible for ordinary and political functions, was purged, tried and executed on the basis of *kompromat* provided by his successor, Nikolai Ezhov, who in turn succumbed to *kompromat* provided by *his* successor, Lavrenty Beria. (Montefiore, 2010, p.214–222, 279–286). Beria, himself, the first head of the MVD, was later purged and executed in 1953. Although not quite as deadly, internal infighting and intrigue continued throughout the Soviet era. In the late 1980s, Yeltsin, in his role as first Party secretary of Moscow, directed

[57] The procuracy was the principle investigative agency and had sole investigatory responsibility for certain serious offences such as homicide, rape and abuse of state/Party authority. Depending on the nature of the case, these investigative bodies might work together although this often resulted in jurisdictional conflicts (which still occur today). (Shelley, 1996, p.67, 68)
[58] The People's Commissariat for Internal Affairs (*Narodnyi komissariat vnutrennikh del*).

Moscow district militsiia inspectors to spy on his political enemies saying, 'See if those sons of bitches are getting up to anything.' (Shelley, 1996, p.179–180)

Unlike repressive forms of policing in non-totalitarian contexts the Soviet system was designed both to control the population and regulate ordinary behaviour (Uildriks & Reenen, 2003, p.10). In Soviet society, mutual surveillance was the bedrock of Soviet power in factories, farms, offices, etc. (Kharkhordin, 1999, p.10). The militsiia reinforced the social ordering produced by local organisations, cooperating with them to carry out surveillance and by the threat, and direct use, of force. Movement was tracked by an internal passport and registration system (Knight, 1988, p.25; Shelley, 1996, p.14; Semukhina & Reynolds, 2013, p.50). Citizens were required to carry passports at all times and register with the local militsiia on trips lasting more than three days. Furthermore, permission from the passport office was needed to change one's permanent place of residence. Permits were required to live in more desirable places, such as Moscow and Tbilisi, and certain classes of citizens, such as rural workers, required the permission of the director of their *kollektiv* (Soviet factories, farms, or offices) merely to travel (Shelley, 1996, p.126–130; Kharkhordin, 1999, p.75–122, 280–282). The militsiia also compiled invasive files cataloguing individual domestic situations, school records and emotional states (Shelley, 1996, p.138).

Patrimonialism was central to the operation of the militsiia, replicating the pattern of the wider neo-patrimonial political order. In theory, MVD units were managed either by the MVD hierarchical command structure or by the MVD command and organs of local government.[59] In reality, it was run by the Party (Semukhina & Reynolds, 2013, p.73–74).[60] The Party's Central Committee, and its various subunits at republican, regional levels and so on, had a monopoly over personnel appointments and implementation of policy. Party commissions and organisations evaluated militsiia performance, written instructions were issued,

[59] Units which performed a transport function, such as GAI, were not subject to dual subordination but only to the higher level in the MVD command (Shelley, 1996, p.64); Interview, Anonymous (K-5), OSCE official 2, Kyrgyzstan (May 2011).
[60] On patrimonialism within the KGB, see: (Knight, 1988, p.55).

Party members participated in internal MVD meetings and examined citizens complaints. Party reliability was the most important factor determining advancement through the militsiia. Consequently, although many line personnel were not members, over half of militsiia officers and virtually all the leadership, were (Shelley, 1996, p.70–73, 89).

Accountable only to itself and political elites, by the late-Soviet era the MVD was famous for cronyism. High-ranking members of the *nomenklatura* could only be investigated with permission of the relevant Party organisation. This was often denied, granting members a *de facto* immunity from prosecution for white collar crimes, corruption and, in the Central Asian and the Caucasian republics, even for rape and murder (Shelley, 1996, p.118). By the end of Leonid Brezhnev's leadership of the USSR (1964-1982), elite corruption was rampant. In Moscow and the regions, 'Nepotism, string-pulling and servility… increasingly ousted Party principledness… Thus the number of untouchables, protected by highly-placed patrons increased.' (BBC Monitoring, 1988; Cited in: Shelley, 1996, p.45; Knight, 1988, p.86; Semukhina & Reynolds, 2013, p.78–80) These included men with close personal ties to Brezhnev. Nikolai Shchelokov, interior minister since 1966, was a close personal friend and in 1979, Yuri Churbanov, Brezhnev's son-in-law, was appointed, over more senior candidates, as First Deputy Minister. Shchelokov committed suicide in 1984 whilst facing trial for corruption and Churbanov was imprisoned for 12 years in 1988 (Shelley, 1996, p.44–45). Corruption was also endemic at lower levels. GAI had a well earned reputation for corruption because GAI officers often pulled citizens over to elicit bribes (Shelley, 1996, p.130–131; Ledeneva, 1998, p.33) .

Despite the prevalence of patrimonialism and corruption, throughout most of the Soviet era the state maintained its economic control of the militsiia.[61] In the late 1970s, an ordinary policeman earned around 150 roubles a month, more than an ordinary doctor but less than a skilled worker. During the 1980s, however, the basic rate of pay fell behind many other professions and, by 1989, the pay of an

[61] Interview, Anonymous (K-19), Former lieutenant colonel, 20 years service (including in Soviet-era), Kyrgyzstan (May 2011).

average militsiia employee was a third of that paid by new private security services (Shelley, 1996, p.87). Consequently:

> With the state unable to compete effectively with the private sector, the only financial benefit of state service was the greater possibilities it offered for illicit income—low salaries meant that militiia officials accepted bribes. (Shelley, 1996, p.88)

Police problems resulting from the decline in state capacity

The police and conflict

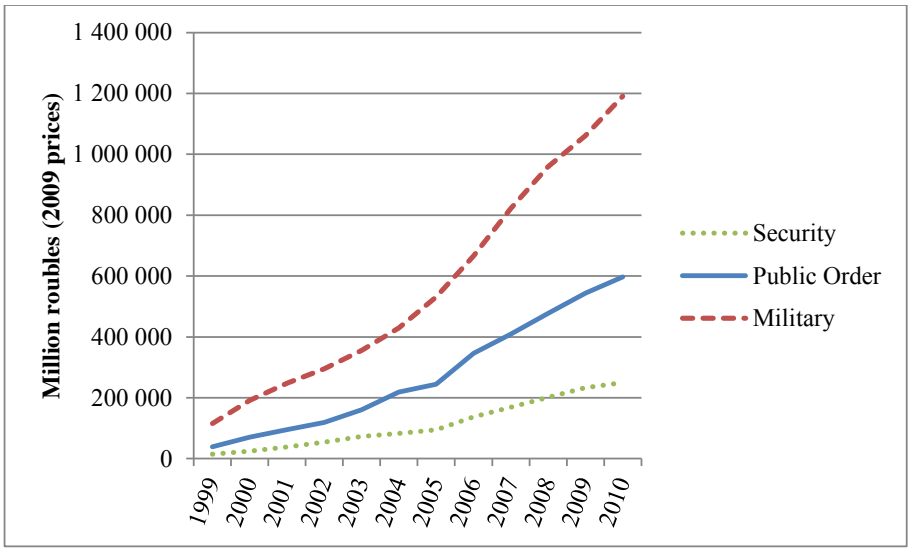
Hills points out that, in conflict situations, police hide, look for personal or group security or gain (Hills, 2009a, p.55). When political order fragmented in the cases, police tended to disappear, follow patterns of political mobilisation and/or rally around their ethnic group. In Georgia, in April 1989, local militsiia defended nationalist demonstrators attacked by Soviet troops flown in to break up the protest (Galeotti, 1993, p.777; Shelley, 1996, p.53; Uildriks & Reenen, 2003, p.28). During the conflicts of the early 1990s, police either disappeared (Jones, 1997, p.526) or were co-opted into sundry warring factions. In 1991, the National Guard, ostensibly subordinated to the MIA, contained units from paramilitaries involved in the various conflicts (Darchiashvili, 2005, p.125). Police in Russia waited on the sidelines during the August 1993 coup (Galeotti, 1993, p.781) whilst units operating in Chechnya supported Moscow's suppression of the rebellion and availed of opportunities provided by the corrupt war economy (Pustintsev, 2000, p.82). With the end of open conflict, the head of the republic, Ramzan Kadyrov, expanded his power base by co-opting former rebels into the police and using the police to crush dissent (Hills, 2009a, p.194–200). Police in Kyrgyzstan also disappeared or replicated conflict lines. In April 2010, although security forces shot over 80 demonstrators, the generally unarmed police fled the streets once Bakiev left the country, as they did after Akaev's departure in 2005. They were also implicated in the ethnic violence which occurred in the summer of 2010 in the south of the country (Lewis, 2011, p.37–38; McGlinchey, 2011, p.86).

The decline in state economic control of the police

The dislocation caused by transition processes drastically reduced each state's economic leverage over the police. Central funding was slashed and, combined with a sharp increase in corruption, ordinary officers' salaries declined rapidly.

Current estimates suggest just over 1.2 million people work for the Russian MVD, around 870,000 of whom are police (and around 350,000 for the Federal Security Service (FSB)[62], the successor to the KGB, including the border service, which sits within it) (Taylor, 2011, p.44, 47).[63] There is little research on the budget of the MVD, however, and Russian authorities have provided relatively accurate and detailed figures for only one year, 1995, since independence (Cooper, 2009, points. 1, 23). More general figures illustrate a marked decline in the funding of the power ministries throughout the 1990s. The budget for state security declined from 93 billion roubles to 32 billion from 1994 to 1999 (Taylor, 2011, p.52). Power ministry budgets have increased under Putin, mostly to the benefit of the security (the FSB and the border services) and public order agencies (including the MVD and the procuracy). Proportionally, the security services saw the biggest gains (Figure 9).

Figure 9 Power ministries' budgets – Russia, 1999-2010 (million roubles, 2009 prices).



[62] Federal'naia sluzhba bezopasnosti.
[63] Approximately 54,000 people are employed by the procuracy (Taylor, 2011, p.50).

Source: Complied by author from: (Cooper, 2009)

Despite increases to MVD's budget, police were poorly paid throughout much of the 2000s, as they were during the 1990s. Two studies, carried out in 2002, estimate the average monthly salary of an ordinary officer was $67 and $86 per month (individual salaries vary by region, rank, time served and position) (Uildriks & Reenen, 2003, p.64; Wilson et al., 2008, p.70). Taylor notes that, in 2002, a police colonel in St. Petersburg, with 25 years of service, earned $250-300 per month, MVD generals around $300, in 2003, and a Moscow beat cop $172, in 2004. In comparison, per capita GDP in Russia was around $4,000, in 2004, indicating that police, at least in Russia's largest cities, were poorly paid in comparison to other professions. Salaries have increased considerably since 2005, and doubled between 2005-2008 (Taylor, 2011, p.195). Nevertheless, they remained comparatively low. GDP per capita was approximately $8,000 in 2009 (World Bank, 2013a).[64] In St. Petersburg, in 2009, a lower-ranking officer, with five years service, received around $360 per month ($4,300 a year) and a middle-ranking officer with ten years service, approximately $530 (Gladarev, 2011, p.119).[65]

The official budget of the Kyrgyz MVD is classified[66] and much budgeting is unofficial.[67] The number of staff working for the Ministry is also classified or unknown. Most respondents indicated that it employed around 10,000-12,000 personnel,[68] although one Western study put the figure at 17,000 (MacFarlane & Torjesen, 2007, p.25). The Kyrgyz central state lacks any strong economic hold over police. In a 2012 interview, first deputy minister Baktybek Alymbekov said that the MVD received $61 million in 2011 and $56 million in 2012 (24kg.org,

[64] Figure is adjusted to provide for inflation: http://data.bls.gov/cgi-bin/cpicalc.pl
[65] Conversion based on historical average conversion rates (2009): http://fxtop.com/en/historates.php
[66] Interviews: Zulfiia Kochorbaeva, Social Technology Agency (NGO), Bishkek (15th May 2011); Anonymous (K-6), Former MP, Kyrgyzstan (May 2011).
[67] Interview, Nurbek Toktakynov, Director, *Partnerskaia gruppa pretsedent* (NGO), Bishkek (3rd May 2011).
[68] Interviews: Anonymous (K-7), Lt. Colonel, Directorate of Criminal Investigations, 17 years service, Kyrgyzstan (May 2011); Anonymous (K-8), Former Colonel, Directorate of Criminal Investigations, 25 years+ service, Kyrgyzstan (May 2011).

2012).[69] An OSCE official estimated it to be around $70 million in 2011.[70] Overall, this suggests a figure around the $50-70 million. The official also remarked that this only covered enough to pay salaries, which is probably accurate.[71] Official salaries are low. One 2010 paper, for example, estimates that the total poverty line in Kyrgyzstan at around $385 in 2008 (Chzhen, 2010, p.3) but, in 2011, the lowest police ranks earned around $215 per month and the highest around $320. Before 2010, the basic figure was around $130-$150.[72]

There is no accurate budget information available for the MIA during the Shevardnadze era because of high-level corruption (Darchiashvili, 2003, p.13; Jones, 2013, p.165). In 2002, the MIA received approximately $19.3 million from central funds and employed around 56,000 people, averaging out at $345 per person per year (Darchiashvili, 2003, p.10–11; Kupatadze et al., 2006, p.94). Pre-revolution police were extremely poorly paid. The official poverty line was around $50 in 2002 (World Bank, 2002, p.8) but official pay was only somewhere in the region of $44-63 per month (Boda & Kakachia, 2005, p.2, 3) (Stefes puts the salary for a mid-level police officer at about $35 per month (Transitions Online, 2000)).

Ethnographic data reveal that police across the cases live(d) a precarious economic existence. In 2010, low-ranking police in St. Petersburg complained that their pay was too low to make ends meet:

> Our pay…is problem number one, of course. Everyone shouts and says 'We will increase the pay' but what's the point? They raise it by 1,000 roubles [around $30]. That's ridiculous. (Male, 27 years old, junior lieutenant). (Gladarev, 2011, p.119)

[69] Conversions are based on historical average conversion rates (annual): http://fxtop.com/en/historates.php
[70] Interview, Anonymous (K-9), OSCE official 3, Kyrgyzstan (May 2011)
[71] Using a very crude calculation, $60 million distributed equally around an 13,500-sized MVD (the medium of the highest and lowest estimates) would result in every employee receiving $370 per month.
[72] Interviews: Major-General Melis Turganbaev, Deputy Minister of Internal Affairs (2008-present), Bishkek (8th May 2011); Anonymous (K-10), Captain, Department of Social Order, 20 years service, Kyrgyzstan (May 2011); Anonymous (K-4), *Praporshchik* (most senior lower officer rank), GAI, 15 years service, Kyrgyzstan (May 2011); Anonymous (K-11), Captain, MVD Academy, 9 years service, Kyrgyzstan (May 2011).

In Kyrgyzstan, ordinary officers' low salaries place a considerable strain on their lives, as noted by one former officer:[73]

> I have dependants now (a spouse, two daughters, of two and three years) and the least amount we need is about $400 per month, including accommodation, rent. It is hard to imagine how married policemen manage to run their lives.[74]

A GAI officer said, 'We earn 10,000 som [around $215] a month. But each day costs us 500 (gas, food, etc.)'[75] This officer illustrated the impact poor pay has on police work with the following analogy, 'If you feed a dog well, it guards well. If you don't, it wanders.' In Georgia, officers who served during the Shevardnadze era recalled stories similar to their contemporaries in Russia and Kyrgyzstan. They could expect little support from the police organisation. As one officer stated, 'We had to buy our own clothing, pens and papers. But we knew where to buy the cheapest! If you wanted to buy cheap pens, you just needed to ask a policeman!'[76]

Increased police collaboration with organised crime and predatory policing

Low police salaries contributed to a growth in organised crime groups' influence. Gradually, state security actors' involvement in organised crime usurped organised crime groups' position, although the degree of consolidation has been more complete in Russia than in Kyrgyzstan, or in comparison to pre-revolution Georgia. Predatory policing also expanded because police salaries declined but the police retained punitive legal powers and were poorly overseen, creating a demand and opportunities for informal economic activity.

In Russia, the influence of organised crime groups over police increased rapidly in the 1990s, although the picture is murky because organised crime groups recruited services from the police, and other power ministries, whilst security actors formed their own organised crime groups (Galeotti, 2006; Salagaev et al., 2006). State collapse meant that a plethora of bureaucrats and criminals were

[73] Encounter, Anonymous (K-18), Police officer, Bishkek (May 2011).
[74] Interview, Anonymous (K-12), Former Lieutenant, Directorate of Criminal Investigations, 5 years service, Kyrgyzstan (May 2011).
[75] Interview, Anonymous (K-4), *Praporshchik* (most senior lower officer rank), GAI, 15 years service, Kyrgyzstan (May 2011).
[76] Interview, Anonymous (G-2), Police Chief, Tbilisi (August 2011).

virtually free to help themselves to a vast and undervalued wealth of state property (G. B. Smith, 1999, p.13; Volkov, 2002, p.13–15; Plekhanov, 2003, p.71–74). The police were deeply implicated in criminal activity and, as early as 1991, one MVD spokesman interviewed by Knight estimated that a third of the mafia's profits went to bribe MVD personnel (Knight, 1996, p.51). It is impossible to find figures which accurately portray the extent of police involvement in organised crime, or vice-versa, but survey data indicate it was substantial. A 2002 survey of over 2000 officers found that 26 percent considered it easy to earn additional income if assigned to the organised crime department and 70 percent believed it to be not easy, but possible. Only 4 percent considered it difficult to collect such earnings (Wilson et al., 2008, p.71). Of the nearly 300 serving officers polled by Beck and Lee in 2001, 26 percent recorded that organised crime played a greater role in influencing their work than they had considered prior to taking up their positions (Beck & Lee, 2002, p.366). The marketisation of the police meant that organised criminals, and other parties, were able to pay the police to carry out a range of services, including:

- Obtaining information that helps to commit crimes and reproduce criminal activities (e.g. information about raids, on other gangs);
- Practical support in criminal activity (payment to make arrests, purchase arms, convey goods, remove people from databases);
- Support during economic activity (using police connections with municipal authorities, initiation of proceedings against rival businesses);
- Support during investigation process, court proceedings and imprisonment (information about witnesses, etc. (Salagaev et al., 2006, p.10–14)[77]

By 1997, an intense period of violent competition and consolidation had produced fewer, larger, organised crime groups, many of which legitimated their activities via collaboration with state actors and politicians (Volkov, 2002, p.24). Organised crime groups were, however, increasingly pushed out of the violence-management market. Law enforcement agents, acting informally or through private security companies, offered better protection to businesses because of superior resources and the legal protections they could offer (Volkov, 2002, p.126–154; Gans-Morse, 2011, p.27). In the 2000s, the visibility of organised crime groups had much diminished (Holmes, 2009, p.136; Shelley, 2010) and,

[77] See also: (Taylor, 2011, p.168–172).

according to the director of Transparency International's Moscow office, their activity was mainly limited to those illegal sectors, 'where it belongs.'[78] However, organised criminal activity had not disappeared but was usurped by state actors. There have been a series of prominent cases of police involvement in criminal activity. In 2003, for example, Putin disbanded the Moscow Criminal Investigations Directorate and six officers were charged with running an organised blackmail ring (Favarel-Garrigues & Le Huerou, 2004, p.25; Galeotti, 2010a, p.136). One Russian crime journalist estimates that if 70 percent of roofs ('protection' agreements offered by violence-management agencies. See: p.133) were provided by criminals in the 1990s, ten years later, 70 percent were done so by police and 10 percent by the FSB (Agentstvo Federal'nykh Rassledovanii, 2006; Cited in: Taylor, 2011, p.164; See also: Ledeneva, 1998, p.192).

Russian police are heavily involved in predatory policing. The MVD retains various functions serving little purpose but to extort resources from the population, such as control over visa, passport and driving licence issue (Taylor, 2011, p.269–270). On the basis of six surveys with Russian citizens conducted from 2002 through 2004,[79] Gerber and Mendleson found that 9.4 percent of respondents experienced police corruption themselves, via family members, or both (Gerber & Mendelson, 2008, p.16–19). Wilson et al.'s 2002 survey of Russian police found that 42 percent of officers' income came from informal activities, with 19 percent of officers taking personal payment to divert or dismiss cases, 14 percent accepting bribes in the provision of personal ID and passport checks and 20 percent receiving payment for document registration, during work hours (a further 10 percent took payment for document registration outside working hours) (Wilson et al., 2008, p.69–70). In 2010, I experienced predatory policing myself when a friend found that Russian police had stolen money from his bag during a routine check.

The rank and file do not pocket all of the income gained from corruption but 'collect rents' for their bosses (Chistyakova & Robertson, 2012, p.22). Gilinskiy

[78] Interview with Elena Panfilova, Director, Transparency International, Moscow (12th February 2009). Carried out by Gans-Moore. (Gans-Morse, 2012, p.266)
[79] Total N=16,598

estimates that ordinary officers retain approximately 65 percent of informal income, the remainder going to their superiors and on related expenses (Gilinskiy, 2009). Consequently, policing is a potentially lucrative endeavour and there are internal markets within the patrol and traffic police. Police pay more to be posted to areas where they are more able to extract bribes (e.g. areas with high immigrant populations are desirable because these populations are unlikely to have the correct paperwork or connections) (Kosals, 2010, p.3). The prevalence of such activities is well-known. In surveys in 2009 and 2010, 33 and 35 percent of citizens, respectively, considered illegal police activity to be a regular activity, 48 and 47 percent believed it occurred more in isolated cases, and only 2 percent, in each year, believed that the police did not engage in such activities (VTsIOM, 2010). There is also anecdotal evidence of higher-ranking officers profiting considerably from the structure of predatory policing. For example, following publication of the incomes and property ownership of senior MVD personnel in 2011, one officer was found to have an annual income of 28.3 million roubles (around $850,000) and own a 2007 Audi A6, whilst his wife earned six million roubles annually (Harasymiw, 2012, p.17).

In recent years, the influence of the criminal underworld on the Kyrgyz police has grown because there has been more of a direct cross-over between top politicians and organised crime groups and because of the state's weakness (Uzakbaev, 2009, p.15). During interviews, police respondents did not differentiate clearly between corrupt politicians/managers and criminals because of this cross-over. Officers, like other social groups in Kyrgyzstan, used terms such as 'criminal' or 'mafia' to refer to systematic informal practices of both known and unknown persons and groups, within and outside the police, rather than to specific organisations. As one colonel stated, 'Corruption? It's not at the bottom. It's at the top. It's everything there. It's like a mafia… The Soviet system was strict. Now it's a mafia.'[80]

[80] Interview, Anonymous (K-13), Colonel, Directorate of Criminal Investigations, 30 years service, Kyrgyzstan (May 2011).

Respondents, from both upper and lower echelons of the MVD, corroborated the idea that criminal groups increased their influence on the police towards the end of Akaev's presidency and the situation deteriorated after the Tulip Revolution. One officer stated, 'It started a little in Akaev's time and under Bakiev, the whole thing fell apart, family influences increased.'[81] The Head of the Kyrgyz MVD Academy, Almaz Bazarbaev explained the process in more detail:

> [Beginning in 1993, the police]… started to join criminal gangs. If the structure of the power vertical worked in the Soviet system, it didn't work in the new Kyrgyzstan… [A]ll the structures became criminalised. For example, organised crime groups appeared at the district level of the MVD. One officer starts to work for them. He then moves up the chain, he's got good money, a financial inflow. He makes an agreement with someone at the regional level and he's raised up, to the regional level. But this doesn't satisfy the leader of the crime group, that he just sits there. It's like a mafia. They push him further to here. To the Ministry and he starts to work in the Ministry.[82]

During Bakiev's presidency, the MVD struggled to retain power over regional and institutional power brokers, including organised criminals.[83] Kupatadze reports that:

> Certainly, the infamous criminal leader from the Issyk-kul region, Rysbek Akmatvaev, was protected by the Minister of Internal Affairs, his cousin from the same tribe. Likewise Almaz Bokushev, the leader of the Karabaltinskaya group is also linked with another former Minister of the Interior who is now in political opposition to President Bakiev, and his brother was a member of the Jogorku Kenesh (Kyrgyz Parliament) from the Karabalta region. (Kupatadze, 2010, p.69; Kupatadze, 2012b, p.72)

After Bakiev was deposed, police in Osh, Kyrgyzstan's second city in the south of the country, sided with the local mayor, Melis Myrzakhmatov, helping to resist attempts by the Provisional Government to remove him. Myrzakhmatov was reported to control most of the licit and illicit economic activity in Osh, including construction, bazaars, drugs trafficking and other types of smuggling, and local police are widely regarded to be in his pay (Marat, 2010, p.4) Bakiev's officials and the president himself were also widely suspected of involvement in the drugs trade (Lenta.ru, 2011b; EurasiaNet, 2011a). Regardless of who actually

[81] Interview, Anonymous (K-13), Colonel, Directorate of Criminal Investigations, 30 years service, Kyrgyzstan (May 2011).
[82] Interview, Almaz Bazarbaev, Head of the Kyrgyz MVD Academy, Bishkek (7th May 2011).
[83] Interview, Dinara Oshurakhunova, Head, Coalition for Democracy and Civil Society, Bishkek (6th May 2011).

dominated the trade, regular efforts to counter trafficking were curtailed by 'roofs' provided by powerful political figures and large seizures only occurred during competition between groups (Kupatadze, 2008, p.288).

The Kyrgyz police is a predatory force (International Crisis Group, 2002, p.24–26; O'Shea, Forthcoming). Bribing officers, to escape prosecution for minor infringements of the law, is a regular practice. In 2011, the size of a bribe for such infringements was variable but usually relatively small at around $1-5.[84] During a 2008, 280km taxi ride from Cholpon-Ata to Bishkek, the battered looking Lada my party was in was stopped three times by police, whom the driver bribed. Given that the fare was in the region of $30, these stops significantly impacted upon the driver's profit margin. In 2010, when asked what had changed in two years, one taxi driver said, without being informed of the topic of my work, 'There's still loads of corruption. Of course, the most guilty are the militsiia.'[85] Citizens also pay to avoid violations being processed and bribery can sometimes be convenient.[86] Official fines can be on a similar level to bribes but the latter involve less hassle,[87] as noted by one officer:

> For example, I have a problem because I want to get a licence… Once you've got to the place you've got to be, there are queues everywhere at each window. Once there, there are those who gather, ask how can I help? They'll do it for 1000s [around $10] in a day. Officially, it could take a week, a month.[88]

[84] Interviews: Sardar Bagyshbekov, Chairman, *Golos Svobody* (Voice of Freedom), Bishkek (29th April 2011); Anonymous (K-12), Former Lieutenant, Directorate of Criminal Investigations, 5 years service, Kyrgyzstan (May 2011).
[85] Encounter, Anonymous (K-21), Taxi driver, Bishkek (April 2011).
[86] Interview, Sardar Bagyshbekov, Chairman, *Golos Svobody* (Voice of Freedom), Bishkek (29th April 2011).
[87] Interview, Anonymous (K-12), Former Lieutenant, Directorate of Criminal Investigations, 5 years service, Kyrgyzstan (May 2011).
[88] Interview, Anonymous (K-4), *Praporshchik* (most senior lower officer rank), GAI, 15 years service, Kyrgyzstan (May 2011).

Where Kyrgyzstan differs from Russia, is that employment as a police officer is more commonly seen as a lucrative opportunity guaranteeing a relatively stable income, mostly through informal means (Marat, 2010, p.23). Positions in the police can be bought and those providing more of an opportunity for profit are more expensive:

> Friend of Former Lieutenant – There's a black market in GAI [the traffic police]. A customs inspector's position costs $2,000.
>
> Former Lieutenant – Well, it depends on the position. You could be photocopying. But if you can go somewhere you can milk, that could be $4,000.[89]

Predatory policing within GAI is particularly pronounced, as illustrated by the following joke, 'It's a GAI'shniks birthday. One of his colleagues goes up to the boss and says, "Hey, it's his birthday. Give him any place he wants!"'[90] One OSCE officer noted that a career in the police costs around $10,000-15,000 and more for more lucrative posts, e.g. GAI.[91]

The Kyrgyz police are also involved in larger, more serious acts of extortion. A (Kyrgyz) NGO respondent reported that if an Uzbek sold a car, the militsiia would find out through its informants and the next day a relative of the seller would be arrested to extort the proceeds of the sale.[92] Uzbek respondents interviewed in the south of Kyrgyzstan cited many such incidents[93] and an international report investigating the June 2010 violence identified the use of frequent detention of Uzbeks for the purposes of extortion (Kyrgyzstan Inquiry Commission, 2010, p.39). The hierarchy of corruption throughout the MVD is common knowledge throughout the Ministry. At the top, one former interior minister, Kubatbek Baibalov (July – September 2010), explained it as follows:

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[89] Interviews: Anonymous (K-14), Friend of Former Lieutenant (K-12), Kyrgyzstan (May 2011); Anonymous (K-12), Former Lieutenant, Directorate of Criminal Investigations, 5 years service, Kyrgyzstan (May 2011).
[90] Interview, Anonymous (K-14), Friend of Former Lieutenant (K-12), Kyrgyzstan (May 2011).
[91] Interview, Anonymous (K-3), OSCE official 1, Kyrgyzstan (May 2011).
[92] Interview, Sardar Bagyshbekov, Chairman, *Golos Svobody* (Voice of Freedom), Bishkek (29th April 2011).
[93] Interviews: Anonymous (K-1), NGO official, Osh (May 2011); Anonymous (K-2), NGO official, Osh (May 2011).

> At the lowest level there is police corruption, every day. A packet of cigarettes, a bottle of vodka, just like that. But at the highest level, there's very high corruption. With things like petrol, narco-traffic, big things. High up personnel are involved in high-level corruption, low-level in low-level corruption.[94]

One Kyrgyz traffic policeman summed up the system of corruption, somewhat sardonically, thus, 'The whole system is bad. I take from the taxi driver, my boss takes from me. He gives to the minister. The minister gives to the president.'[95]

In the early 1990s there was little to distinguish Georgian power ministries from the paramilitary or criminal groups. The paramilitary Mkhedrioni for example, incorporated into the MIA in 1992, was heavily involved in looting in Western Georgia (Zurcher, 2005, p.105, 106; Areshidze, 2007, p.30). In the early 1990s, the MIA shared cigarette and arms smuggling with various militias and was even led by a twice convicted criminal[96] from December 1992 to August 1993 (Jones, 2013, p.83–84). By the mid-1990s, Shevardnadze had usurped the paramilitaries but the MIA remained deeply criminalised. Under Interior Minister Kakha Targamadze (1995-2001) it developed into what De Wall calls a 'semi-criminalised monster,' which provided roofs, directly controlled large business, and, at one point, even owned Georgia's most famous football club, Dynamo Tbilisi (Wheatley, 2005, p.113–115; Darchiashvili, 2006, p.8–11; De Waal, 2010, p.189). It dominated 'roofing' carried out by state actors, although other security actors were also active (Darchiashvili, 2003, p.12; Lortkipanidze, 2005, p.6). In addition to its roofing activities, it was active in both large scale smuggling of drugs and arms and smaller, local acts of collusion with criminals:

> Targamadze, together with key officials in the Interior and Security Ministries, allied himself with Chechens and trafficked drugs through the Pankisi Gorge into Georgia and Russia, and on to Europe...Targamadze's police personnel escorted Chechen fighters through the territory and Georgia to Turkey and the Middle East and in the opposite direction…Crime and criminality were not confined only to the top, but were also pervasive among the ordinary police…Police participated in such crimes as smuggling contraband and drugs, racketeering, theft and murder. (Kupatadze et al., 2006, p.94–95; See also: Shelley, 2006b, p.3)

[94] Interview, Kubatbek Baibalov, former interior minister (July – September 2010), Bishkek (23rd May 2011).
[95] Interview, Anonymous (K-4), *Praporshchik* (most senior lower officer rank), GAI, 15 years service, Kyrgyzstan (May 2011).
[96] Temuri Khachishvili

Ordinary Georgians informally referred to police heavily implicated in organised criminal activity as 'meat eaters' and called those who performed smaller, day-to-day, acts of predatory policing as 'grass eaters' (Godson et al., 2004, p.6). As in the other cases, citizens were regularly forced to pay bribes in order to get driving licences, registration documents and so on. Traffic police had an especially poor reputation for extracting bribes at countless road blocs (Hensell, 2012, p.825). In some instances, their corruption was exceptionally obvious, as noted by one, post-revolution policeman.

> I remember seeing a traffic cop stopping marshrytka [minivan taxi] drivers. He was too lazy to go up to them and get the bribe, so he simply had the drivers throw coins out the window into a basket. Any ones that missed, he picked up with a magnet he'd attached to the end of a stick! It was so blatant![97]

According to one estimate, the level of predatory policing was so high that, by 2002, the traffic police alone generated around $18.5 million in bribes, a figure which almost exceeds the official budget for that year (24 Saati, 2003; Cited in: Hensell, 2012, p.825).

Poor state quality and the police in the FSU

Obstacles to democratic policing also occurred because police replicated the poor state quality of post-independence states' political societies. With limited effective mechanisms to regulate political conflict the police remained politicised and used by incumbent elites to protect regime interests against elite or popular political opposition. A lack of a separation of powers meant police were accountable only to patrimonial and corrupt political figures in the executive. Political leaders had almost complete control over the selection and removal of police leaders and used patronage to recruit and promote police to defend their economic and political assets rather than apply the rule of law. The political leaderships did not have the ability or interest to regulate all aspects of police behaviour. Where police lacked formal or informal political direction, they fell back on Soviet-era standard operating procedures, which privilege state over individuals' interests. In particular, top down pressure on ordinary officers to

[97] Interview, Anonymous (G-2), Police Chief, Tbilisi (August 2011).

discover and close criminal cases caused considerable police violence, as police resorted to torture and brutality to extract forced confessions.

Political, patrimonial and corrupt institutions

In Russia, Yeltsin's top priority was to defeat his political enemies and consolidate his power and these efforts took priority over any attempts to constrain security actors' behaviour within the rule of law. Consequently, more straightforward security matters, such as those conducted by the police, were of secondary importance to the surveillance and wiretapping of political opponents (Knight, 1996, p.39). In his memoirs, Korzhakov, Yeltsin's bodyguard and the head of the Presidential Security Service, openly discusses that his activities included collecting *kompromat* on officials and politicians (Korzhakov, 1997; Cited in: Favarel-Garrigues & Le Huerou, 2004, p.22). Generally, these activities were more often carried out by successor agencies to the KGB but the needs of the regime also took precedence over those of the wider population with regards to the regular police. In the run up to the 1993 confrontation with parliament, for example, Yeltsin, lacking support in the military, courted the MVD and its chief, Viktor Erin, who the conservative paper Pravda observed was, 'generally speaking… mediocre but ready to obey any order – even a criminal order – of his "patron."' (Pravda, 1993; Cited in: Knight, 1996, p.73) More generally, for whoever paid them, police units were complicit in gathering *kompromat* throughout the political and economic struggles of the 1990s (Timoshenko, 1997, p.123; Beck & Robertson, 2009b, p.287).

Under Putin, politicisation of the security actors is more centralised but, similarly, the rule of law is conveniently disregarded when it suits the needs of the Kremlin. Khodorkovsky's jailing, for example, whilst awaiting trial on fraud charges, did not meet the prerequisites of the Criminal Procedure Code which came into effect in 2002 (Hendley, 2010, p.88). The MVD tends to play a secondary role to agencies such as the FSB and procurator in factional political struggles. It remains, however, a useful tool for the regime to curtail the mobilisation of any popular political opposition. Police have been used to

manipulate election results. During the 2003 and 2011 Duma elections, opposition parties complained that their campaign materials were confiscated or withheld by the police (OSCE/ODIHR, 2004; Taylor, 2011, p.97; OSCE/ODIHR, 2012b, p.11). In recent years, there has been a noticeably heavy police presence at opposition demonstrations less tolerated than pro-government or nationalist rallies (March, 2012, p.417–418). At the beginning of Putin's third term of office, the regime introduced more general measures to limit public protest, recriminalising slander, thus making it more difficult to criticise state officials and, in an obvious response to the Pussy Riot affair, plans were set to introduce the new crime of, 'offending the sentiments of religious believers.' (Committee to Protect Journalists, 2012; Solomon, 2013, p.35)

The police remain, organisationally, firmly under the control of political leaders, with little external oversight or responsibility for policing devolved to regional levels. Legislative control exists in theory but is rarely applied because of the concentration of executive power around the presidency (Beck & Robertson, 2009a, p.55–62). There are, therefore, limited constraints on political leaders using patronage to select police leaders by the ability to defend their interests. Under Yeltsin, various regional and local political groupings used their influence to appoint police. They commanded the loyalty of many units, particularly as budgetary crises had weakened the centre's economic power and regional governments provided material benefits (Taylor, 2005, p.68). At the centre, MVD leaders were appointed and made to resign as a result of political expediency rather than managerial performance. Yeltsin's first minister, for example, was a political victim fired for failing to prevent the seizure of a hospital in southern Russia by Chechen separatists even though fighting terrorism lay outside MVD responsibility (Semukhina & Reynolds, 2013, p.99). The president demonstrated much less interest in appointing leaders to enforce the rule of law or tackle corruption. Instead, 'Internal MVD reforms became political campaigns when allegations of corruption were used to score political gain for the president, or other authorities, and rarely resulted in fundamental changes.' (Semukhina & Reynolds, 2013, p.99–101)

Putin has never had much interest in the MVD and, since rising to the dominant position in Russian politics, his aim has been to control the Ministry, initially by installing people from outside the MVD into top positions (Pallin, 2007, p.8–9; Galeotti, 2012, p.4). Putin's first interior minister, Boris Gruzlov (2001-2003), did not come from a power ministry background but is believed to be close to Nikolai Patrushev (Director of the FSB, 1999-2008) a close ally of Putin, with whom he shared a KGB and St. Petersburg background. His successor, Rashid Nurgaliev (2003-2011), served in the KGB throughout the 1980s (Taylor, 2011, p.44, 65). After the creation, in 2000, of the seven federal districts, Moscow centralised control over many important appointments and budgets and introduced law enforcement structures at this administrative level, over which it has control (Taylor, 2005, p.82). This gave the centre greater control over appointments in the regions and it has used this to instigate a change of cadres (Taylor, 2005, p.71). Over half the top regional MVD and FSB officials were replaced from 2000-2003, with turnover remaining high in 2004-2005 (Petrov & Slider, 2010, p.68–69).

The Kyrgyz police remain politicised to protect the interests of incumbent elites. In 2002, following the politically motivated arrest of a member of parliament, police were sent to quell a growing protest in Aksy district, resulting in the deaths of six protesters (Radnitz, 2005, p.413). Under Bakiev, the police were frequently involved in violently dispersing protests and brutalising participants (Lewis, 2011, p.36). Police, and other security actors, have also been used for the purposes of political infighting. In 2006, Omurbek Tekebaev, an opposition figure, was jailed in Poland after he was caught smuggling heroin. Tekebaev was soon released after a Polish investigation concluded the drugs had been crudely planted and a Kyrgyz airport official later claimed he had been instructed by Janysh Bakiev, the president's brother, to plant them (Eurasianet, 2006; Kupatadze, 2012b, p.150). During 2008-2009, Zhanysh Bakiev, another of the president's brothers, then head of the National Security Service, is believed to have plotted the assassination of several of the regime's opponents (Marat, 2010, p.3). Politicisation does not always work in the interests of the elites controlling the central state and its form mirrors that of Kyrgyzstan's fractured political

environment. Thus, police in Osh were used to intimidate opponents of the city's mayor (Marat, 2010, p.4; International Crisis Group, 2012b).

Political leaders continue to seek security by advancing their personnel into top levels of the MVD. Until 2010, there were few constraints on them doing so because, although there was a formal reporting system to parliament, the police were accountable primarily to the presidency alone (International Crisis Group, 2002, p.8).[98] Akaev mainly appointed northerners to top positions within the security sector (Uzakbaev, 2009, p.10) and his son, Aidar, used law enforcement resources for corrupt ends (Aslund, 2005, p.477):

> His protégés held the posts of Minister of Finance, Minister of National Security, and Head of the Customs Service. Major government agencies in finance and law enforcement appeared to function as his personal revenue services… The capital abounded with anecdotes about how Aidar Akaev drove around the city in his Hummer. He saw a shop, named a price, and demanded the firm. If the owner refused, an array of state inspectors and law enforcement officers were dispatched to persuade the obstinate target that he had better succumb and sell.

