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Liam O'Shea

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Democratic police reform, security sector reform, anti-corruption and spoilers: lessons from Georgia

Liam O'Shea

Organised Crime & Policing, Royal United Services Institute, London, UK

ABSTRACT

The Georgian police reforms of 2004–2006 provide a rare case of rapid, large-scale, successful security reform. Lessons from Georgia challenge mainstream approaches to democratic police reform, security-sector reform, and elements of prominent critiques. These often emphasise democratisation of police and security sectors to include multiple actors in policing and reform. By contrast, the Georgian process was top-down and state-led. Failure to democratise the police has meant the reforms have not curtailed political interference in policing and have only partially reduced police impunity but the reforms vastly reduced corruption, improved security and trust in the police and have been sustained. This was achieved by the government strengthening executive power, consolidating its control over the security sector, firing corrupt police, and cracking down on organised crime. The Georgian case indicates that successful democratic police reform and security-sector reform depend on a concentration of state power to tackle such domestic spoilers and institutionalising before democratising control of the police, factors that are largely absent from policy and academic debates on these topics.

KEYWORDS

Democratic police reform; security sector reform; spoilers; police violence; police corruption

Democratic police reform (DPR) is an important component of donors' approaches to security-sector reform (SSR) and stabilisation, with the US and UN alone spending approximately $160 billion and $77 billion in police assistance between 2000 and 2020.[1] But it often fails to make police more effective at providing security or more accountable. Mainstream approaches argue DPR requires substantive political will and holistic, deep reform of the police organisation to ensure it is headed by empowered reformers.[2] More critical accounts argue reform needs be better customised to local contexts' politics, histories, and cultures,[3] inclusive of civil society and non-executive parts of government[4] and, at their most critical, requires broader political, social, and economic reform.[5] But within all these approaches, solutions for improving DPR or alternative offerings frequently emphasise measures to further democratise the police, by improving external, public, and political oversight or including more actors in reform and policing. It is rarely made clear how DPR can overcome the barriers posed by 'spoilers',[6] actors prepared to use violence and other means to undermine the legal

CONTACT Liam O'Shea liamo@rusi.org
Website: www.howtoreformthepolice.com

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functioning of the security sector, or how democratisation helps with spoiler management.

This paper argues that effective DPR is likely to require a concentration of executive power and institutionalising control of the police within a rational-legal framework before institutionalising democratic control, both in order to tackle spoilers. It is based on a case study of successful police reform in Georgia 2004–2006 and political transformation in Georgia from 1990 until the present. The Georgian reforms contributed to substantial and rapid improvements in safety and security, drastically curtailed police corruption, more moderately reduced police violence and have been sustained. Success was achieved by state leaders strengthening executive power, firing corrupt police and exerting control over the police organisation, and cracking down on organised crime. Consolidating state power enabled the government to counter powerful spoilers who would likely have blocked reform. But the Georgian case does not provide clear guidance on how or when to institutionalise democratisation of the police nor did the government *fully* institutionalise policing within a rational-legal framework, and this has had negative effects over the longer term. The police remains politicised, dominated by neo-patrimonial governance at higher levels and police impunity remains a problem. The reforms did, though, successfully address petty corruption and organised crime's influence over policing, problems which seem almost intractable in many developing countries.

The paper's main contribution is to contrast its explanation for why reforms were successful in Georgia with dominant strands in DPR and SSR research and practice, which emphasise that success is contingent on democratisation – the inclusion of multiple actors in reform and distribution of state control of the police. Institutionalisation before democratisation is similar to Paris's 'institutionalisation before liberalisation' thesis in which he advocates that, prior to the introduction of democratisation and market-orientated economic policies, peacebuilders should construct a basic framework of institutions to provide a government with authority.[7] The Georgian case provides an example of institutionalisation before democratisation DPR/SSR, an approach that shares similarities with other examples of rapid anti-corruption police reforms in Singapore and Hong Kong.[8] It also adds a rare additional empirical study of successful police reform in a developing country or fragile state. Though the literatures relevant to DPR are growing – including criminological research on police and police reform in non-Western contexts[9] and within political science and peace studies[10] – analysis is often focused on how police forces function, rather than what makes them successful, on donor programmes, which are frequently unsuccessful or, especially for the practitioner-orientated DPR/SSR literature, based on empirical examples of success drawn from established Western states. Finally, the paper adds weight to analyses of the Georgian reforms[11] which highlight that political will and the concentration of executive power were key to the success of anti-corruption reforms more broadly. This contrasts with approaches dominant among donors that emphasise the importance of distributing political power.[12]

The paper is based on a comparative criminological and political analysis of political, historical, and police transformation in Georgia, Kyrgyzstan, and Russia. The cases were chosen to compare why reforms were relatively successful in Georgia, but not Kyrgyzstan and Russia, which I discuss elsewhere.[13] The Georgian component examined what factors drove police behaviour before and after the Rose Revolution and why the reforms

were successful. Data was gathered from fieldwork (July–August 2011) which consisted of 26 interviews (out of 80 for the whole comparative project) – in English and Russian – with police and others who either regularly analysed or interacted with the police or were knowledgeable of policing and the reforms, including from civil society, donors, politicians, NGO workers. Further information was gathered from political and historical analyses, data on donor expenditure, and survey data measuring trust in the police. Triangulation across the various data sources and comparative political and institutional analysis (of Soviet and post-Soviet policing models) were used to determine the major factors affecting policing and police reform.

Spoilers and democratic police reform

With the term spoilers, I refer to individuals and parties, formal and informal in relation to the state, who use violence or other means to undermine the legal functioning of the state security sector.[14] Spoilers must be defined against the normative framework they are spoiling. Here I define legality/illegality in terms of the rational-legal framework of an ideal-type democratic state[15] because DPR must be framed within one and because democratic models are those which most governments at least ostensibly claim to be upholding. This framework refers to a security sector that is effective, accountable to the law and democratic institutions, upholds human rights and gives operational priority to servicing the needs of individuals and private groups rather than the state, is under local leadership, and can be sustained.[16]

Spoilers include non-state actors, such as organised crime groups and vigilantes, which challenge the state police's authority and monopoly of policing. They also include state spoilers. In low-capacity states the state may have little control and police are predatory, exploiting populations through racketeering and extortion.[17] In de facto authoritarian regimes, state spoilers include political and police actors opposed to democratic political and policing models because they require police repression to maintain their positions.[18] In authoritarian and hybrid regimes characterised by neo-patrimonial forms of governance, regimes use patronage to control the major sources of power within the country, including economic resources, and distribute resources via patron-client, vertical, and personalised networks.[19] Under such conditions, police managers and their political patrons have powerful incentives to resist DPR. Instead of prioritising services and appointments according to public needs, they are instead prioritised in the interests of those with power and resources.[20]

The influence of spoilers is, however, often underplayed within key debates on DPR and SSR. I do not aim here to provide a universal definition of spoilers or maintain that being defined as one necessitates that an actor should be ignored, countered, or coerced. But it is important to note that the normative goals of DPR and SSR require some management of those opposed and this is rarely discussed in detail. Debates on DPR and SSR can broadly be separated into four 'schools' – mainstream, hybrid-governance, post-structuralist, and realist – which represent different arguments as to what makes, or is likely to make, DPR or SSR successful, and only in the analysis of the latter do spoilers play a prominent role.

Mainstream DPR essentially has the goals of the above framework but it is clearer on these than it is on how to achieve them. Guidance on the latter mainly focuses on internal

reform of police organisations' structures and policies, replacement, or training of personnel, and external reforms that affect political, legal, and external control and oversight.[21] In practice, DPR or DPR-modelled interventions often fail(s). Donor interventions are severely hampered by a lack of coordination between or within donors, as well as language barriers, short-term planning cycles and high staff turnover. Host governments and police organisations often lack the will or capacity to absorb or utilise interventions. The result is that outputs are usually piecemeal reorganisation, training and equipping and focused on internal police reform.[22] Moderate mainstream critiques thus argue that, to be effective, DPR needs to be more holistic and requires comprehensive reform of police management, personnel, and legal frameworks, under-written by genuine and sustained political support.[23]

Hybrid-governance and post-structural critiques emerged in the mid-2000s in response to SSR's and DPR's failings.[24] The hybrid-governance school's overarching argument is that effective security governance in fragile studies requires better incorporation of non-state actors and hybrid forms of governance.[25] Baker and Scheye indicate how a hybrid-governance approach might be operationalised with the state, rather than relying as police as the main principal policing agent, instead monitoring, licencing, and regulating the activities of non-state service providers.[26] What a hybrid-governance form of DPR or SSR looks like in detail is however less well-developed.[27] The emphasis, which is also found in donor and especially NGO literature, is on democratising and broadening the scope of reform beyond state and security elites.