Patrimonialism was also rife throughout the MVD. Tashtemir Aitbaev, on becoming interior minister in 2001, fired several senior officials[99] who had advanced through the MVD under the previous minister, Omurbek Kutuev, with whom they shared a regional link. Aitbaev replaced them with men from his own clan/regional network (Uzakbaev, 2009, p.14–15). Under Bakiev, southerners were advanced into the MVD, particularly from his home town of Batken, and one of the president's interior ministers, Bolotbek Nogoybaiev (2007-2008) was a protégé of Janysh Bakiev, the premier's brother (Kupatadze, 2010, p.100, 189; Kupatadze, 2012b, p.150). Recent media reports indicate retention of patrimonial and politicised practices within the MVD despite 2010 constitutional changes distributing powers of ministerial appointment and financial control between the presidency and the government. In a 2012 parliamentary session, a number of police asked MPs to investigate Interior Minister Zarylbek Rysaliev's use of patrimonialism to determine appointments and dismissals (AKIpress, 2012). There was also some suspicion that the 2011 investigation of the murder

[98] Interview, Anonymous (K-6), Former MP, Kyrgyzstan (May 2011).
[99] K. Musakeev, S. Salimbaev, A. Subanbekov

of one of Bakiev's top aides, in 2009, appeared to be targeting southern politicians unfairly (EurasiaNet, 2011b).

In independent Georgia, the police remained politicised and used to protect the state and political and economic interests of powerful patrons.[100] Gamsakhurdia extended the period of detention without charge from three to nine months to keep dissenters in jail (Jones, 2013, p.63). After his removal, police frequently intimidated journalists and suppressed supporters of Gamsakhurdia and extraparliamentary opposition (Jones, 2013, p.97, 102). Shevardnadze used an assassination attempt in 1995 to strike not only against his Minister of State Security, heavily implicated in the plot, but also the paramilitaries who bought him to power (Areshidze, 2007, p.40–41; Jones, 2013, p.103–104). State enforced repression declined after 1995. Opposition and protest groups were generally granted permits for assembly (US State Department, 1999). Arrests, trumped up charges and violence were used against opposition figures, and there were some deaths, but opposition activists were allowed to critique the government and were harassed, rather than repressed (LaPorte, 2012, p.17–19). The pre-revolution police remained active in political intrigue, however, and were used to blackmail political opponents (Kupatadze et al., 2006, p.94) and to protect patrons' interests. In 2001 in Georgia, Targamadze ordered the closing of Rustavi-2, an independently-minded television station which had reported on various cases of corruption and, purportedly, was about to reveal Targamadze's involvement in contraband trade. Not long before, Giorgi Sanaia, a Rustavi investigative journalist, was killed, allegedly because he would have revealed the extent of arms and drugs smuggling and the involvement of Georgian and Russian officials (Civil.Ge, 2001; IWPR, 2001; Scott, 2006b, p.26).

Given the paucity of state economic control over the police, the Shevardnadze regime primarily used patronage. The security sector remained largely unreformed from the Soviet model and, officially, accountable almost entirely to the presidency, with little external oversight (Darchiashvili, 2005, p.139; Lynch,

[100] Interviews: David Aprasidze, Tbilisi State University, Tbilisi (10th August 2011); Ekaterine Tkeshelashvili, Former State Minister for Reintegration/Deputy Prime Minister of Georgia, Tbilisi (25th August 2011).

2005, p.2; Wheatley, 2005, p.113–115). After taking control of the presidency, Shevardnadze filled the leadership of the MIA mainly from the old police elites, with many of whom Shevardnadze had served as head of the republican ministry during the Soviet era (Kukhianidze, 2003, p.6; Kupatadze et al., 2006, p.94). Both MIA leadership and internal policies of recruitment and promotion were determined by clientalism and corruption (Fritz, 2005, p.54–56; Hensell, 2012). In effect, the Georgian MIA replicated the wider political system. Light describes it as follows:

> [P]olice corruption was an integral part of the Shevardnadze regime. Shevardnadze maintained power by allowing major political actors to, 'capture' the state, in exchange for nominal loyalty to the regime. In return for the MIA's loyalty, Shevardnadze permitted the Ministry's effective dismemberment into what were essentially corrupt syndicates headed by high-ranking officials, whose authority over their subordinates was perversely strengthened by the derisory salaries paid to the rank-and-file. The latter thus depended on their involvement in the corrupt activities orchestrated by their superiors, rather than on the state that nominally employed them. (Light, 2013, p.6–7)

Cop culture

Cop culture in the FSU replicated the political societies of the countries in which the police work. It was characterised by patrimonial *and* repressive legal-rational features and a lack of accountability. Rather than by the rule of law, the behaviour of ordinary officers was shaped more by informal economic pressures dictated by their superiors and, occasionally, by political pressures. Officers' career prospects were determined by loyalty to their patrons who controlled a large portion of official wages and promotion prospects. The independent states also inherited police cultures based on ensuring obedience by force, thereby strongly discouraging personal initiative, creativity or trust (Uildriks & Reenen, 2003, p.3). Not only did these facilitate corruption, but the retention of Soviet-era appraisal systems contributed to the high degree of police violence. Police were assessed simplistically by the number of crimes uncovered and solved and were subject to little external oversight. To meet their targets and the demands of political and managerial superiors, lower units used torture and violence to extract confessions.

In Russia, as in the other cases, the police are still governed by, 'legal nihilism,' prioritising orders from immediate supervisors over the rule of law (Gladarev, 2012, p.22). MVD regulations published in 1997 differed little from the Soviet era. The official ideology behind policing remained a, 'strict and non-avoidable obedience to (all) state laws from all citizens and public bodies.' (Timoshenko, 1997, p.120–121) In practice, the MVD deployed a rigid command-structure, accountable only to itself and political elites (Timoshenko, 1997, p.120; Beck & Robertson, 2005, p.256). The hierarchical subordination of the MVD remains firmly in place. In 2010 it became a criminal offence for officers to refuse to follow a legitimate order of their superiors and MVD employees are banned from criticising the Ministry (Semukhina & Reynolds, 2013, p.150; Solomon, 2013, p.30). At the same time, the broader culture of the MVD, and other security agencies, emphasises extra-constitutional loyalties to individuals rather than adherence to rules (Galeotti, 2010a, p.52). Laws are frequently vaguely written in Russia to enhance the discretion of administrators and to provide the regime with legal means to use against opponents (Knight, 1996, p.168; Solomon, 2008, p.118–119). The 1991 law on the police, for example, effectively allowed them unimpeded access to private property and the 1992 Criminal Procedure Code offered suspects the right to an attorney only when the protocol of arrest was served, which investigators often delayed to conduct interviews without their presence (Pustintsev, 2000, p.86–88; Burnham & Kahn, 2008, p.37–38). Subsequent reforms have tightened up some of the vagueness of legislation governing police behaviour. Police are now required to provide an attorney at the point at which a person is deprived freedom of movement, for example (Solomon, 2005b, p.326; Burnham & Kahn, 2008, p.38). Nevertheless, reforms have done little to curtail the hierarchical subordination of the police by improving transparency or accountability to actors outside of the MVD structure or to adequately constrain the police within the rule of law (Burnham & Kahn, 2008; Solomon, 2013, p.30) (more on reform in Chapter 7).

The nihilistic cop culture means that ordinary Russian police have little manoeuvre to resist politicised, corrupt or criminal directives from above. More

honest officers often find themselves pushed out of predatory units. As one St. Petersburg captain told Gladarev:

> Let's say you're working in a patrol police crew, for example, and you detain a drunken person who had money on him; your comrades quietly take the money, and the drunk was taken for a night in the pre-detention facility… This happens again, and both times you refuse to take money. It happens a third time and your colleagues will set you up. Why do they need you in the crew if you are so honest? The system squeezes out such honest officers. (Gladarev, 2012, p.33)

Ordinary officers' ability to resist such pressures are curtailed because they have limited legal protections against abuses by their bosses and are liable to be scapegoated in the case of publicised institutional misdemeanours (Uildriks & Reenen, 2003, p.60–61). In 2006, one of the Russian MVD's own researchers, Igor Groshev, conducted a survey at the MVD's Tyumen Law Institute and found that only 3 percent of cadets polled had never used bribes to enter the academy or pass exams and one third paid between $2,000 - 5,000 to pass the entrance exams. After publishing the results of the survey, Groshev was scapegoated and successfully sued by the Institute for defamation (CBS News, 2009; infox.ru, 2009). Immediate superiors also have a strong economic hold over subordinates. According to one 2011 study, 30-60 percent of ordinary Russian officers' monthly salaries were comprised of additional benefits, the payment of which is decided by immediate managers (Gladarev & Tsinman, 2011, p.504; Huérou & Sieca-Kozlowski, 2012). Combined with the legal nihilism described above, the various rules which comprise Russian cop culture can therefore be conceptualised as follows: the inhibiting rules (i.e. those that have a deterrent effect) are determined mostly by informal clientalistic norms. Loyalty to superiors is more important than adherence to the rule of law. Russian police are required to be seen to generally observe the law in public discourse but the high visibility and official tolerance of corruption indicates that presentation rules (i.e. those developed to put an acceptable gloss on various actions), based on the police operating as a public service, have limited capacity to shape police behaviour. Instead, Russian police develop working rules around the dictates of

their bosses. As Khozhdaeva notes, 'status depends on the relationship between the senior staff and those they control, rank-and-file officers.'[101]

Levels of corruption and violence are also high because police managers continue to evaluate officers using the '*palochnaia sistema*,' the stick system, which correlates police efficiency with the number of crimes solved (Semukhina & Reynolds, 2013, p.149–150).[102] Not only do the targets used often bear little relation to local crime situations – targets for Vladivostok, for example, are created in Moscow[103] – police often resort to corruption, manipulation and violence in order to meet them (Public Verdict, 2010, p.3–4, 11–12). Novikova and Taubina provide a good summary of the incentives the system offers:

> A police officer who knows that his professional progress depends on the number of cases he cracks will try to crack as many as he can - and as quickly as he can. Keenness to catch criminals and do it swiftly is a praiseworthy thing in itself, but it is also important what methods are used to achieve it and what checks and controls are in place. The system of appraisal used for police performance does not include any indication of compliance with civil rights legislation, which is therefore frequently ignored. So in practice the target system leads to police beating confessions out of detainees or using violence to obtain information. (openDemocracy, 2012c)

Levels of police violence are extremely high in Russia. Several of the sources for a 1999 report by Human Rights Watch, including the federal human rights ombudsman and a leading Russian judge, estimated that 50 percent of criminal suspects in Russia may be subjected to torture or ill-treatment (Human Rights Watch, 1999). On the basis of surveys carried out in 2005/2006 Gilinskiy found that 4 percent of respondents claimed to have been tortured by the police and 58 percent believed innocent people were tortured. In two surveys of prisoners in Chita and Komi, 39 percent and 61 percent of respondents, respectively, alleged they had experienced threats or cruel physical treatment by police (Gilinskiy, 2011). The system also encourages the falsification of data and crimes. In 2010, a

[101] Interview, Ekaterina Khozhdaeva, Associate Professor in Sociology, Kazan State Technical University, Paris (3rd April 2012). Conducted by: (Huérou & Sieca-Kozlowski, 2012)
[102] Interview, Natalia Taubina, Director, Public Verdict Foundation (NGO), Moscow (26th October 2010).
[103] Interview, Valentin Gefter, Director, Institute of Human Rights, Moscow (28th October 2010).

27-year-old junior lieutenant, based in St. Petersburg, commented on the system, as follows:

> It's insane. Consider, for example, that in my area, it is all quiet. There hasn't been a single robbery or mugging. Well, that's good! No criminal cases. But no! Too bad, because you have to clear cases. This means you have to invent crimes on paper. (Gladarev, 2011, p.116)

Like police throughout Central Asia, the Kyrgyz police are institutionally little changed from Soviet times (Snajdr, 2006, p.180; Lewis, 2011, p.16) and formal and informal police practices serve the interests of political patrons. Formally, the laws regulating police activity remain weak and vague and the powers of individuals vis-à-vis police heavily balanced in favour of the latter. This opens up opportunities for police abuse and reduces the likelihood that it will be punished. Kyrgyzstan retained the Soviet Criminal Procedure Code until 1998[104] and, although it has since been amended, the system is characterised by Soviet features. Remnants of the Soviet passport and registration systems remain in force and a person can be detained for up to fifteen days for not carrying their documents.[105] More importantly, there is a lack of separation between police and judicial functions throughout the criminal justice process (UN Office on Drugs and Crime, 2011, p.15–17). Judges, for example, routinely respect any case bought by the prosecutor, thus contributing to 98 percent of Kyrgyz criminal cases resulting in conviction (International Crisis Group, 2008, p.i). Formally, officers are accountable only to their superiors (Marat, 2013, p.40–43). Despite the centre's lack of control, the MVD retains a strict militarised hierarchy of subordination. As one former officer stated, 'The modern managing practice is administrative. People are not asked to give ideas, they are just told to do what they have been ordered.'[106] One serving officer expressed the limits of his ability to work independently within the hierarchy by telling the following joke:

[104] Interview, Leila Sydykova, Vice-Rector for International Relations of the Kyrgyz Russian Slavonic University, Former MP, Bishkek (9th May 2011).
[105] Interview, Sardar Bagyshbekov, Chairman, *Golos Svobody* (Voice of Freedom), Bishkek (29th April 2011).
[106] Interview, Anonymous (K-12), Former Lieutenant, Directorate of Criminal Investigations, 5 years service, Kyrgyzstan (May 2011).

> We always have just two points: 1) The boss is always right; 2) If the boss is not right, refer to the first point.[107]

Officer dependence on their superiors for their positions and a lack of external oversight, perpetuate high levels of police corruption and violence. Officers frequently explained that the causes of bribery and corruption stemmed from the financial demands made of them by their superiors:

> There was no corruption during training. That all changed when I started work! It was, 'How many cars did you stop? Where's the money?'[108]

Because of this, individual officers' ability to resist corruption is restricted. Refusing to participate in corrupt activities can threaten one's position, as reported by an OSCE official:

> The moment somebody is more competent or less corrupt he will not stay in the system. Either he'll be kicked out or he doesn't tune into to this [system and] he's out.[109]

The level of police violence is very high in Kyrgyzstan. A 2012 report by the UN's special rapporteur on torture stated that the available evidence suggested, 'torture and ill-treatment had been historically pervasive in the law enforcement sector.' (Radio Free Europe, 2011; UN, 2012, p.10; See also: Kylym Shamy, 2010). As in Russia, numerous respondents reported that this was caused by retention of Soviet-style systems of evaluation.[110] Police utilise violence to ensure they are seen to meet impossible central targets.

> LOS – I can understand corruption [because pay is so low] but why is there torture?

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[107] Interview, Anonymous (K-15), Captain, Department of Social Order, 14 years service, Kyrgyzstan (May 2011).
[108] Anonymous (K-4), *Praporshchik* (most senior lower officer rank), GAI, 15 years service, Kyrgyzstan (May 2011).
[109] Interview, Anonymous (K-9), OSCE official 3, Kyrgyzstan (May 2011).
[110] Interviews: Aziza Abdrasulova, Chairwoman, *Kylym Shamy* (Torch of the Century, Kyrgyz human rights organisation), Bishkek (5th May 2011); Dinara Oshurakhunova, Head, Coalition for Democracy and Civil Society, Bishkek (6th May 2011); Anonymous (K-1), NGO official, Osh (May 2011); Anonymous (K-12), Former Lieutenant, Directorate of Criminal Investigations, 5 years service, Kyrgyzstan (May 2011).

> OSCE official – Under the old Soviet system, you beat the shit out of him [a suspect] and he confesses. It's the easiest way. And why? It's the system of evaluation.[111]

Police themselves are well aware of the causes of police violence, particularly prevalent during criminal investigations. One officer recounted the following joke:

> Four police, from Europe, Russia, Kazakhstan and Kyrgyzstan are given a task – find a hare. Who will find the hare quickest? After a little time, the European finds a hare, twice as long later, the Russian finds a hare, then the Kazakh. Then the Kyrgyz officer arrives and he's asked, 'Did you find the hare?' He opens a box. Inside, there's a bear, who says, 'Don't touch me, I'm a hare, I'm a hare!'[112]

In Georgia, little research has been carried out on police culture during the Shevardnadze era but the information which exists suggests it was dominated by norms familiar to a repressive, criminalised and predatory structure. As one Georgian journalist noted in 1999 (IWPR, 1999; Stefes, 2005, p.11–12):

> The mentality of the policeman, which had become above all the honour of the uniform, differs hardly at all from the mentality of the criminal: the greatest sin among policemen is considered to be not bribe-taking (that is something normal), nor beating the innocent (also something normal), but informing on a crooked colleague. In short, the Georgian police remains one of the isolated little islands of totalitarianism, supported by the nihilism of society when it comes to matters of law.

As with the other two cases, the Georgian police retained a Soviet structure and model of functioning and formally they were accountable to the executive, with little external oversight (Wheatley, 2005, p.114). In principle, parliament provided a limited oversight role but, in practice, it was barely capable of exhibiting budgetary control and Shevardnadze was able to, 'ignore the opinion of parliamentarians concerning various issues of security and defence policy.' (Born, 2000, p.31; Fritz, 2005, p.62–64) As such, the executive formally dominated the MIA but its weak economic control meant the fortunes of ordinary officers were dependent on whoever had the strongest patronage over their particular units be it others within the MIA, local patrons or criminals. In general, the lack of training, extremely low salaries and the high level of

[111] Interview, Anonymous (K-16), OSCE official 4, Kyrgyzstan (May 2011).
[112] Anonymous (K-15), Captain, Department of Social Order, 14 years service, Kyrgyzstan (May 2011).

criminalisation of the MIA resulted in low police morale (Kukhianidze, 2003, p.6–7; Fritz, 2005, p.71).

The pre-revolution Georgian police had a well-earned reputation for violence.[113] The extent to which this stemmed from retention of Soviet systems of evaluation, the criminalisation of the police or the conflicts of the early 1990s is unclear but there is substantial evidence of its degree. In 1997, the UN's special rapporteur on torture stated that he had received reports indicating that, 'most persons detained for political reasons and some persons detained in ordinary criminal cases in Georgia were subjected to torture or other ill-treatment during detention and interrogation.' Furthermore:

> Torture and ill-treatment were reportedly used to obtain 'confessions' or extract other information from detainees. The methods of torture and ill-treatment reported included hanging upside down; scalding with hot water; extraction of fingernails or toenails; application of electric shocks; systematic beating, sometimes resulting in fractured bones or broken teeth; and issuing of threats that members of the detainee's family would be killed or tortured. Courts were said generally to refuse to exclude evidence, including 'confessions', repudiated by defendants as having been obtained through torture, and to fail to investigate such claims of torture. (UN, 1997, p.21)

Although Shevardnadze made some inroads into addressing police violence (Waters, 2009, p.198) it remained a problem throughout his tenure. Various NGOs continued to report widespread use of violence to extract confessions and a lack of investigation of alleged abuses (Amnesty International, 2000; Human Rights Watch, 2000, p.6; Kukhianidze, 2003, p.6–7; Kakachia, 2005, p.102) .

Conclusion

The collapse of the Soviet Union created and reinforced formidable barriers to the implementation of democratic policing in the region. Police effectiveness and ability to enforce the rule of law declined considerably. During open conflict, the police either disappeared or joined the various conflict parties. Where the semblance of state control was maintained, the newly independent states struggled to regulate political conflict and protect property rights. Under the

[113] Interview, David Darchiashvili, Former Chairman of the parliamentary Committee on European Integration/Ilia State University, Tbilisi (6th August 2011).

'Hobbesian anarchy' of mass privatisation and weak institutions, described in Chapter 4, inadequately paid police became increasingly involved in organised crime and predatory policing. Low pay only partially explains the increased frequency of these practices however. Police involvement in organised crime and predatory policing was exacerbated by the institutional policing legacy the new states inherited. With the demise of the Communist Party, the new police were institutionally accountable only to a limited number of actors within the political hierarchy, who controlled the selection and promotion of police. At the same time, they retained a host of repressive Soviet-era powers, which resulted in a continuation of human rights abuses and provided the police with various opportunities to extort resources from the population. In conditions of political and economic uncertainty, political elites prioritised the Soviet practice of utilising allies within the security and criminal justice sectors to gain advantage in political and economic disputes, rather than instigating democratic reform. With limited resources, patrimonialism was the main method by which they could secure support within the police. Ordinary officers gained some relative freedom from state central control but remained economically and professionally tied to their immediate, corrupt patrons within the hierarchy. These transformed the Soviet militsiia from a repressive state actor to a predatory force. Consequently, post-Soviet police not only suffered, as their predecessors did, from an inability to uphold standards relating to equality in law, accountability and human rights, they were also less effective at enforcing the state's authority and reach.

These impediments pose(d) a severe challenge to reform and were ultimately caused by a short-term decline in state capacity, combined with the retention of long standing poor governance practices. Overcoming these hurdles not only requires measures to limit executive control over the police in the long term but, somewhat contradictory, also requires measures to enhance it, in the short term.

Chapter 6 – Revolution and Reform in Georgia

In Georgia, barriers to democratic police reform were, at least partially, overcome because of the nature and extent of the state-building project implemented after the Rose Revolution. The new elites ignored international advice on democratising the police and, implicitly, pursued an institutionalisation before democratisation approach. By enhancing executive power and centralising patronage the centre increased state capacity, enabling it to re-establish its hierarchy over the police. Increasing police wages and purging the old police of corrupt officers to break the back of patrimonial economic practices addressed predatory policing and links to organised crime. A simultaneous crackdown on organised crime reasserted the state's monopoly over the means of violence. Furthermore, there was a suppression of lower-level corruption and institutional measures, such as competitive examinations, were introduced to reduce opportunities for corruption and economic patronage. Ultimately, police reform depended on the success of state-building which was possible because of Saakashvili's popularity in the early years following the revolution, the new elites' determination to clamp down on corruption and the strength of Georgian nationalism providing the legitimacy to implement radical reform.

In this chapter, I mainly discuss the positive outcomes of the police reform and state-building programme, and focus on the period November 2003-2007. The new elite's reforms created a new police which, compared to the Shevardnadze-era police, was far more effective, legitimate and because it was less corrupt and linked with organised crime, much more frequently, observed equality in law and basic human rights. However, reforms also had negative outcomes: concentration of power around the executive; government impunity; politicisation of the police; incidents of high-end corruption; and poor accountability. I shall discuss these further in Chapter 8. Here, I first discuss the police reform. In the second section, I explore why the reform depended on state-building. The final section examines the factors explaining the relative success of the revolution and the state-building programme.

The Georgian police reform

Restructuring and the re-assertion of state control

Reform began in early 2004 with structural reform of the security sector. In February, the Border Guard service was absorbed into the MIA and the Intelligence Department into the Ministry of State Security (the Georgian successor to the KGB) (Vashakmadze, 2005, p.38). More crucial structural reforms took place later in the year. In November, the Interior Troops were transferred to the Ministry of Defence and the National Bureau of Passport-Visa and Citizens' Registration and Preliminary Detention Isolators to the Ministry of Justice. In December, the MIA absorbed the MSS (Civil.Ge, 2005; Kakachia, 2005, p.104; ISAB, 2006, p.2; Kupatadze et al., 2006, p.96). These steps conformed largely with standard SSR recommendations (ISAB, 2006) by creating one main organisation responsible for policing. It also streamlined the hierarchy between the executive and its security actors, rather than having several agencies competing against each other for state resources and control of the political economy. After the initial reforms, the core of the security sector was comprised of the MOD, the MIA, the MOJ, the foreign intelligence service, the Finance Ministry's special sub agencies (i.e. the Financial Police) and the Special State Guard Service (Darchiashvili, 2008, p.36).

Drastic reform began in July 2004 when Irakli Okruashvili replaced Giorgi Baramidze as interior minister. Relying less on international advice, and pushing his own reform agenda, Okruashvili oversaw a dramatic restructuring of the MIA and changes in personnel (Kupatadze et al., 2006, p.97).[114] It is difficult to determine the exact number of officers fired because the pre-revolution MIA did not keep accurate records but most estimates put the figure at around 16,000 personnel (Boda & Kakachia, 2005, p.2; Kakachia, 2005, p.104; Kukhianidze, 2006; Light, 2013, p.7). Approximately, the new MIA was downsized from 56,000 to 33,000. In 2011 the police numbered around 14,500 (Slade, 2011, p.7). In July 2004, several structures were eliminated, creating a smaller, more streamlined

[114] Interview, Anonymous (G-4), Former EU official, Georgia (August 2011).

MIA. This enhanced executive control, eliminating several duplicating structures and removing organisational 'fiefdoms' that had operated independently of the centre (Lynch, 2005, p.263). The transport police (2,907 personnel); traffic police (2,738); public order police (2,266); and lesser units such as the ecology police (462) were abolished (Kupatadze et al., 2006, p.97; Lortkipanidze, 2005, p.6). Establishment of the patrol police in August 2004 replaced most of their main functions. Several investigative services were merged into the Criminal Police (i.e. those with responsibility for countering corruption and the anti-narcotics service). The Security Police Department[115] became a legal entity in July 2004. It functions very much like a private security agency, providing, on a commercial basis, a range of services to private individuals, banks, education institutes and commercial organisations. These include the installation of alarm systems, response units in the event of intrusions, guard and escort services and VIP security (Security Police Department (Georgia), 2014). The SP are common around the capital, with its green-hatted officers often seen guarding embassies and apartments in the city. In 2006, the Neighbourhood Police was created with responsibility for community policing and crime prevention (Krunic & Siradze, 2005, p.29, 34, 55; MIA (Georgia), 2011, p.27).

The executive's enhanced ability to extract revenue, and the reduced size of the MIA, enabled it to curtail predatory policing and the influence of organised crime. The budget for public order and security, most of which was spent on policing, rose steadily from $19.3 million in 2003 to $122 million in 2004, $148 million 2005, $203 million in 2006 and $253 million in 2007 (Darchiashvili, 2003, p.10–11; Transparency International, 2007, p.2).[116] Average wages increased around nine to ten times (Boda & Kakachia, 2005, p.2–3). A detective interviewed in 2011 put his wage at around $720 per month and patrol police officers' wages at $420-480 per month.[117] Light estimates a patrol officer's monthly wage to be $600, plus a full package of benefits (Light, 2013, p.8). GDP per capita (PPP) in

[115] Also known as the Protection Police Department.
[116] Conversions are based on historical average conversion rates (annual): http://fxtop.com/en/historates.php
[117] Interview, Anonymous (G-3), Detective, 7 years service, Georgia (August 2011); Conversion based on historical average conversion rates (2011): http://fxtop.com/en/historates.php

Georgia was approximately $6,000 in 2012, indicating officers earn a decent income.[118] Importantly, superior officers lost responsibility for wage payments, now paid directly into officers' bank accounts (Devlin, 2009, p.7). The police also benefitted from new equipment purchased in August 2004, including 130 Volkswagen Passat patrol cars, 10 off-road Lada Nivas, Israeli-made semi-automatic pistols and new uniforms (Krunic & Siradze, 2005, p.23; Das & Palmiotto, 2006, p.312; Cited in: Devlin, 2009, p.6; English Russia, 2012).

Massive personnel changes were implemented to break the economic relational aspects of predatory policing. 83 percent of police officers were dismissed outside Tbilisi (Kupatadze et al., 2006, p.99) and replaced by personnel appointed from the centre. All of the traffic police (modelled on the Soviet GAI) were fired (Light, 2013, p.7) and only 15 percent of the new patrol police were former officers (Krunic & Siradze, 2005, p.24). The criminal police was reformed more cautiously, to retain the investigative skills base. Former officers were retained but a new leadership was established and the most corrupt and brutal elements fired (Devlin, 2009, p.7–8; Light, 2013, p.7).[119] Massive staffing changes created an inexperienced police but meant that the ranks were not economically beholden to their superiors in their day-to-day routines or because of previous economic transactions. Officers were no longer expected to offer kickbacks to their superiors. There was a reasonable expectation that more senior officers, who had largely moved up the ranks via corruption and nepotism, were unlikely to cease predatory activities. They were fired almost in their entirety.[120] As one international official from a former state socialist country delicately put it, 'For reform you need one cut. Saakashvili kicked out all the old farts, but he could afford to do it… You need international support *and* control. Otherwise they [the

[118] The World Bank measures it at $5,086 in 2012 based on a constant 2005 international dollar (World Bank, 2013a). Figure is adjusted to provide for inflation: http://data.bls.gov/cgi-bin/cpicalc.pl

[119] Interview, Ekaterine Tkeshelashvili, Former State Minister for Reintegration/Deputy Prime Minister of Georgia, Tbilisi (25th August 2011).

[120] Interview, Shota Utiashvili, Information and Analytical Department, Ministry of Interior (Georgia), Tbilisi (16th August 2011).

incumbents] would steal the money.'[121] I dispute the need for international support (see below) but the change of management personnel was vital.

Predatory policing and patronage were also addressed by substantial reform of recruitment and promotion procedures. In 2004-2005, staff numbers at the Police Academy were reduced from 650 to 150, wages raised and an open, transparent examination process introduced. Considerable emphasis was placed on recruiting and promoting young people (Kupatadze et al., 2006, p.99–100). Additionally, the five-year Soviet-style curriculum was gradually replaced with a four-month, more practically orientated, course (Marat, 2013, p.16).[122] Initially, however, the country operated without any patrol police which was then hastily comprised of university graduates who had received only two weeks training (Krunic & Siradze, 2005, p.24). According to Shota Utiashvili, an influential figure who headed the MSS and, subsequently, the MIA's Information and Analytical Department, approximately 6,000 of the police fired were re-employed in the Security Police, which essentially provides a guard function and, therefore, offers limited opportunities for corruption (Devlin, 2009, p.8).[123]

The state also introduced a number of institutional reforms to remove opportunities for corruption. Officers no longer directly handle money and, rather than subordinates passing fines to immediate superiors, a greater proportion of police-public interactions are recorded and/or overseen by co-workers, managers and/or personnel from other organisations or departments. Traffic fines are now issued by tickets and paid in banks or stations, rather than directly to officers (Devlin, 2009, p.7).[124] Responsibility for issuing passports and visas was transferred to the MOJ and the issue of driving licences and registration of vehicles and weapons to a new Service Agency, within the MIA. Exam rooms within the Service Agency are equipped with video monitoring and

[121] Interview, Anonymous (K-16), OSCE official 4, Kyrgyzstan (May 2011).
[122] Interviews: Shota Nizharadze, Vice-rector, Georgian Police Academy, Tbilisi (25th July 2011); Madlen Khelashvili, Head of Training, Georgian Police Academy, Tbilisi (25th July 2011).
[123] Interview, Shota Utiashvili, Information and Analytical Department, Ministry of Interior (Georgia), Tbilisi (16th August 2011).
[124] Indeed, in a visit to a Tbilisi police station in 2011, I saw a bank desk had been constructed in the station allowing those ticketed to withdraw money and pay their fine directly within the station.

recording systems and driving licence exams have been part computerised (MIA (Georgia), 2011, p.19; World Bank, 2012b, p.18, 19; Light, 2013, p.10). Finally, functions which only existed to provide an opportunity for state predation were abolished, such as vehicle inspection measures, regulated previously by the MIA. Under Shevardnadze, these failed to increase safety standards because bribery was widely used to acquire the relevant certification. The new state could not afford to implement a new system but, because the old one had no social value, it was removed.[125]

By using entrapment to catch corrupt officers who were then scapegoated, the government sent clear signals that petty corruption would not be tolerated (Civil.Ge, 2006). A 2012 World Bank report made the following observation:

> An undercover agent filed a complaint of domestic violence at a police station to see if complaints were followed up on. A driver cruised around at night with a headlight out. When stopped, he would say he was on his way to fix the light and offer GEL 20. Police officers caught taking bribes were fired. (World Bank, 2012b, p.16)

Officers were prevented from carrying more than the equivalent of $5 on their person. Those found with more were dismissed and likely to face criminal charges (Schueth, 2012, p.138). The MIA broadcast its own television programme 'Patrol' which featured night-time raids on the homes of officers recorded seeking bribes. Rumours even circulated that the MIA routinely bugged patrol cars.[126] Even if without substance, their existence helped to affect a cultural change within the police organisation. The communication of anti-corruption measures was backed up by prosecution of offenders. From January to July 2004, 148 officers were dismissed as a result of internal investigations, twice that in the same periods in 2002 and 2003 (Krunic & Siradze, 2005, p.30). A former head of the police academy[127] told Marat that around 500 police were fired in the first two years following the revolution for taking bribes, having connections with criminal groups or for human rights abuses (Marat, 2013, p.15).

[125] Interviews: David Aprasidze, Tbilisi State University, Tbilisi (10th August 2011); Merab Basilaia, ALPE Foundation (NGO), Tbilisi (11th August 2011).
[126] Interview, Mark Hagen, Former Chair of Transparency International Georgia and former head of National Democratic Institute (Georgia), Tbilisi (12th August 2011).
[127] Khatia Dekanoidze.

The number of cases represent a substantial increase compared to under Shevardnadze (Kupatadze et al., 2006, p.96).

The severing of police links with organised crime

The government reasserted the state's monopoly of policing functions through a zero-tolerance crack down on organised crime and links between criminals and police. Twenty professional criminals were arrested in the Samegrelo region alone in the first half of 2004 and nine thieves-in-law and 37 other criminal authorities were arrested in 2005 (Kupatadze, 2012b, p.127, 129). The system of plea-bargaining, introduced into the court system in 2004, enabled the state to prosecute criminals and corrupt officials quickly. It also served as a tool of state extraction. Given the choice between certain conviction and jail or payment of, often substantial, fines, many corrupt officials and criminals chose the latter. In the most famous case, Shevardnadze's son-in-law paid $15 million (Scott, 2006b, p.30) and in 2004 alone, $50 million dollars and €40 million worth of property was taken from former Shevardnadze officials and associates (IWPR, 2004; Council of Europe, 2006a, p.9; Kupatadze, 2012a, p.20). Some properties owned by criminals were even converted into police stations and, according to the MOJ, by 2010 over half a billion dollars worth of property was confiscated (Ministry of Justice (Georgia), 2010; Cited in: Kupatadze, 2012b, p.127). In December 2005, the executive's ability to crack down on organised crime was strengthened by the introduction of legislation modelled on US and Italian anti-organised crime laws. This included provisions on the confiscation of property and punished, by 7-10 years in prison, the very holding of the title of thief-in-law, denial of which was contrary to the honour of the thieves' community (Berglund, 2012, p.13; Kupatadze, 2012b, p.126–127; Slade, 2012a, p.43–45).

These measures drastically curtailed the influence of organised crime. The speed of legislation and anti-organised crime initiatives caught many thieves-in-law by surprise. In 2006, Georgia's Procurator General declared that not a single thief-in-law remained free in the country (Lenta.ru, 2006; See also: Kukhianidze, 2009, p.228–229). The influence of professional criminals was further curtailed by

isolating them within the prison system. Governors with links to thieves were fired, and overall turnover of staff at prisons was as high as 80 percent, coupled with 200-300 percent pay increases. The most senior criminals were placed in a single prison with limited visiting rights, phone usage and mail, thus isolating them from criminal networks (Slade, 2012a, p.46–47). The executive used its monopoly over judicial functions to implement the crackdown. The political leadership was thoroughly determined to pursue its attack on organised crime both ruthlessly and, if necessary, with scant regard for the rule of law (Slade, 2012a, p.43–51).[128] According to a 2005 internal MIA decree, a person could be shot if resisting arrest and in that year 21 criminal suspects were killed in police operations (along with 16 police) (World Bank, 2012b, p.15). Furthermore, many of the property seizures and plea bargains prior to the 2005 legislation had little basis in Georgian law, with critics describing the measures as state extortion (Areshidze, 2007, p.212–217; Cheterian, 2008, p.702). The historical lack of judicial independence in Georgia and constitutional amendments enhancing executive power meant that the crackdown was not balanced by a powerful judiciary. Instead, Saakashvili repeatedly made statements often seen as prejudicing court cases (Waters, 2005, p.xiii–xiv; Esadze, 2006, p.114) and, as Esadze wrote in 2006, 'Observers note that judges exercise self-censorship in sensitive cases and lean towards decisions that they think the authorities endorse.' (Esadze, 2006, p.114).

In some regions police activity in, and collusion with, organised crime continued after the revolution. One study of smuggling in the separatist regions revealed some police to have been complicit in contraband operations after 2003 (Kukhianidze et al., 2006; Kupatadze et al., 2006, p.106). A number of organised crime groups have also adapted to the new conditions. A company founded by two members of the Mkedrioni, one of the paramilitary groups dominant in the 1990s, has grown considerably since the revolution, helped to a degree by its extensive links with the new political elite (Kupatadze, 2012b, p.136).

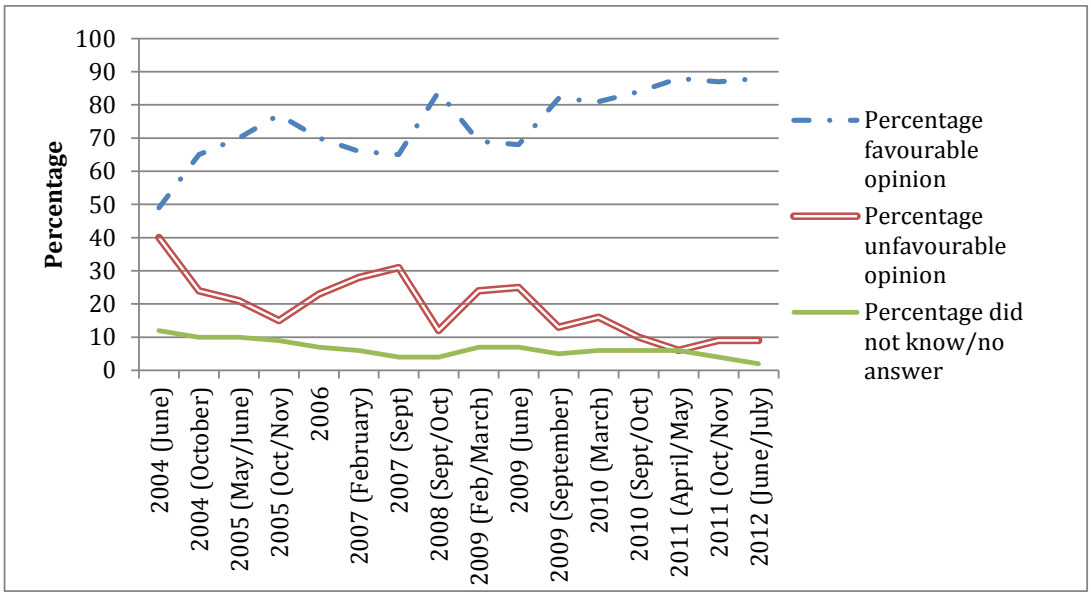
[128] Interview, Shota Utiashvili, Information and Analytical Department, Ministry of Interior (Georgia), Tbilisi (16th August 2011).

Overall, however, the most egregious examples of organised criminal activity and police involvement in it were rooted out (Kukhianidze et al., 2006, p.88; Kupatadze, 2012b, p.136). Thieves' authority in society was quickly reduced. In a 2010 survey, 70 percent of respondents said that their authority has significantly declined, 10 percent that it had declined somewhat, and 6 percent that it had been eliminated (Georgian Opinion Research Business International, 2010). This is a considerable turnaround from before the revolution. In 1993, for example, one survey, reported that 25 percent of schoolchildren said they wanted to be a thief-in-law when they grew up (Serio & Razinkin, 2001, p.79; Cited in: Slade, 2007, p.179) and, even up until 2003, many people would go to the thieves to resolve disputes, enforce contracts, etc., rather than law enforcement agencies (ISET Economist, 2013).[129] The crackdown also severed the links between organised criminals and the police, denying the former the ability to use patron client relations to protect themselves (Slade, 2012a, p.46–47). Significant pressure was placed upon regional police to delivery results. According to Baramidze (Interior Minister, November 2003 – May 2004), a circular was sent to local police chiefs warning that they would be fired if thieves-in-law were still operating within their regions one month later (European Stability Initiative, 2010, p.15).