Post-structuralist critiques go further, questioning the ontology of the concepts underlying DPR, SSR and donors' motives. These link DPR to global neoliberal governance and donor policies (globalisation, deregulation, liberalisation, privatisation, etc.) and highlight that DPR contains elements that enable neo-liberal elites to enhance their coercive capacities to manage the discontent engendered by neo-liberal social and political reforms.[28] The post-structuralist school emphasises that successful DPR or SSR requires broader political, social, and economic reform at state and global levels.[29] For example, Pino and Wiatrowski argue 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.[30]

The realist critique emphasises the role of spoilers, highlighting donors' limited influence and arguing for closer engagement with fragile states' politics and consideration of more circumscribed interventions aimed at establishing the basic foundations for a police (e.g. vetting, basic equipment, basic training, stipends to buy loyalty).[31] Like mainstream DPR and SSR, realist approaches identify under-development and institutions incompatible with those of a Weberian state structure as causes of insecurity. But they are more critical of donors' ability to develop such a structure. Effective interventions thus require greater understanding of local contexts, more limited goals (e.g., stabilisation) and facilitating collaboration between sometimes unsavoury but powerful actors, who have influence over reform.[32]

The realist school is relatively small, however, within the DPR and SSR fields as a whole and thus the role of spoilers is largely under-conceptualised. Though they each

make important contributions (more below), the mainstream, hybrid-governance and post-structuralist schools offer limited guidance on how to manage spoilers. Mainstream approaches most problematically do indicate how to manage powerful police and political spoilers acting as powerful blockers to reform. Hybrid-governance approaches risk valorising the potential of non-state actors to improve safety and security but are not clear on how a reform process might incorporate or manage actors with interests, norms, and values adamantly opposed to reform's normative agenda. The post-structural school mainly focuses on spoilers in powerful political positions, especially at an international level, but pays less attention to how to manage non-state spoilers or of political institutions' role in doing so. Nor does it not offer much guidance that is implementable as the scope of broad changes, especially at global levels, is beyond the capacity of almost every policymaker.

A major challenge is that there are few empirical examples of successful DPR or SSR in a non-Western context, which have been impactful at a national level and sustained. The Georgian case is a rare exception and I shall demonstrate how spoiler management was key to the success of the police reforms.

Policing and politics in Georgia 1989 – 2021

Pre-Rose revolution

Prior to the Rose Revolution of 2003, low state capacity and political elites' criminality meant that Georgia was a very unlikely candidate for successful police reform. From the collapse of the Soviet Union to the mid-1990s, geopolitical instability, economic collapse, and ethno-nationalist conflicts resulted in the country being a failed state until at least 1994 and a proliferation of state and non-state spoilers.[33] From the mid-1990s to 2003, Eduard Shevardnadze consolidated or co-opted all coercive powers and there was less open conflict but the state remained criminalised and thieves-in-law – a particular type of organised crime group leader in the Soviet Union – ran extensive racketeering and extortion schemes and were prominent sources of authority in society.[34]

During this period the police was a spoiler. There was little to distinguish Georgian security ministries, in the early 1990s, from paramilitary or criminal groups.[35] Shevardnadze consolidated some control but the Ministry of the Interior (MIA) remained deeply criminalised. The police harassed more than repressed political opponents and was utterly predatory, dominating protection racketing carried out by state spoilers, active in large-scale drugs and arms smuggling and regularly forcing citizens to pay bribes at road blocks or to get driving licences and registration documents.[36] Internal practices were driven by patronage and corruption and ordinary officers extremely poorly paid.

Revolution and statebuilding

Following disputed elections in late 2003, a combination of popular protests, shifting political alliances and Shevardnadze's acquiescence precipitated the Rose Revolution. Mikheil Saakashvili and the United National Movement (UNM) rode a wave of popularity to victory in presidential and parliamentary elections in early 2004. They undertook

an extensive statebuilding project, two factors of which were key to its relative success and that of the police reforms. The new regime was ideologically committed to eliminating petty corruption and it consolidated power, giving it the capacity to drive through extensive reforms and denying elements of the old guard or organised criminals time to act effectively as spoilers.

Statebuilding consisted of three elements. First, the government consolidated its territory by reintegrating Ajara, one of three regions that broke away in the 1990s, into Georgia proper following a government show of force, popular support for Saakashvili and political deal breaking.[37] Second, the government implemented various constitutional changes, shifting powers from the legislature to the executive and purged local and district administrations, which it then dominated through the UNM party.[38] Third, the new regime enhanced the executive's control of state institutions, which included rigorous anti-corruption measures. It significantly improved the state's extractive capabilities, tripling state revenues from 2003 to 2006, from approximately $517 million to $1.78 billion (2010 constant) and a more stable environment increased external investment.[39] Neo-liberal economic reform reduced regulatory costs, and saw the number of ministries cut from 18 to 13 and between 28,000 and 40,000 civil servants fired, around a quarter to half of state employees.[40] Measures were taken to tackle low-level patrimonialism, corruption and inefficiency. Civil service pay was increased substantially, up to fifteen times in some cases, and increased computerisation of payment of salaries, services, fines and taxes limited opportunities for corruption.[41]

The statebuilding and anti-corruption drive was very successful at reducing petty corruption across the public sector. Prior to 2003 Georgia was in the bottom ten most corrupt countries in the world, as ranked by Transparency International's Corruption Perceptions Index, and by the 2010s it was consistently in the top third, a transformation replicated in other data sources.[42]

Police reform 2004–2006

Police reform was a major part of the government's efforts to reassert its control of the bureaucracy. Reform began in early 2004 and was successful because the government regained direct control of the police and cracked down on spoilers, external, and internal to the police, and corruption.

Restructuring and the re-assertion of state control

The government established one main organisation responsible for policing[43] and initiated more drastic reform in July 2004 with extensive personnel changes and administrative changes to create a smaller, more streamlined MIA. Against international donors' advice,[44] around 16,000 personnel were fired and the ministry was downsized from 56,000 to 33,000.[45] With these reforms, the executive enhanced its control, eliminating several duplicating structures and removing organisational 'fiefdoms' that had operated independently of the centre.[46]

Greater tax revenue, and the reduced size of the MIA, gave the government more resources to curtail predatory policing and the influence of organised crime. It increased the budget for public order and security from $19.3 million in 2003 to $122 million in 2004, $148 million 2005, $203 million in 2006 and $253 million in 2007.[47] The MIA

increased average wages around nine to ten times.[48] A detective interviewed in 2011 put his wage at around $720 per month and patrol police officers' wages at $420–480 per month.[49] GDP per capita (PPP) in Georgia was approximately $6,000 in 2012, indicating officers earned a decent income.[50] Importantly, superior officers lost responsibility for wage payments, which were paid directly into officers' bank accounts.[51] The police also benefitted from new equipment and uniforms.[52]

These massive personnel changes broke the economic relational aspects of predatory policing. The MIA's new management dismissed 83% of police officers outside Tbilisi and replaced them with personnel appointed from the centre.[53] It also fired almost all senior officers, who had largely moved up the ranks via corruption.[54] All of the traffic police were fired and only 15% of a new patrol police were former officers.[55] 6,000 police fired were re-employed in a new Security Police, which essentially provided a guard function (e.g. to embassies) but offered limited opportunities for corruption. The MIA reformed the criminal police 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.[56] As a result of these changes new recruits were not economically beholden to their superiors in their day-to-day routines or because of previous corrupt transactions.

The government used entrapment to catch corrupt officers who were then scapegoated, sending clear signals that petty corruption would not be tolerated.[57] The MIA even broadcast its own television programme 'Patrol' which featured night-time raids on the homes of officers recorded seeking bribes. Rumours circulated that the MIA routinely bugged patrol cars.[58] Even if without substance, their existence helped to affect a cultural change within the police and society, more broadly.

The severing of police links with organised crime

The government reasserted the state's monopoly of policing through a zero-tolerance crack down on organised crime and links between criminals and police in 2004–2005. It introduced a system of plea-bargaining into the court system in 2004 to enable the prosecution of criminals and corrupt officials quickly. This also served as a tool of state extraction. Given the choice between certain conviction or payment of, often substantial, fines, many corrupt officials and criminals chose the latter. In 2004 alone, $50 million dollars and €40 million worth of property was taken from former Shevardnadze officials and associates.[59] In December 2005, the government introduced legislation modelled on US and Italian anti-organised crime laws. This included provisions on the confiscation of property and criminalisation of the very holding of the title of thief-in-law, denial of which was contrary to the honour of the thieves' community.[60]