Combined with measures to address predatory policing, the suppression improved citizens' attitudes towards the police. The International Republican Institute's surveys[130] indicate that, since the Rose Revolution, a large majority of Georgians have a favourable opinion of the performance of law enforcement agencies, suggesting improvements in police effectiveness and its adherence to equality in law and the observation of human rights.[131]

[129] Interview, David Aprasidze, Tbilisi State University, Tbilisi (10th August 2011).
[130] Typically N = 1,500. In November 2011, N = 4000.
[131] The exact question has changed over time but is broadly comparable – e.g. How do you feel about the work of the following institutions? (2012) What is your opinion about the work of each of these institutions? (2009)

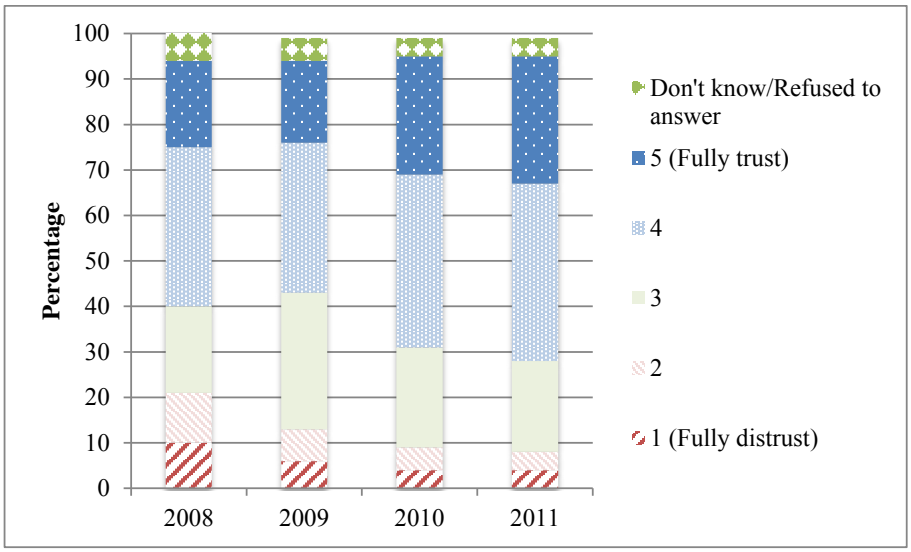
Figure 10 Respondents' opinion of Georgian law enforcement, 2004-2012



Compiled by the author from: (IRI, 2004a, p.92; IRI, 2004b, p.52; IRI, 2005a, p.80; IRI, 2005b, p.75; IRI, 2006a, p.75; IRI, 2007b, p.94; IRI, 2007a, p.67; IRI, 2008a, p.44; IRI, 2009b, p.79; IRI, 2009c, p.46; IRI, 2009a, p.47; IRI, 2010a, p.46; IRI, 2010b, p.46; IRI, 2011a, p.54; IRI, 2011b, p.34; IRI, 2012a, p.29)

Since 2008, the Caucasus Research Resource Centers' programme (CRRC) has ran a Caucasus Barometer, which enables respondents to express their levels of trust in more detail (Figure 11). These figures recorded by these surveys broadly mirror the high levels of trust recorded by the IRI.

Figure 11 Levels of trust in the Georgian police, 2008-2011



Respondents select level of trust on a 1-5 scale (1-Fully distrust – 5-Fully trust). Compiled by the author from: (CRRC, 2009; CRRC, 2010; CRRC, 2011; CRRC, 2012).[132]

More qualitative indicators also suggest improvements in policing. Various respondents indicated dramatic improvements in safety on the streets following the reforms.[133] Kukhianhidze notes that, whereas young people previously dreamed of becoming a thief-in-law, they are now more likely to think such a career path will result in prison (Kukhianidze, 2009, p.229). The police are also now seen to be responding to cases of domestic violence 'more humanely' (Pkhakadze & Jamaspishvili, 2007, p.72).[134] Similarly, Light reports one Western police officer, with years of experience monitoring the line of control separating Georgian forces from the *de facto* government of Abkhazia, contrasted the, 'Russian' approach to policing of the Abkhazian police with the Georgian police's, 'more European way of thinking.' (Light, 2013, p.11)

[132] N = 1,804; 1,991; 2,089; 2,287

[133] Interviews: Anonymous (G-4), Former EU official, Georgia (August 2011); David Darchiashvili, Former Chairman of the parliamentary Committee on European Integration/Ilia State University, Tbilisi (6th August 2011); David Aprasidze, Tbilisi State University, Tbilisi (10th August 2011); Ekaterine Popkhadze, Executive Director, Georgian Young Lawyers' Association, Tbilisi (25th August 2011); Aleksander Kalandadze, Civitas (NGO), Tbilisi (5th August 2011); Camrin Christensen, Regional Director, Eurasia Partnership, Tbilisi (22nd July 2011).

[134] Interviews: Tamar Pachulia, Head of Kutaisi Office, Georgian Young Lawyers' Association, Kutaisi (23rd August 2011); Salome Chagelishvili, Anti-Violence Network Georgia (NGO), Tbilisi (26th August 2011).

Reductions in police violence in Georgia

The level of police brutality and torture has been reduced in Georgia, but slowly, and with important shortfalls. Immediately after the revolution, the regime's prioritisation of fighting corruption and restoring territorial integrity over defending human rights may have actually resulted in an increase in torture and ill-treatment (Amnesty International, 2005). In the second half of 2004, senior government officials expressed greater acknowledgment of such issues and commitment to address them (Amnesty International, 2006, p.2). George Tugushi, Georgia's Public Defender (Ombudsman) (2009-2012), indicated that allegations of police abuse have declined substantially since the revolution (Light, 2013, p.12). A 2010 visit by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) confirmed the general improvement in the situation of detainees in police custody (Council of Europe, CPT, 2010, p.12; For a comparison, see: Council of Europe, CPT, 2001).

There are several reasons for this. Staff at the MIA Academy highlight the importance of better training (Amnesty International, 2005, p.11–12).[135] According to its Director, 20 percent of instructional time is allocated to human and civil rights, ethics and the regulation of police force (Light, 2013, p.10–11).[136] Improvements in working conditions may also have had an impact. A number of former and serving officers told Amnesty that increases in salaries provided an incentive not to torture detainees (Amnesty International, 2005, p.11). Georgian police are not as rigidly required to meet targets dictated by central planners as their Kyrgyz and Russian contemporaries are. The new leadership allowed subordinate managers to use their discretion and one senior officer interviewed indicated that officers were not evaluated according to a set of central plans but more flexible and adaptable criteria determined by middle managers (Devlin, 2009, p.3–4).[137] More generally, the elimination of Soviet-style plans has been part of a post-revolution broader reform of the public sector

[135] Interviews: Shota Nizharadze, Vice-rector, Georgian Police Academy, Tbilisi (25th July 2011); Madlen Khelashvili, Head of Training, Georgian Police Academy, Tbilisi (25th July 2011).
[136] Khatia Dekanoidze (Interviewed by Light).
[137] Also: Interview, Colonel Levan Matchavariani, Head of Mtskhete-Mtianeti Region Patrol Police, Tbilisi (27th August 2011).

(World Bank, 2012b, p.10; Bennet, 2011). A number of effective oversight mechanisms have also been introduced since 2003. The Public Defender's office was established in 1996 and, since the revolution, it has actively inspected police stations and prisons, investigated cases of abuse and produced a vigorous and critical annual report on the human rights situation in the country (e.g. The Public Defender of Georgia, 2006; The Public Defender of Georgia, 2009; The Public Defender of Georgia, 2010). The impact of the Public Defender has been limited by the stalling of a law to increase the office's powers and an inadequate budget. Nevertheless, its record on speaking out against corruption and human rights abuses is well regarded, and its highlighting of cases of police abuse and inspections may have contributed to the decline (Schultz & Abashidze, 2007, p.67; Jones, 2013, p.152).

The main checks and balances on police violence remain, however, internal to the system and these have not always proved effective. Various reports have continued to highlight cases of police mistreating detainees, withholding access to legal and medical services and the failure to properly investigate such cases (Amnesty International, 2008; Human Rights Watch, 2009; US State Department, 2010; US State Department, 2011). (More on this in Chapter 8). This indicates that improvements in training, conditions and oversight mechanisms have not, in themselves, curtailed police violence. Although they have played a role, two other important explanatory factors must be considered. First, leadership personnel changes reduced organisational pressure from police managers to use violence. Under Shevardnadze, the MIA's organised criminal and predatory activities depended on its ability to use violence. Advancement through the patrimonial system depended, in part, on one's ability to selectively use violence or ignore the excesses of others. The reform removed the most powerful 'violent entrepreneurs' from the organisation and created a new cadre, who have less need to use violence for economic ends because of the adequate economic support they received from the state.[138] As one former officer stated, in 2005:

[138] Interview, David Darchiashvili, Former Chairman of the parliamentary Committee on European Integration/Ilia State University, Tbilisi (6th August 2011)

> Before the Revolution police earned so little that they weren't very afraid to lose their job, they had less to lose. Also, in the past police often used violence to extract money from the detainee or his relatives. The increase in salaries has reduced this kind of corruption. (Amnesty International, 2005, p.11)

Second, the new political leadership placed greater, if insufficient, emphasis on curtailing violence. In addition to training, Tugushi attributes the decline in violence to the government ordering police not to torture or beat detainees (Light, 2013, p.12). Thus, the reduction is in part attributed to changes to the patrimonial leadership of Georgian policing, as opposed to the establishment of effective institutional measures to tackle violence.

State-building and police reform

The aforementioned measures were possible because of the post-revolution government's state-building programme. There is a tendency, however, to view the Rose Revolution and reforms which followed, through a democratisation framework. Georgia is frequently included in a series of political events known as 'coloured' revolutions in which incumbent elites were swept from power in Serbia (2000), Ukraine (2004) and Kyrgyzstan (2005), following popular protests in reaction to falsified elections (Lane & White, 2010; Ó Beacháin & Polese, 2010; Bunce et al., 2010; Bunce & Wolchik, 2011; Mitchell, 2012b). The somewhat simplistic account of the revolutions, propagated by various media and analysts, envisage them as pushed from below by liberals, supported by Western-sponsored civil society organisations, seeking to introduce democracy against autocratic regimes riddled with corruption (Lane, 2010, p.19). More detailed 'democratisation-inclined' research suggests that regime transition requires the confluence of: a domestic struggle between authoritarians and democrats; short-term changes in the international system; the diffusion effect from previously successful colour revolutions; the existence of free and fair elections provided for by Western assistance programmes; and the changing behaviour of citizens, such as a willingness to take to the streets and protest (Bunce et al., 2010, p.327–329; Bunce & Wolchik, 2010a; McFaul, 2010; Ó Beacháin & Polese, 2010, p.7–10; Bunce & Wolchik, 2011, p.215–246).

This approach overplays the democratic aspects of the turnovers and the role played by Western-supported civil society[139] (Mitchell, 2012b, p.12; D'Anieri, 2006). The supposed democratic credentials of the revolutionaries are also often transposed into the post-revolution period (Bunce & Wolchik, 2010b, p.44; Bunce & Wolchik, 2011, p.308–318; See also: McFaul, 2010). In Georgia, Western politicians and analysts were effusive in their praise for Georgian democracy (Areshidze, 2007, p.5; Mitchell, 2008, p.128). In May 2005, for example, US president George Bush toasted Georgia as a beacon of liberty, despite being confronted with claims of authoritarian tendencies within the regime (The Guardian, 2005; Areshidze, 2007, p.312). More critical research by country-specialists highlights that the new government's policies are best viewed through a state-building, rather than a democratisation, lens (Areshidze, 2007; Cheterian, 2008, p.695; Welt, 2009, p.198; Jones, 2012, p.9–10; Kupatadze, 2012a, p.19; Lazarus, 2013, p.20). Without state-building, the Georgian police reform would not have been possible. Three factors were particularly important: re-integration of the region of Ajara; consolidation of executive power; and the new government's reassertion of control over state institutions.

Territorial consolidation

Saakashvili came to power on the back of an election campaign which promised to clamp down on corruption and establish the centre's control over Georgia's territory (Marten, 2012, p.77). Although not directly related to the police reform programme, the latter policy had an important impact on domestic politics throughout Saakashvili's period in office and its partial success in 2004 helped to legitimate the regime.

Consolidation of Georgian territory was the immediate priority in 2004. Shortly after his January 2004 inauguration Saakashvili stated that, 'Georgia's territorial integrity is the goal of my life.' (International Crisis Group, 2004a, p.7; Mitchell, 2009, p.179). Attention turned to Ajara. Unlike Abkhazia and South Ossetia, the integration of Ajara was less intractable. There had been no armed conflict

[139] E.g. By (Bunce, 2006; Kuzio, 2006; McFaul, 2010, p.12).

between the centre and Ajarans during the 1990s, the region lacked a separate national movement and, in recent history, Ajarans have identified with the Georgian nation, distinguishing themselves by their reasonably secular Muslim and regional identity rather than ethnicity (Nodia, 2005, p.54; Pelkmans, 2006). Nevertheless, throughout the 1990s and early 2000s, Aslan Abashidze, the region's dominant strongman, ran the province as his personal fiefdom, maintaining control with a private militia, using Ajara's location by the Turkish border on the Black Sea to extort revenue from trade and ignoring central taxes and directives (Aves, 1996, p.44; Pelkmans, 2006, p.8; Marten, 2012, p.73–77). After the revolution, Abashidze initially tried to pay Tbilisi off with a large tax arrears payment but positive relations never developed between him and the new government. In April, a Georgian military commander and three hundred Ajaran soldiers loyal to Abashidze mutinied from Tbilisi and, in May, the local militia blew up two bridges into the region. The government also put on a show of force, conducting a large military exercise and threatening to launch a police operation (Marten, 2012, p.79–80). Abashidze's position proved untenable and he was forced to flee as the result of a mixture of popular discontent in Ajara, popular support for Saakashvili, deal breaking between the Rose revolutionaries and some regional elites,[140] and the withdrawal of Russian support (International Crisis Group, 2004b, p.6–9; Nodia, 2005, p.56; Marten, 2012, p.80–81). In June elections to the Ajaran Supreme Council, a pro-government bloc secured 28 of 30 seats, and Saakashvili's nominee as Chairman of the Cabinet of Ministers was duly appointed (Wheatley, 2005, p.195–197).

The government's adoption of a similar approach to integrate South Ossetia in August 2004 severely exacerbated that conflict and demonstrates the dangers of a state-building approach to territorial reintegration (International Crisis Group, 2004a, p.1, 14; Helly & Gogia, 2005, p.292; George, 2009). Nevertheless, the reintegration of Ajara was an important early success in the regime's state-building programme (Areshidze, 2007, p.192–193) which empowered it to undertake further reforms. Shevardnadze tolerated Abashidze's corruption in

[140] Allowing immunity from prosecution if payment was made for previous misdeeds, and the retention of some bureaucratic posts.

return for political support but Abashidze periodically threatened to secede from Georgia (Mitchell, 2004, p.347; Wheatley, 2005, p.123–125). Whether genuine or not, this made him an unpopular figure. The status of Ajara was politically and psychologically important to many Georgians. Excluding Abkhazia, Ajara has most of Georgia's coast, its largest harbour, a large portion of the border with Turkey and is one of the most favoured holiday destinations. Its secession would have been a huge blow to Georgia's already fragile integrity (Mitchell, 2008, p.84–85). Rather than a negotiated, pacted integration, the new government utilised its broader legitimacy, the threat of force and patrimonial politics to unseat Abashidze. Reintegration of the region also demonstrated that the new government had the capacity and drive to assert its order. It was a huge boast to Saakashvili's legitimacy, as explained by Utiashvili.

> [After the revolution] everything was focused on one thing and that was removing Aslan Abashidze… When the new government came to power in November 2003, they did not know to what extent they would really control the country because it was divided amongst some strong men, some Mafioso, some police, and the central government was very weak. Then Saakashvili came in as the head of the government but he did not know if he had control over the entire country or if it was just symbolic. He really became the real president after Ajara because if he had failed in Ajara then the Rose Revolution would have failed.[141]

The consolidation of executive power

The various constitutional changes enacted in early 2004 empowered the government to implement its reform programme at a speed which denied elements of the old guard or organised criminals time to act effectively as spoilers. Rather than democratising and distributing political power, the amendments shifted powers further from the legislature to the executive, empowering the president to appoint the prime minister and the cabinet, to disband parliament if it rejected his budget three times, and to nominate judges and many other officials (Vashakmadze, 2005, p.31–39; Areshidze, 2007, p.197–210; Mitchell, 2008, p.80). These changes were implemented with very little consultation and extremely quickly, the final vote taking place only two days after the constitutional measures were introduced into parliament (Waters,

[141] Interview, Shota Utiashvili, Information and Analytical Department, Ministry of Interior (Georgia), Tbilisi (16th August 2011).

2005, p.xiv; Areshidze, 2007, p.205; Cheterian, 2008, p.699; Jones, 2013, p.143). The executive also enhanced its power through its dominance of a regime party. In the March 2004 elections, the requirement for any party to get 7 percent of the vote to enter parliament favoured the ruling party and the National Movement (which became the United National Movement in November 2004 (Jones, 2013, p.156)) gained 68 percent of the seats, no other party securing more than 10 percent of those remaining (Wheatley, 2005, p.193–195; 234). Until the 2012 parliamentary elections, the party triumphed at every electoral level. In early 2012, it had over 75 percent of the seats in parliament, controlled every local governing legislature and every major government official was either a party member or supporter (Mitchell, 2012a, p.97).

The centre also consolidated power via extensive use of patronage and threats of *kompromat*. Members of the Shevardnadze-era parliament were reportedly coerced to support constitutional amendments under threat of investigations (Areshidze, 2007, p.206; Mitchell, 2008, p.80). Of the new parliamentarians elected in March, many were young, had little or no parliamentary experience and were very deferential to the party leadership (Areshidze, 2007, p.229–234). The executive used its powers to purge regional governors and local and district administrations. In Telavi, the administrative centre of the Kakheti region, for example, the new governor forced the head of administration to resign by using compromising material available on corrupt privatisations (Timm, 2010, p.7–8). Governors and mayors remained part of a system of presidential patronage and reforms of local government in 2005-06 effectively preserved local officials' dependence on central government. Local government bodies were denied financial independence and the bottom tiers were removed (Jones, 2013, p.146, 174–176). Saakashvili's personal power was increased even further when Zurab Zhvania died in February 2005, probably from carbon-monoxide poisoning.[142] Zhvania was part of the triumvirate of politicians who led the revolution, which also included Saakashvili and Nino Burjanadze, the parliamentary chairperson.

[142] There is some speculation that the Russians or Saakashvili had arranged Zhvania's murder (Mitchell, 2008, p.82–83). An alternative, and more likely, version is that inconsistencies in the official investigation stemmed from an attempt to cover up that Zhvania and Usupov were lovers (Areshidze, 2007, p.260–261).

After Zhvania's death, Saakashvili had virtually complete dominance of the political scene and developed a governing style characterised by decree rather than legislation or consultation with parliament or other bodies. Key decisions were made by the president himself, or within his circle of advisors (Cheterian, 2008, p.691–692; Mitchell, 2012a, p.98).

The semi-authoritarian characteristics of the regime were instrumental to the implementation of police reform (Kakachia & O'Shea, 2012; Light, 2013, p.18). Previously, thieves-in-law, as well as mid-level corrupt officials, had patrons at the highest levels of regional and central administrations (Kupatadze, 2012b, p.122–126; Slade, 2012a, p.46–47). Establishment of executive control allowed the elites to purge regional governments and institutions, such as the police, which had long preyed on the population, of corrupt elements and to tackle organised crime. Saakashvili was free from the need to balance the interests of various patronage networks using corruption and the empowerment of a single patronage network around him, determined to root out petty corruption and denied spoilers the opportunity to seek protection within central government (Berglund, 2012, p.13). The lack of public consultation or judicial oversight also meant that the government could implement policy and legislation quickly. For example, the firing of traffic police occurred almost overnight, with minimal consultation with the police or parliament (Lynch, 2006, p.26; Krunic & Siradze, 2005, p.56; Boda & Kakachia, 2005, p.13). As with the anti-organised crime legislation introduced in December 2005, the speed of such actions meant that there was little opportunity for spoilers (e.g. corrupt figures within the MIA) to block these steps or other reform measures.

The reassertion of state control over the bureaucracy

The new regime's state-building programme helped the government to enhance the executive's economic leverage over, and bureaucratic control of, state institutions. This enabled it to implement police reform, to enhance executive authority throughout the bureaucracy and regions and to improve its legitimacy by curtailing corruption.

In December 2004, a new tax code was introduced which dramatically simplified the tax regime. The number of taxes was reduced from 21 to 7 and strict enforcement measures were introduced (Guledani, 2005, p.121; Berglund, 2012, p.12). More controversially, prior to this, the executive set up funds, including a Law Enforcement Development Fund, to receive contributions from 'patriotic businessmen' 'wishing' to support reforms. Combined with the introduction of plea bargaining, the LEDF was directed against assets of corrupt former officials and organised criminals. According to Utiashvili, the system functioned thus: 'We introduced this plea-bargaining system which means that, for example: You misappropriated a million dollars; the police will detain you; you pay back the damage to the country that is already proven, but you don't go to jail; you remain free.' (Devlin, 2009, p.9) Areshidze estimates that between $245-273 million may have been extracted by the state using such methods (Areshidze, 2007, p.211–217). Controversially or not, the executive significantly improved the state's extractive capabilities. State revenues tripled from 2003-2006, from approximately $517 million to $1.78 billion (2010 constant) (Transparency International, 2007, p.1).[143] In addition to improved tax collection, the government augmented revenues by attracting investment. Assets within the banking sector increased from $600 million at the end of 2003 to $5.4 billion by the end of 2008 and private capital flows reached $2.3 billion in 2007 (Gurgenidze, 2009, p.2).

The increase in tax receipts was matched by a concurrent reduction in the size of the public sector and measures to tackle low-level patrimonialism, corruption and inefficiency. In 2004/2005, the number of ministries was reduced from 18 to 13 and somewhere between 28,000-40,000 civil servants were fired, around a quarter of state employees (Stefes, 2006, p.168). Civil service pay was increased substantially, up to fifteen times in some cases, and many reformed ministries were staffed by newly recruited, young graduates (Bennet, 2011, p.7–8, 10; World Bank, 2012b, p.60). Simulataneously, routine procedures were altered or

[143] Calculated using data from TI provided in Georgian laris. Conversion based on historical average conversion rates (annual): http://fxtop.com/en/historates.php. These figures were then converted into a 2010 constant: http://data.bls.gov/cgi-bin/cpicalc.pl

abolished to increase efficiency and eliminate opportunities for corruption. Increased computerisation limited personal contact between citizens and state officials and facilitated payment of salaries, services, fines and taxes (World Bank, 2012b). Clear standards and transparent procedures were introduced in almost every administrative department (Timm, 2012, p.15). For example, the overall licence issuing system was streamlined. Prior to the Revolution, the Georgian Young Lawyers Association estimated that, '83 percent of all papers requested by officials made no logical sense and were used solely for extortion.' (Dadalauri, 2005, p.19) In combination with reform of the MIA's licensing functions, the number of permits and licences from 909 to 156 and a National Agency of Public Registry created, under the MOJ, to provide a one-stop-shop for licence functions, replacing the old system utilising various agencies (Dadalauri, 2005, p.19; GrantThornton, 2011).

Increased extractive capacity and reform of the public sector supported police reform in two key respects. First, it enabled the executive to pay for it. Georgian officials consistently attribute the MIA's increased resources to improvements in the state's overall finances (Light, 2013, p.9, 14–15). Utiashvili noted, 'when you cut the police by 18,000 – 25,000 that gives you extra money but, more importantly, when the national budget increases you can find extra money.'[144] Second, introduction of reform across public sector institutions with which citizens had day-to-day interactions made progress towards shifting the pattern of rule conformity within the country. In the education sector, a national admissions test was introduced, the number of universities reduced from 237 to 43 and grants were no longer distributed by universities but provided directly to students who could use them at any university, drastically reducing corruption (Mitchell, 2009, p.177; Blauvelt, 2010; World Bank, 2012b, p.78–79).[145] The new government reformed the energy sector by targeting former officials in its anti-corruption campaign and drawing the sector out of the grey market, through various regulatory and financial reforms. A messy and controversial

[144] Interview, Shota Utiashvili, Information and Analytical Department, Ministry of Interior (Georgia), Tbilisi (16th August 2011).
[145] Interview, Timothy Blauvelt, Director, American Councils for International Education (also, Ilia State University), Tbilisi (26th August).

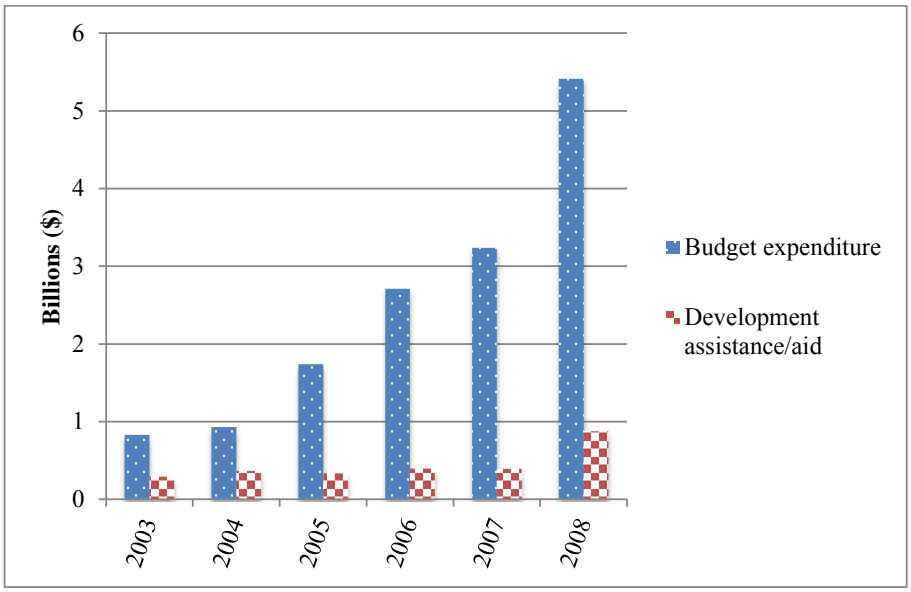
privatisation process lacked transparency but it altered the old set of power relations, drastically improved the supply of electricity and increased bill collection rates from 20-44 percent in the last half of 2004 to 70-85 percent by December 2006 (Closson, 2009, p.771–773). According to Lovseth, 'alienation that comes as a result of state illegitimacy is the main cause of corruption.' (Lovseth, 2001, p.20; Cited in: Kukhianidze, 2009, p.216) Public sector reforms in Georgia changed state institutions so that a larger portion of their activities provided a service, rather than prey off the population. This enhanced the legitimacy of the state and its reforms, including that of the police, and generally reduced alienation.

International aid

The success of Georgian police reform is often attributed, particularly in Russia, to international aid received after the Rose Revolution. One Russian journalist noted in 2011 that, 'Our propaganda usually asserts that the reform was carried out using American money.' (Moskovskii Komsomlets, 2011) Georgia was the beneficiary of a large amount of international aid throughout the late 1990s and 2000s. Although it is difficult to determine exactly how much and to isolate where it was focused (Transparency International Georgia, 2009), the main increases in capacity and drivers for reform came from domestic sources, however. World Bank statistics and budget estimates from CIA, US and EU data indicate that police reform was not dependent on foreign aid.

Foreign assistance formed a substantial portion of the Georgian budget from 2003-2008, but the proportion declined *after* the revolution, from 35-40 percent in 2003-2004, to less than 20 percent 2004-2008 (Figure 12).

Figure 12 Georgia – National budget expenditure compared to net official development assistance/aid (constant 2010 US$)



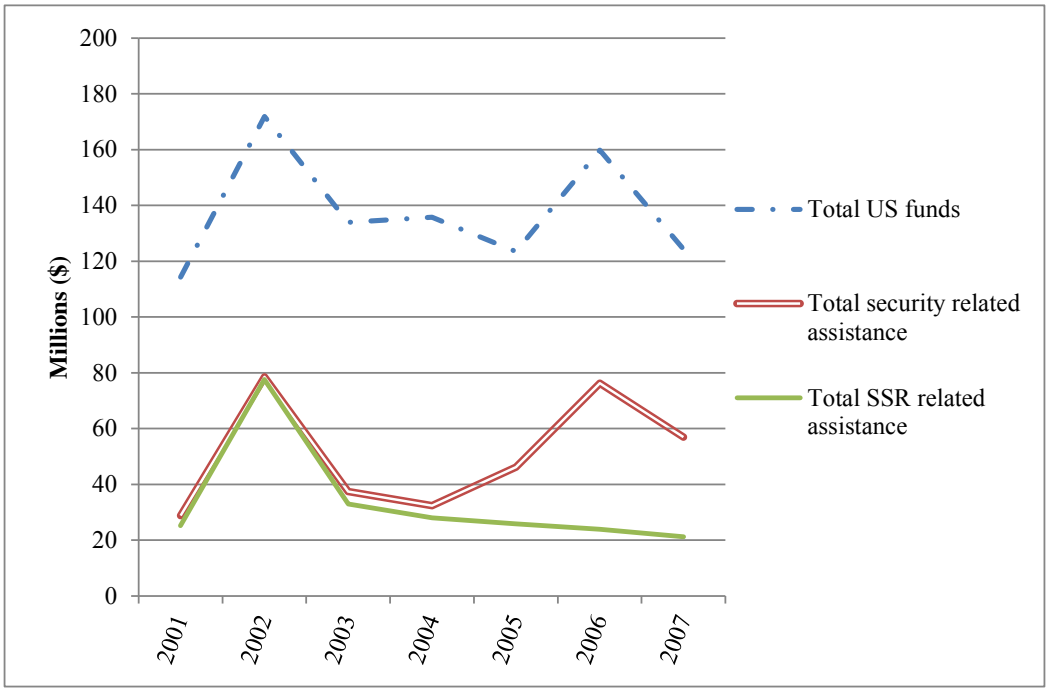
Compiled by author from: (CIA, 2004; CIA, 2005; CIA, 2006; CIA, 2007; CIA, 2008; CIA, 2009; World Bank, 2013a)

The US was the largest single donor to Georgia but the bulk of its assistance was spent on humanitarian aid and disarmament rather than SSR or state-building activities. For example, of the $153 million expended by the US in Georgia in 2006, $55 million was spent by USAID (mostly humanitarian aid), $47 million on destruction and disarmament and $13 million on food aid (US State Department, 2007).

From 2003-2007, SSR-related assistance averaged $26 million per year (Figure 13). Most of this, however, was allocated to military assistance, arms control and counter-proliferation and border control. Of the total security assistance (Figure 14), the proportion allocated to crime, law enforcement and anti-terrorism was very small, averaging only $4.33 million per year from 2003-2007. One Western police official confirmed that, '[O]n average, it's about three to five million dollars a year in development of systems from the United States government.'[146]

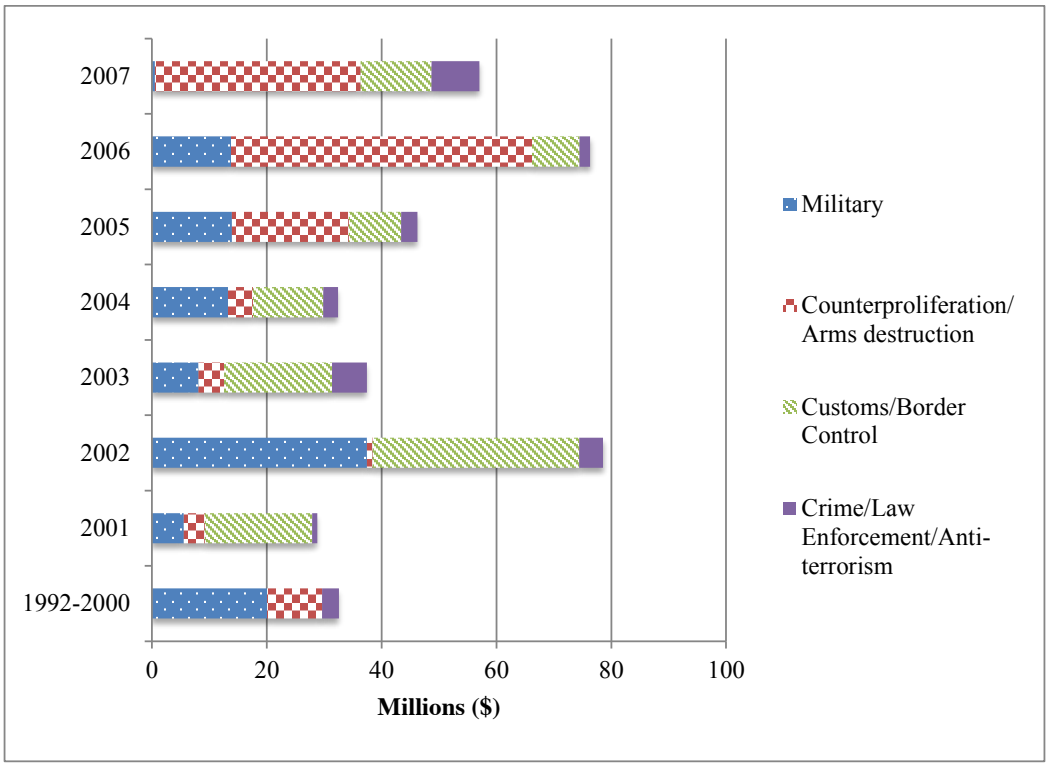
[146] Interview, Anonymous (G-1), Western police official 1, Georgia (August 2011).

Figure 13 US Assistance to Georgia (expended), 2001-2007



Compiled by author from: (US State Department, 2002; US State Department, 2003; US State Department, 2004; US State Department, 2005; US State Department, 2006; US State Department, 2007; US State Department, 2008; US State Department, 2009).

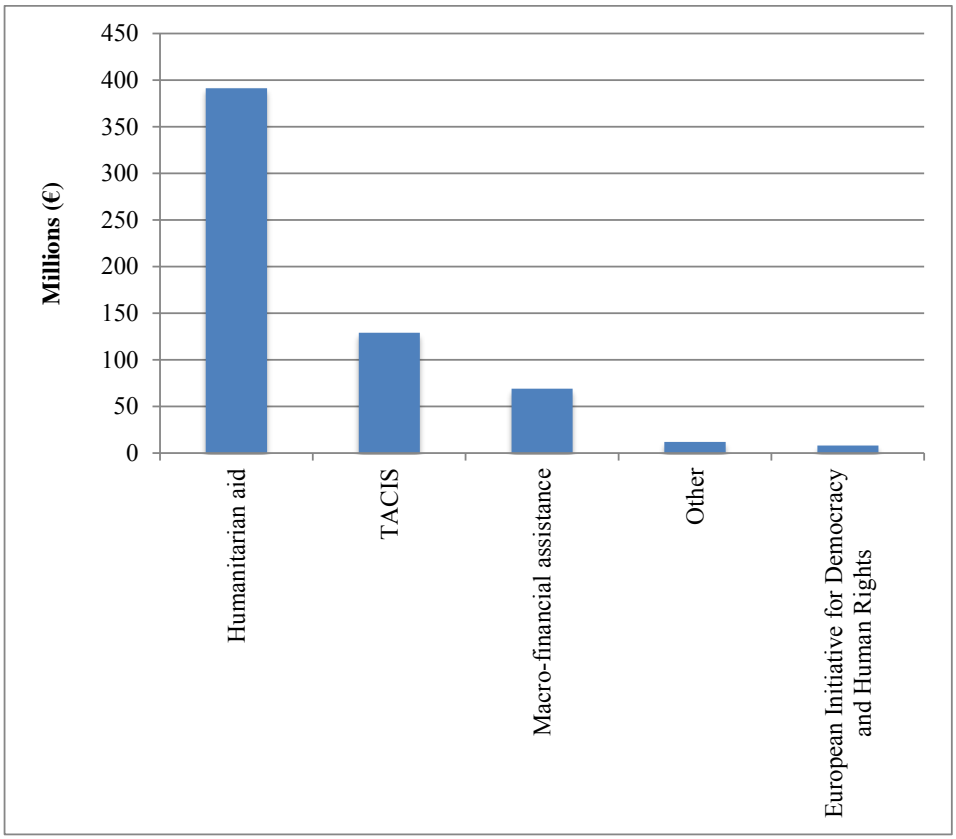
Figure 14 US Security Assistance by type (expended), 1992-2007



Compiled by author from: (US State Department, 2002; US State Department, 2003; US State Department, 2004; US State Department, 2005; US State Department, 2006; US State Department, 2007; US State Department, 2008; US State Department, 2009).

Similarly, only a small proportion of the €505.2 million spent by the EU from 1992-2006 was spent on projects to increase state capacity or promote Western-style governance, and very little on SSR-related activities (Figure 15). Through the Technical Assistance to the CIS (TACIS) programme, Georgia received some support for institutional, legal and administrative reform but the vast majority of assistance was spent on humanitarian aid (TACIS also focused on primary health care, social assistance and child welfare reform) (European Commission, 2006, p.34).

Figure 15 Total European Commission grants to Georgia, 1992-2006



Source: (European Commission, 2006, p.33)

Direct foreign assistance for police reform was, therefore, small considering that the budget for public order and security was $122 million in 2004, $148 million in 2005, rising thereafter (Transparency International, 2007, p.2).[147] According to Utiashvili, international aid did not play a major financial role in the reform:

> International financial aid was probably never more than one percent of the budget of the Ministry. But Western influence was visible in other forms. Georgia's almost entire criminal legislation, its administrative legislation, criminal process code and everything was re-written and was basically copied from American and European laws, not fully but, in large part, Western legislation was just taken and copied and pasted here. And Western aid was significant in terms of devising the police academy and devising the curriculum in which the strong roles were played by US, UN and OSCE. These are the three main donors, but I would say mostly they helped with training and education.[148]

[147] Calculated using data from TI provided in Georgian laris. Conversion based on historical average conversion rates (annual): http://fxtop.com/en/historates.php.
[148] Interview, Shota Utiashvili, Information and Analytical Department, Ministry of Interior (Georgia), Tbilisi (16th August 2011). Also: Ekaterine Tkeshelashvili, Former State Minister for Reintegration/Deputy Prime Minister of Georgia, Tbilisi (25th August 2011).

The main drive for police reform came from domestic elites and its speed actually raised concerns amongst donors. One EU official interviewed in 2011 stated that, initially, the international community opposed reform. The EU, in particular, was so concerned with the negative effects of firing so many officers without due process that it withdrew much of its support.[149]

Explaining the success of the Rose Revolution

The relative success of the state-building programme, and its police reform component, were dependent on three factors: the weakness of the Shevardnadze regime, the drive and unity of the revolutionaries and the presence of a potentially cohesive Georgian nationalism. As discussed in Chapter 7, the absence of one or more of these factors has constrained the process of police reform in Kyrgyzstan and Russia.

Regime weakness

The Rose Revolution is often portrayed as a popular democratic uprising by both participants (Saakashvili, 2006) and analysts. Bunce and Kuzio, for example, stress the importance of youth activists and McFaul suggests mass mobilisation was a key factor in regime change (Bunce, 2006; Kuzio, 2006; McFaul, 2010, p.12). Country experts, however, suggest that the opposition youth movement, *Kmara* (Enough!), was never large and only played a supporting role, although it may have created the aura of a larger opposition (Wheatley, 2005, p.186; Areshidze, 2007, p.99; Mitchell, 2008, p.53–54; Welt, 2010b, p.179–182). The popular element of the revolution was also exaggerated. Elections took place on 2nd November and Shevardnadze resigned on the afternoon of the 23rd. During ten of the days of that period there were no protests and, on eight days, the numbers probably did not exceed 5,000. The first major demonstrations with at least 20,000 protesters, did not occur until after 13th November but subsided after a few days until a large protest on 22nd November. On that day, the key moment of the revolution occurred when, at the televised opening session of the

[149] Interviews: Anonymous (G-5), EU official, Georgia (August 2011); Interview, Anonymous (G-4), Former EU official, Georgia (August 2011).

new parliament, Saaskashvili and his supporters burst into the parliament and Shevardnadze was whisked from the podium by his bodyguards. The largest gatherings ranging anywhere from 20,000-100,000, took place *after* Shevardnadze resigned the next day (Areshidze, 2007, p.155, 165, 175–180; Welt, 2010b, p.164; Mitchell, 2008, p.63–65; Mitchell, 2012b, p.58).

Unlike 'democratisation-inclined' approaches to the coloured revolutions, more inductive research suggests they were caused less by opposition democrats and more by the weakness of the incumbent regime. Hale maintains that they represented succession struggles more than democratic breakthroughs. The perception of patrimonial presidents leaving office precipitated intra-elite conflict. The executive's dominant role in deciding political and economic questions meant that the stakes were high. This, in turn, opened up political space for mass mobilisation but, in the consolidation phase of any turnover, mass support was channelled by elites (Hale, 2005; Hale, 2006, p.307–311; Radnitz, 2010b, p.9, 77–102). Levitsky and Way argue that incumbent regimes were vulnerable because they lacked the organisational and coercive tools with which to prevent elite defection, steal elections, or crack down on protests. In comparison to these factors, the impact of either democratic oppositions or Western assistance was far less important (Levitsky & Way, 2010, p.23–24, 37–74; See also: Mitchell, 2012b; D'Anieri, 2006).

The weakness of the incumbent regime is a more likely explanation for Saakashvili's seizure of power. First, from 2001 onwards, Shevardnadze's dominance of Georgian political society sharply declined. In September 2001, Saakashvili resigned as minister of justice and Zhvania, a key ally of Shevardnadze since 1995, defected from the presidential party in November. Burjanadze joined the opposition in 2003 (Wheatley, 2005, p.172–174; Mitchell, 2008, p.51–53; Welt, 2010b, p.157–158). Second, the Shevardnadze regime tolerated a relatively free, although very partisan, media and political openness (Kokashvili, 2005; Areshidze, 2007, p.105–107). The media highlighted regime corruption and gave a platform to opposition figures. The television channel Rustavi-2, especially, gave airtime to the opposition, ran a popular satire of

Shevardnadze and, prior to the November election, broadcasted images of the protests that made them appear larger than they were. Non-governmental media also published exit polls contradicting the official count, highlighting the extent of the fraud (Broers, 2005, p.342; Wheatley, 2005, p.186–187; Manning, 2007; Mitchell, 2008, p.57–61; Welt, 2010b, p.161–162). Third, the Shevardnadze regime was either unwilling, or incapable of, using force to put down the protests. Fairbanks claims Shevardnadze was prevented from doing so by a lack of support within the army or police (Fairbanks, 2004, p.117). Areshidze, on the other hand, suggests there was widespread expectation amongst the political elite that force would not be used (Areshidze, 2007, p.180) In the event, after years of neglect, poorly paid soldiers and police, perhaps recalling the memory of Georgian security forces protecting protesters in 1989, quickly declared their loyalty to Burjanadze as interim president (McFaul, 2005, p.14–15; Welt, 2010b, p.178; Light, 2013, p.6).

The direct influence of Western aid is also overemphasised. Bunce and Wolchik suggest US democratisation projects played an important, but not decisive, role by promoting and supporting fairer electoral practices (Bunce & Wolchik, 2011, p.234–240, 291–294, 335–338). Less subtlely, Russian analysts and government figures have attributed regime transition directly to a US conspiracy, a view not countered by several US agencies claiming to have had a significant impact on outcomes (Rumer, 2005, p.20; J. Wilson, 2010; White, 2010, p.285; Mitchell, 2012b, p.73–91). The US did spend more on democracy promotion in Georgia than in any other post-Soviet state in 2002-2003 (on funding voter list reform, local election monitoring, civil society advocacy training, etc.). It also exerted a great deal of pressure on the regime to ensure elections were fair (Welt, 2010b, p.183–187). However, the NGO sector remained small and Shevardnadze's regime watered down US efforts to establish a more vigorous election system prior to the parliamentary elections (Wheatley, 2005, p.145–148; Areshidze, 2007, p.109–126; Welt, 2010b, p.184). International assistance was important in developing the young cohort of activists and political leaders from whence the leaders of the revolution came. In the years up to the Rose Revolution, Western funded NGOs, such as the Georgian Young Lawyers' Association and the Liberty

Institution, were some of the best sources of employment for well-educated Georgians (Jones, 2006b, p.40–43). Without this there was insufficient domestic support for what Jones calls the modern 'labour aristocracy' promoting Western legal standards and rules of political accountability through public debate and the media. Nevertheless, as Jones also notes, 'NGOs in Georgia, despite their influence, were not the prime movers of the Rose Revolution; they were its facilitators.' (Jones, 2006b, p.42; Mitchell, 2008, p.112–126; Muskhelishvili & Jorjoliani, 2009)

Leadership

Saakashvili's charisma and drive, and the support he had from the NM, proved crucial to the success of the revolution and subsequent reforms. Prior to 2003, Saakashvili gained national prominence with his anti-corruption campaigns (Sumbadze, 2009, p.189; Kupatadze, 2012a, p.20). In the run up to the elections, both he and the NM campaigned vigorously, including regions where there had previously been a tacit understanding that the opposition was not welcome. The NM's campaign was populist, appealing to a swathe of constituencies, and strengthened by Saakashvili's rhetoric (Wheatley, 2005, p.181–185; Areshidze, 2007, p.130–139; Mitchell, 2008, p.56–57). Furthermore, Saakashvili's storming of parliament both prevented the swearing-in of the new parliament and provided a highly symbolic contrast between the ageing Shevardnadze and the robust Saakashvili.

After the revolution, the relative unity of the government and its ideological commitment to tackling corruption were vital. Opinion is divided on the extent to which post-revolutionary elites remained united. For example, Mitchell notes that the rivalry between Saakashvili, Zhvania and Burjanadze was intense even prior to the revolution. Additionally, by 2009, a number of prominent participants in the revolution were in opposition to the president, including Burjanadze, a former UN ambassador, a former foreign minister and various previous NGO allies (Mitchell, 2012b, p.138). Opposition ranks were increased by Saakashvili's personalised style of governance and a high turnover of staff. As

of 2012, Saakashvili had six prime ministers, seven defence ministers, six foreign ministers and six finance ministers. Despite this, the opposition remained a motely group and the president retained a tight coterie in his closest circles (De Waal, 2011a, p.7; Berglund, 2012, p.20). Ivane 'Vano' Merabishvili, for example, served as interior minister from December 2004 to July 2012. On the whole, the state-building project was strengthened by the non-pacted form of transition (Kupatadze, 2012b, p.16–18). After the November 2003 elections, the opposition worked together (Mitchell, 2008, p.61–65). Prior to the parliamentary elections of 2004, Zhvania and Burjanadze's party was merged into the NM and the latter was marginalised by the other two figures, reducing her potential parliamentary support (Areshidze, 2007, p.230). With Zhvania's death, there were few effective checks on the president. Instead, the regime enjoyed a relatively unified leadership and a political monopoly which enabled it to clean house (McFaul, 2005, p.17; Cheterian, 2008, p.691; Kupatadze, 2012a, p.29).

The new elites differed substantially from other elites in the FSU in their desire to combat petty corruption. The majority were young and a significant number had spent time in Western universities or working for Western NGOs. They were less integrated into patronage/corruption networks and less socialised into formal and informal Soviet-style governance practices. Saakashvili was only thirty-seven when elected president and many of his ministers were around, or under, thirty (Nodia & Pinto Scholtbach, 2006, p.83). Of the twenty who held their positions in November 2004, fourteen were born in 1961 or later, six had either worked or studied abroad and eight had previously worked for Georgian NGOs or international donor organisations (Wheatley, 2005, p.200). The reformers shared, at least a partial, commitment to free-market principles and libertarian ideology (Mitchell, 2012a, p.105). As Jones notes:

> The revolutionaries adopted a comprehensive and foreign economic doctrine based on the ideas of the Peruvian economist Hernando de Soto and America's own Milton Friedman... Tariff barriers were demolished, taxes minimised, labour unions emasculated, state employees slashed, government regulations abolished and the privatisation of Georgian assets accelerated (Jones, 2012, p.7)

Kupatadze argues the fight against corruption was driven by the new government's need for legitimacy, to target political opponents using anti-

corruption measures, to attract foreign investment and as part of the general liberalisation project. The drive was also motivated by Western pressure, an attempt to differentiate Georgia from other forms of post-Soviet governance and elites' desire to integrate Georgia into Western institutions (Kupatadze, 2012a). As Light points out, however, only some of these variables can be used to explain the main drive behind police reform. Even a corrupt police force can support politically motivated prosecutions and foreign investment is unlikely to be perturbed by high levels of petty police bribery. Western institutions have admitted states with moderately corrupt police into NATO and the EU (e.g. Turkey, Greece) and the scale of the initial reforms was actually taken against the advice of most Western advisors (Light, 2013, p.13–14).

For Light, the police reforms were pursued with vigour because they were seen as essential to the regime's survival, the new government's legitimacy depended on its ability to fight corruption and there was popular and elite support for reform (Light, 2013, p.17). Certainly, the new regime was very concerned by its fragile control over Georgian territory and the links between organised crime groups and separatist regions (International Crisis Group, 2004a, p.10–11; International Crisis Group, 2004b, p.5; Associated Press, 2004). Georgian officials also drew links between these and the threat emanating from Russia (Light, 2013, p.15).[150] In 2010, for example, Saakashvili cited a report prepared for prosecutors by the Austrian police to validate his claims that street protests in the capital were financed by Georgian organised crime groups with links to Russia (Civil.Ge, 2010; Reuters, 2011). As Light notes, however, most Georgian interview respondents identified popular disgust with corruption as the main impetus behind the reforms (Light, 2013, p.16). Saakashvili had built much of his campaign on a promise to tackle corruption and he had very publicly criticised the previous regime for its ostentatious nepotism (Mitchell, 2008, p.36). There was strong upward pressure on the elites, heightened by the portrayal of the

[150] Interviews: Shota Utiashvili, Information and Analytical Department, Ministry of Interior (Georgia), Tbilisi (16th August 2011); David Darchiashvili, Former Chairman of the parliamentary Committee on European Integration/Ilia State University, Tbilisi (6th August 2011); Ekaterine Tkeshelashvili, Former State Minister for Reintegration/Deputy Prime Minister of Georgia, Tbilisi (25th August 2011).

revolution as a popular movement legitimising the new government.[151] As Baramidze explained in an interview with Light, there was a political need to demonstrate to Saakashvili's supporters that, 'all these painful reforms were not for nothing and it was worth it.' (Light, 2013, p.16) Whether the new government could have survived without implementing such large-scale reform remains a counterfactual. Given the limitations of popular protest prior to the Rose Revolution (Manning, 2007, p.173), and the exaggeration of the number of its participants, it seems plausible that the new government could have implemented a less extensive reform and/or brokered deals with political elites. The desire of the leadership to combat corruption thus appears to have been crucial.

Nationalism

Although Rustow's seminal 1970 article on transitions to democracy cited national unity as a precondition of democracy (Rustow, 1970, p.350–352), the importance of structural factors is often minimised in analyses of the colour revolutions (Lane, 2010, p.4, 9–10, 19–20).[152] The nature and presence of Georgian nationalism was key, however, to the new elite's consolidation of power and the success of the police reform. There are no simple ways to conceive of Georgian nationalism, which is complex and multi-faceted. As Jones notes, many analyses of the region have focused on nationalism's impact on violence, mitigating the importance of other political, economic and social factors (Jones, 2013, p.215–238; See also: Jones, 2006a, p.249; Grant & Yalçın-Heckmann, 2008, p.5, 12; King, 2008, p.139). For the sake of simplicity, I identify a duality in Georgian nationalism, between an identification with supposed Western values of liberalism and democracy and an attachment to patrimonial and ethno-centric traditions (Goldenberg, 1994, p.94; Legvold, 2005, p.9–10; Nodia, 2005, p.73–80; Wheatley, 2005, p.144; Shatirishvili, 2009).

[151] Interview, Korenly Kakachia, Tbilisi State University/Director of the Georgian Institute of Politics, Tbilisi (27th July 2011).
[152] E.g. By: (Bunce et al., 2010, p.327–329; McFaul, 2010; Bunce & Wolchik, 2010a; Ó Beacháin & Polese, 2010, p.7–11; Bunce & Wolchik, 2011, p.215–246).

The emergence of reform-minded revolutionaries, and their consequent consolidation of power, depended on the long-term development of political culture in Georgia. Urbanisation in the 19th century concentrated Georgians into centres of power and encouraged development of nationalist ideologies. Economic integration and improvements in communication integrated isolated peasant communities and brought people into contact with each other and other nationalities, heightening a sense of a distinct Georgian identity (Suny, 1994, p.123; Gachechiladze, 1995, p.29–30). From the end of the 19th century onwards, Tbilisi, until then a majority Armenian city, experienced rapid Georgian migration. By 1926 it was an established centre of politics and commerce with a population of over 200,000 and, by 1975, the majority of the population was Georgian (Suny, 1994, p.153, 280, 299; King, 2008, p.147; Mkrtchian, 2009, p.300). The development of a European element within Georgian identity is intertwined with that of Georgian nationalism. Improvements in communication and introduction of Western education into the Georgian noble elite developed an early nationalism dominated by three major political tendencies: the nostalgic nationalism of the gentry, reformist liberalism and an emerging revolutionary movement (later Marxism) (Suny, 1994, p.114, 132; Suny, 1996b; Nodia, 1998, p.13–17; Jones, 2013, p.220). A statist ideology and some engagement with Europeanisation was common to all of these. As Suny notes, the benefits of nationalism were greatly desired by a thin (but most influential) layer of Georgian society and a means, 'by which Georgia could escape the past dominated by the Muslim East and join the Christian, modern West.' (Suny, 1994, p.122)

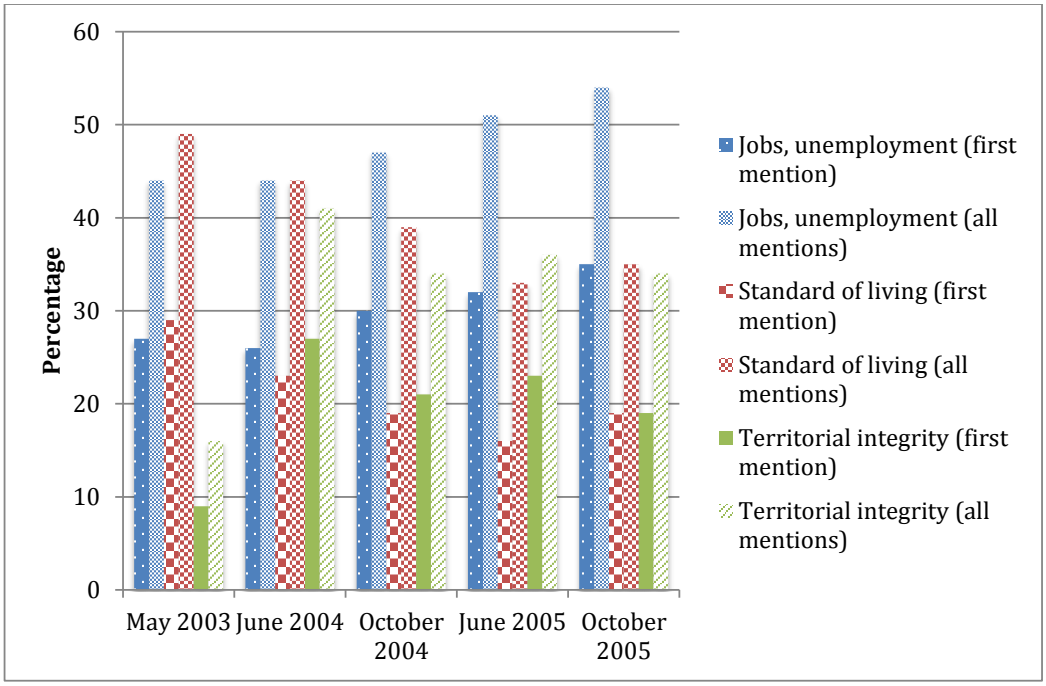
The various nationalist discourses which circulated amongst the Georgian nobility, an established intelligentsia and a nascent, but growing, working class provided intellectual support for the short-lived Democratic Republic of Georgia (1918-21). This emerged from the collapse of the Russian empire before it was subsumed by Soviet power (although prior to this no Georgian party had called for independence. They had only asked for greater autonomy) (Gachechiladze, 1995, p.31–33; Jones, 2013, p.220–221, footnote 23 p.335). Soviet rule severed ties with the West and suppressed nationalist political movements but cultivated

the development of a cultural nationalism. Modernisation continued apace under the Soviets. The country's overall level of urbanisation increased from 22 percent in 1926 to 42 percent by 1959 and, by the 1970s, over 50 percent of the population lived in urban environments (Suny, 1994, p.280; Gachechiladze, 1997, p.20; De Waal, 2005, p.331). A strong, distinct Georgian nationalism survived and developed. From the 1950s onwards, growing national awareness and anxiety with the loss of unique ethnicity led to a resurgence among young people of commitment to Georgian identity (Suny, 1994, p.303) and, in the 1970s, attempts to remove Georgian as the official language of the republic prompted protests (Suny, 1996a, p.393; Jones, 2013, p.221). There was a close affinity between homeland and language (Toft, 2002, p.127). Georgians were much more likely than any major Soviet nationality to live in their national republic, 96.1 percent in 1979 and, amongst the titular nationalities in the capital cities of the Soviet republics, Tbilisi had the second lowest proportion of Russian speakers, 44.6 percent in 1970 (Suny, 1994, p.299–304). Based on her ethnography conducted in Georgia in the 1970s, Dragadze notes that, although Georgians were aware of what was expected by Soviet leaders, they made continual references to their separate identity and history and were aware that their own ideals were not similar (Dragadze, 1988, p.15, 138).

In Georgia's recent history, ethno-centric and patrimonial conceptions of Georgian identity were substantial impediments to state-building. Manipulation of Georgian and minority nationalisms contributed to the secession of Abkhazia and South Ossetia and Georgians' ambivalence to state authority fuelled corruption. Saakashvili undertook a number of steps to appeal to minorities, resuming broadcasts in minority languages and announcing a programme to train 300 young minority representatives in Georgian universities for future government positions (Nodia, 2005, p.62). In any case, however, by 2003, many of the ethnic minorities which could have resisted police reform lived outside central government control. Ethnic minorities constituted around 30 percent of the population of Georgia in 1989 but only 16 percent in territory under government control in 2002 (Nodia, 2005, p.44; Berglund, 2012, p.4). For the majority Georgian population, data from surveys taken shortly after the

revolution indicate that territorial consolidation, an issue intricately related to Georgian identity, was a major concern for many respondents. In one survey conducted in Tbilisi, respondents' main concerns were corruption (64.3 percent), lack of economic development (55.8 percent) and restoration of territorial integrity (46.6 percent) (Sumbadze, 2009, p.187). In surveys conducted by the International Republican Institute in 2003-2005 economic concerns tended to be regarded by Georgians as the most important issue but that of territorial integrity remained a prominent worry:

Figure 16 The most important issues facing Georgia, 2003-2005.

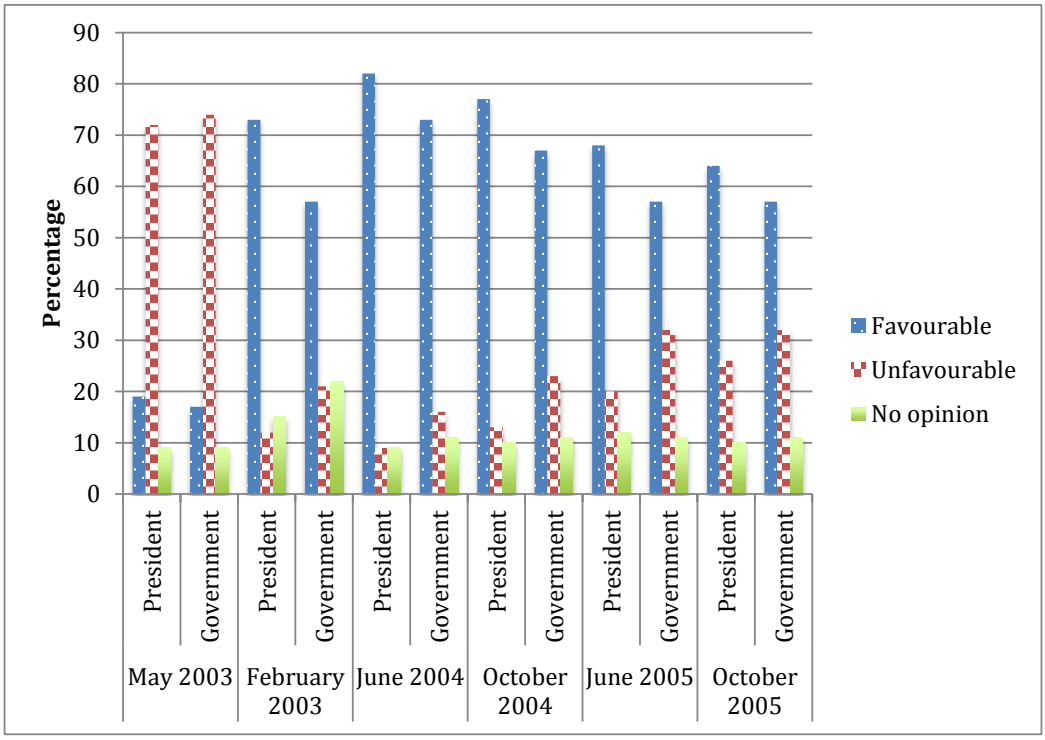


Source: Compiled by the author from: (IRI, 2004a, p.12, 14; IRI, 2004b, p.12; IRI, 2005a, p.14; IRI, 2005b, p.12)

The new elites used a variety of tactics to appeal to the nationalist sentiments of the majority. During his inauguration in 2004, Saakashvili took an oath at the site of the burial of one of Georgia's heroes, the 11th century king David the Builder, and one of the elite's first acts was to change the country's flag to one similar to a design used by the Georgian Orthodox Church (Nodia, 2005, p.79). Shortly after coming into office, the president sought the support of Zviadists and declared 2004, 'The Year of Gamsakhurdia.' (Radio Free Europe, 2004; Muhlfried, 2007, p.173; Cheterian, 2008, p.697; Jones, 2013, p.226) The integration of Ajara also

appealed to nationalist sentiments. Moreover, nationalism provided the opposition with a cause to rally around during the revolution. Afterwards, it increased the likelihood that clampdowns on patronage networks would be accepted as part of a national movement, rather than viewed as dominance of one network over various others. Whereas such moves could have engendered considerable social conflict in an environment lacking a common bond between members of the polis (e.g. Kyrgyzstan), Saakashvili and the new government retained favourable opinion ratings throughout their first two years in power (Chiaberashvili & Tevzadze, 2005, p.202):

Figure 17 Confidence in institutions, 2003-2005.



Compiled by the author from: (IRI, 2003, p.47; IRI, 2004a, p.91–92; IRI, 2004b, p.52; IRI, 2005a, p.80; IRI, 2005b, p.75)[153]

Conclusion

The Georgian police reform was relatively successful because, *de facto*, the new government implemented a policy of institutionalisation before democratisation. It was able to instigate extensive reform of the police because of its firm control of a reinvigorated state and the desire to eradicate petty corruption. It did so by

[153] See also: (Sumbadze & Tarkhan-Mouravi, 2004, p.7).

streamlining the structure of the MIA and replacing thousands of formerly corrupt officials. Improved funding allowed for substantial wage improvements and, at the same time, institutional changes reduced opportunities for corruption and severely punished incidents. Implemented concurrently with a massive crackdown on organised crime and official corruption, reform dramatically reduced police corruption and improved performance. Together, these measures quickly produced a more effective police which better observed equality in law. The smaller, better-paid police came under the hierarchical control of the state and no longer pursued, on a large-scale, it's own corrupt interests or those of organised crime groups or corrupt elites. Various anti-corruption measures provided both incentives and disincentives which encouraged the police to uphold the rule of law and equality in law and reduced the possibility that individuals could use bribery or connections to circumnavigate these. Other institutional changes, particularly those which reformed the internal police culture, resulted in an improvement in police observation of human rights, as is evidenced by the reports of various NGOs and foreign governments. Along with improvements in efficiency and police observation of equality in law, this helped to enhance the legitimacy of the police, which has regularly scored favourably in various social surveys since the Rose Revolution.

The reform's successes cannot be attributed solely to the reform itself, however, but also to the widespread political and social change which occurred after the revolution. The establishment of a police force almost free of petty corruption and links with organised crime was achieved via the executive's policy of state-building, not democratisation. The elite quickly enhanced its capacity and legitimacy by reintegrating Ajara, consolidating executive control of the regions and state institutions through constitutional reform and politicking. It also enhanced the centre's ability to finance, and gain economic leverage, over the public sector. Ultimately, the Rose Revolution and its subsequent successes were possible because of the weakness of the Shevardnadze regime, the skill and relative unity of the opposition, especially Saakashvili, and the existence of a strong sense of nationalism within Georgia. These enabled elites to present their reforms as a national restoration project, rather than the dominance of one

patronage network over another. The success of the reform therefore depended on contingent political factors and the existence of a long-standing strong nationalism.

Georgian police reform was achieved by consolidating state and police powers, not by dispersing them. At the same time, this resulted in numerous problems, discussed in Chapter 8. Chapter 7, however, explains why, because of the weakness of the state, reform has not been possible in Kyrgyzstan and why it has failed in Russia, because of the nature of state-building.

Chapter 7 – The Transformation of the State and the Failure of Police Reform in Kyrgyzstan and Russia

Police reform has failed in Kyrgyzstan because elites have lacked the capacity and inclination to implement reform because Kyrgyz politics and society are divided by regional and patrimonial affiliations. The weakness of the state has meant that no one group has consolidated sufficient power to expand the authority and reach of the state or the police. The policing model is a corrupted version of the Soviet one as political leaders have failed to curtail police involvement in economic activities and links with organised crime, or to reform corrupt Soviet-era practices. Consequently, reform has not addressed the police's inability to uphold equality in law, poor accountability, police violation of human rights or low levels of legitimacy. State-building, a lack of which has hindered reform, has been impeded because political actors are unable to appeal to any long-standing, overarching nationalism. This is partly because the country's relatively recent urbanisation and a long history of isolation from outside the Russian-speaking world have hindered development of an urban intelligentsia which could engender such a nationalism. Reform has failed in Russia because, although state capacity has improved under Putin, the strengthening of the executive has not been combined with personnel changes or institutional reform to counter corruption. The changes have increased the state's despotic control of the police and they are more effective at performing tasks to maintain the regime's position in power (e.g. controlling protests, helping to rig elections). They have not, however, increased the state's infrastructural power and little effective attempt has been made to improve the police's ability to observe democratic standards of equality in law, accountability, human rights or legitimacy. The main hindrances to reform are incumbents' resistance to it and the continuation of factional politics. Russia is more urban than Kyrgyzstan, has a longer history of exposure to Western state-building and police models and does not lack the requisite nationalism to support a reform process. As in Kyrgyzstan though, the current elite is dominated by figures socialised into Soviet norms of governance privileging personal loyalty and discipline over equality in law or democratic norms. Additionally, although less open than under Yeltsin, Putin is

forced to play a balancing game between rival factions and the regime depends on corruption to placate its supplicants. Reform is also unlikely to be initiated outwith the regime because incumbent elites have dampened political opposition through electoral manipulation and cracking down on civil society organisations.

In the first section of this chapter, I examine why reform has failed in Kyrgyzstan, followed by an exploration of the historical roots of low state capacity there. The third section assesses the limitations of police reform in Russia. Finally, I explain why state-building in Russia has not resulted in effective police reform.

No reform in Kyrgyzstan

The structure of the Kyrgyz MVD has changed little since the end of the Soviet period. Prisons were transferred to the Ministry of Justice in 2002 but, generally, as Head of the MVD Academy, Almaz Bazarbaev, noted, 'If you look at the USSR MVD, we have exactly that, unchanged.'[154] Any changes which have been implemented were not designed to introduce democratic reform but to enhance the political or economic interests of particular factions within, or external to, the MVD (Marat, 2013, p.28–29, 33). Marat and Isa interpret the transfer of responsibility for counter-narcotics from the Drug Control Agency to the MVD in 2007 as an attempt by Bakiev to gain control of the drugs trade (Marat & Isa, 2010). Lower ranking officers in Kyrgyzstan also expressed the belief that personnel in the upper echelons of the MVD manipulated reforms:

> There haven't been any changes. In the beginning, it wasn't bad but here corruption is a strong force. Those who sit in the Ministry – they swallow all the money for reform.[155]

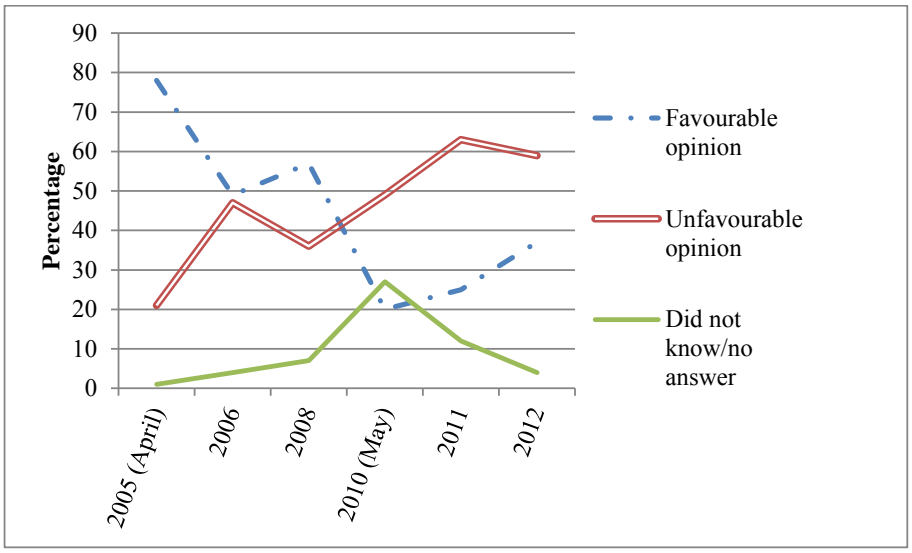
As one former officer commented, 'Every new minister declares reforms and usually that means [the] shuffling of [the] MVD's structure in order to remove

[154] Interview, Almaz Bazarbaev, Head of the Kyrgyz MVD Academy, Bishkek (7th May 2011). Also: Anonymous (K-8), Former Colonel, Directorate of Criminal Investigations, 25 years+ service, Kyrgyzstan (May 2011); Anonymous (K-15), Captain, Department of Social Order, 14 years service, Kyrgyzstan (May 2011).
[155] Interview, Anonymous (K-10), Captain, Department of Social Order, 20 years service, Kyrgyzstan (May 2011). Also: Anonymous (K-20), Director, NGO, Osh (May 2011).

unwanted persons and appoint his own favourites.'[156] Consequently, the MVD retains various functions providing opportunities for corruption, such as the issuing and renewal of licenses, visas and passports.[157]

The data provided in Chapter 5 indicate that the Kyrgyz police frequently violate human rights (see p.145). Opinion polls also suggest police continually fail to observe equality in law and are widely regarded as having limited legitimacy. A 2006 survey by the Organisation for Security and Co-operation in Europe in Osh[158] found that 60-70 percent of respondents believed that police officers gave preferential treatment to their friends, whilst 64.1 percent agreed with the statement, 'The police serves the government more then people.' (OSCE, 2007b, p.3)[159] Data from polls conducted by the IRI also illustrate that the performance of the police is largely regarded as unfavourable:[160]

Figure 18 Respondents' opinion of Kyrgyz law enforcement, 2005-2012.



[156] Interview, Anonymous (K-12), Former Lieutenant, Directorate of Criminal Investigations, 5 years service, Kyrgyzstan (May 2011).
[157] Interviews: Leila Sydykova, Vice-Rector for International Relations of the Kyrgyz Russian Slavonic University, former MP, Bishkek (9th May 2011); Anonymous (K-8), Former Colonel, Directorate of Criminal Investigations, 25 years+ service, Kyrgyzstan (May 2011); Anonymous (K-12), Former Lieutenant, Directorate of Criminal Investigations, 5 years service, Kyrgyzstan (May 2011).
[158] N = 625. The OSCE has conducted a number of limited opinion polls but its website publishes only the incomplete and poorly written reports, rather than complete datasets (For a critique of the OSCE's methods, see: Lewis, 2011, p.50).
[159] A 2007 survey found similar findings in Karakol (OSCE, 2007a, p.3).
[160] N typically = 1,500

Compiled by author from: (IRI, 2005c, p.42; IRI, 2006b, p.29; IRI, 2008b, p.38; IRI, 2010c, p.51; IRI, 2011c, p.39; IRI, 2012b, p.49)[161]

It is difficult to explain why more respondents rated police performance positively rather than negatively in 2005, 2006 and 2008. The first two results may be partly explained by optimism in the aftermath of the 2005 Tulip Revolution when police put up little resistance to protestors, melting away or even joining them (Lewis, 2011, p.37). The 2008 result is more perplexing and is probably an anomaly. In 2009, using a different format, an IRI survey reported that law enforcement bodies were the second worst performing institution, above the judiciary, albeit with a pretty below-average score of 4.71 (where 1 is very bad and 10 is excellent), rather than the very poor score one would expect (IRI, 2009d, p.47). This data may be tainted by the difficulties of conducting polls in Central Asia (see p.29).

Reform has failed despite over a decade's worth of police assistance provided by the OSCE which initiated a Police Assistance Program (PAP) in August 2003 designed to last until February 2005. The Program was mainly technical and aimed: to improve the quality of police investigations; police capacity for drug interdiction; police capacity to prevent, resolve or manage public conflict and disorder; to set up a modern emergency call-response centre; to establish a national criminal information analysis system; to introduce community policing methods at a pilot site; and to expand the curriculum of the police academy (OSCE, 2003; Lewis, 2011, p.30). The OSCE rebranded the PAP as a Police Reform Program (PRP) in 2007[162] but has continued with a technical approach to reform (Lewis, 2011, p.33). Additionally, after the violence in southern Kyrgyzstan in 2010, a Community Security Initiative was mandated to support local police, protect human rights and improve community-police relations (OSCE, 2013).

[161] In 2011 and 2012, the respondents were asked their opinion of the police. In earlier rounds they were asked their opinion of law enforcement.
[162] Despite this, one senior OSCE official, interviewed in 2011, insisted that the mission was an assistance, not a reform mission. Interview, Anonymous (K-22), OSCE official 6, Kyrgyzstan (May 2011).

The OSCE has lacked an effective strategy and is hampered by organisational problems with the result that many of its projects are *ad hoc* (Lewis, 2011, p.7, 31; Marat, 2012, p.3; Marat, 2013, p.31–33). The size and political nature of the OSCE make cooperation and coordination between units difficult and there is a high turnover of staff, hindering development of an institutional memory or learning from previous experiences (Lewis, 2011, p.46). More importantly, the OSCE has failed to comprehend that reform depends on genuine and effective domestic political support, long lacking (Marat, 2013, p.28). Its engagement in police assistance is based on an implicit theory which assumes that policing models can be implemented by long-term engagement in capacity building and training (Lewis, 2011, p.11). The police programme paid little attention to the increasing authoritarianism of the Bakiev government (Lewis, 2011, p.6) or police involvement in organised crime and predatory policing (Lewis, 2011, p.43; See also: Marat, 2006a; Kakachia & O'Shea, 2012, p.5–6; O'Shea, Forthcoming). Consequently, Lewis and Marat suggest that the aims of the OSCE might be better served by engaging more with political and human rights rather than security issues and the OSCE should work with NGOs and a wider range of political actors to build up an effective constituency for reform (Lewis, 2011, p.52–53; Marat, 2012, p.5).

Informally, the OSCE's limitations are recognised by its own staff.[163] One OSCE post-holder noted its assistance has been co-opted by corrupt elements within the police:

> The problem is that we have the money. Because we have the money, we can bring in resources, we can organise things, and we can develop activities and feel very good about it. We just don't consider it that important that the partner isn't following… [Often development partners] develop excellent coping mechanisms to play you, pretend, at least, to play your game and learn the language and say the right things that they have to say but, in reality, there's just not the will to change.[164]

Formally, however, the OSCE's evaluation mechanisms frequently make claims about the achievements of its projects without substantiating evidence. An

[163] Interview, Anonymous (K-17), OSCE official 5, Kyrgyzstan (May 2011).
[164] Interview, Anonymous (K-9), OSCE official 3, Kyrgyzstan (May 2011).

undated[165] 'Concept Paper on Police Reform Strategy in the Kyrgyz Republic, available on the website of the OSCE's Centre in Bishkek, claims that technical assistance programmes increased the professionalism and capacity of the police but provides no supporting evidence (OSCE, Undated, p.1; See also: OSCE, 2004a; OSCE, 2004b). In 2010, the OSCE continued to support a Neighbourhood Watch programme on the basis of 'the success of the programme in previous years.' (OSCE, 2011, p.93) In the Annual Report of the Secretary General on Policing Related Activities, the previous year, this success is measured by increased recognition of the project amongst the Kyrgyz police and authorities, who noted a decline in crime statistics and increased cooperation with the public (OSCE, 2010, p.81). This claim is not supported by additional, or independent evidence. Generally, there is a lack of genuinely independent analyses and OSCE reports do not evaluate the obstacles to police reform posed by adverse political conditions (Lewis, 2011, p.49–50).

Overall, OSCE documentation is very brief and often of poor quality. For example, the aforementioned undated concept paper is still online and refers to President Akaev's broad support for reform despite Akaev having been deposed in 2005 (OSCE, Undated, p.1). It is only ten pages long and sets out an ambitious set of objectives for the next stage of the PAP.[166] These cover professional development, legal reform, administrative reform of the regulations covering individual officers and activities to improve the rule of law, accountability, transparency and police engagement with the public (OSCE, Undated, p.4–9). There is limited information on how these objectives are to be realised. The main activities mentioned are training, technical assistance, advice on legal/administrative reform and assistance to revise police educational material (OSCE, Undated, p.4–7). An entry in the 2008 Annual Report provides more information on the goals of the community-based policing element of the programme: to increase the professionalism of police officers; improve CBP curriculum and classroom facilities; to introduce CBP to new units/sub stations; to facilitate public outreach; to strengthen social partnership with civil society organisations; and to

[165] It appears to have been written in 2004.
[166] Similarly, the OSCE's "Concept Paper on Tajikistan" is only six-pages long (OSCE, 2009b, p.5–6).

assess the impact of CBP (OSCE, 2009a, p.74). No document is available in public laying out the steps needed to achieve these goals.

The general approach in these strategy documents is to assume that there is political support, and support within the police organisation, for reform and also assume training will effectively engender change. Analyses of the local police, insofar as they exist, are limited, restricted mainly to the structure of the police and legal frameworks governing their activity. There is no mention of politicians and police involvement in organised crime, and very limited discussion of corruption. There is also no indication of how much police are paid, despite the obvious effect very poor pay has on facilitating corruption.

The roots of low state capacity in Kyrgyzstan

It is unsurprising that police reform has fared so badly in Kyrgyzstan. State-building has not been possible because Kyrgyz politics is dominated by fragmented patrimonial networks (Engvall, 2007, p.43), as discussed in Chapter 4. To recall, the exact nature of these is disputed, between accounts which prioritise clan politics (Collins, 2006), regional political identities forged during the Soviet era (Jones Luong, 2002), local political structures (Radnitz, 2005; Radnitz, 2010b) and the importance of a north-south division in the country. Where analysts do agree, however, is that Kyrgyz politics is highly fragmented and politics mobilises around patrimonial networks of some sort rather than political leaders/groups with any strong national appeal.