The crackdown severed the links between organised criminals and the police, denying the former the ability to use patron client relations to protect themselves.[61] Overall, it rooted out the most egregious examples of organised criminal activity, albeit with scant regard for the rule of law.[62] The speed of legislation and anti-organised crime initiatives caught many thieves-in-law by surprise, most of whom were jailed or fled.[63] The government also accompanied the crackdown by strengthening its control over prisons, which further isolated organised criminals. Governors with links to thieves were fired, overall turnover of staff at prisons was as high as 80%, staff pay was increased by 200–

300% and the most senior criminals were placed in a single prison with limited visiting rights, phone usage and mail.[64]

Re-Legitimisation of the police

The new elites sought to re-legitimise the police by addressing low-level but highly visible corruption. They thus prioritised reforming the traffic police, the police the public was most likely to encounter.[65] The new MIA administration removed opportunities for corruption. New rules prevented officers from carrying more than the equivalent of $5. Those found with more were dismissed and likely to face criminal charges.[66] A greater proportion of police-public interactions were recorded and/or overseen by co-workers, managers and/or personnel from other organisations or departments. The MIA bought in new rules and technology to issue traffic fines by tickets that were paid in banks or stations, rather than directly to officers.[67] The government also reduced opportunities for police corruption transferring responsibility for issuing passports and visas to the Ministry of Justice and the issuing of driving licences and various registrations to a new Service Agency, within the MIA, which also part computerised driving licence exams.[68] It also abolished functions that only existed to provide an opportunities for predation, such as vehicle inspection measures.[69]

Success

Various qualitative and quantitative sources indicate that the police reforms had a deep and sustained impact. All of the respondents interviewed, including those highly critical of UNM, indicated large reductions in corruption and improvements in safety following the reforms.[70] The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has repeatedly reported improvements in the treatment of detainees in police custody compared to prior to the reforms.[71] Georgia's Public Defender (Ombudsman) (2009–2012) indicated that allegations of police abuse declined substantially since the revolution.[72]

The International Republican Institute's surveys, replicated almost every year in Georgia,[73] report that in the years following the Rose Revolution a large majority of Georgians had a favourable opinion of the performance of law enforcement agencies, suggesting a reduction in police corruption and improvements in police effectiveness.[74] Whilst there is no comparable data for the period immediately prior to revolution, it is very unlikely law enforcement agencies and the police would have received favourable scores. The percentage of favourable opinion has declined markedly since 2014 but has not dipped below 50% (Figure 1).

Figures recorded by these surveys are corroborated by data the from the Caucasus Barometer. From 2008 to 2020, levels of full or partial trust in the police never fell below 45% and levels of full or partial distrust never rose above 21%.[76]

International assistance

The success of the reforms is sometimes credited to foreign assistance but this played a relatively minor role. More broadly, assistance formed a substantial portion of the

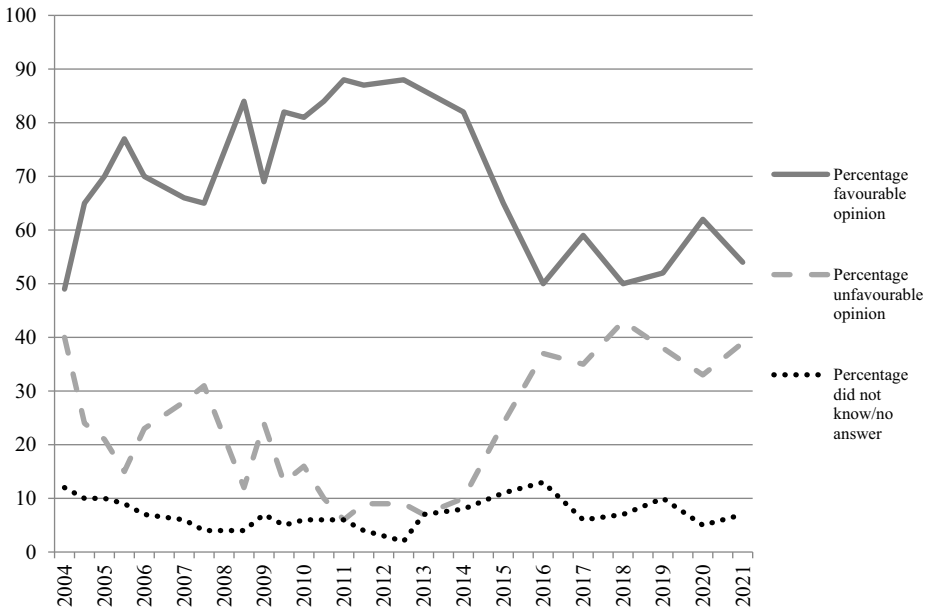

Figure 1. Survey data on performance of Georgian Law Enforcement (2004–2021)[75].