Over the last decade, the inability of political institutions to restrain elite conflict has engendered a period of instability. The causes of this have often been blamed on incumbents' failures to democratise the political system (e.g. International Crisis Group, 2010b). However, they are at least equally attributable to incumbents' failure to establish state institutions which incentivise, or compel, rival factions to participate in political conflict within, rather than outwith, the state system. Both the Tulip Revolution and April 2010 events provide examples of the fragmented nature of Kyrgyz politics (Radnitz, 2006; Tudoroiu, 2007;

Lewis, 2008; Juraev, 2008; Ó Beacháin, 2009; Radnitz, 2010b; Temirkulov, 2010; Collins, 2011; McGlinchey, 2011; For an overview of the literature on the Tulip Revolution, see: Cummings & Ryabkov, 2008, p.247–249). Radnitz provides the most detailed study of political mobilisation in Kyrgyzstan. He argues that, in conditions of institutional uncertainty, elites are posed with choices in order to preserve their interests: they can move their assets out of the country; seek protection from within the executive (but this does not guarantee against executive predation or the removal of the regime); or they can develop the capacity to mobilise citizens through clientalist ties (Radnitz, 2010b, p.19–21). The advantage of the latter is that elites develop a revenue base independent of the state, whilst clients benefit from provision of welfare the state is unable to provide. The state's regime retains its advantage over individual elites but elites can defend themselves, and even threaten the regime, by establishing autonomous horizontal networks to protect common interests (Radnitz, 2010b, p.28–33).

Radnitz's model explains the mechanics of political mobilisation in Kyrgyzstan. The Tulip Revolution, for example, was not a national, popular, democratic revolt against an authoritarian ruler, but the outcome of a successful challenge to the Akaev network's dominance by an *ad hoc* coalition of autonomous elites utilising their own clientalistic networks (Radnitz, 2006; Tudoroiu, 2007; Juraev, 2008; Lewis, 2008; Lewis, 2010). Two years prior to the 2005 parliamentary elections, Akaev had established a presidential party, *Alga Kyrgyzstan*, to consolidate his network's position. He was unable, however, to adequately patronise a sufficient number of allies in order to guarantee electoral victory, which was hard-fought over, in many cases through blatant bribery of voters and electoral commissioners (Radnitz, 2010b, p.132–136). The heavy use of administrative resources to manipulate the media and disbar prominent opposition figures, however, meant that, after two rounds of voting, opposition candidates won only 6 of the 75 seats available (EurasiaNet, 2005). Flagrant manipulation of the results (OSCE/ODIHR, 2008b, p.1–3) precipitated spontaneous local and autonomous local protests, most noteably starting in the southern town of Jalalabad. After the first round of voting, 300 supporters of a candidate, whose

brother ran a local charitable fund, gathered to protest against intimidation by the staff of the pro-government winning candidate (who was also the head of the Jalalabad MVD). They were joined by several hundred supporters of other losing candidates and, after the ransacking of a local government building, the protests gained national attention.

The protests did not, however, bring substantial gains to the majority who participated because they were appropriated by political elites, who alone had the resources to benefit from mobilisation (Radnitz, 2010b, p.9). Cross-national elites established a 'people's committee' in Jalalabad, which demanded Akaev's resignation, and coordinated with protests that sprang up across several provinces of the country (Osh, Naryn, Talas) (Radnitz, 2010b, p.144–149). In Osh, a protest group, comprised substantially of young sportsmen, was under the patronage of two influential local businessmen. With the government having lost control of the south, several thousand protesters arrived from the regions and joined protesters in Bishkek. Following scuffles with police, a large group of protesters pushed through the security forces guarding the presidential offices and Akaev fled the country and resigned (Radnitz, 2010b, p.149–155). However, although the revolution involved a degree of mass participation, mobilisation was dependent on elites' financial and social capital (Radnitz, 2010b, p.156–159).

The Tulip Revolution highlights the challenges to the sort of state-building that resulted in police reform in Georgia. The predominance of localism and clientalism in Kyrgyz politics (Huskey & Iskakova, 2010, p.252; Anderson, 1999, p.28) has hindered the development of any national movement, around which state-builders could rally, as noted by Radnitz:

> Together, localism and clienteles [have] not only inhibited the formation of network ties that cross local and regional boundaries – making national mobilisation difficult – but [have] also prevented the formation of cross-cutting ties that could facilitate party formation, generalised trust, and effective governance. (Radnitz, 2010a, p.317)

There has been insufficient state capacity to conduct state-building or police reform because no patronage network or group has succeeded in dominating the state. Localism and clientalism also undermine political will for reform. State

incumbents, and other political elites, have no incentive to clamp down on corruption because they maintain their power by utilising it, and/or engaging in criminal activities, to provide goods and services to their networks. Akaev and Bakiev strengthened state structures only to monopolise the main resource flows to their networks, generating substantial discontent amongst other elites and the wider population and, ultimately, contributing to their own downfall (Temirkulov, 2010, p.598). The Akaev family took over various enterprises, which were distributed amongst relatives, and sold 'protection' to others. Non-cooperation resulted in threats from tax inspectors and law enforcement (Aslund, 2005, p.477). The Bakiev network used patronage to appoint clients throughout the government and criminal justice systems whilst, at the same time, extending control over criminal activities, with two of the president's brothers involved in drug smuggling (Kupatadze, 2012b, p.148–151).

The clientalistic use of corruption extends beyond the presidency and characterises the whole of Kyrgyz political society. In 2007, around 45 percent of MPs derived their wealth primarily from serving in lucrative bureaucratic positions which were important sources of wealth for a further 15 percent of deputies who owned their own businesses (Spector, 2008, p.163). Even if they had wanted to implement radical reform, the position of either president was actually quite weak because reform would be an attack on the interests of the majority of MPs, most of whom are able to mobilise their own supporters (Marat, 2007). For example, Bayman Erkinbaev, a politician in Osh until his assassination in 2005, was a key figure behind the uprising in the south and had been an MP since 2005 whilst earning most of his income through drug trafficking. Erkinbaev controlled the local administration and law enforcement's personnel policy, provided logistical and financial support to the demonstrations, and could rely on the support of 2,000 wrestlers (Kupatadze, 2012b, p.145–148), the physical force of which criminal groups and officials in Kyrgyzstan often use to engage in racketeering, kidnapping or political intimidation on their behalf (Marat, 2007; Kupatadze, 2008).

Radnitz's model is heavily influenced by a game-theory approach to mobilisation in an insecure political environment and he pays less attention to the longer term development of Kyrgyz political society (Radnitz, 2010b, p.15–38, 78–80). Its fragmented nature, however, is also explained by the Soviet imposition of the state on the region, which previously lacked state structures, and subsequent Soviet policies which entrenched local-based patrimonial politics. This meant that, upon independence, Kyrgyzstan lacked a nationalism which could bind elites and the population to address the destabilising impact of transition (Berdikeeva, 2006, p.1).

Kyrgyz nationalism was a creation of Soviet administrative, cultural and political practices.[167] Unlike Georgia, there is no historical memory of a nation lost in Central Asia (Roy, 2000, p.vii). The origin of the Kyrgyz is complex and controversial, subject to much debate and uncertainty (Lowe, 2003, p.107; Dukenbaev & Hansen, 2003, p.15; Prior, 2006). On the one hand, most local politicians draw on primordial conceptions of Kyrgyz nationalism, which emphasise that the Kyrgyz have an ancient culture and historical precedents to the current Kyrgyz state (Dukenbaev & Hansen, 2003, p.18; Murzakulova & Schoeberlein, 2010, p.144). In 2003, Akaev, for example, drew on ancient Chinese historical records and stated that the Kyrgyz were a unified people a 'minimum' of 2,200 years ago (Gullette, 2006, p.188; Murzakulova & Schoeberlein, 2010, p.150–158). There is little historical evidence to support the existence of any earlier polity, however (Gullette, 2006, p.18).

This interpretation of nationalism stands in contrast to the prevailing view amongst Western scholars of nationalism that nations, and the histories accompanying them, are quintessentially modern social constructions (Suny & Martin, 2001, p.7). In Central Asia, they were mainly constructed by the Soviets. The early Bolsheviks saw nationalism as a dangerous mobilising ideology, 'a bourgeois trick,' that was an unavoidable historical phase (Martin, 2001, p.69–71). They developed a nationalities policy composed of three elements. First, a body of theory based on 19th century anthropological understandings of what

[167] On the roots of Kyrgyz nationalism, see: (Prior, 2006).

constituted a nation, coupled with Marxist notions of development. Second, a system of administrative and political classification based on territorialisation and language. Third, the practice of dividing up populations and territories on the basis of political and strategic needs (Roy, 2000, p.62). In practice, the Soviet state supported forms of nationalism such as the promotion of national territories, languages, elites and cultures which did not conflict with a unitary central state (Martin, 2001, p.73). From 1924 to 1936, Central Asia was carved into the five territories that today make up the former Soviet republics of the region, and this was accompanied by the creation and/or classification of languages, histories, folklores and histories to suit these new nations (Roy, 2000, p.61). Territorial divisions were imposed upon groups who were extensively intermingled. This solidified divisions between identities which, although pre-existent to an extent, had been localist, tribalist and infra-ethnic rather than corporatist and ethno-national (Carlisle, 1991, p.24; Cited in: Huskey, 1997, p.655; Roy, 2000, p.61–84; Prior, 2006; Juraev, 2008, p.260).

Internally, the Soviet system reinforced regional and local, rather than national, forms of identity. From the 1930s onwards, Kyrgyzstan was divided into between four and six regions, the leaders of which played a vital role in dispersing economic and political resources (Jones Luong, 2002, p.67–69). They gradually usurped traditional patronage structures. The Soviet cadre system also reinforced regional divisions. Elites served virtually their whole careers in their own regions and the highest positions they could realistically hope to achieve was at a republican level. A division of labour between the more industrialised northern and the more agricultural southern regions further contributed to a lack of rotation of cadres, who were rarely transferred to other regions (Jones Luong, 2002, p.63–82; See also: Collins, 2006, p.102–112). Moscow granted a significant degree of political autonomy to republican leaders, provided they met production quotas, but relinquishing tight control over nationalities' policy did not develop nationalist sentiments. There was a measure of cultural and ethnic awakening in the 1980s but little articulation of demands for national independence (Lowe, 2003, p.112). Instead, republican leaders utilised republican-level mechanisms to divert resources and positions to their regions.

During Iskhak Razakov's tenure as First Secretary of the Communist Party (1950-61) members from his southern networks dominated positions in state administration whereas Turdakun Usubaliev's period in office (1961-85) resulted in the dominance of northerners (Jones Luong, 2002, p.80; Collins, 2006, p.106; Kupatadze, 2010, p.100).

The development of Kyrgyz nationalism was further hampered by high levels of foreign migration and low levels of Kyrgyz urbanisation, which characterised the Soviet modernisation in the country (Roy, 2000, p.83–84; Schmidt & Sagynbekova, 2008, p.113–115). In 1916 Pishkek, as Bishkek was then called, had a population of only 14,000, 8,000 of whom were Russian (Huskey, 1997, p.655). Between 1926 and 1959 urbanisation increased from 12 percent to 34 percent but it has not grown much further, reaching 37 percent in 1970 and declining to 35 percent by 1999, where it has remained (Schuler, 2007, p.80; CIA, 2013). Even this figure belies the extent to which Kyrgyz were urbanised. A large influx of Slavic settlers in the early 20th century meant that, for much of the Soviet period, the Kyrgyz were not a majority in their own republic:

Table 3 National composition of Kyrgyzstan (major groups)

	1926	1939	1959	1970	1980	1989	1993
Total Population	1,001,700	1,458,200	2,066,100	2,933,200	3,588,500	4,257,755	4,469,324
	Composition by percentage						
Kyrgyz	66.8	51.7	40.5	42.6	47.0	52.4	56.5
Russians	11.7	20.8	30.2	29.2	25.4	21.5	18.8
Uzbeks	10.6	10.4	10.6	11.4	11.9	12.9	13.5

Source: (Huskey, 1997, p.659)

Slavs dominated the cities and the majority of Kyrgyz lived in the countryside. In Frunze, as Bishkek was known as during the Soviet period, less than 10 percent of the population was Kyrgyz in 1959 and, even by 1989, the Kyrgyz comprised only 23 percent (Huskey, 1997, p.659). A Kyrgyz majority in Bishkek was only recorded in 1999 (52.1 percent) on the back of rapid Russian emigration and internal Kyrgyz migration (Rowland, 2002, p.548). Unlike the Georgians, throughout most of the 20th century, the Kyrgyz were not dominant in the political and economic capital of their own state as well as regional centres.

Limited urbanisation and a lack of exposure to non-Soviet discourses restricted development of a Kyrgyz intelligentsia capable of promoting an independent nationalism. There are few examples of antecedents of a Kyrgyz nationalism in the 19th century (Prior, 2006, p.71–73), which is unsurprising because, by the early 1920s, at best 20,000 (less than 5 percent) Kyrgyz were literate (Dzhunushaliev, 1990, p.69–79; Cited in: Huskey, 1997, p.656).[168] Many of the republic's nascent intelligentsia were killed during Stalin's purges in the 1930s (Lowe, 2003, p.110). Additionally, in contrast to Georgia, Russian remained predominant in political and cultural life, rather than the titular language. During the 1970s, it was good form to speak Russian and, to this day, it is difficult to alter perceptions of the Kyrgyz language as belonging to the realm of folklore and domestic life (Roy, 2000, p.81; Lowe, 2003, p.119). Throughout the Soviet era, Central Asia also remained isolated from non-Soviet influences (Simao, 2012, p.1996). Central Asian writers, for example, were constrained by state-imposed dogmas and wrote mostly on themes conforming to socialist realism and Soviet ideology (e.g. the revolutionary struggle, Soviet patriotism, life in collectives) (Abazov, 2007, p.91–99). The openness which emerged in other Soviet republics under *glasnost* was not visible in Kyrgyzstan, considered one of the most conservative republics (Huskey, 1997, p.661; Lowe, 2003, p.108–114). Kyrgyzstan's most famous author, Chinghiz Aitmatov, described the Kyrgyz intelligentsia as distinctly Soviet:

> Given that behind us we have a common life that was difficult and complex, we all derive from the Soviet system. From the USSR. Yes, Soviet ideology was decisive. But during all those years, we got to know each other. Culture and scholarship penetrated and enriched one another. In such a context we were formed. Remember that the first priority at the time was to define oneself as a Soviet individual. Only after that came the question of who one was by nationality. (TsentrAziia, 2008; Cited in: Murzakulova & Schoeberlein, 2010, p.149)

Consequently, the Kyrgyz intelligentsia never engendered a nationalist mass social movement such as those which occurred in Eastern Europe, the Baltic or the Caucasus (Beissinger, 2002, p.347; Collins, 2006, p.166–167). None of the

[168] Ploskikh states that it was 3.1 percent before 1917 (Ploskikh, 2002, p.44; Cited in: Prior, 2006, p.72).

Central Asian countries willingly left the Soviet Union (Collins, 2006, p.165). Kyrgyzstan's poor and rural population was preoccupied more with survival than nationalism or democratisation (Lowe, 2003, p.127; Collins, 2006, p.167–168; Marat, 2006a, p.70). Instead, the country's political elites were forged in a Soviet patrimonial mould and many have only a tenuous connection to their national culture or even the Kyrgyz language (Anderson, 1999, p.23; Dukenbaev & Hansen, 2003, p.21). Neither Akaev, a Soviet academician, nor Bakiev, a Soviet factory manager throughout the 1980s, were likely reformers (Anderson, 1999, p.23; Collins, 2006, p.125–128; BBC, 2010; Mitchell, 2012b, p.65; Ó Beacháin, 2009, p.106–107). [169] More generally, Kyrgyz political society remains characterised by a legacy of 'Bolshevik thinking.' In interviews with 36 leading opposition figures in 2008/2009, Huskey and Iskakova found very low levels of trust between politicians. As one of their respondents described it, Kyrgyz politics is characterised by a naked struggle for power between individuals, in the Soviet maxim, '*kto/kogo?*' (Who will devour whom?) (Huskey & Iskakova, 2010, p.244–246, 254; Roy, 2000, p.165) With neither the intelligentsia nor politicians capable of offering a nationalist platform on which to conduct state-building since independence, '[T]he nationalist project [has] remained the interest of a handful of intelligentsia and elites, and subnational divisions [have] challenged national unity.' (Collins, 2006, p.167–168)

Reform in Russia

There is a general consensus amongst commentators of the Russian police that there has been little meaningful reform.[170] In 1991, the law 'On the Militsiia' established the legal status and organisational structure of the police, defined its roles and duties for the first time and narrowed some of the broad functions available to it. In reality, many of the law's provisions were simply ignored (Timoshenko, 1997; Gilinskiy, 2000, p.176; Beck & Robertson, 2005, p.248–253).

[169] One local media analyst said, in a leaked conversation with the US Ambassador, that because of this background Bakiev was happiest when giving out small tokens of gratitude to staff or participating in handovers of supplies or equipment to organisations (Wikileaks, 2009).
[170] Interviews: Boris Gladarev, Center for Independent Social Research, St. Petersburg (15th September 2010); Boris Pustintsev, Director, Citizens' Watch (NGO) (29th September 2010); Yakov Gilinskiy, Professor, St. Petersburg Law Institute, St. Petersburg (17th October 2010).

A 1996 'Concept Paper' for the development of the MVD envisaged creation of a new legal, organisational, financial and technical framework for the Ministry; introduction of a new system for selecting and appointing police; improving equipment; and improving officers' legal and social guarantees (Beck & Robertson, 2009a, p.52). There was some reorganisation: the penitentiary system was transferred from the MVD to the Ministry of Justice in 2000 and, in 2001, the fire department was transferred to the Ministry of Emergency Situations. In reality, these measures were forced on the MVD by the terms of conditions of Russia joining the Council of Europe (Beck & Robertson, 2009b, p.287–288) and they did little to fundamentally alter the structure, culture, or behaviour of the police (Pustintsev, 2000; Volkov, 2002, p.131; Uildriks & Reenen, 2003, p.49; Galeotti, 2006, p.483).

More comprehensive changes occurred after Putin became president in late 1999. As discussed in Chapter 5, increases in state capacity improved executive control of the police. From 2000 to 2007, the law and order budget tripled (from approximatelty $9 billion to $26 billion) (Taylor, 2011, p.53–54).[171] The Kremlin centralised MVD funding. The proportion of funds the public order police received from regional and local governments declined from around 80 to 60 percent in the early 2000s (Taylor, 2011, p.214) and, after the 2009 reforms, all police units were entirely centrally funded. (openDemocracy, 2011). More generally, the centre consolidated its control over the security sector. The old KGB was actively fragmented by *perestroika* reformers and Yeltsin, who saw it as a threat to their attempt to establish a new (semi-)democratic liberal order. This perception was reasonable, given its leading role in the attempted August 1991 coup (Knight, 1996, p.12–37; Taylor, 2011, p.38, 43). By 2006, however, this fragmentation had been substantially reversed and the number of power ministries was reduced.

The MVD escaped large-scale reorganisation during this period (Taylor, 2011, p.46). One important change, however, was the introduction of an administrative

[171] Conversion based on historical average conversion rates (2007): http://fxtop.com/en/historates.php

layer at federal level, between the centre and the regions. Although there was much confusion over the precise division of responsibilities between federal district and regional police officials, one of the former's key functions was, arguably, to deprive governors' influence over regional personnel. A 2001 change in the law, 'On the Militsiia,' gave the president the power to appoint and remove regional police chiefs, on the recommendation of the head of the MVD (appointed, of course, by the president). Governors were left only with an important role in determining the heads of regional public order police (Solomon, 2005a, p.232; Taylor, 2011, p.133–135), limiting their ability to utilise the criminal police in political and economic disputes (Petrov & Slider, 2010, p.73).

The reforms undertaken from 1999-2008 failed to have a substantial impact on policing practices because they did not fundamentally alter the MVD, did little to address police corruption and were designed to enhance executive control. The Ministry remained highly militarised, lacked transparency and retained vast administrative functions (Beck & Robertson, 2005; Roudik, 2008, p.164; Semukhina & Reynolds, 2013, p.105–106). Reforms, insofar as they did occur, concentrated on organisational issues and ways of administering police functions but did not develop a clear distribution of police power and responsibilities among the various levels of government. Neither did they counter predatory policing or introduce better standards of professionalism, accountability and legitimacy (Solomon, 2005a). Rather than introducing impartial methods of selection and promotion, the regime continued to use personnel policy to enhance patrimonial control over the regions (Petrov & Slider, 2010, p.68–69) and changes often ended up as propaganda ventures or were targetted against political opponents (Galeotti, 2010a, p.142). 2003 witnessed a well-publicised campaign against corruption resulting in the punishment of hundreds of thousands of officers (although exact figures are difficult to estimate) (Kosals, 2010, p.4). Many experts and, according to one survey, 33 percent of the public (Fond 'Obshchestvennoe mnenie', 2003), doubted that the true purpose of the campaign was to fight corruption, believing it staged to ensure the victory of United Russia in the 2003 election (the incumbent interior minister, Boris Gryzlov, was also the leader of the party at the

time) (Favarel-Garrigues & Le Huerou, 2004, p.25; Semukhina & Reynolds, 2013, p.106).

The police reform programme announced by President Medvedev in December 2009 showed limited promise to improve substantially on earlier efforts. The president issued a decree, the main features of which were: a 20 percent reduction in the size of the police force; pay rises for police officers; a review ('re-attestation') of personnel files; and the centralisation of police budgets. The president also ordered the MVD to produce a draft for a new law 'On Police' to establish a clearer legal framework. This was drafted and opened to public consultation in 2010, partially on the internet, and introduced in 2011 (Galeotti, 2010b; Semukhina & Reynolds, 2013, p.243–244; Solomon, 2013, p.29–30). It is too early to determine the success or failure of the reforms but a number of changes have the potential to contribute to the former. First, the new law changed the name of the police from the *militsiia* to the *politsiia*, marking a symbolic break from the Soviet past and generating a wider national debate about policing. Second, the state's increased control over the police reduces the likelihood that units will be influenced by local interest groups (Galeotti, 2012, p.32). Third, higher wages are a necessary prerequisite to tackling corruption. According to one set of figures, from January 2012 wage increases meant that the average wage of all ranks rose from around $725 per month to $1,360 per month (expert.ru, 2011). Although these figures do not account for substantial regional differences, average police wages are now approaching GDP per capita (PPP) in Russia which was $15,800 in 2010.[172]

Overall, however, the Medvedev reforms seem to have suffered from the same problem as earlier efforts and no action was taken to counter core issues facing Russian policing. First, responsibility for the implementation of reform was given to the MVD leadership, one of the groups with the least incentive to carry it out effectively (Semukhina & Reynolds, 2013, p.244–245).[173] Top ministerial aides

[172] The World Bank measures it at $14,182 in 2010 based on a constant 2005 international dollar (World Bank, 2013a). Figure is adjusted to provide for inflation: http://data.bls.gov/cgi-bin/cpicalc.pl

[173] Interview, Georgy Satarov, President, INDEM Foundation, Moscow (27th October 2010).

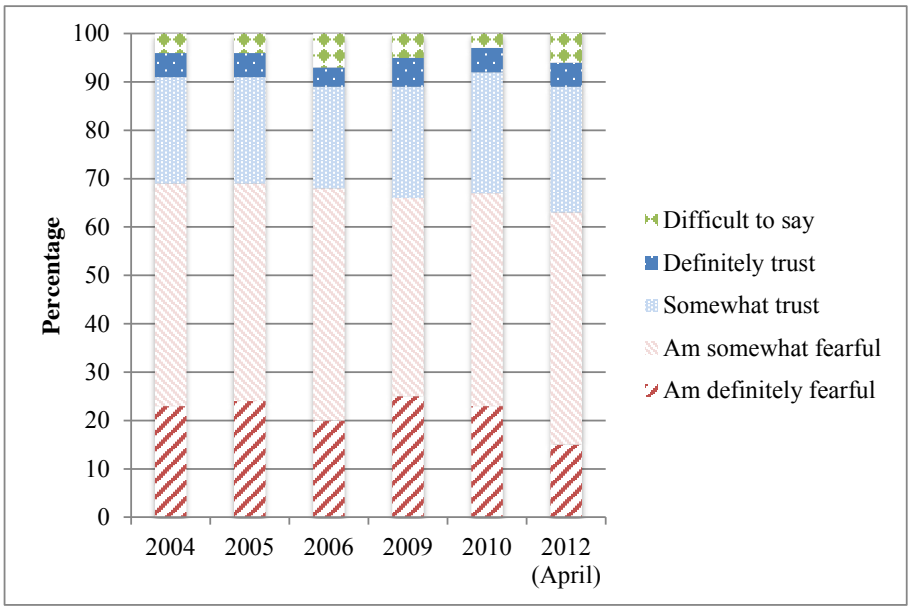
had their own power bases to protect and predatory policing remained rampant throughout the police (Galeotti, 2012, p.24; Solomon, 2013, p.31). Second, failure to replace the MVD leadership systematically has limited the effectiveness of the reforms. 94 percent of management personnel passed the re-attestation process, completed in August 2011 (and 90 percent of regular officers) (Semukhina & Reynolds, 2013, p.244). Third, no systematic measures were taken to counteract predatory policing or police violence. Prior to becoming interior minister in May 2012, Vladimir Kolokoltsev reported rumours that an ordinary officer could secure a positive result from the attestation process by paying around $6,000 – $9,500 whilst a general's position was available for a million dollars (Harasymiw, 2012, p.16).[174] Wage increases have not addressed predation because there is still a demand for it from the top downwards. As one Russian criminologist states, '[You could] increase the police salary by 10 times and nothing will change! The sum of bribes will change. The system is rotten through.' (Gilinskiy, 2009) Structurally, the only major change was that the status of the Department for Securing the Safety of Roads (i.e. the traffic police) was raised to that of a main directorate (Transport segodnia, 2011; Lenta.ru, 2011a). This can hardly be considered a strong measure to counter corruption, given that the traffic police is one of the more corrupted institutions and it had only been downgraded to a department in 2004 (Lenta.ru, 2011a). A few new measures were taken to modify the evaluation system, but these remained technical and unlikely to reduce pressure on officers to meet targets (Solomon, 2013, p.30–31). Fourth, the whole reform process lacked transparency and the means to improve it. The consultation process was top-down and closed (Solomon, 2013, p.30) and two prominent observers[175] noted that, 'Only very curious and persistent experts have been able to discover anything about changes in regulations or the re-jigging of the system.' (openDemocracy, 2012c)

Initial results from survey data indicate the reforms have had little impact on perceptions of policing in Russia. The Russian police continue to be feared,

[174] Conversion based on historical average conversion rates (June 2011): http://fxtop.com/en/historates.php
[175] Asmik Novikova and Natalya Taubina.

indicating that they have problems of legitimacy and observation of human rights:

Figure 19 Do you trust the law enforcement agencies (the police, the procurator) or, alternatively, are you fearful of them?

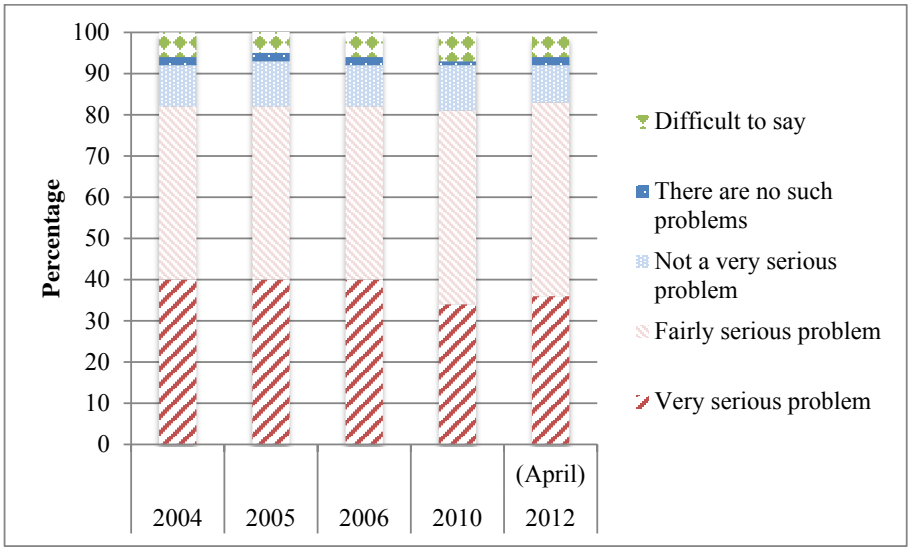


Source: (Levada Center, 2012)[176]

Russians also widely recognise that the lawlessness and arbitrariness of the police is a serious problem, indicating that they still fail to observe equality in law and are not accountable for their actions (Figure 20).

Figure 20 How serious for modern Russia, in your opinion, is the problem of lawlessness and arbitrariness of law enforcement agencies?

[176] N= 1,600 in 2012. The size of earlier surveys is unknown.



Source: (Levada Center, 2012)[177]

Additionally, in the 2010 European Social Survey,[178] in response to the question: 'How often do police make fair and impartial decisions?' over 60 percent of Russian respondents answered not at all or not very often (Jackson et al., 2011, p.6).

State-building in Russia

State-building has not precipitated successful police reform in Russia because, under Putin, the regime has prioritised enhancing its despotic, rather than its infrastructural, power (Colton, 2006, p.8–10; Taylor, 2011, p.24–35) and has not combined this with anti-corruption measures. To recall, despotic power is the power the state elite has over civil society, whilst infrastructural power is the power of the state to penetrate and centrally coordinate the activities of civil society through its own infrastructure (Mann, 1986, p.114). The regime is faced with an age-old problem:

> Russia's leaders, from the nineteenth century to the present have… grappled with a similar problem. They have all encountered a conflict between the desire to reform and rationalise the system by creating a normative legal order and the necessity of relying on a strong political police to preserve their power. (Knight, 1988, p.xvii)

[177] N= 1,600 in 2012. The size of earlier surveys is unknown.
[178] N = 2,595

The executive has strengthened his power by electoral fraud, using administrative measures to curtail parliamentary and popular political mobilisation and by restricting media and civil society freedoms. Although the MVD does not perform the lead political role, it remains part of a criminal justice system supporting regime dominance of political society. Putin also operates within a political society characterised by competitive patrimonial politics. Unlike the post-revolution government in Georgia, the regime has needed to balance the interests of various patronage networks and has used corruption and nepotism to do so. Finally, the leadership's centralising, controlling, statist conception of governance perpetuates the conditions for corruption.

Russian identity

Before discussing the nature of Putin's state-building it is important to note that Russian nationalism enhances the likelihood of successful state-building and police reform to a considerably greater extent than Kyrgyz nationalism does. In the post-Soviet period, however, Russian identity was much weaker than non-Russian identities in the other former Soviet republics (not including Central Asia) (Tolz, 2001, p.362). This is mainly because, during the Soviet period, Russians were strongly encouraged to develop a sense of identity inseparable from Soviet identity (Dunlop, 1997, p.29; G. Smith, 1999, p.47–50). Rather than lacking a strong demos to support the new state, most problems of Russian identity in the post-Soviet period have revolved around conflicting ideas regarding Russia's self-identification as a great power, and where to establish the boundaries of the Russian state in relation to its former satellites (Sperling, 2000, p.14–15; Sakwa, 2011a, p.957–964).

The weakness of Russian identity has not proved a significant barrier to the advancements in state capacity achieved under Putin, however. Russian identity has deep historical roots that can be traced as early as the late 1380s with the decline of Mongol influence and formation of a nascent Russian state around Moscow (Sixsmith, 2011, p.33). Moreover, at the end of the Soviet era, Russia

was the third most ethnically homogeneous republic, with Russians comprising 81.5 percent of the population. Also, non-Russians living in the Federation were far more russified than non-Russians living in the other republics (Dunlop, 1997, p.29; Tolz, 2001, p.361). The movement to greater homogeneity precipitated a reassertion of ethnic awareness supported by the regime's veneration of elements of Russia's Soviet and pre-Soviet past and the Orthodox Church's reinforcement of a nationalist consensus. The prominence particularly in state-run mass media, of a discourse that places less stress on Russia's western ties but highlights the country's cultural, historical and spiritual distinctiveness also contributes (March, 2012, p.404, 412–416). Some Western commentators have contended that the regime's assertion of nationalism is symptomatic of an, 'ideological conflict of the New Cold War…between lawless Russian nationalism and law-governed Western multilateralism' (Lucas, 2008, p.401). In reality, however, the Putin regime promotes a variant of Russian identity that, if ambiguously, lies somewhere in between Lucas' Eurasianist conception and a pro-Western variant that seeks integration with Western institutions and values (Evans, 2009). Regardless of elements of ambiguity and contradiction, the degree of state-building under Putin indicates that the nature of Russian identity does not pose an obstacle to state-building or police reform in the same way that the weakness of Kyrgyz nationalism does.

Despotic state-building and the politicisation of the police

The Putin regime has steadily introduced various measures and non-democratic techniques to restrict democratic partipation and enhance its control of state assets. The police and other security actors remain politicised in order to support this process.

From 2003 onwards, changes to electoral law made it extremely difficult for independents and new parties to compete in Russian politics. Only registered political parties could compete in national or regional elections and the requirements for registering a party were onorous, including a minimum national membership of 10,000 and regional representation of at least 100

members in at least half of the regions. From 2004, the national minimum was raised to 50,000 (Kynev, 2011, p.14–15; Gel'man, 2012, p.295–296). These measures have consolidated party power in contrast to the fragmentation of the Duma under Yeltsin.

Table 4 Consolidation of party political power in Russia, 1995-2011

	Number of parties	Percentage of independents
1995	17	17.1
1999	14	25.3
2003	9	15.1
2007	4	0
2011	4	0

Source: (Russia Votes, 2012b; Russia Votes, 2012a)

The regime also instigated measures to tighten discipline within governing factions and to curtail formation of opposition blocs. From 1999, Putin has been strongly aligned[179] to United Russia which won 49.3 percent of seats in the Duma in 2003, 70.0 percent in 2007 and 52.9 percent in 2011 (Russia Votes, 2012b; Russia Votes, 2012a). Other important changes to electoral regulations and favourable coverage in state-owned media helped to promote United Russia as the dominant party (Lyubarev, 2011, p.19; Stoner-Weiss, 2010, p.255–260, 263). Internally, the party functions as a means of exerting regime discipline over political society. It is highly disciplined and centralised and no internal dissent or factionalism is tolerated (Gel'man, 2009, p.42–44). For example, in 2000, one prominent deputy, Vladimir Ryzhkov, was excluded from the party after he voted against Putin's reform of the Federal Council and local administration (Huskey, 2001, p.93). The remaining parties have been effectively co-opted. Since 2003, deputies of the Communist Party, the second largest party, and the Liberal Democratic Party typically vote with United Russia (Stoner-Weiss, 2010, p.264; Gel'man, 2009, p.46–47; Shekhovtsov & Umland, 2011). The formation of the left-leaning party, A Just Russia, in 2006, served the administration's aim of pivoting the party system around two pro-Kremlin parties, with the presidential administration deputy head, Vladislav Surkov, widely reported to have stated

[179] As of writing, he is not actually a member, but was its chairman from 2008-2012, after which Medvedev took the post. Medvedev joined the party in 2012 (Radio Free Europe, 2012b).

that the regime needed a 'second leg.' (Gel'man, 2009, p.44–46; March, 2011, p.7–10).

Electoral fraud is used to ensure the executive's dominance of political society. Under Putin, fraud has become more centralised and systematic than under Yeltsin. In certain cases, it is very blatant. In the 2007 Duma elections United Russia secured an implausible 99 percent of the votes in Chechnya on a 99 percent turnout (Remington, 2009, p.90; Mendras, 2012, p.206). In most instances, however, the regime does not resort to overt fraud. Rather, it adjusts the outcomes of elections to favour Putin, Medvedev and United Russia in competitions which they would have won, in all likelihood. For example, the Kremlin used administrative resources (ordering local bureaucrats to produce certain results; using state media facilities, etc.) to secure first round victories in the 2000 and 2004 presidential elections and also to control the outcome of the 2003 and 2007 Duma elections (Wilson, 2005, p.73–79; Koesel & Bunce, 2012, p.413).

Patronage is used extensively to maintain this state of affairs. The degree of Unity's access to state resources and its dominance of regional and national elections has drawn one commentator to argue that Russia has now become an authoritarian dominant party regime (Remington, 2009). After the 2003 Duma elections, the chair of its executive committee, Alexander Bespalov, resigned from his post and was then given a position in Gazprom (Gel'man, 2009, p.42). Such patronage keeps the remaining parties in check. Remington describes the relationship between the legislature and the executive as follows:

> In effect, Putin and the Duma entered into an implicit exchange: the Duma approved a range of initiatives expanding executive power at the expense of the legislature, the media, parties, governors, and opposition forces, in return for lucrative patronage opportunities to spread state resources around to their own client groups. (Remington, 2010, p.50)

The regime has consolidated its control of political society by enhancing its influence over the media. In the first year of his presidency, Putin used tax police and threats of long jail terms to seize control of two national television stations

owned by the oligarchs Boris Berezovsky and Vladimir Gusinsky, driving them both into exile (Lipman & McFaul, 2010, p.114–116; Rutland, 2010, p.166). Since 2000, press freedom has declined and, as of 2008, all major television stations in the country are state-controlled. The Kremlin does not control all media and various print and radio outlets regularly run critical items but it retains a tight grip over federal television channels through which most Russians get their news (Lipman & McFaul, 2010, p.116–125). In 2013, Russia ranked 148 out of 179 countries in the World Press-Freedom Index compiled by Reporters without Borders (Reporters Without Borders, 2013).

Following its consolidation of media power, the Putin administration introduced a series of laws in 2005/2006 to counter perceived threats from within Russian civil society. A bill passed in December 2005 required all NGOs to reregister and was, 'riddled with vague language that gives authority considerable discretion in terms of enforcement.' (Hendley, 2010, p.89) Subsequently, a number of NGOs have been harassed and investigated for violations of law, particularly those working on human rights issues or receiving foreign funding (Human Rights Watch, 2008; Taylor, 2011, p.234–247). In recent years, only NGOs working on non-controversial issues or ones supported by the administration, which Russians derisively call governmental NGOs, are able to function freely. (Mendras, 2012, p.200). For various commentators these measures are indicative of the regime's fear of a colour revolution occuring in Russia (Sakwa, 2010a, p.24; Sakwa, 2011a, p.962; Tsygankov, 2010, p.224–225; Wegren & Herspring, 2010, p.293; Taylor, 2011, p.231). Commenting on the December 2005 bill, Putin said it was necessary, 'to secure our political system from interference from outside, as well as our society and citizens from the spread of terrorist ideology.' (Remington, 2010, p.51) In 2011, Putin also claimed that street protests in December were funded from abroad (Koesel & Bunce, 2012, p.412). For Holmes, the repression of media, political and civil society freedoms is, in part, a result of the collective culture of the *siloviki.* This repression was shaped in a 'fortress state' cut off from a supposedly hostile world and driving its members to eliminate all opposing forces, even when they pose no real threat (Holmes, 2006, p.305–306). Mendras and Taylor similarly note that the Putin

cohort has been gripped by a 'siege mentality', causing it to highlight the threat from domestic and international 'enemies' and the need for a strong state to defend against them (more on this below) (Taylor, 2011, p.306; March, 2012, p.413–414; Mendras, 2012, p.15, 262–271).

The tightening of the regime's control over political society makes it impossible to implement democratic police reform and, instead, the security apparatus is used by incumbent elites to limit the effectiveness and development of political opposition. For example, in December 2011, an opposition rally was only granted permission on condition that it took place on Bolotnaya Square, an island in the Moscow River just south of the Kremlin with access points that could be easily controlled, rather than a more central location (BBC, 2011). In June 2012, a law was passed imposing heavy fines of around $10,000 for anyone participating in an unsanctioned rally, or up to $10,000 for anyone who damages property during a sanctioned rally (BBC, 2012). Even if such protests gathered enough support to pose a challenge, the Kremlin can draw on instruments of public control well developed in the Soviet era. In Moscow alone, it can call on 50,000 police, 30,000 security troops and another 15,000 soldiers and Kremlin guards (Galeotti, 2011).

Reform is also impossible in an environment where the state's security agencies target prominent political opposition figures. In the run up to the 2007 Duma elections, former world chess champion and critic of Putin, Garry Kasporov, was sentenced to five days in prison (Mendras, 2012, p.212). In June 2013, after a three-month trial, and a day after he had announced his candidancy in upcoming mayoral elections in Moscow, Alexei Navalny, an anti-corruption blogger and opposition figurehead, was sentenced to five years in prison for stealing timber (The Economist, 2013a). In a bizarre twist, the day after sentencing, Navalny was freed after the same prosecutor requested he be detained on bail. Alledgedly, Navalny's release came after the incumbent mayor of Moscow, Sergei Sobyanin, persuaded Putin that he needed to legitimate his election with Navalny's participation (The Economist, 2013b; The Telegraph, 2013). In the election Sobyanin narrowly avoided a run-off, securing 51 percent of the votes, compared

to Navalny's 27 percent, although Navalny's camp dismissed the results as fraudulent (The Washington Post, 2013). Former close ties to the regime are also no guarantee of immunity. Since joining the opposition, Ksenia Sobchak, a prominent socialite and daughter of Anatoly Sobchak, the former mayor of St. Petersburg who helped launch Putin's political career, had her home raided (along with other notable opposition figures) before a rally in June 2013. She has also been the subject of several police investigations (The Moscow News, 2011; The New York Times, 2012; Radio Free Europe, 2012a).

Factional politics

The lack of effective police reform is a result, in part, of the Putin regime's need to balance the interests of various factions and its reliance on patrimonialism, rule by law and corruption in order to do so (Sakwa, 2010a, p.28–34; Gel'man, 2012). Intra-elite conflict has been less open over the last decade, and is far more complex than under Yeltsin (Gaman-Golutvina, 2009, p.162). However, unlike post-revolution Georgia, the Russian executive has had relatively less control over all major political elite groupings in the country. In order to enhance the regime's position, Putin's system of rule has prioritised strengthening executive power to control administrative and corporatist factions (Mendras, 2012, p.9–17). This it uses to patronise allied factions and coerce rival ones.

The prioritisation of despotic, over infrastructural, state-building is exemplified by targeted use of administrative resources against regime opponents. From the outset, Putin's state-building forced business interests to remain personally loyal to the regime and stay out of politics, and it used security actors against those which resisted. This was demonstrated by the state's battle against the media oligarchs, discussed above (Rutland, 2010, p.166) and more conspicuously during the Yukos affair:

> The Yukos affair was a showcase of unchecked coercive powers. The formidable forces of the secret police, the justice ministry, the audit chamber, the tax police and the tax administration were collectively mobilised to compile a succession of criminal cases against the company and its top directors. The legal system provided no protection against the assault. The courts followed the prosecutor's recommendations in close step. On the occasion when a Moscow magistrate made a decision in favour of Yukos, she was quickly removed from the case. Due process was ignored. The accused were not permitted adequate time to review the charges to prepare a defence. Yukos bank accounts were frozen and assets seized, the firm's business operations were paralised. Even the media was an instrument of the state offensive, airing a documentary that tied Khodorkovsky to Chechen terrorists and murdered journalists. (Easter, 2006, p.46; See also: Hendley, 2010, p.88)

Loyalty, on the other hand, may be rewarded with patronage used to enhance executive control of key economic assets. The Putin government has depended on the appointment and promotion of *siloviki*, and other allied personnel, to control central and regional political and economic institutions. A 2007 survey found that a government representative sat on the board of 29 percent of firms (Guriev et al., 2007). Putin aides have held key positions in major corporations (e.g. Igor Sechin, Putin's chief of staff, and reportedly a former Soviet intelligence officer, as chair of Rosneft; Viktor Ivanov, a presidential aide, as chair of Aeroflot; and former KGB men on the boards of Zarubezneft (Nikolai Tokarev), Rosoboroneksport (Sergei Chemezov) and the Federal Arms Procurement Service (Andrei Belyaninov)). Rutland reports one anonymous banker as saying that, 'All big companies have to put people on the security services on the board of directors.' (Rutland, 2010, p.175–176)

The Putin regime is not united however, and state-building has been characterised by a tension between enhancing the regime's power as a whole, whilst simultaneously avoiding strengthening one internal faction at the expense of another. 'Reform' of the security sector is designed to maintain these conditions, rather than to tackle corruption or improve transparency and accountability. For example, several *siloviki* factions engaged in a fierce struggle during the destabilisation produced by the end of Putin's second term (Burns, 2007). The background to the conflict began in 2000. The owner of the 'Three Whales' furniture store was investigated by an MVD investigator, Pavel Zaytsev, who uncovered evidence of money laundering, trade in weapons and customs violations. In late 2000, however, the procuracy opened a case against Zaytsev

for illegal conduct and closed the Three Whales case. Yuri Shchekochikhin, an investigative journalist and member of the Duma, and a team from the newspaper *Novaya Gazeta,* investigated the affair and alleged that Zaytsev had agitated a roof provided by the FSB and a series of connections running all the way up to its director, Nikolai Patrushev. The case died down after Shchekochikhin died in mysterious circumstances in 2003, another key witness was killed and several other figures were attacked. Zaytsev received a two-year probationary sentence and one judge claimed she was removed from the case for resisting pressure to convict (Taylor, 2011, p.172–175).

In the summer of 2006 and into 2007, the case was reopened and used in a battle between *siloviki* factions in the run up to Putin's departure (Radio Free Europe, 2006). At the centre of the struggle were two groups, one led by Sechin (Putin's chief of staff), allied with Patrushev, and the other by Viktor Zolotov, head of the presidential security service, and his ally Viktor Cherkesov, head of the Federal Antinarcotics Committee (FSKN) (Radio Free Europe, 2007; Stratfor (global intelligence firm), 2012). Both factions competed to influence the succession and, in 2006, Vladimir Ustinov, head of the General Procurator's Office (GPO) and ally of Sechin, was unexpectedly dismissed by Putin, apparently after one of Cherkesov's deputies recorded a conversation between him and Sechin, in which the idea was put forward that Ustinov could succeed Putin (Sakwa, 2011b, p.184–190). What followed was a series of personnel and administrative changes really designed to reduce the Sechin/Patrushev faction's power and maintain a balance between other factions. Minister of Justice Iurii Chaika, known to have an acrimonious relationship with Ustinov, was placed in charge of the GPO and purged it of Ustinov's staff. However, to avoid the GPO becoming too powerful, a Special Investigative Committee (SK) was created in the GPO, but not under it. The SK effectively deprived the GPO of its ability to initiate criminal cases and conduct investigations and was headed by an ally of Sechin. Sechin and Patrushev then used the SK to strike back at Cherkesov by arresting, for abuse of office, his right-hand man, Alexsandr Bulbov, who was also investigating the Three Whales case in 2007 (Taylor, 2011, p.174–175).

Leadership style

The Putin regime has exhibited a preference for despotic, over infrastructural, state-building because Putin, and many in his cohort, were socialised by Soviet forms of governance. The institutional culture of the *siloviki*, in particular, emphasises order, control, discipline and primacy of the state over liberal and democratic values (Taylor, 2011, p.62). The leadership promotes a system of governance which retains and perpetuates several of the features of Soviet governance described in Chapter 4: a tendency for officials to seek security via relationships rather than the rule of law; central government setting impossible demands requiring officials to utilise patronage and corruption to protect themselves; and the absence of an impartial civil service to reduce favouritism in public service (Fairbanks, 1996, p.352–355; Özsoy, 2007, p.74).[180] Thus, the regime is ill-disposed to approach reform by investigating the incentives required to reduce ordinary officers' corruption. Instead, it has relied on typical Soviet tactics of advocating tighter discipline, control and punishment of transgressors (The Moscow News, 2012).

Putin is a product of the Soviet system and clearly exhibits a preference for a statist, chain-of-command style of state-building rather than an approach which promotes institutionalisation of the distribution of state power. As a schoolboy, he dreamed of joining the KGB and served in the organisation from 1975-90 (Wegren & Herspring, 2010, p.3–4). For Wegren and Herspring, this period had a profound influence over the future president who has imposed on Russia the statist organisational paradigm of loyalty, discipline and order into which he was socialised (Wegren & Herspring, 2010, p.291–292; See also: Colton, 2006, p.4). In his 2000 presidential address, he highlighted that, 'an ineffective state is the main cause of the lengthy and profound economic crisis' and accurately identified the appropriation of state functions by oligarchic and regional interests (Volkov, 2002, p.182–183; Taylor, 2011, p.112). Consequently, the remedy for Russia's woes was to enhance the power of the state, 'My position is absolutely clear: only a strong state or…if someone does not like the word

[180] Interview, Yakov Gilinskiy, Professor, St. Petersburg Law Institute, St. Petersburg (17th October 2010).

'strong,' let us say an effective state and a democratic state will be up to defending civil, political and economic freedoms and be able to create the conditions for social well-being and for our motherland to thrive.' (Colton, 2006, p.4) Putin's style of leadership, however, emphasises despotic over infrastructural state-building. His statist discourse, distrustful of democracy, is prominent within the Russian political elite (Colton, 2006, p.4; Willerton, 2010, p.24; Monaghan, 2012). This paradigm is characterised by a similarity to the Soviet model of ensuring stability and order via patronage, punishment and the use of rule by law rather than the institutionalisation of equality in law (Mendras, 2012, p.240–243). In comparison to the Yeltsin era, the Putin system has been able to guarantee a degree of stability and raise living standards. Fundamentally, however, it is a modification of, rather than a break from, Soviet forms of governance, as demonstrated by the attack on Yukos, the circumvention of the constitution and the curtailment of media and political freedoms (Sakwa, 2009b; Shevtsova, 2012, p.210–211).

Putin's style of leadership is also overly confident in the state's power and demands loyalty from its supplicants. The regime has adopted a style of political managerialism in contrast to what it perceived to be the irresponsibility caused by an unruly democratic process. Combined with statism, this has led the regime to exert a type of political guardianship over society (Sakwa, 2010a, p.19–20). In a 2005 meeting with foreign journalists, for example, Putin stated that, 'The Russian people are backward. They cannot adapt to democracy overnight, as they have done in your countries, they need time, otherwise the effects will be destabilising.' (Mendras, 2012, p.185) Putin's self-assessment of this guardianship has been highly complimentary. In 2008, he reviewed his first two terms in office as follows, 'I do not see any serious failures. All the tasks are achieved, the majority of problems are solved.' (Gaman-Golutvina, 2009, p.154). In typical Soviet fashion however, this paternalism is combined with demands for loyalty and an intolerance of dissent. Putin has frequently stated the need for a fundamental unity of values amongst society as a whole and the importance of solidary, harmony and consensus. In practice, this desire for unity has led Putin to associate opposition to the political regime with disloyalty to the nation

(Evans, 2009, p.26–27). This is, in part, a legacy of the aggressive nature of Soviet politics and was embedded in Putin's political character before his ascendency to the presidency. For example, whilst working on Anatoly Sobchak's 1996 election campaign for mayor of St. Petersburg, Putin labelled one of Sobchak's opponents a 'Judas' on television, a term he would also used to refer to civil society groups active in the political opposition in 2012 (Huskey, 2001, p.83; Koesel & Bunce, 2012, p.415).

The regime's prioritisation of stability and its technocratic managerial structure stymied implementation of reforms which would address structural problems within the Russian police. Those in charge of the 2009 reform programme lacked any effective vision of how to achieve reform:

> [A]s minister it is hard to see [Rashid Nurgaliev] as having been anything better than a politically-compliant and moderately-competent manager. He demonstrated a striking lack of leadership, failing to make any significant inroads into the corruption, unprofessionalism and demoralisation which so deeply undermined the police. Instead, he seemed comfortable doing little more than periodically making some new pledge of probity and reform without any sign of seeking to put words into action. Nor did he seem to have any notion of how the MVD would change in any structural way, a key problem when Medvedev himself lacked the expertise to give specific directives. (Galeotti, 2012)

Instead, political and ministerial leaders tend to overestimate their ability to control and direct reform and underestimate the motivation and power of subordinate units to resist it, relying too much on commands, threats and punishments. Recent reform efforts demonstrate a typical 'Soviet' approach to reform, of failing to address structural problems and, instead, when dealing with the several scandals that have emerged since 2011, the pattern has been for it to deny a problem exists, present whistleblowers as alarmists, or to look for scapegoats (The Moscow News, 2012). This fuels a culture of cynicism and resistance to reform. Because lower units have historically been denied discretion, they resort to, and have developed norms of, resistance and the pretence of being seen to be fulfilling the centre's commands. They have little faith in the latest initiatives or anti-corruption drives and have developed techniques to manage them.

Conclusion

Police reform has made little impact in either Kyrgyzstan or Russia but this is only partly because of the limitations of democracy in these countries. In Kyrgyzstan, the executive has remained too weak to maintain or develop its control over the polity or police. Instead, it has been contested by patrimonial networks mobilising along a mix of regional, clan and criminal lines. Consequently, there has been no real reform to enhance the effectiveness of the police or to improve their obversation of equality in law and human rights and to improve their accountability. Available survey data and evidence from various quantitative sources indicate the Kyrgyz police continue to suffer from low legitimacy. In part, low legitimacy is due to the development of state-society relations and the state during Kyrgyzstan's recent political history. Rational-legal state structures were imposed on the territory in the early part of the 20th century and, consequently, the state is not deeply embedded in society. Both domestic and international police reform efforts have struggled, not only because of elites' limited interest and corruption, but also because both elites and the wider population relate more closely to patrimonial forms of identification (region, clan, etc.) than to the Kyrgyz state. Under Putin, the Russian executive has expanded its power considerably but has not combined this with anti-corruption measures. The Russian MVD remains essentially unreformed despite a high-profile reform programme announced in 2009. In part, the police is more effective at expanding and supporting the authority and reach of the regime. The elite has centralised its control of the police and improved police pay and the police are relatively effective at surpressing political dissent. However, improvements in effectiveness have been limited because reforms have not addressed the barriers to equality in law, accountability and observation of human rights stemming from corruption and police brutality during regular police activities. Police effectiveness is also undermined by divisions within the ruling elite. The cohort around the executive is somewhat prohibited from clamping down on corruption because it uses it to retain the support of various factions. Finally, the leadership of the Russian state lacks the idealogical inclination to introduce reform by incentivising officers to

perform their duties more democratically. Instead, it relies on a neo-Soviet emphasis on control and discipline, which perpetuates barriers to democratic policing.

Chapter 8 – A Benign Police State? State-building and Policing in Georgia after the Rose Revolution

Georgian police reform created a more effective and legitimate police which observed equality in law and protection of human rights better than its predecessor. Nevertheless, the new elite's prioritisation of state-building over democratisation reinforced, or failed to overcome, several impediments to democratic policing. First, the legitimacy and accountability of the new police and its adherence to equality in law were limited because the government developed a politicised and personalised police, intolerant of political opposition. State-building enhanced the executive's despotic, rather than infrastructural, powers (Jones, 2012, p.9–10). It strengthened the executive, its powers of coercion and a highly personalised, monopolised system of patronage around the president. In doing so, it neglected to distribute state powers by strengthening institutions such as parliament, political parties and the judiciary. The police replicated this pattern because it was accountable only to a tight coterie around the president which determined the legal and procedural frameworks governing policing, decisions regarding police strategy, high-level promotions within the MIA and budgeting.

Second, the police's legitimacy, accountability and observation of equality in law were undermined by their involvement in the post-revolution redistribution of property and high-level corruption. The new elites used their executive power to seize the property of organised criminals and corrupt officials with scant adherence to the rule of the law, whilst tolerating high-level corruption/impunity. Given its dependence on the executive, the police followed the quasi-legal orders of its political masters. Also, limited accountability mechanisms contributed to some regional police units' involvement in corruption, in collaboration with local elites.

Third, the legitimacy of the police was undermined because, mirroring critiques within the literature on democratic police reform, reform enabled the elite to use its enhanced coercive capacity to manage discontent caused by unpopular

economic and political reforms (Ellison & Pino, 2012, p.17–28; Sheptycki, 2007, p.33). The government used criminal justice mechanisms to support unpopular policies, including controversial neo-liberal economic reforms. Fourth, the revolutionaries were more concerned with enhancing state control over the police and criminal justice system, rather than institutionalising checks and balances. Although the organisational culture of the new police was significantly changed by the revolution, the force operated in a criminal justice environment that retained Soviet-era organisational practices, privileging the powers of executive actors over those of individuals. This contributed to incidents of police violence and impunity.

The Georgian police reform demonstrates both the advantages and disadvantages of an institutionalisation before democratisation approach. Whilst acknowledging the former, this chapter explores the negative outcomes of the transformation of the police up until the UNM's defeat in the 2012 parliamentary elections. In the first section, I examine the post-revolution political environment and the despotic aspects of Georgian state-building. In the second, I discuss the impact of this on the police. The third section explores executive and police involvement in corruption and the fourth, the new elite's reliance on executive power and coercion to implement unpopular neo-liberal reforms. In the fifth section, I explain how the government's prioritisation of zero-tolerance policing contributed to human rights abuses and the sixth section discusses the reform's limitations in addressing poor police professionalism. I end the chapter by examining how, overall, these limitations undermine the sustainability of the reforms because this remains dependent on personalities rather than institutions.

Despotic state-building after the revolution

The concentration of power

Similarly to Putin's state-building, the new government developed a system of governance which concentrated power in the executive and limited that of those

institutions which can provide a check on executive power (e.g. the parliament, judiciary, civil society, the media).

Constitutional changes, and retention of patrimonial forms of governance created a placid parliament, dependent on the executive (Jones, 2013, p.162; Lazarus, 2013, p.271). The 2004 amendments established a very strong executive. In addition to enhancing presidential powers to appoint the government, disband parliament and nominate judges and other officials (Vashakmadze, 2005, p.31–39; Areshidze, 2007, p.197–210; Mitchell, 2008, p.80) parliamentary powers, particularly budgetary ones, were substantially reduced. The prime minister developed the budget, the president approved it and submitted it to parliament. If parliament rejected it three times, the president could dissolve parliament, call new elections and approve the budget by decree (Areshidze, 2007, p.199–200; Lanskoy & Areshidze, 2008, p.160). In 2005, the number of single mandate constituencies was increased to 75 and the number of MPs elected from lists reduced to 75.[181] This rebalancing favoured the UNM and was widely seen by the opposition as an attempt by the government to retain its 2/3 majority, allowing it to alter the constitution (Radio Free Europe, 2008b; Radio Free Europe, 2008a). These measures effectively established a parliament subservient to the executive. In 2007, for example, parliament passed 1,700 laws, indicating that these bills received a superficial reading (Jones, 2013, p.163). Although MPs' resources and staff support increased, they remained disorganised and the UNM's dominance meant that parliament did more to support rule by law rather than the rule of law (Boda & Kakachia, 2005, p.13; Kakachia, 2005, p.107; Mitchell, 2008, p.88).[182]

[181] 2004 amendments reduced the number of MPs 235 to 150, with 100 elected from party lists (down from 150) and 50 from single mandate constituencies (down from 85) (Lanskoy & Areshidze, 2008, p.160–161).

[182] The constitution was altered in 2010 to switch the country to a parliamentary system, with the full effects implemented in 2013 (see end of chapter). Critics, however, argued that these changes were not primarily concerned with democratising the system. Parliament's control over the prime minister and government remained weak and the amendments allowed Saakashvili, constitutionally barred from serving two presidential terms, to remain in power as prime minister although, in the event, the UNM lost the 2012 parliamentary elections (Jackson, 2010; Welt, 2010a; Venice Commission, 2010, p.7; Mitchell, 2012a, p.106).

Whilst the quality of elections improved after the revolution, the new government, like its predecessor, manipulated electoral processes. The electoral code was changed six times between 2004 and 2008, with little consultation with the public or the opposition (Lanskoy & Areshidze, 2008, p.160–161). Amendments in April 2005 empowered the president to dominate the Central Election Commission by appointing its chairman and proposing 12 nominees to parliament's 6. From these candidates, six CEC members were elected (Jones, 2013, p.156). In practice, the OSCE reported that the CEC failed to act independently and voted on political lines (OSCE/ODIHR, 2008a, p.1–2). The UNM also had a huge advantage in terms of resources. In 2008, for example, state funding was allocated by electoral performance, there were no caps on donations and opposition groups alleged that businesses were pressured to support the ruling party. The UNM officially spent $7.3 million during the elections compared to the opposition's $272,000 (Transparency International, 2011, p.139–141). Furthermore, the regime enjoyed a bias on state TV, UNM officials pressurised public employees against campaigning for the opposition and, in some incidents, party officials were complicit in electoral fraud (OSCE/ODIHR, 2008a, p.1–4; Fairbanks, 2010, p.145; Transparency International, 2011, p.141–142; OSCE/ODIHR, 2012a, p.1–3; Jones, 2013, p.155–160).

Limited changes were enacted to strengthen the judiciary vis-à-vis the executive (Jones, 2013, p.168–172). The executive reasserted its control by replacing many judges, increasing judges' salaries (by around three times by 2007) and tripling the overall budget of the judiciary between 2005-2008 (Meladze, 2007, p.105–106; American Bar Association, 2008, p.31). A 2006 law required all practising lawyers to pass a bar examination and be members of a bar association formed in January 2005 (Zullo, 2005, p.83; Urumova, 2008; International Bar Association, 2012, p.20). Further measures made important changes to Georgian legislation. In 2010 a new Criminal Procedure Code replaced the 1998 Code and introduced an adversarial trial model, discretionary prosecution, the voluntary questioning of witnesses (instead of compulsory interrogation) and efforts to reduce pre-trial detention (Human Rights House Network, 2011). According to one Western review, a draft version of the new legislation '…putting aside some

unfortunate omissions and inconsistencies, is broadly compliant with the requirements of the European Convention of Human Rights and in some respects goes well beyond it.' (Vogler, 2009, p.26)[183]

These reforms did not, however, establish an independent judicial sector. Reorganisation of the High Council of Justice appeared to establish the Council as an independent agency of the judicial branch, giving it, rather than the president, responsibility for appointing and dismissing regional (city) and appellate court judges (American Bar Association, 2008, p.1; International Crisis Group, 2012a, p.11–13). However, the president's dominance of the executive and legislature, and his influence over the nomination of candidates to the supreme court (which controls the majority of nominees to the High Council), meant that the executive effectively retained control of the judicial branch (International Bar Association, 2012, p.30–31; Jones, 2013, p.172) (more on this below).

The revolutionaries also failed to develop, and even constrained, civil society and media independence (Welt, 2009, p.198). In part, this was attributable to the shift of many experienced activists into government (Broers, 2005, p.343). Nevertheless, the post-revolutionary government also placed pressure on media outlets to support its policies. Immediately after the revolution, some critical media outlets were subject to financial investigations, perceived as political warnings. Consequently, other outlets were reluctant to engage in overly harsh criticism (Broers, 2005, p.345). During protests in 2007, the previously critical Imedi-TV was shut down. Human Rights Watch described the action as disproportionate, a violation of Georgia's commitments to guaranteeing freedom of expression and questioned its legality (Human Rights Watch, 2007, p.3; Welt, 2009, p.199). There also remained a lack of freedom within media institutions. According to the International Crisis Group, the owners of TV stations, the primary sources of information for 88 percent of the population, play the greatest role in determining editorial policy. Directives are announced at producers' meetings and communicated down to journalists (International Crisis Group, 2010a, p.12). Saakashvili's government had the support of the country's

[183] Also: Interview, Anonymous (G-9), Western legal expert, Georgia (August 2011).

three major television channels (Rustavi-2, Imedi-TV and TV Channel 1) and their reporting of similar topics in the same sequence, led some critics to assert that they were directed by the government (International Crisis Group, 2010a, p.12; De Waal, 2011a, p.22).

Personalised governance

The executive strengthened the state's capacity by using patronage to expand its influence. Decision making revolved around Saakashvili, who filled the government with people to whom he was personally connected and oversaw the people placed on the UNM's lists for parliament (Mitchell, 2012a, p.98). The turnover of top-level appointments was also very high. As discussed, the president frequently changed his wider ministerial team (see p.178). Furthermore, certain appointments suggested limited effective means of restraining the president's impulsiveness. In 2010, an inexperienced twenty-eight year old, Vera Kobalia, was appointed economy minister despite her main work experience having been working for her father's bakery business in Canada, where she met Saakashvili at the Winter Olympics (De Waal, 2011a, p.7).

Patrimonialism at the top-levels of Georgian politics was replicated throughout state institutions. In the public sector the criteria for appointing personnel remained opaque and, although improvements have been made in certain fields (e.g. education, low-level policing), patronage remained very important in a poor economic environment with a fusion between politics and economics (Jones, 2013, p.135–136). Transparency International attributed this to the absence of efforts to centralise civil service recruitment, standardise human resource management or limit ministerial power over appointments:

> The civil service lacks independence because of the influence ministers can exert in hiring, promoting and, particularly, firing civil servants. While there are some legal hurdles to arbitrary dismissal, they are rarely put into practice. It is still commonplace for new ministers to demand significant changes in staffing, even among fairly junior staff. (Transparency International, 2010a, p.5)

Executive centralisation and patronage helped the UNM to spread the influence of the centre's patronage network throughout the regions and across public administration. 2005 local government reforms abolished lower units' budgetary

independence, effectively established their dependence on the centre and made governors and mayors part of a system of presidential patronage (Muskhelishvili, 2011, p.324; Jones, 2013, p.146, 175). Meanwhile, the UNM expanded into the regions as local administrations were filled with the party's personnel (Timm, 2012, p.175). This went beyond merely political roles. Working in public administration, 'went hand in hand with loyalty to the ruling party' (Muskhelishvili & Jorjoliani, 2009, p.697; Transparency International, 2011, p.77–79) and the UNM also penetrated other organisations such as university and sports organisations and professional unions (Timm, 2010, p.7).

From 2003 onwards, the post-revolutionary elite displayed an intolerance of political opposition, partly explained by regional and domestic insecurity. Abkhazia and South Ossetia, with Russian support, remained outside Georgian control. There is not space to discuss this, or the wealth of narratives and counter-narratives on the causes of the August 2008 war (See: Fawn & Nalbandov, 2012). However, there is evidence that Russia provoked the war and the Georgian leadership did little to defuse tensions, at times responding aggressively to provocations (Chicky, 2009, p.5; Freedom House, 2009, p.3, 6; IIFFMCG, 2009; International Crisis Group., 2009; Welt, 2009, p.203; Asmus, 2010; Jones, 2012, p.6, 11; Jones, 2013, p.239–245). Additionally, domestically, some opposition figures contemplated the use of violence to topple the government. In December 2007, a sting operation produced a recording of Badri Patarkatsishvili, the owner of Imedi-TV station, attempting to bribe a high-level MIA official and finance a coup (Cornell & Nilsson, 2009, p.256). The plan was, allegedly, to include mass protests, use of fake evidence to 'prove' electoral fraud and, for $100 million, the support of Georgian special forces (Civil.Ge, 2007; Welt, 2009, p.219). In May 2011, police released a recording of a conversation between Burjanadze, who joined the opposition in October 2008, and her son, in which the two expected Russian support for a revolution in Georgia that they agreed would be worth the death of 500 people (Time Magazine, 2011). There was also evidence of links between opposition politicians and exiled thieves-in-law and Shevardnadze-era officials with connections to the Kremlin (Civil.Ge, 2010; Berglund, 2012, p.22). In one incident two opposition politicians were

videoed meeting Targamadze, Shevardnadze's notoriously corrupt interior minister (Civil.Ge, 2009a) (see p.133).

These occurrences were partly of the government's own making however, as it closed many potential avenues open to peaceful opposition. From the outset, the new government exhibited disdain for any opposition to their policies. Opponents were labelled as, 'counter-revolutionaries,' 'traitors' and 'enemies of the state' (Areshidze, 2007, p.235–236). The government developed a siege mentality and saw conspiracies run by Russia and exiles in various forms of opposition. A 2006 prison riot, for example, was blamed on Russia using thieves-in-law to destabilise Georgia, although abysmal prison conditions are a more likely explanation (Slade, 2007, p.174–175). Similarly, protests in 2007 were blamed on Russian attempts to organise a coup (Lanskoy & Areshidze, 2008, p.163). The protests, however, linked an eclectic mix of opposition groups and individuals frustrated by legitimate grievances. These include high-levels of poverty and unemployment, exclusion from state offices and economic opportunities, government seizure of private profit and a lack of access to political offices (Welt, 2009, p.198) (more on the protests below). Overall, however, the government maintained a paternalistic and closed approach to policy (Council of Europe, 2006b; Jones, 2013, p.167–168). As one set of commentators noted, up until 2007:

> [T]he new leadership… displayed what could best be described as arrogance in the face of political opponents, avoiding public debates on the reforms they were carrying out and failing to maintain active communications with society on the envisioned benefits of the harsh restructuring they advocated. (Cornell & Nilsson, 2009, p.254)

Unsurprisingly, this set of circumstances resulted in a series of flashpoints between the government and various opposition figures. In September 2007, Okruashvili, the former interior minister (June-December 2004) and close ally of Saakashvili, announced the formation of an opposition movement and accused the president and other officials of corruption and human rights abuses. Two days later he was arrested on charges of extortion, money laundering, criminal negligence and abuse of power (Welt, 2009, p.198). This sparked a chain of

events which, within two months, united various opposition groups in demanding Saakashvili's resignation and early elections (Welt, 2009, p.198; Cornell & Nilsson, 2009, p.255–256). The movement culminated in the gathering of 50,000 protestors in Tbilisi in November 2007 but the government declared a state of emergency and implemented a police crackdown which violently dispersed the protestors. Failures during the August 2008 war provided the opposition with a new lease of life. Protesters gathered in November 2008 and the movement peaked in April 2009, with 50,000-60,000 attending an opposition rally. By June, however, it fizzled out as the result of opposition divisions and the government's adoption of a more concessional approach (Welt, 2009, p.202–206). The opposition movement was disorganised, spontaneous, uncompromising and had little representation outside Tbilisi. As has been the case since independence, its participants were driven by the rhetoric of their leaders rather than membership of formal or informal associations (Chiaberashvili & Tevzadze, 2005, p.201–206; Welt, 2009, p.206; Wheatley, 2010). Nevertheless, both sets of protests represented a microcosm of popular grievances over poverty, unemployment, government indifference and high-end corruption, only partially acknowledged by the regime (Cornell & Nilsson, 2009, p.259–261; Jones, 2012, p.7).

A politicised and patrimonial police

The development of the police replicated the elite's prioritisation of strengthening executive power over the state's legislative and judicial functions and its intolerance of political opposition.

The executive used economic and personnel mechanisms to bring the MIA firmly under its control. Officers were paid directly by the Ministry (Devlin, 2009, p.7) and local government was given no input into police financing. As Light notes, 'Below the ministerial level, neither elected officials nor citizens exercise direct control over the MIA or local police detachments.' (Light, 2013, p.12) There was, however, no comprehensive staff policy in the initial stages of the reform and recruitment and staff selection lacked transparency. According to a 2006 article

by Kupatadze et al., political lobbying, nepotism and cronyism remained the main mechanisms for staff selection (Kupatadze et al., 2006, p.98; Darchiashvili, 2008, p.54). It is difficult to determine the exact extent to which promotions continued to be decided on bureaucratic-rational rather than patrimonial bases.[184] One detective, interviewed in 2011, noted both routes existed (he declined to go into the details of the latter).[185] Ordinary officers' working conditions meant they could be dismissed very easily, increasing their need to remain loyal to patrons (Transparency International, 2011, p.94–95). At higher levels, there was a significant degree of personal loyalty to incumbent politicians within the MIA. All top-ranking officers owed their positions to either Saakashvili (Light, 2013, p.17) or, from December 2004 onwards, Merabishvili, widely regarded as one of the most powerful politicians in the country with firm control over the MIA (Jones, 2013, p.166).[186] As one commentator put it, '[N]ow we have this Vano, the minister, he centralises everything and he controls.'[187] The police were generally regarded as personally loyal to the regime. According to rumours circulating Tbilisi after the 2009 protests, police on the scene had chanted 'Misha, Misha', in support of the president whose nickname is 'Misha' (Light, 2013, p.17).

The Georgian parliament, by contrast, had little effective oversight over the MIA. The 2004 amendments gave the president the exclusive prerogative to dismiss the interior (and defence) minister (Darchiashvili, 2008, p.39). Parliament's weak constitutional powers and the inexperience of MPs meant that it lacked influence over the drafting of legislation regulating the MIA, input into the MIA's budget or effective oversight (Fluri & Cole, 2005, p.10; Vashakmadze, 2005, p.35–37). In the immediate years after the revolution, much of the budget came from the Law Enforcement Development Fund (see p.168)[188] which remained beyond public scrutiny (Papava, 2009b, p.203). This was illegal, as the executive

[184] Interview, David Darchiashvili, Former Chairman of the parliamentary Committee on European Integration/Ilia State University, Tbilisi (6th August 2011).
[185] Interview, Anonymous (G-3), Detective, 7 years service, Georgia (August 2011).
[186] Interviews: Anonymous (G-4), Former EU official, Georgia (August 2011); Anonymous (G-6), Western police official 2, Georgia (August 2011).
[187] Interview, David Darchiashvili, Former Chairman of the parliamentary Committee on European Integration/Ilia State University, Tbilisi (6th August 2011).
[188] Other funds also existed, including the Army Development Fund and the Ajaran Development Fund.

branch was not allowed to spend funds not authorised by the legislature (Areshidze, 2007, p.237; Kukhianidze, 2009, p.226; Kupatadze, 2012a, p.27). The fund was closed in 2005 under pressure from the IMF but the government continued to provide limited information on MIA funding. Jones regards the Ministry as, 'the least transparent body in [the post-revolution] government.' (Jones, 2013, p.166; See also: di Puppo, 2010, p.3). One Eurasianet report cited difficulties in finding information about the Ministry's tender programme, noting incomplete information posted on its website (EurasiaNet, 2012b). In general, the government's budgetary transparency was poor. Before a vote on the 2011 budget, a 100-page budget overview was released to the public and parliament but it lacked detail. For example, presidential and government reserve funds were each allocated 50 million lari (roughly $28.6 million), around 11 percent of the total 877.5 million lari budget, but no information was contained within the document about their intended uses. Public information on the 2009 and 2010 budgets remained limited to 100-page overviews (EurasiaNet.org, 2010). In its 2010 report, the International Budget Partnership[189] gave Georgia an average score on its Open Budget Index (on a par with Ghana). Although the report praised Georgia for progress made since 2006, it critiqued the budget's lack of comprehensiveness (International Budget Partnership, 2010b, p.5, 9; International Budget Partnership, 2010a).

The police remained politicised because they were accountable only to the executive, which had limited concern for the rule of law and used the police to consolidate its position.[190] From December 2003, high-profile officials, businessmen with associations with the Shevardnadze regime and several former ministers, were arrested, mostly on charges of corruption. In at least one incident, weapons were planted on a businessman (Krunic & Siradze, 2005, p.56; Wheatley, 2005, p.203–204). The selective targeting of political opponents continued after the revolution's early stages. In addition to Okruashvili, criminal investigations were launched selectively against leading members of the previous government, or their families (Areshidze, 2007, p.211–225; Cheterian,

[189] Funded by the Ford Foundation and the Open Society Institute.
[190] Interview, Alexandre Kukhianidze, Former Director, Terrorism, Transnational Crime and Corruption Center (Georgia), Tbilisi (24th July 2011).

2008, p.703; International Crisis Group, 2012a, p.4–6). When Burjanadze left parliament as a UNM MP, in April 2008, she received a fashionable villa but, after she joined the opposition in October, the government's tax agency and the courts suddenly 'discovered' the real value of the property (Fairbanks, 2010, p.148). Even in less politically influenced incidents, business cases could be artificially stretched out depending on their nature and the interests involved (Guledani, 2005, p.125).

The police were also used to suppress popular expressions of discontent. A lack of professionalism may, at least in part, be responsible for heavy-handed policing during protests although police performance improved in 2009, compared to 2007. The police at first exhibited some restraint when, in April and May 2009, the opposition built protest camps and blocked key avenues in Tbilisi (Light, 2013, p.11). For a period, they guaranteed the right to protest despite some demonstrators' use of controversial tactics and a number of scuffles, including an attack on a journalist critical of the protests and an attempt to storm a police station. Nevertheless, the government created the conditions for poor police handling of protests. The lack of effective external oversight mechanisms removed incentives for the police to moderate use of overly-forceful tactics whilst the government's selective targeting of its political opponents created incentives for politicisation. The 2007 protests were suppressed in a heavy-handed way and armed police also closed Imedi-TV in a manner widely criticised for its excessive violence (De Waal, 2011a, p.6, 7; Slade, 2012a, p.51; Cornell et al., 2007, p.10–12, 16). By June of 2009, government patience with the protests of that year appeared to have worn out. Protestors were dispersed violently and dozens of activists arrested throughout the country for illegal possession of arms (Welt, 2009, p.212–213). A review of these and other, allegedly politically motivated, cases by the Georgian Young Lawyers' Association, revealed deficiencies in the judicial process and violations of legal and procedural norms, and concluded that they were either representative examples of politically motivated prosecutions or indicative of serious flaws in the process of prosecution (Georgian Young Lawyers' Association, 2011, p.98). One Western police official commented on the 2009 protests as follows:

> For example, the last demonstration we had, I was there in the demonstration… In my opinion, it was full of normal people – old people over 60, 70, younger people, middle-aged people. It was not really wild. It was just a kind of big party. There were 10 percent who were of the 'masked guys' sort. At twelve o'clock we said, 'Okay, we'll go home.' At 12:15 the police started to actually clear the place. Then I saw the video footage… The first five minutes of the police operation they looked really good. They came in quiet and in formation. Everything was right. But after five minutes, they lost their patience and they started to kick and hit people without any warning, just normal people. You can see them on YouTube on the video footage there. We saw it on television. They just hit guys standing at arms length. That's not a professional policeman. That's just a fighter.[191]

High-level impunity

The retention of a personalised system of governance also contributed to abuses of police power and political interference in investigations. The most infamous incident was the murder of a young banking executive, Sandro Girgvliani, in 2006. Girgvliani was involved in a verbal altercation with officers from the MIA's Department of Constitutional Security attending Merabishvili's wife at a restaurant in Tbilisi. According to the MIA's investigation, Girgvliani was seized, driven to a cemetery on the outskirts of the city, beaten and stabbed to death. Four officers were convicted of his manslaughter but were pardoned and granted a pre-term release in September 2009 (Civil.Ge, 2011; Light, 2013, p.12). The case created a scandal with accusations that the involvement of more senior officials in the murder was covered up. Girgvliani's relatives subsequently bought a civil case to the European Court of Human Rights, which decided there was insufficient evidence to suggest the officers were acting on superior orders. The Court was, however, highly critical of the investigation and the Georgian government's subsequent cooperation with its investigation (Civil.Ge, 2011; Light, 2013, p.12).

Political authorities' reaction to the Girgvliani case was particularly troubling. Instead of turning attention to failings within the MIA, the clamour for Merabishvili's resignation was greeted with derision and an attempt to blame the scandal on political opponents (both real and, perhaps, imagined). Saakashvili stated:

[191] Interview, Anonymous (G-6), Western police official 2, Georgia (August 2011).

> I know very well the real reason, [for calls for Merabishvili's resignation] we have touched very well-organised oligarchic capital, including Russian oligarchic capital as well as very serious local mafia interests. Those people who are now shouting loudly are the people who do not like the fact that the confiscation of the property of 'thieves-in-law' has been launched. (Slade, 2007, p.176)

The president denied that there were any cases of torture or police beatings, a reaction which prompted one Amnesty official to warn that such statements could give the impression to police officers that they can act with impunity (Cheterian, 2008, p.704). The punishment experienced by the officers also smacked of double standards. At a time when many less serious crimes were severely punished (see below), the three years the officers served for manslaughter suggested favourable treatment of police found guilty of crimes. As Giorgi Tugushi (Public Defender, 2009-2012) informed Light, the rarity of successful prosecutions or dismissals of officers 'promotes impunity' within the police (Light, 2013, p.12).

Corruption

Retention of a personalised, patrimonial system of governance at the top of the Georgian political system, combined with a powerful executive, created conditions conducive to rule by law and high-level corruption.

In the first few years after the Rose Revolution, various anti-corruption measures were used to secure funds from former regime figures, organised criminals and businessmen. Although many of these actors were guilty of corruption, the tactics used displayed a disregard for equality in law. Areshidze describes the process as follows: heavily armed police would arrest a high-profile target; television crews would accompany the police publicising the arrest; the target would be taken to court the next day and charged with 'some trumped-up crime'; prosecutors would demand the individual be held in three-month detention pending an investigation; once in jail, the alleged criminal would be offered the chance to pay a large sum of money to secure his release (Areshidze, 2007, p.212–213; See also: Broers, 2005, p.346). In a number of cases illegal police wiretapping was used and there was a lack of clear evidence

(Slade, 2012a, p.45). Such measures were used selectively against the regime's opponents. Corrupt officials who supported Saakashvili in the old or new governments remained untouched (Kakachia, 2005, p.10; Esadze, 2006, p.114; Lanskoy & Areshidze, 2008, p.162; Jones, 2013, p.170).

In the immediate aftermath of the revolution, privatisations were corrupt and nepotistic, with state assets sold for a fraction of their value to local officials and friends and relatives of those overseeing the processes. A lack of transparency hindered scrutiny of any such transactions (Shelley, 2006a, p.7–8; The Messenger, 2009; Lazarus, 2013, p.267). Other assets were forcibly 'de-privatised' by the new government then offered for re-sale (Papava, 2009b, p.203; Papava, 2009a, p.12). These problems continued as the revolution matured. Berglund notes that businessmen close to the ruling party enjoyed preferential treatment, enabling them to establish oligarchies and monopolies over sectors of the economy. For example, David Kerezashvili, an ally of Saakashvili, was highly successful within the gasoline and advertising industries whilst Kakhaber Okriashvili, an influential MP, was involved in the oligopolistic pharmaceutical market (Berglund, 2012, p.16, 17; See also: Kupatadze, 2012a, p.27–28). Kupatadze also claims that there is no explanation, other than elite corruption, accounting for a close friend of Saakashvili becoming one of the biggest businessmen in the country, owning official and unofficial stakes in a number of key business sectors (Kupatadze, 2012b, p.176).[192] Also, the president's personal representative in Ajara and old classmate from university, Levan Varshalomiddze, was accused of using his control over legal and administrative appointments to illegally redistribute land amongst his network and to punish political opponents (Marten, 2012, p.82).

Although corruption was certainly not as visible as under Shevardnadze, its occurrence was not just confined to ruling elites. The manager of a large state enterprise reported to Kupatadze in 2009 that 'the winner in every public procurement tender exceeding $50,000 is pre-determined from above.' (Kupatadze, 2012b, p.174) In 2008, the World Bank and EBRD's Business

[192] This figure is not named.

Environment and Enterprise Performance Surveys (BEEPS) reported that, 14.7 percent of firms expected to give gifts to public officials 'to get things done' and 20.4 percent identified corruption as a major constraint (World Bank, 2012a). The security of poor people's property and/or those without connections was particularly vulnerable to manipulation of state bureaucratic mechanisms for private economic purposes. In 2007, a project was begun to digitalise property registration, with assistance from USAID. In a number of incidents, legally documented paper titles did not make it onto the registry. Although critics of the government have acknowledged that it tends to observe property rights during promotion of large-infrastructure projects, they also point to a number of questionable cases where they appear to have been violated in connection to smaller projects, or where they clash with elite interests (EurasiaNet, 2012a). In 2012, four NGOs, including Transparency International, highlighted hundreds of cases of property owners forced to abandon their property or have it arbitrarily re-registered to the state. In one case, although NGOs reported that the donors had not, themselves, claimed they were victims of threats, the circumstances were very suspicious. The property was located in a tourist region, where owners could have gained high prices on the private market; the gifting of properties took place simultaneously, within a period of one to two weeks; and registration procedures were completed far quicker than is normal (Association Green Alternative et al., 2012).

Police were complicit in illegalities during the post-revolution redistribution of property. In 2006, the Public Defender found that the Fiscal Police abused their position of power during a dispute between an Agricultural Ministry wine company and an Italian firm, resulting in destruction of some of the latter's stock (The Public Defender of Georgia, 2006, p.121–124). Kupatadze argues that this is not an isolated case and political links were frequently used against legitimate economic competition (Kupatadze, 2012b, p.136). For example, one human rights organisation accused the father and brother of Varshalomidze (in Ajara) of bullying residents of an apartment complex to sell their properties and having one, who refused to sell, arrested (Humanrights.ge, 2009; Marten, 2012, p.82). These incidents suggest that police reform failed to adequately curtail the

influence of powerful political figures over decisions of the Georgian judicial system, when resolving property and economic disputes.

The Security Police Department of the MIA is also a source of revenue but, due to the MIA's general lack of transparency, it is difficult to find out exactly where this revenue ends up and the MIA's branching into the private security arena is a cause for concern. As early as 2005, one report argued for the removal of the Security Police from the MIA, pointing out that the Ministry is not a profit-orientated agency (Krunic & Siradze, 2005, p.60). Many of Georgia's historic policing problems occurred because of police involvement in economic activities. The MIA's role in the private security market is, at the least, a potential distraction to an organisation that should be focused on public security and, in the worst case, a potential source of revenue for corrupt officials.

The imposition of neo-liberal economic reforms

The post-revolution elites used their firm control of executive resources, including the police, to drive through unpopular economic reforms. Neo-liberal economic reforms helped reduce corruption and attract some foreign investment but did not lead to a considerable reduction in poverty. As one taxi driver summed up, 'There's no corruption but there's not enough to live on.'[193] Georgia remains a poor country in absolute terms and relative to other former Soviet states (De Waal, 2011a, p.15). One 2004 USAID report estimates average monetised household monthly income at $132 for urban households and $89 for rural ones.[194] Survey data from recent years suggest a large portion of the population remains very poor. In the 2008 round of the Caucasus Barometer, 32 percent of respondents reported that their monetised household monthly income was $100 or less, and in 2009, 2010 and 2011 the figure rose to 39, 38 and 54 percent respectively (CRRC, 2009; CRRC, 2010; CRRC, 2011; CRRC, 2012). The World Bank's Poverty Assessment Report for 2009 explains why the general expansion of the economy did not result in substantial poverty reduction:

[193] Encounter, Anonymous (G-10), Taxi driver, Tbilisi (August 2011).
[194] Conversion based on historical average conversion rates (February 2004): http://fxtop.com/en/historates.php

> While the average real earnings in the economy have increased noticeably since 2003, this did not contribute much to poverty reduction. The main reasons for this are: (a) comprehensive economic and public sector reforms since 2003 have so far resulted in the shedding of labour – job destruction surpassed job creation; and (b) those sectors that did register an increase in employment and/or wages (for example, construction, financial services, mining, public sector) account for only a minor share of overall employment. (World Bank, 2009, p.1)

The poor economic situation was partially attributable to the new elite's ideological commitment to neo-liberal economic policies. In what Jones terms, 'an inflexible adherence to idealistic principles,' the revolutionaries slashed the size of the public sector and drastically reduced the number of taxes and regulations on business (Jones, 2013, p.183; See also: Jones, 2012, p.7). The government sought to make their reforms irreversible by introducing a 'Liberty Act' in 2009. This made the introduction of new taxes contingent on a referendum and set a maximum ratio of budgetary expenditures to GDP at 30 percent and a budget deficit at a maximum 3 percent of GDP and a maximum of 60 percent of debt-to-GDP ratio (Civil.Ge, 2009b; Jones, 2012, p.8; Lazarus, 2013, p.272). In addition, the government used the remit of its powers to target perceived barriers to its reforms. Saakashvili referred to trade unions as, 'useless mafia-type organisations' and launched an attack on the Georgian Trade Union Confederation, which saw 90 percent of its assets seized and officials arrested (Jones, 2013, p.129). In 2006, a new labour code was introduced, making it considerably easier to fire employees. Employers could dismiss their workers for any reason, provided a month's severance pay is paid, effectively deterring many from involvement in collective bargaining (EurasiaNet, 2009; Transparency International, 2011, p.78; IWPR, 2012; Jones, 2013, p.129–130).

In the face of political and popular resistance to its economic policies, the executive relied extensively on coercion, or its threat, to drive through the reforms. In a process which Transparency International dubbed, 'tax terrorism' the financial police were used to resolve commercial disputes in favour of parties with links to high-level officials, or to find irregularities in businesses with opposition connections (Transparency International, 2010b, p.9–10). For

example, law enforcement agents were used in an attack against Patarkatsishvili's business group, Salfard Capital, and the Arti Group owned by a close associate of Okruashvili (Kupatadze, 2012b, p.132–135). At a lower institutional level, to generate compliance, state actors utilised harsh crackdowns and, possibly, entrapment, against officials, other ordinary workers and small businesses in order to generate compliance. In his ethnographic study of the fiscal aspects of state-building, Scheuth provides the following example,

> Makha, the owner-operator of a small 'supermarket' and pharmacy, had been fined 500 lari (approximately 300 USD at the time) for not giving a receipt to a teenager from an outlying village that the tax officials had sent into the pharmacy to make a 5 lari purchase. This incident was recounted to me by Makha and three other local entrepreneurs. One of these, Goga, owned the neighbouring shop and had been an eye-witness to the dispute. Confronted by the inspectors, Makha protested that her cashier had printed the receipt, but the teenager had rushed out of the shop without it. Goga and another bystander argued with the inspectors in support of Makha, saying that, even if no receipt had been given, an undocumented 5 lari purchase should not warrant a 500 lari fine. The way Goga told this story made it clear that he was trying to relate to the inspectors on a personal level, to get them to take the specific circumstances of the incident into account especially Makha's law-abiding, upright character. 'But there was no way out. From them nothing will save you,' he sighed. (Schueth, 2012, p.139)

The high costs associated with violating the new economic regulations consequently gave small businesses good reason to fear government shakedowns. Additionally, within the pubic sector, heavy punishments followed procedural violations and suspicion of corruption, developing an atmosphere of fear (Schueth, 2012, p.138; openDemocracy, 2012a).

Zero-tolerance policing

The elite's reliance on the coercive aspects of state-building, rather than on efforts to legitimate the process, resulted in the police becoming part of a criminal justice system that served not only to punish law breakers but also to whip the population into line. Previously tolerated behaviours became criminalised and punished heavily but they were not counterbalanced by adequate measures to ensure fairer due process. This created systematic insecurity for thousands entering the criminal justice system, and a wider distrust and fear of the system.

In the years after the revolution, the new elites developed a controlling, zero-tolerance approach to criminal justice to crack down on both lawlessness[195] and rule-breaking, more generally. In his annual address to parliament in 2006, Saakashvili stated, 'We want zero-tolerance. And it works. It is a fact that it works.' (openDemocracy, 2012b) Mandatory custodial sentencing for petty crime and criminals was introduced with, in the words of the president, the aim of 'cleaning our streets of this rubbish.' (openDemocracy, 2012b) One outcome was that Georgia's prison population skyrocketed by 300 percent, from 6,000 inmates under Shevardnadze to over 24,000 in 2012 (Slade, 2012a, p.49). Additionally, the age of criminal responsibility was lowered from 14 to 12[196] and there was a 50 percent increase in the number of juveniles prosecuted from 2005-2007, with around 37 percent receiving a custodial sentence (Hamilton, 2007, p.ii–iv; Jones, 2013, p.171). Although the lower level of incarceration under Shevardnadze may be evidence of prior corruption within the penal system, a 2012 report by the UN Working Group on Arbitrary Detention attributed the rise partly to harsh and excessive sentencing. The Working Group noted the lack of alternatives to deprivation of liberty, and detention periods excessively disproportionate to crimes. For example, some of those interviewed by the Group were held in pre-trial detention for several months for crimes such as fraud (UN Human Rights Council, 2012, p.2, 12–13, 16). In 2006, members of a human rights NGO were jailed for thirty days for demonstrating in support of two founders of a television station imprisoned for 'extortion.' In June 2007, also, members of the same organisation were jailed for twenty days for writing, 'No to Violence' on the road (World Organisation Against Torture, 2006; Dolidze, 2007).

Overall, the regime placed considerably more focus on strengthening judicial capacity to prosecute rather than on reforming mechanisms to prevent miscarriages of justice. Although institutional reforms injected more fairness into the system, in practice, Georgian legal culture remains slanted towards prosecution and there is a lack of a vigorous legal defence culture. This is hardly

[195] Ekaterine Tkeshelashvili, Former State Minister for Reintegration/Deputy Prime Minister of Georgia, Tbilisi (25th August 2011).
[196] This was reversed in 2010.

surprising as there is scant history in Georgia of defence lawyers performing much more than a perfunctory role (Waters, 2005; Stefes, 2005; Zullo, 2005). Prosecution lawyers continue to enjoy a higher status and better job prospects.[197] There is a lack of quality, affordable defence lawyers[198] and, consequently, defence cases are often poorly prepared.[199] In the absence of effective defence lawyers and judges knowledgeable with, and inclined to protect, defendants' rights, the prosecution remains one of the most powerful actors in the judicial system. In 2008, the American Bar Association noted:

> [I]ndependence [from the procuracy] is seen [as] the exception rather than the rule, and prosecutors are said to exert significant influence over judges, as evidenced by the extreme rarity of acquittals and by sentences that are usually in line with prosecutors' requests. (American Bar Association, 2008, p.3)

Interviews conducted with legal practitioners in 2011 suggest little progress had been made in altering this state of affairs.[200]

The relative power of the police and prosecution was also enhanced by the introduction of plea bargaining in 2004. Although widely used in the US, not without controversy, plea bargaining in Georgia is particular problematic. Because acquittal rates are practically zero, defendants have no leverage during plea bargaining, allowing prosecutors to dictate terms and produce 'take it or leave it' offers (Transparency International, Georgia, 2010, p.14). The weakness of the defence and, supposedly neutral, justice officials means that, effectively, the prosecution decides how individuals will be convicted. As a 2010 Transparency International report noted,

> If you're charged for a crime in Georgia, you can be pretty sure that you'll be found guilty. Conviction rates are sky high. Of the 17,639 criminal cases filed at Georgian courts during 2008, only seven ended in an acquittal and 111 more were terminated before a verdict was reached. (Transparency International, Georgia, 2010, p.12)

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[197] Interview, David Aprasidze, Tbilisi State University, Tbilisi (10th August 2011).
[198] Interview, Merab Basilaia, ALPE Foundation (NGO), Tbilisi (11th August 2011).
[199] Interviews: Ekaterine Tkeshelashvili, Former State Minister for Reintegration/Deputy Prime Minister of Georgia, Tbilisi (25th August 2011); Anonymous (G-7), UN official 1, Georgia (August 2011); Anonymous (G-8), UN official 2, Georgia (August 2011).
[200] Interviews: Anonymous (G-7), UN official 1, Georgia (August 2011); Nika Kvaratskhelia, Youth for Justice (NGO), Tbilisi (17th August 2011).

The initial rationale for the introduction of the system was to aid the crackdown on organised crime, to uncover high-level cases of corruption and to provide accused persons the means of paying back to the state embezzled funds in return for lighter sentences (Slade, 2012a, p.44). Since then, its use has expanded and it is now a key feature of the criminal justice system.

Table 5 Plea bargaining rates in Georgian courts, 2005-2009

Year	Criminal cases	Plea bargains	Percentage plea bargains
2005	7,358	932	12.7
2006	13,602	3,791	27.9
2007	17,526	8,432	48.1
2008	17,639	9,207	52.2
2009 (Jan – Aug)	9,459	5,380	56.9

Source: (Transparency International, Georgia, 2010, p.3)

Inadequate checks and balances, integrated into criminal justice procedures, have a knock-on effect on police behaviour. Georgian courts put little pressure on prosecutors to ensure cases are supported by adequate evidence gathered in accordance with the law. In turn, this means there is little need for prosecutors to pressurise police to achieve a similar goal. One Western police official contrasted the lack of pressure Georgian courts exert on police, with the pressure placed on police by UK and US courts to obtain evidence legally:

> In the UK, you can take civil action against an officer but the evidence will still be admitted in the trial. In the United States, you can't use the evidence in the trial *and* you can take civil action against the officer. So when you look at the punitive measures of the court and then the general punitive measures of civil liability, these don't exist yet in Georgia.[201]

Neither judges, nor prosecution or defence lawyers, check that Georgian police have performed their duties according to the law:

> Police officers and prosecutors have very high legitimacy in court. What they say is more trusted than what defence lawyers say. According to the new procedures, every party is equal and the judge should be an arbiter. But if this mentality will not change, if this policy will not change – that the police and the prosecutor is always right – it will not be executed well in the law.[202]

[201] Interview, Anonymous (G-1), Western police official 2, Georgia (August 2011).
[202] Interview, Ekaterine Popkhadze, Executive Director, Georgian Young Lawyers' Association, Tbilisi (25th August 2011).

Instead, police actions are mainly rubber-stamped, so any misdeeds and abuses of police power are not investigated:

> The protection guarantees which are afforded by law to police officers greatly contribute to the misuse of their powers and also the court's comprehension of what the police officer reports. We have had cases when protesters were detained and they were brought before the court. There was no counsel present or defence counsel present.[203]

The elites did not develop adequate mechanisms to curb police excesses. A lack of effective internal and external mechanisms means that police violence is not addressed and officers inclined to excesses are not punished or removed. In 2011, the European Instrument for Democracy and Human Rights (EIDHR) reported improvements with respect to curbing excessive use of force as a routine practice but also noted its frequent use during arrest, interrogation and transfer of detainees (EIDHR, 2011; US State Department, 2011). The Public Defender of Georgia noted that the number of abuses in police detention was a serious problem in 2006, albeit less so in the latter part of the year, as was the lack of vigorous investigation of cases (The Public Defender of Georgia, 2006, p.2). Similar problems were recorded in the Defender's 2010 and 2011 reports, indicating that these issues have not been addressed (The Public Defender of Georgia, 2010, p.162–170; The Public Defender of Georgia, 2011, p.8, 14, 46–51). Evidence of violence in other parts of the criminal justice system also indicates systematic problems. In September 2012, several videos emerged of prison guards abusing inmates, including one incident in which a prisoner was sodomised with a prison broom handle (openDemocracy, 2012b). In one, a boy under 18 was beaten for not cursing the 'thieves' and, in a video from a different prison, an inmate was tortured into confessing to being a thief (The Independent (UK), 2012). These cases demonstrate the negative effects of demonising criminals without ensuring provisions for maintenance of their welfare. The post-revolution prison reform instigated extra punishment for prisoners expressing support for the norms of the thieves-in-law' criminal subculture (openDemocracy, 2012b). Similar to cases of police violence, the authorities failed to accept any responsibility for the abuse and blamed it on opposition-

[203] Interview, Nika Kvaratskhelia, Youth for Justice (NGO), Tbilisi (17th August 2011).

affiliated prisoners who, in the run up to the parliamentary elections, had bribed guards to torture prisoners to discredit the government (The Independent (UK), 2012).

Effectiveness

The high level of trust enjoyed by police is some indication of general improvements in effectiveness. Nevertheless, important shortfalls remain and police lack the right skills and approach with which to address some routine problems in accordance with the principles of democratic policing.

In the immediate stages of police reform there were obvious skills shortages because the old force was replaced by recruits with little training. The main focus was on getting officers on the street who would not be corrupt, rather than officers competent at performing technical tasks such as managing traffic or investigating accidents. Many new recruits were selected on the basis of their university education resulting in what some commentators described as a force which was overeducated but underskilled (Krunic & Siradze, 2005, p.24). It is commonly reported that the new recruits received only two weeks' training[204] but one Western police advisor questioned even that stating that, until the end of 2005/start of 2006, many recruits went straight into the police. Up until 2008, recruits received two weeks basic training and, since then, recruits receive six weeks,[205] followed by a probation period.[206] One consequence of this is that police lack the skills to perform some basic tasks. Two Western police advisors highlighted flaws in the way police deal with traffic and accidents.[207] One noted:

[204] (Krunic & Siradze, 2005, p.24)
[205] Interview, Anonymous (G-1), Western police official 1, Georgia (August 2011).
[206] Interview, Colonel Levan Matchavariani, Head of Mtskhete-Mtianeti Region Patrol Police, Tbilisi (27th August 2011).
[207] Interviews: Anonymous (G-6), Western police official 2, Georgia (August 2011); Anonymous (G-1), Western police official 1, Georgia (August 2011).

> [After an accident] the police arrive and start taking measurements from where the cars are parked, to put on the accident report and when you ask them, 'Why are you doing that?' [They reply:] 'Well, we were told in training to measure the accident.' 'Well guys the accident occurred over here, not on the side of the road.' 'But we were told in training to measure.' It's very rigid, 'this is what we're told to do' [rather than] knowing that the actual thing you should be doing is looking at where the accident actually occurred.'[208]

A more serious problem is that reforms may not have instilled the police with the need to conduct themselves in accordance with a public service ethos throughout their daily routines. Again, the gains which have occurred are a substantial improvement on the old police. Nevertheless, the long history of police impunity has not been addressed by police reform:

> Western police advisor – Over the last few years the police have improved. They have got more professional but they are far away from a so-called European standard.
>
> LOS – How so?
>
> Western police advisor – Just look at the streets!... Consider the ethic a police officer actually shows to the public or how a police officer behaves in public, so that he is accepted as an authority. This means I can't overtake other cars without any reason. I have to stop at a red light if I'm not driving to some emergency or whatever. I can't just stop there, blocking the street and having a nice chat with my buddy on the window. I can't try to regulate the traffic with a cigarette in one hand and my other hand on my radio, waving and shouting and so that nobody actually knows what I mean or what to do. That's the problem they have.
>
> LOS – You've seen that?
>
> Western police advisor – Yes, of course. I see it very often.[209]

I witnessed an example of police impunity during one meeting with an officer[210] who stressed the importance of certain aspects of police professionalism, such as hard work, punctuality and appearance, but also offered me a lift home, having consumed more than half of a 500ml bottle of vodka.[211]

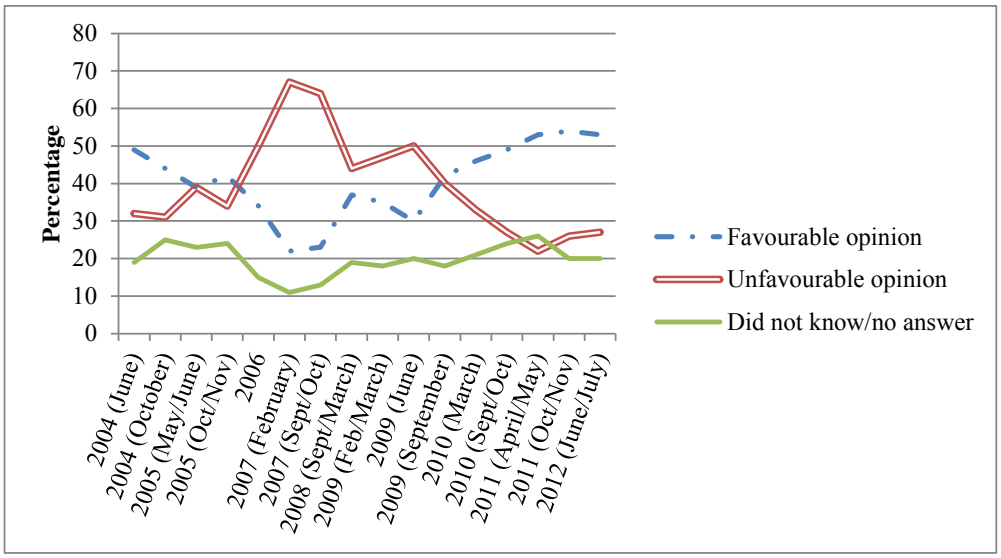
The high levels of trust enjoyed by the police, reported in Chapter 6, must also be treated with some caution. The available data do not record what Georgians do and do not trust their police to do. There is no data to determine how citizens

[208] Interview, Anonymous (G-1), Western police official 1, Georgia (August 2011).
[209] Interview, Anonymous (G-6), Western police official 2, Georgia (August 2011).
[210] Interview, Anonymous (G-3), Detective, 7 years service, Georgia (August 2011).
[211] I declined the offer.

who have interacted with police services rate their performance, and limited qualitative research on the subject. In conjunction with data assessing levels of trust in other areas of the judicial system, however, the evidence, as a whole, suggests that Georgians seem to trust their police to maintain order, but not to perform their duties in accordance with equality in law.

Survey data indicate mixed results on Georgian levels of trust towards courts. The International Republican Institute's data report a decline in levels of trust after the revolution but remarkably high levels from late 2009 onwards, given the degree of political polarisation and opposition claims of judicial bias:

Figure 21 Respondents' opinion of Georgian courts, 2004-2012.

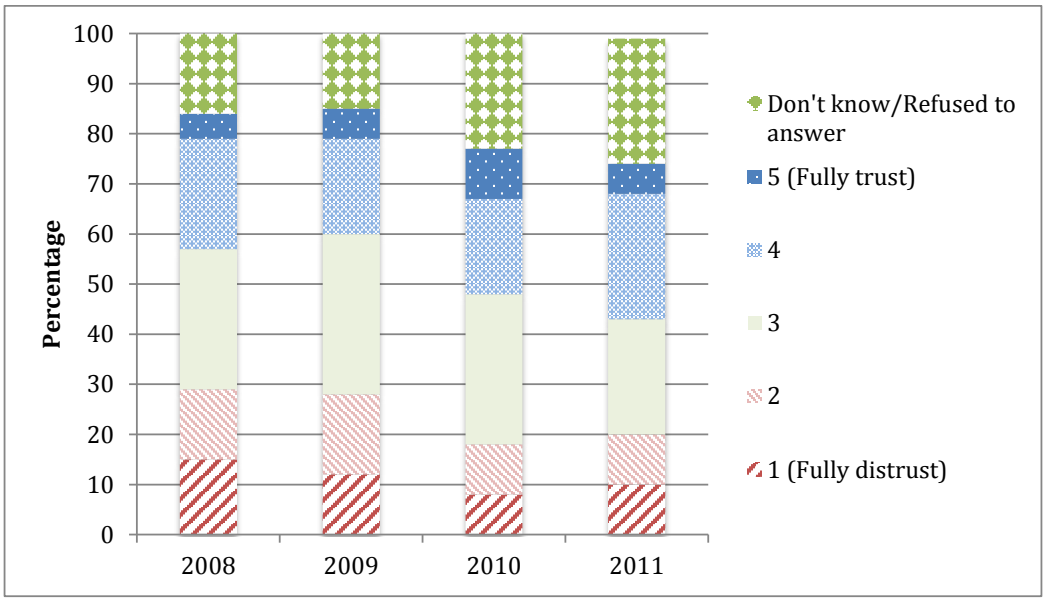


Compiled by the author from: (IRI, 2004a, p.92; IRI, 2004b, p.52; IRI, 2005a, p.80; IRI, 2005b, p.75; IRI, 2006a, p.75; IRI, 2007b, p.94; IRI, 2007a, p.67; IRI, 2008a, p.44; IRI, 2009b, p.79; IRI, 2009c, p.46; IRI, 2009a, p.47; IRI, 2010a, p.46; IRI, 2010b, p.46; IRI, 2011a, p.54; IRI, 2011b, p.34; IRI, 2012a, p.29)

Data from the Caucasus Research Resource Centers' programme paint a different picture. From 2008-2011, no more than 31 percent of respondents fully or partially trusted Georgian courts (Figure 22). In comparison, over 60 percent of respondents, drawn from a group of OECD states,[212] trusted their justice systems either a great deal or quite a lot (World Values Survey, 2013).

[212] Australia, Canada, Cyprus, Finland, France, Germany, Great Britain, Italy , Japan, Netherlands, New Zealand, Norway, Poland, South Korea, Spain, Sweden, Switzerland, United States.

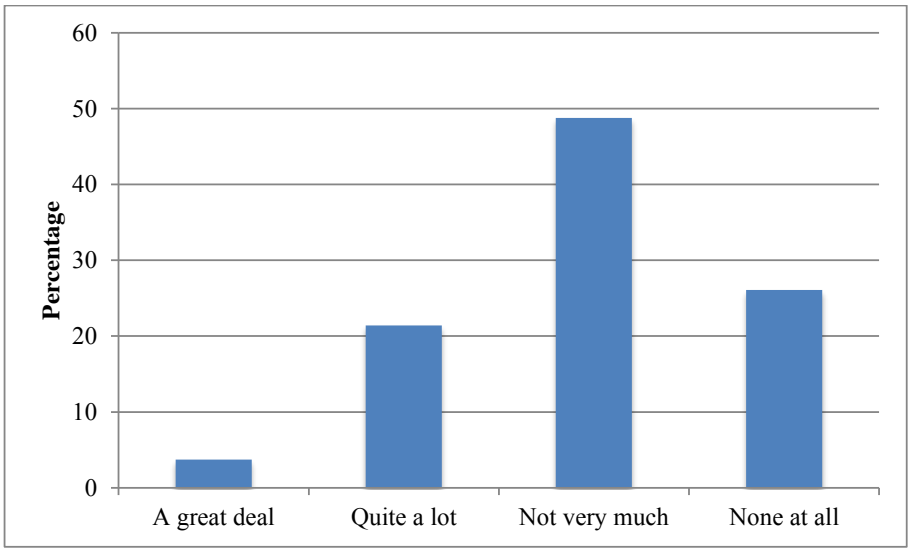
Figure 22 Trust in Georgian courts, 2008-2011



Respondents select level of trust on a 1-5 scale (1-Fully distrust – 5-Fully trust). Compiled by the author from: (CRRC, 2009; CRRC, 2010; CRRC, 2011; CRRC, 2012)

The World Values Survey, carried out in Georgia in 2008, supports the data above and suggests a low level of trust in Georgian courts:[213]

Figure 23 Confidence in the Georgian justice system, 2008



Source: (World Values Survey, 2013)

[213] N=1,328

Low confidence in the justice system suggests the reforms were only partially successful at overcoming the barriers to democratic policing. As the qualitative information presented earlier in the chapter indicates, the reforms succeeded more at improving the capacity of the police rather than checks and balances on executive actors' powers. Survey data generally reflects this imbalance. Georgians trust the capacity of their police but not the system of criminal justice for which they work.

Sustainability

In October 2012, the UNM lost control of parliament to Georgian Dream, an ensemble coalition formed only seven months earlier and led by the billionaire Bidzina Ivanishvili. This engendered a period of political instability that could well expose the fragility of police reform (EurasiaNet, 2013; Rukhadze, 2014). Saakashvili's government failed to institutionalise the democratisation of Georgian political society or address high-end corruption and there is evidence members of the victorious coalition have used rule by law to settle political scores and misuse public office for private gain. Whilst it is too early to judge the sustainability of the police reforms, police are now dependent on a new set of personalities in control of the state. They have therefore replicated political changes and remain politicised and, possibly, complicit in high-end corruption.

Saakashvili remained president until October 2013 but 2010 constitutional changes and victory in the parliamentary elections established Ivanishvili as prime minister, Georgia's dominant political figure. The new government inherited a reasonably capable state and quickly used this capacity to target prominent UNM figures. By November 2012, prosecution proceedings were opened against 23 former officials for alleged crimes, including corruption and torture (Foreign Policy Blogs, 2012; International Crisis Group, 2012a, p.4–6). In May 2013, Merabishvili was detained and placed in pre-trial detention and in December charges of corruption were filed against Gigi Ugulava, the mayor of Tbilisi. Whilst the level of high-end corruption under the UNM indicates some prominent former officials have cases to answer, many cases have been bought

with substantial allegations, but little convincing preliminary evidence (Sharashenidze, 2013; Socor, 2013; Socor, 2014b; Socor, 2014c). Figures within the new coalition have also been embroiled in a number of scandals, questioning their commitment to democratic policing. Georgian Dream is a broad coalition but contains, what one commentator called, some 'odious figures', including Shevardnadze-era politicians (Rukhadze, 2013a). After the elections, GD parliamentarians and bureaucrats used public funds to purchase luxury cars, took large government bonuses and used patronage to secure government offices for relatives and friends (Rukhadze, 2013b; Rukhadze, 2014). In December, Chief Prosecutor Otar Partskhaladze was forced to resign after it emerged that, in 2001–2002, he had served over a year in Germany for robbery and resisting police (Civil.Ge, 2013; Socor, 2014a).

Although there is no evidence of a return of mass predatory policing or police involvement in organised crime, police are dependent on personalities within the new regime and are, therefore, susceptible to politicisation and compliance with elites' rule by law, and even corruption. Shortly after the election, 13 top MIA officials were charged with exceeding their powers, illegally possessing drugs and weapons and/or misappropriating state property. As with other cases targeting persons close to the former regime, the UNM claimed the charges were politically motivated (Civil.Ge, 2012; International Crisis Group, 2012a, p.4). The MIA's personnel policy appears to retain patrimonial elements. Irakli Gharibashvili, interior minister from October 2012 to November 2013, is closely connected with the Ivanishvili family, having run Ivanishvili's charity foundation, sat on the supervisory board of the billionaire's bank and even managed the record label of Ivanishvili's son. Gharibashvili allegedly used his position to secure positions for relatives which, Kupatadze said, contributes to, 'a worrying trend of "legitimising" nepotism.' (EurasiaNet, 2013). The extent to which the new government will continue to use executive power to address prior injustices or target political opponents, or to enhance the personal and economic interests of its members and allies, remains to be seen. These early indications suggest, however, that police reforms were more successful at institutionalising the

enhanced capacity of the police but governance of the police remains dependent on personalities, rather than democratic institutions.

Conclusion

The Georgian police reform demonstrates the dangers associated with prioritising state-building over measures to improve police accountability and to distribute police powers. Overall, reform resulted in a police which is much more effective, and, by virtue of this (in the Georgian context), is more legitimate, accountable and better able to observe equality in law and human rights. However, reform failed to adequately limit police powers and ensure the police uphold standards of democratic policing. Under Shevardnadze, the new police was deeply corrupt and criminalised but the government's control was so weak that the police was only inefficiently politicised. The post-revolution elites enhanced state control and used it to curtail these problems. In doing so, however, they established a politicised and personalised police force. A tight group around the presidency had virtually complete control of the legal and procedural frameworks governing policing, police strategy, high-level promotions and budgeting. The police replicated the new elites' toleration of high-level corruption and impunity and their intolerance of political opposition. Additionally, the new government zealously implemented a swathe of ambitious public sector and unpopular economic reforms, regardless of the level of opposition, and it used its enhanced control of the state's coercive apparatus to enforce these. As discussed in Chapter 6, the elite's prioritisation with strengthening executive power over institutionalising democratisation of the state may have prevented anti-corruption measures from being blocked by spoilers. The approach was somewhat of a double-edged sword, however, as it allowed an increasingly unpopular elite to try to engineer vast social change paternalistically, with minimal accountability and whilst benefitting privately. In failing to create a police dependent on democratic institutions, rather than personalities, the gains achieved by the reform, therefore, may be undermined.

Conclusion

This dissertation set out to explore why police reform has been relatively successful in Georgia but unsuccessful in Kyrgyzstan and Russia, and to provide a critical analysis of the Georgian police reform. Police in transitioning countries have been associated with government repression, corruption, organised crime and violence. This association undermines democratic institutions, the rule of law and social stability, whilst contributing to poverty and inequality (Bayley, 2005, p.7–9; Goldsmith & Sheptycki, 2007, p.17–20; Hills, 2009a, p.65–78; Hinton & Newburn, 2009, p.6–23). Since the mid-1990s, as part of the SSR agenda, police reform has been touted by major policy actors as a means of reducing insecurity and facilitating development (Bayley, 2005, p.7–9; Brogden & Nijhar, 2005, p.2; OECD, 2007; Derks, 2008, p.2–3; Hills, 2009a, p.71–72; Sedra, 2010b, p.102). Policing and police reform in transitioning countries remain, however, theoretically underconceptualised. Most theory on policing is focused on Western countries (Mawby, 1999a, p.13). Research on policing in transition is largely empirical (Hills, 2000; Hinton, 2006; Pino & Wiatrowski, 2006a; Haberfeld & Cerrah, 2008; Hinton & Newburn, 2009; Taylor, 2011). There is little theory to explain how policing is affected by processes of transition (Mawby, 1990, p.1; Bayley, 2005, p.11; Brzoska, 2003, p.41; Stenning & Shearing, 2005, p.168; Hills, 2009a, p.21; Hinton & Newburn, 2009, p.3). Research on police reform is also limited. The academic literature on the subject is divided into problem-solving (Bayley, 2005; Bayley & Perito, 2010) and critical approaches (Sheptycki, 2007; Ellison & Pino, 2012) but neither of these address the core barriers preventing the implementation of democratic police reform which exist in transitioning states. In part, this has contributed to the limited success of democratic police reform and SSR (Sedra, 2010b, p.17; Hills, 2009a, p.77).

This study partially addresses this research gap by examining the relationship between policing and changes in state capacity and state quality. I focused on the state because police are often economically dependent on it, the state determines the legal and procedural frameworks governing policing, decisions regarding

police strategy and it recruits and promotes police (see Chapter 2, p.45). To examine the aforementioned relationship, I posed four research questions:

- What have been the most important factors which have shaped police behaviour in Georgia, Kyrgyzstan and Russia since the collapse of the Soviet Union?
- Why has police reform been relatively successful in Georgia?
- Why has police reform been unsuccessful in Kyrgyzstan and Russia?
- What are the limitations of the Georgian police reform?

I shall provide a synthesis of my empirical findings in the section below. In the second section, I explain this study's contribution to the theory on policing and police reform in transitioning countries. The third and fourth sections describe policy implications and recommendations for future research, respectively.

Empirical findings

This dissertation provides a rare qualitative study of policing in the post-Soviet space. It expands Volkov's study of the conflation between organised crime and state actors in Russia (Volkov, 2002) to examine the impact of low state capacity on policing across the region. In terms of state quality, it demonstrates the effect of elites' corruption, criminal activities and patrimonialism (Marat, 2006a; Kupatadze, 2012b) on police behaviour, as well as the influence of current and Soviet-era organisational practices. The study is one of the few, and, to my knowledge, the most in-depth comparative study of policing and police reform in the FSU.[214] It is also one of the few works to compare policing and police reform with changes in state and political transformation in the region.[215] Unlike previous studies, I engage considerably with the nascent theoretical literature on police and police reform in transitioning contexts and use my empirical findings aiming to advance this literature.

Various policing problems in the FSU stem from the absence of democratic political societies. The new states inherited institutional structures ill-equipped

[214] Other comparative works include a paper I co-authored (Kakachia & O'Shea, 2012), and heavily based on the research conducted for this study, and Marat's comparative policy piece (Marat, 2013).
[215] In addition to the following, single-country studies: (Shelley, 1996; Volkov, 2002; Taylor, 2011).

to handle the stresses of transition and to manage transitions of power, conflicts or the redistribution of property (Sakwa, 2002, p.53; Whitmore, 2004, p.3). They lacked effective and stable separations of powers and retained patrimonial and personalised neo-Soviet forms of governance. Insecure political leaders maintained their positions via patronage and corruption (Christophe, 2004; Jones Luong, 2002, p.51–101; Sakwa, 2009a; Mendras, 2012). Post-Soviet police were beholden to political, and often corrupt, masters for their positions and they, therefore, remained politicised, patrimonial and corrupt. Post-Soviet elites also typically demonstrated limited capacity or will to reform formal and informal norms governing police culture. Where these were untouched, police frequently fell back on Soviet-era practices, which were repressive, biased in favour of the state vis-à-vis the individual, and resulted in high levels of police violence (Beck & Robertson, 2005; Hensell, 2012; Semukhina & Reynolds, 2013, p.149–150; O'Shea, Forthcoming).

Substantial policing problems were caused by low state capacity. State capacity declined rapidly because of a quadruple transition characterised by the introduction of democracy, market institutions, difficulty of establishing sovereign states and the search for national identities to match these states (G. Smith, 1999, p.5–9; Kuzio, 2001, p.168–169). These processes engendered open contestation for control of the state, ethnic conflict and economic collapse. Each state's economic leverage over its police was drastically curtailed and police were not paid adequately (Fritz, 2007). They retained authorisation to use force and used this for private economic gain. Police sold their services to organised crime groups and engaged in criminal activities themselves, such as racketeering and predatory policing (Gerber & Mendelson, 2008; Taylor, 2011, p.162–185; Hensell, 2012; O'Shea, Forthcoming).

The relative success of the Georgian police reform was attributable to the implementation of a reform programme which prioritised state-building over democratisation (Areshidze, 2007; Cheterian, 2008, p.695; Welt, 2009, p.198; Jones, 2012, p.9–10; Kupatadze, 2012a, p.19; Lazarus, 2013, p.20). The new elites increased executive control over the police by raising police salaries, replacing

the old regime's police with officers loyal to persons within the new government, reducing opportunities for corruption and using executive resources to crackdown on organised crime. They were able to do this by consolidating executive power and monopolising control over Georgian political society and the public sector, to enhance state revenue and to target petty corruption. Ultimately, reform was dependent on the overall state-building project (Kakachia & O'Shea, 2012; Light, 2013). This, itself, was possible because of the weakness of the Shevardnadze regime, the new leadership's desire to curtail petty corruption and its non-pacted consolidation of power, and the existence of a Georgian nationalism which enhanced the legitimacy of the new government.

Reform has failed in Kyrgyzstan primarily because of low state capacity. Kyrgyz politics is dominated by patrimonialism. The Akaev network initially managed to engender a degree of stability by balancing the interests of various patrimonial networks but the regime was unable to maintain this, or enhance its power by authoritarian measures. From the 2000s onwards, the state has become increasingly contested by a nebulous mix of politicians, criminals and clans. No one group dominates control of legal and procedural frameworks governing policing, police strategy, or recruitment/promotion. Also, these groups prey upon the state, draining it of economic control over the police (Radnitz, 2006; Lewis, 2008; Juraev, 2008; Cummings & Ryabkov, 2008, p.247–249; Radnitz, 2010b; Temirkulov, 2010; Collins, 2011; McGlinchey, 2011). The Kyrgyz MVD remains corrupted and criminalised and no state agency has the power, or inclination, to reform it (Uzakbaev, 2009; Marat, 2013, p.26–43). Ultimately, state-building has been difficult in Kyrgyzstan because of a lack of a strong nationalism, or other bond, linking members of the polis (Radnitz, 2010b). Instead, the various factions are locked in a zero-sum game of politics where the increased power of one group is perceived as detrimental to other groups and large sections of the population.

In Russia, state-building has not resulted in improved perceptions of the police or reductions in police corruption and violence because increases in state capacity have not been accompanied by increases in state quality. Putin has

enhanced executive control of the police by improving funding, centralising the MVD and via its control of political society (Solomon, 2005a, p.232; Taylor, 2011). The MVD remains deeply criminalised and corrupt, however, because it continues to be led by personnel who advanced through the system by virtue of corruption and patronage (Semukhina & Reynolds, 2013, p.244–245; Solomon, 2013). Two factors explain why the executive has not addressed petty corruption, like its Georgian counterpart. First, Putin's position has been considerably weaker than is often reported in Western media. His first priority was to consolidate his political power by taking on the powerful Russian oligarchs and restoring executive control over the regions. Although state capacity has improved considerably because of this, Putin's power is less contingent than Saakashvili's was on appealing to popular demands to counter corruption. It is more dependent on the need to balance factional interests via patronage and tolerance of corruption. Second, the Putin regime is dominated by a governance style demanding order, control and discipline. Rather than developing a set of incentives to reduce corruption, the regime's reforms have relied extensively on punishment and scapegoating.

The Georgian case also demonstrates the limitations of police reform based on state-building. The new elite did not implement significant 'democratisation' *after* 'institutionalisation.' (Areshidze, 2007; Mitchell, 2008; De Waal, 2011b; Jones, 2013, p.107–178) Like Putin's state-building, the Georgian elite's state-building enhanced the state's despotic powers more than its infrastructural powers. Institutions which could have distributed or checked the executive's powers, such as parliament, the judiciary, civil society and the media, were neglected and even weakened. At the same time, the new elite was highly intolerant of political opposition. Consequently, the new, efficient police became a more efficient politicised police. A lack of accountability and elite toleration of high-level corruption and impunity, resulted in police violence and involvement in high-level incidents of corruption remaining a cause for concern (di Puppo, 2010; Slade, 2011; Light, 2013). Ultimately these limitations undermine the sustainability of the Georgian reforms, because they depend less on institutionalised practices, and more on personalities.

Theoretical implications

This study contributes theory on policing in transition and reaffirms/asserts the following points: First, the transitioning state is a, if not the, key actor in shaping police behaviour. Political will, and support within the police organisation, are essential to any reform process; Second, the dissertation builds on Paris's institutionalisation before democratisation thesis by arguing that the state must institutionalise its control of the police prior to democratising it. There does not necessarily have to be a pacted transition if a reform-minded set of elites has enough power; Third, neither the institutionalisation nor the democratisation of the police is likely to improve police performance in environments which lack a history of nationalism; Fourth, institutionalisation before democratisation can easily result in a repressive police which does not observe equality in law if it is not accompanied by elements of democratisation once the police are firmly under the state's control.

I identify low state capacity and poor state quality as the source of the major barriers to police reform in transitioning states. This contrasts with earlier empirical and theoretical studies, which identify the main barriers to reform stemming from the police organisation (Bayley, 2005; Bayley & Perito, 2010), a lack of democratisation (Pino & Wiatrowski, 2006b, p.113; Hinton, 2006, p.199–200; Hinton & Newburn, 2009, p.23; Ellison & Pino, 2012, p.210–212) and/or a hegemonic neo-liberal economic and political agenda, and the international institutions which promote it (Sheptycki, 2007; Ellison & Pino, 2012). The state is important, and police replicate its quality, because it shapes police behaviour via the following mechanisms: (1) the legal and regulatory frameworks which specify the functions of the police, its powers and mechanisms of oversight (Bayley, 1990, p.162–167; Bayley, 2005, p.51); (2) political leaders' direction of police strategy and, often, operational and tactical options (Bayley, 1990, p.161; 190–198; Andvig & Fjeldstad, 2008, p.6; Hinton & Newburn, 2009, p.6–8; 15–16); (3) political leaders' recruitment and promotion of personnel (Reiner, 2000, p.95–96; 193; Hills, 2007); (4) the state's economic leverage over the police (Bayley, 1990, p.169; Hills, 2009a, p.54, 207). There is little research on how

these mechanisms function in low-capacity states (Andersen et al., 2007, p.16). A number of authors have pointed out that, in such contexts, there is often a blurring between state security actors, organised crime groups and private security groups, all of whom may perform a range of criminal activities (Hills, 2000, p.163–164; Hinton, 2009, p.221). Volkov, although he focuses on organised crime groups, provides the clearest theoretical framework by differentiating these groups both by their relationship to the state and by whether they serve the interests of private or public groups (Volkov, 2002, p.167–169). Police in low-capacity states often function as *de facto* illegal violence-management agencies. Where they retain their authority to use force but do not earn a sufficient salary, it is likely that they will engage in organised crime and predatory policing (Andvig & Fjeldstad, 2008, p.9, 14; Gerber & Mendelson, 2008). Additionally, when their political masters are involved in organised crime it is inevitable that police will also be, to some degree (Hills, 2000, p.48; Hinton, 2006, p.116–117; Kupatadze, 2012b).

Patrimonial forms of governance, which predominate in many transitioning countries, create further important challenges to democratic policing. Patrimonial elites often rely on coercive power to maintain their positions. Thus they develop police which assert regime power rather than function as neutral arbiters (Cole, 1999, p.95; Mawby, 1999b, p.25; Hills, 2000, p.12). There is also often a fusion of political and economic power in patrimonial states. Police are an adjunct to elites' use of rule by law to resolve economic disputes (Beck & Robertson, 2009a, p.54). Finally, police organisations, themselves, are run on patrimonial lines. The behaviour of individual officers is shaped less by formal regulations and laws and more by a linkage of patrimonial relationships running up to political elites (Hinton, 2006, p.110; Hills, 2007, p.406, 411–416, 419–420; Hills, 2008, p.223). Patrimonial states often inherit repressive and/or colonial legal frameworks and police cultures which negate observation of human rights. Where they lack political direction, police in such contexts fall back on 'standard operating procedures,' resulting in high levels of police violence.

This study supports several of the conclusions within the literature on police reform in transitioning contexts. First, political will is widely regarded as a requirement for reform (Bayley, 2001, p.35; Wulf, 2000, p.22; Ball et al., 2003, p.30; Stenning & Shearing, 2005, p.172; Jackson, 2012, p.254). The aspiration of Georgian political leaders to crack down on petty corruption was crucial to the relative successes achieved there and the absence of such will helps to explain why state-building has not been accompanied by successful reform in Russia. Second, organisational leadership is key to managing and controlling the behaviour of ordinary officers (Bayley, 2005, p.54–58; Marenin, 2007, p.189). The replacement of Shevardnadze-era leaders of the MIA was instrumental in breaking the relational aspects of predatory policing, whilst the retention of corrupt leaderships within the Kyrgyz and Russian MVDs has stymied reform efforts. Third, attention to reforming informal, as well as formal, rules which shape police culture is crucial (Bayley, 1990, p.215; Marenin, 1996, p.310). Georgian elites were familiar with informal patrimonial and criminal norms which governed police culture under Shevardnadze and produced a new framework incentivising police to avoid corruption and threatening violators with heavy punishments. In contrast, the OSCE has paid inadequate attention to analysing the *de facto* culture of the Kyrgyz police, with the result that its assistance efforts have largely been ineffective. In Russia, changes to the formal laws on policing and tinkering with the MVD's organisational structure are unlikely to have a substantial effect on police culture without a substantial change of leadership and more intensive efforts to alter both opportunities for corruption (e.g. licencing functions) and internal oversight mechanisms. Finally, the Georgian reforms increased the government's coercive capacity which allowed it to manage the instability produced by unpopular neo-liberal economic reforms and political reform (Ellison & Pino, 2012, p.17–28; Sheptycki, 2007, p.33). I shall expand on this latter point below.

The argument presented extends scholarship on police reform in transition by supporting Paris's notion that reform requires institutionalisation before democratisation (Paris, 2004, p.151–178). Paris states that the creation of a reliable police force is a component part of the construction of a government

with authority, but he does not provide details on how this force can be created. In this study, I argue that three steps are vital if reform is to be successful. First, reform is likely to have very little impact on reducing police corruption and violence if police are not paid an adequate wage. Somewhat surprisingly, this basic measure is often ignored by reform practitioners (Baker & Scheye, 2007, p.508–509). In Kyrgyzstan, for example, the OSCE has been unable to substantially improve the quality of criminal investigation and drug interdiction, or effectively introduce community policing because the police continued to be paid an inadequate wage and were, thus, easily tempted and/or forced to engage in predatory policing or organised crime. In Georgia, by contrast, the new government clearly understood that the criminalisation of the police and corruption could not be addressed without wage increases. Second, effective institutionalisation requires the introduction of anti-corruption measures and the purging of the police of its corrupt leadership. Georgian elites assumed that an MIA leadership complicit in racketeering, drugs smuggling, etc., was likely to act as a significant spoiler. The executive used its strengthened powers to purge the police of corrupt officers. In Kyrgyzstan and Russia, however, responsibility for reform has been handed to actors within each country's MVD who have the least interest in it succeeding. Third, reformers need to sideline, isolate and/or remove spoilers clearly opposed to reform. In Georgia, the new government re-established the state's monopoly of violence by cracking down harshly on thieves-in-law and corrupt local administrators and officials. The process of reform has been severely constrained in Kyrgyzstan, and Yeltsin's Russia, by corrupt political leaders, regional actors' control of the police and the influence of organised crime groups.

The cases also provide some evidence to support critiques of institutionalisation before democratisation. In the first place, it is potentially a dangerous, repressive process and current research does not provide a clear indication of when it should end and broader democratisation begin. It is somewhat of a cliché in police studies to cite Juvenal's, 'Who will guard the guards themselves?' but the question remains apt in both the Georgian and Russian cases and poses a further question – when should institutionalisation end and democratisation begin?

Some degree of centralisation of power was required after the chaos of Yeltsin's Russia and Shevardnadze's Georgia but both Putin's and Saakashvili's administrations have been partly reliant on mechanisms of coercion, including the police, to target political and popular opponents, and to redistribute private property in their interests. In the Georgian cases, the elite's excesses, and failure to strengthen democratic institutions, are partially responsible for continued politicisation and personalisation of the police, undermining the sustainability of the police reform. State-building in both countries has also empowered elites to implement policies with little consultation with their respective populations. The Georgian case, in particular, bears some relation to Ellison and Pino's criticism of SSR initiatives:

> …that in some cases create the structural conditions of inequality and in turn lead to problems for police democratisation and the realisation of human security (e.g. increases in crime, social problems, ethnic schisms). (Ellison & Pino, 2012, p.62)

The cases also suggest that institutionalisation before democratisation can be impeded by, or even undermine, the legitimation of the state actors implementing reform. Police reform is likely to be very difficult in environments which lack a strong sense of nationalism. Huntington recognised that a political community in a complex society requires a common bond linking members of the polis (Huntington, 1968, p.10–11) and Rustow emphasised nationalism as a precondition of democracy (Rustow, 1970, p.350–352). Georgian nationalism played a strong role in ensuring that the non-pacted state-building process, including its police reform component, were considered legitimate by the majority of the population in the crucial early years following the Rose Revolution. In Kyrgyzstan, state-building has been challenging because of the weakness of Kyrgyz nationalism. This does not necessarily mean that police reform is impossible in such contexts. The strength and form of nationalisms change with time and police reform may have a better chance of success if coupled with efforts to bridge Kyrgyzstan's various cleavages. Such a process is, however, considerably challenging in its own right.

There are, however, a number of responses to potential critiques of an institutionalisation before democratisation approach to police reform. First, in general, more radical critiques of democratic police reform provide limited advice on how to implement reform or detailed alternatives to models based on the liberal peace. Institutionalisation before democratisation provides at least some guidance to reformers as to how they can enhance their control of, and reform, the police, in the short term.

Second, within the literature, as a whole, state capacity is assumed and there is little information on how to overcome the spoilers which emerge as a result of low state capacity and poor state quality (e.g. predatory/corrupt police, organised crime groups, neo-patrimonialism and criminalised elites). An institutionalisation before democratisation provides at least some indication of how reform can counter the influence of powerful spoilers. Overall, neither the literature on democratic police reform nor on SSR provide much information on how to overcome reformers' limited capacity or spoilers (Baker & Scheye, 2007, p.507; Sedra, 2010b, p.108). Instead, much of the advice suggests reformers need to simultaneously implement reform whilst introducing democratisation more widely (Hinton, 2006, p.199–200; Pino & Wiatrowski, 2006a, p.113; Hinton, 2009, p.23; Ellison & Pino, 2012, p.210–212). Thus, they should distribute and limit police powers, establish a legal basis for the police and independent oversight, improve transparency and civil society input, decentralise police governance, etc. (Bayley, 2005, p.50–67; Schnabel & Ehrhart, 2005b, p.7–8). In practice, police reform and SSR missions rarely instigate such wide ranging change and, instead, there is too much focus on reorganisation, training and equipping (Bayley, 2005, p.62–64; Ball, 2010, p.37; Sedra, 2010b, p.111). Whilst institutionalisation before democratisation has the potential to be used in the self interests of powerful elites, the basic premises of the approach indicate how elites with a genuine interest in reform may go about enhancing their control over the security sector, vis-à-vis predatory police and organised crime groups, and instigating the initial stages of reform.

Third, an institutionalisation before democratisation approach to police reform also helps to explain how, under certain conditions, reform can be successfully implemented where there is only partial political will for reform. Police reform requires political will but does not necessarily require either simultaneous democratisation or elite pacting. Much of the research on democratic police reform, implicitly or explicitly, acknowledges the importance of political will but there is little discussion of what degree is required or the steps that can be taken when it is only partially present. In practice, SSR and police reform missions often assume political will is present or ignore its absence (Peake, 2010, p.214; Jackson, 2012, p.254–255). Where there is some acknowledgement of various political groups' diverging attitudes towards reform, it is often assumed that political will can be achieved by 'pacting' to create a consensus for reform (Cawthra & Luckham, 2003, p.309). The political impetus behind the Georgian reform, however, was not a pacting of elites, representing various Georgian constituencies, but the dominance of the executive by a determined, semi-reform-minded group. The failure of reform in Kyrgyzstan, Shevardnadze's Georgia and Yeltsin's Russia, illustrates that the widening of political processes is not necessarily conducive to reform. The openness of Kyrgyz political society was partially responsible for the removal of Akaev and Bakiev but neither was replaced with leaders having the skill to concentrate executive power or the desire to use it to tackle corruption and police violence. Similarly, political society was more open and contested under Shevardnadze and Yeltsin than their successors but police performance was worse under the former and, if anything, it may have marginally improved under Putin. Reform requires reformers not only with the will to reform but also with the power to implement it.

Finally, the main proponents of institutionalisation before democratisation do not promote it as a universal means of improving security and legitimacy (Paris & Sisk, 2009), and there is no reason to do so with respect to police reform. The process may, however, be a more realistic means of enhancing police legitimacy, under certain conditions. Critiques of processes such as liberal state-building and institutionalisation before democratisation contend that they can undermine the legitimacy of newly created institutions and need to be accompanied by

broader efforts to enhance legitimacy (Chandler, 2006; Ellison & Pino, 2012). The case studies suggest institutionalisation before democratisation may only be capable of enhancing legitimacy in poleis where there is a strong nationalism. They also do not provide clear indications of the impact such a process would have in states with weak nationalisms, nor clear indications of when this process should cease. Institutionalisation before democratisation, by no means, provides all the answers of how to enhance the legitimacy of police in transitioning states. However, it does suggest a number of practical measures which may enhance their legitimacy, by strengthening the state's control of the police and countering police corruption, violence and links with organised crime.

Policy implications

The current research has several policy implications for domestic and international practitioners engaged in reform.

Factors particular to the Georgian context require caution in drawing lessons from it to inform police reform in other contexts. After years of neglect, the Georgian police were ill-prepared to resist the new elite's reforms and thieves-in-law and corrupt officials had limited legitimacy against a new government setting out on a popular policy to restore Georgia's integrity. In other contexts, purging officers from a more consolidated, powerful police could destabilise a country's transition. Additionally, what constitutes a spoiler is often in the eye of the beholder. Cracking down on rebel groups, 'Robin hood'-style organised criminals or corrupt regional actors may actually undermine the legitimacy of weak governments. The difficulty with exporting the Georgian model relates to the age-old political conundrum of whether political elites act in the interests of themselves or the population more widely. Despite the predominance of the promotion of democracy and market economics within international development, when one gets to the details there is limited consensus on what constitutes quality government (Fukuyama, 2013, p.1) and, of course, there are pertinent criticisms of these models. Thus, institutionalisation before democratisation may be a useful means of asserting executive power, countering

corruption and undermining the influence of non-state actors. Nevertheless, both police reform and SSR include elements which can enhance the power of one group to dominate over, and impose its views and policies on, society. Whether an institutionalisation before democratisation model is liable to be successful depends very much on the character of the elites in charge of the process and judging whether this is favourable or not is very subjective.

At the same time, there is a need to reduce police corruption and violence in many countries. Presuming they have the will to reform, the Georgian case suggests domestic reformers may vastly improve police by securing the state's control over them – by paying them adequately, staffing the police with personnel loyal to the state and by cracking down on spoilers, especially the links between organised crime and political elites and/or the police. The measurements of state quality and police performance used in this study presume that an effective police observing the rule of law and human rights, which is broadly legitimate and accountable to the population, is preferable over other models of state policing. Achieving this is, of course, challenging and possibly overwhelming. The Georgian case indicates that a more circumscribed model, prioritising improving police effectiveness and observation of equality in law, can rapidly enhance a population's perception of its police. Somewhat paradoxically, the introduction of democratic policing may be furthered more effectively via non-democratic means, in the first stages of reform.

This study does not focus on the steps needed for international police reform or SSR programmes to be more effective, but it provides some indications. International assistance must be based on a far greater knowledge of what local domestic security sectors are actually like rather than what is desirable, as is currently the case. Too often analyses end with cursory studies of formal structures and legal frameworks demonstrating little understanding of the informal links between political society, police and non-state actors or informal norms within the police organisation. Most importantly, it must be ascertained whether political elites, or at least a constituency amongst the elites, have a genuine will to implement reform. Another question is whether willing elites

have ownership of the four mechanisms of control which states use to shape the behaviour of their police. The extent to which these are out of the control of reformists will severely impact upon chances of success. As the Kyrgyz example demonstrates, when the state lacks control over the police, reform is not possible. Additionally, both the Kyrgyz and Russian cases also show that implementing reform in the absence of genuine political will is mainly futile.

Where there is a substantial degree of political will within political society, international reformers are faced with a dilemma – to what extent should reformers be supported in their struggles with opponents and spoilers? There are no easy answers to this question but police reform and SSR strategy need to move beyond the current state of affairs, which is largely to ignore it. The least controversial options are for international practitioners to assist in redrafting legal and regulatory frameworks, recruitment and training of new personnel and, more controversially, assisting with the devising of police strategy and operations and to pay/support police salaries. All these measures, however, require that these mechanisms are under the control of reformers. If they are not, reform is unlikely and international practitioners may be better placed working to assisting reformers manoeuvre into positions of political power. In Kyrgyzstan, for example, given incumbent politicians' and the MVD's reluctance/inability to reform, international assistance may be more effective in support of reform-minded politicians and/or civil society groups, as occurred in Georgia prior to the Rose Revolution. A further controversial issue is that, even if reformers control the state, the predominance of non-state actors, such as organised crime groups or vigilantes, may be completely antithetical to the goals of democratic police reform. International practitioners, therefore, need to engage with the likelihood that they may have to condone, or even assist, the use of coercion to counter spoilers. Of course, such measures are unpredictable and rarely clear cut. If international practitioners are to pursue them, they require considerably greater knowledge of the societies and institutions in which, and with whom, they are working.

The failure of police reform in Kyrgyzstan poses a further difficult question for international practitioners – how can reform be implemented in states which lack an established history of nationalism? It is not possible to draw authoritative conclusions on the basis of the current cases because to do so would require further research on states with both weak and strong nationalisms. The relative success achieved in Georgia suggests that for reform to be successful in a context with weak nationalism it must be combined with efforts to establish the legitimacy of state-building and police reform. The development of nationalism is very complicated, however, and offering suggestions as to how this can be cultivated is beyond the means of this dissertation. On the basis of the research conducted, policymakers should exhibit caution in expecting police reform to be successful in contexts with weak nationalism. Finally, the Georgian case suggests international practitioners must very carefully scrutinise elites' political support for reform. They must be cautious not to support an institutionalisation before democratisation process that goes beyond enhancing the state's capacity to control the police and allows elites to use coercive mechanisms to undermine the development of democratic political society and influence economic outcomes for private ends. Whilst it remains unclear when exactly democratisation should follow institutionalisation, practitioners should also maintain pressure on elites to democratise the police after basic control has been re-established and corruption/links with organised crime curtailed.

Recommendations for future research

To develop more effective police reform in countries in transition requires further assessment of policing and police reform in such contexts. Pursuing a number of the following research strategies could facilitate attainment of this goal.

Brzoska's point, that we lack understanding of the institutional and sociological aspects of police in transition, remains valid (Brzoska, 2003, p.41). There is a need to undertake further empirical research to improve our understanding of

the starting point for any reform process, by examining how police in transition actually function. I have indicated that a fruitful avenue for research is to examine the relationship between police and; a) patrimonial states; and b) low state capacity. Whilst the term transition is often used to describe a range of diverse contexts, there are often commonalities, such as weak democratic institutions and rule by law, high levels of corruption, poverty, inequality and crime and poorly institutionalised channels of police accountability (Hinton & Newburn, 2009, p.6). It would be useful to build on existing empirical studies and conduct further research to develop and refine a theory of policing in transition based on the interaction between police and these factors in transitional contexts other than those included here (e.g. in Latin America, Africa).

A further promising area of research is to examine the relationships between police reform, state-building and nation-building. There are literatures on these topics in contexts outside of the FSU and, although I am unaware of specific works which compare them, it would be advantageous to do so (e.g. research on Latin American policing (Costa & Neild, 2005; Hinton, 2006) and state-building (Geddes, 1994; Centeno, 2002; Thies, 2005)). It would be especially useful to compare the Georgian case with other countries where state-building appears to have resulted in improvements in police performance, such as Singapore (Quah, 2006; Slater, 2010; Cited in: Light, 2013, p.19). By itself, Georgia provides only limited recommendations for future policy. Other case studies may suggest alternative ways to garner political will for reform, transform police organisations and curtail the influence of spoilers. Additionally, a comparison of successful cases may indicate the conditions under which institutionalisation can be successfully followed by democratisation. Finally, if police reform is to be developed to suit a range of diverse polities, more research needs to be conducted on the relationship between police in low-capacity states and weak nationalisms within these states. If weak nationalism undermines reform, as it did in Kyrgyzstan, then the utility of police reform and SSR is restricted. Nevertheless, there may be compensations for weak nationalism, or examples where it has been promoted concurrently with state-building in a manner

conducive to liberal democratic values, which could help to broaden the toolkit available to reformers.

Conclusion

This study provided an in-depth analysis of policing and police reform in the context of state transformation in the FSU. In doing so, it addresses prominent lacunae within the literature on policing in transition. First, I demonstrated that the behaviour of police was intricately related to the state capacity and quality of the polities in which they work. Police replicate the patrimonialism and corruption of their political masters and when they lack political direction, they revert to Soviet-era standard operating procedures, which are frequently corrupt and brutal. However, contrary to the prevailing position within much of the literature on police reform and SSR, many barriers to democratic policing in the FSU are caused, not by a lack of democratisation, but by state weakness. Where states have lacked control over their police, the latter have become deeply involved in organised crime and predatory policing. Second, and again, contrary to the position held within much of the existing literature, I detailed how the relative success of police reform in Georgia was contingent, not on democratisation, but on the extent and nature of state-building. The Georgian police reform institutionalised the state's control of the police. The Kyrgyz police remained criminalised and predatory, partially as a result of state weakness. Institutionalisation does not guarantee success, however. The Georgian reforms have not addressed key challenges to democratic policing and, in Russia, state-building has not resulted in reform because, most importantly, of a lack of political will to tackle corruption.

Overall, the contrasting patterns of police reform help to clarify some of the mechanisms which determine its success or failure in transitioning states. This study suggests that achieving the goals of democratic policing requires a more comprehensive understanding of the relationship between the state and police in transition. Further research and policy should balance the predominance of democratisation discourses with research on police reform, and its practice,

using a more nuanced understanding of the positive role a strong state can contribute to improving police performance and security.

Appendix A – Interviews/Encounters

Georgia

Anonymous (G-1), Western police official 1, Georgia (August 2011)

Anonymous (G-2), Police Chief, Tbilisi (August 2011)

Anonymous (G-3), Detective, 7 years service, Georgia (August 2011)

Anonymous (G-4), Former EU official, Georgia (August 2011)

Anonymous (G-5), EU official, Georgia (August 2011)

Anonymous (G-6), Western police official 2, Georgia (August 2011)

Anonymous (G-7), UN official 1, Georgia (August 2011)

Anonymous (G-8), UN official 2, Georgia (August 2011)

Anonymous (G-9), Western legal expert, Georgia (August 2011)

Anonymous (G-10), Taxi driver, Tbilisi (August 2011)

David Aprasidze, Tbilisi State University, Tbilisi (10th August 2011)

Merab Basilaia, ALPE Foundation (NGO), Tbilisi (11th August 2011)

Timothy Blauvelt, Director, American Councils for International Education (also, Ilia State University), Tbilisi (26th August)

Salome Chagelishvili, Anti-Violence Network Georgia (NGO), Tbilisi (26th August 2011)

Camrin Christensen, Regional Director, Eurasia Partnership, Tbilisi (22nd July 2011)

David Darchiashvili, Former Chairman of the parliamentary Committee on European Integration/Ilia State University, Tbilisi (6th August 2011)

Mark Hagen, Former Chair of Transparency International Georgia and former head of National Democratic Institute (Georgia), Tbilisi (12th August 2011)

Korenly Kakachia, Tbilisi State University/Director of the Georgian Institute of Politics, Tbilisi (27th July 2011)

Aleksander Kalandadze, Civitas (NGO), Tbilisi (5th August 2011)

Madlen Khelashvili, Head of Training, Georgian Police Academy, Tbilisi (25th July 2011)

Alexandre Kukhianidze, Former Director, Terrorism, Transnational Crime and Corruption Center (Georgia), Tbilisi (24th July 2011)

Nika Kvaratskhelia, Youth for Justice (NGO), Tbilisi (17th August 2011)

Colonel Levan Matchavariani, Head of Mtskhete-Mtianeti Region Patrol Police, Tbilisi (27th August 2011)

Shota Nizharadze, Vice-rector, Georgian Police Academy, Tbilisi (25th July 2011)

Tamar Pachulia, Head of Kutaisi Office, Georgian Young Lawyers' Association, Kutaisi (23rd August 2011)

Ekaterine Popkhadze, Executive Director, Georgian Young Lawyers' Association, Tbilisi (25th August 2011)

Ekaterine Tkeshelashvili, Former State Minister for Reintegration/Deputy Prime Minister of Georgia, Tbilisi (25th August 2011)

Shota Utiashvili, Information and Analytical Department, Ministry of Interior (Georgia), Tbilisi (16th August 2011)

Kyrgyzstan

Anonymous (K-1), NGO official, Osh (May 2011)

Anonymous (K-2), NGO official, Osh (May 2011)

Anonymous (K-3), OSCE official 1, Kyrgyzstan (May 2011)

Anonymous (K-4), *Praporshchik* (most senior lower officer rank), GAI, 15 years service, Kyrgyzstan (May 2011)

Anonymous (K-5), OSCE official 2, Kyrgyzstan (May 2011)

Anonymous (K-6), Former MP, Kyrgyzstan (May 2011)

Anonymous (K-7), Lt. Colonel, Directorate of Criminal Investigations, 17 years service, Kyrgyzstan (May 2011)

Anonymous (K-8), Former Colonel, Directorate of Criminal Investigations, 25 years+ service, Kyrgyzstan (May 2011)

Anonymous (K-9), OSCE official 3, Kyrgyzstan (May 2011)

Anonymous (K-10), Captain, Department of Social Order, 20 years service, Kyrgyzstan (May 2011)

Anonymous (K-11), Captain, MVD Academy, 9 years service, Kyrgyzstan (May 2011)

Anonymous (K-12), Former Lieutenant, Directorate of Criminal Investigations, 5 years service, Kyrgyzstan (May 2011)

Anonymous (K-13), Colonel, Directorate of Criminal Investigations, 30 years service, Kyrgyzstan (May 2011)

Anonymous (K-14), Friend of Former Lieutenant (K-12), Kyrgyzstan (May 2011)

Anonymous (K-15), Captain, Department of Social Order, 14 years service, Kyrgyzstan (May 2011)

Anonymous (K-16), OSCE official 4, Kyrgyzstan (May 2011)

Anonymous (K-17), OSCE official 5, Kyrgyzstan (May 2011)

Anonymous (K-18), Police officer, Bishkek (May 2011)

Anonymous (K-19), Former lieutenant colonel, 20 years service (including in

Soviet-era), Kyrgyzstan (May 2011)

Anonymous (K-20), Director, NGO, Kyrgyzstan (May 2011)

Anonymous (K-21), Taxi driver, Bishkek (April 2011)

Anonymous (K-22), OSCE official 6, Kyrgyzstan (May 2011)

Aziza Abdrasulova, Chairwoman, *Kylym Shamy* (Torch of the Century, Kyrgyz human rights organisation), Bishkek (5th May 2011)

Kubatbek Baibalov, former Interior Minister (July – September 2010), Bishkek (23rd May 2011)

Sardar Bagyshbekov, Chairman, Golos Svobody (Voice of Freedom), Bishkek (29th April 2011)

Almaz Bazarbaev, Head of the Kyrgyz MVD Academy, Bishkek (7th May 2011)

Zulfiia Kochorbaeva, Social Technology Agency (NGO), Bishkek (15th May 2011)

Dinara Oshurakhunova, Head, Coalition for Democracy and Civil Society, Bishkek (6th May 2011)

Leila Sydykova, Vice-Rector for International Relations of the Kyrgyz Russian Slavonic University, Former MP, Bishkek (9th May 2011)

Nurbek Toktakynov, Director, *Partnerskaia gruppa Pretsedent* (NGO), Bishkek (3rd May 2011)

Major-General Melis Turganbaev, Deputy Minister of Internal Affairs (2008-present), Bishkek (8th May 2011)

Russia

Valentin Gefter, Director, Institute of Human Rights, Moscow (28th October 2010)

Yakov Gilinskiy, Professor, St. Petersburg Law Institute, St. Petersburg (17th October 2010)

Boris Gladarev, Center for Independent Social Research, St. Petersburg (15th September 2010)

Boris Pustintsev, Director, Citizens' Watch (NGO) (29th September 2010)

Georgy Satarov, President, INDEM Foundation, Moscow (27th October 2010)

Natalia Taubina, Director, Public Verdict Foundation (NGO), Moscow (26th October 2010)

Appendix B – Interview Questions

Police Organisation

1. **Как Вы думаете – какую роль милиция должна играть в обществе?**
   What do you think the role of police in society is?

2. **Сколько лет Вы служите в милиции? Какой у Вас звание? В каким управлении/отделе Вы служили? В каким местах?**
   In which department did you serve? (How many years have you served in the militsia? What rank are you? Where have you served?)

3. **Перечислите обязанности милиционеров? (н-р ездить на патруль, расследовать преступление?) Расскажите мне, пожалуйста, о типичном дне милиционера.**
   What are police assigned to do? What does a typical day look like?

4. **Где Вы обучались милицейской работе? Как Вас обучали милицейской работе? В милицейской школе/Академии МВД? Проходили ли Вы профессиональное обучение после милицейской школы/Академии? Сейчас?**
   How are the police trained (basic training)? What training is provided on the job?

5. **Какой статус милиции в обществе? (н-р, доверительное)**
   What is the status of police actors in society?

6. **В каких слоях общества милиция работает? В каких слоях часто возникают конфликты с милицией?**
   In which communities do the police usually operate? In which sections are there conflicts with the militsia?

7. **Из каких слоев общества набирают кадры в милицию?**
   From what selection of society are the police drawn from?

8. **В общем, какое отношение существует у милиции и общества? Между милицией и другими этническими группами?**
   What is the general police attitude towards society/political authority? Towards ethnic groups, etc.?

9. **Какие важные проблемы существуют в милиции сейчас?**
   What are the main problems with regard to the militsia? How can these be addressed?

10. **Насколько серьёзна проблема коррупции в милиции? На каком уровне существует коррупция?**
    How pervasive is the problem of bribery/corruption? Does it differ at various levels of the hierarchy?

11. **Насколько изменилась система МВД? Какие отношения существуют между отделами МВД (ГАЙ, РУВД, ГОМ…)?**
    (What is the relationship between structures? (e.g. between the Public Security Division and the Criminal Investigation Police?)

12. **Насколько Вы можете независимо работать? Насколько Ваша типичная-работа зависит от влияниия: а) руководства; б) Вашего начальника; в) Ваших коллег?**
    To what extent are you able to work independently? To what extent does your ordinary work depend on: a) the police management; b) your boss; c) you colleagues?

13. **Какие ресурсы у милиции есть (н.п. машины, оборудование)? Как эти ресурсы распределены по организации?**
    How well resourced is the police, as a whole? How well are resources distributed throughout the police?

14. **В общем, сколько денег милиционеры зарабатывают? Есть ли другие пособия?**
    How much are officers paid? What other benefits do they receive?

15. **По каким критериям оцениваются звания? По каким критериям оценивается руководство?**
    How are ordinary police evaluated? How is the police management evaluated?

16. **Какой уровень сотрудничества Вы получаете от общества?**
    To what extent does the militsia receive cooperation from the citizenry?

17. **Сколько сотрудников милиции работают на каждым уровне системы (ГОМ/ПОМ, РОВД, МВД)?**
    How many police exist at each level? GOM, POM etc.

18. **Во времена Советского Союза, в принципе, следователи были беспристрастные? Это еще действительно так?**
    Are investigators still, ostensibly, impartial?

19. **Почему Вы выбрали эту профессию?**
    Why did you choose to become a policeman?

Broader Questions

20. **Насколько общество или гражданское общество контролирует милицию?**
    To what extent do communities exhibit control: via the political authority? Directly over the police? Indirectly over the police?

21. **Какие внутреннее структуры существуют для контроля работы милиции? Какие внешние?**
    How are the police controlled internally? Externally?

22. **Как руководство контролирует работу милиции? Насколько эффективен этот контроль?**
    How does the police leadership control the militsia? How effective is this control?

23. **Какие отношения существуют между руководством МВД и политиками?**
    What is the relationship between political elites and police management?

24. **Насколько милиции играет политическую роль?**
    To what extent does the police play a direct role in political life?

25. **Какие связаны существуют между милицией и переступями группами? Между полицейскими и переступями группами?**
    What are the links between politicians and crime groups? What the links between police and crime groups?

26. **Какие реформы проводились раньше? Как они влияют на Вашу работу?**
    What previous reforms/initiatives have been initiated since the late-Soviet era? Regarding a) the security sector; b) the MVD. In what ways were they successful/unsuccessful? Why?

27. **Какую международную помощь получило МВД для осуществления реформ? Насколько международная помощь была эффективна?**
    Which aspects of police activity/police reform have international organisations been involved in? How effective has it been?

28. **Насколько реформа милиции зависит от больше систематические процессы? Что мы можем делать в сегодняшней ситуации?**
    How contingent is the reform process on systematic political and cultural change? How can the militsia reform itself/be reformed in the current social and political situation?

29. **В Англии часто встречаются признаки стресса в милиции (н.п. алкоголизм, высокие процент разводов). Есть ли признаки стресса в милиции в Кыргызстане/Грузии/России?**
    What are the manifestations of militsia stress? (e.g alcohol, high divorce rates)

30. **Как иностранцы могут быть в заблуждении: А) в Кыргызстане/Грузии/России (Вообще); Б) в правоохранительной системе?**
    What are the most common misconceptions foreigners (politicians, press, academics) have about criminal justice/militsia in Georgia/Kyrgyzstan/Russia?

31. **Скажите, пожалуйста – Есть ли еще важные вопросы, которые я Вам не задал? Или еще что-то, что касается милиции, о чем Вы хотите поговорить?**
    Is there anything important I forgot to ask which you'd like to add?

University of St Andrews

International Relations School Ethics Committee

4 November 2010
Liam O'Shea

Ethics Reference No: *Please quote this ref on all correspondence*	**IR6950**
Project Title:	Medvedev's reform of the Russian Militsia
Researchers Name(s):	Liam O'Shea
Supervisor(s):	Dr Rick Fawn

Thank you for submitting your application which was considered at the IR School Ethics Committee meeting on 14 October 2010. The following documents were reviewed:

1.	Ethical Application Form	14 October 2010
2.	Participant Information Sheet	14 October 2010
3.	Consent Form	date
4.	Debriefing Form	date
5.	External Permissions	date
6.	Letters to Parents/Children/Headteacher etc…	date
7.	Questionnaires	date
8.	Enhanced Disclosure Scotland and Equivalent (*as necessary*)	date

The University Teaching and Research Ethics Committee (UTREC) approves this study from an ethical point of view. Please note that where approval is given by a School Ethics Committee that committee is part of UTREC and is delegated to act for UTREC.

Approval is given for three years. Projects, which have not commenced within two years of original approval, must be re-submitted to your School Ethics Committee.

You must inform your School Ethics Committee when the research has been completed. If you are unable to complete your research within the 3 three year validation period, you will be required to write to your School Ethics Committee and to UTREC (where approval was given by UTREC) to request an extension or you will need to re-apply.

Any serious adverse events or significant change which occurs in connection with this study and/or which may alter its ethical consideration, must be reported immediately to the School Ethics Committee, and an Ethical Amendment Form submitted where appropriate.

Approval is given on the understanding that the 'Guidelines for Ethical Research Practice' (http://www.st-andrews.ac.uk/media/UTRECguidelines%20Feb%2008.pdf) are adhered to.

Yours sincerely

pp Dr. J.S. Murer
Convenor of the School Ethics Committee

PG Scc

IRSEC Convenor, Arts Faculty Building, Library Park St Andrews, KY16 9AX
Email: irethics@st-andrews.ac.uk Tel: 01334 461924

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