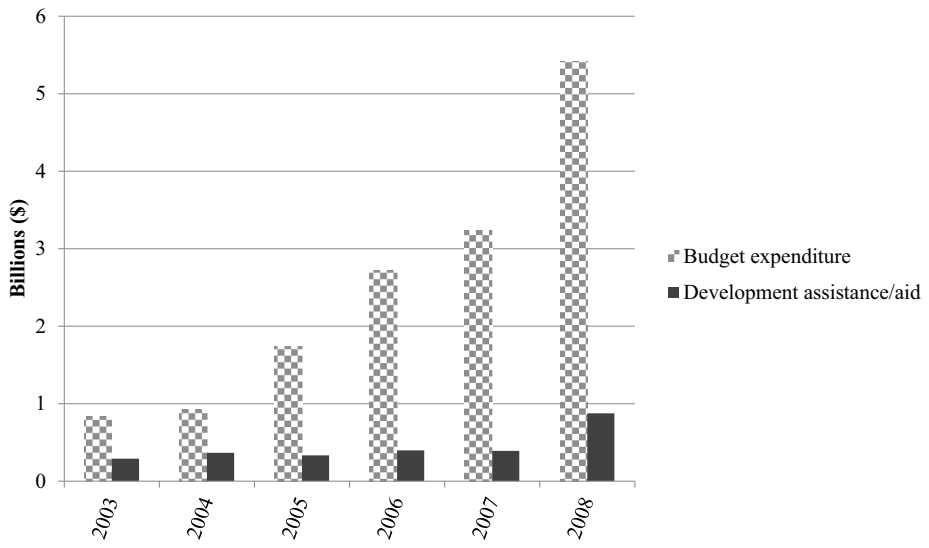

Figure 2. Georgian state budget and International development assistance/aid compared (constant 2010 $us)[77].

Georgian state budget from 2003 to 2008, but the proportion declined after the revolution, from 35 to 40% in 2003–2004, to less than 20% 2004–2008 (Figure 2):

The US was the largest single donor to Georgia but the bulk of its assistance was spent on humanitarian aid and disarmament rather than security. Of security expenditure, most of this was allocated to military assistance, arms control and counter-proliferation

and border control. The proportion allocated to crime, law enforcement and anti-terrorism was small, averaging only $4.33 million per year from 2003 to 2007.[78] Similarly, by a considerable margin most of the €505.2 million spent by the EU from 1992 to 2006 was spent on humanitarian assistance with some projects to increase state capacity or promote governance and very little on SSR-related activities.[79]

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.[80] According to Shota Utiashvili, an influential figure who headed the MIA's Information and Analytical Department, assistance did not play a major financial role but mostly helped with training and education.[81] The main drive for police reform came from domestic elites and its speed actually raised concerns amongst donors. The EU was so concerned with the negative effects of firing so many officers without due process that it withdrew much of its support.[82]

Limitations of the reform

Anti-Corruption at the bottom; neo-patrimonialism at the top

The UNM elites successfully increased the Georgian state's capacity and drastically reduced lower-level corruption but they only partially institutionalised policing within a rational-legal framework and barely within a democratic framework through power sharing or establishing judicial or bureaucratic independence. At upper-levels, neo-patrimonial forms of governance continue to dominate and the police remain accountable mainly to the incumbent political regimes, which have used the police to further their political and economic interests and those of their networks.

By 2012, UNM's popularity has declined substantively. The new political elite generated discontent by misusing the criminal justice system, including using it to illicitly takeover businesses and establish permanent near-monopolies in various economic sectors.[83] This particularly smacked of hypocrisy because the government otherwise developed a controlling, zero-tolerance approach to criminal justice to crack down on corruption, lawlessness[84] and rule-breaking, more generally. Mandatory custodial sentencing was introduced for petty crime and criminals.[85] One outcome was that Georgia's prison population skyrocketed by 300%, from 6,000 inmates under Shevardnadze to over 24,000 in 2012.[86] The statebuilding reforms also had a limited impact on alleviating poverty or addressing Georgia's high rates of unemployment at the same time as the government clamped down on trade unions and reduced workers' rights.[87] Facing resistance to its policies, the government relied on coercion, or its threat, to drive through its agenda and protests in 2007 and 2009 were violently put down.[88]

The discontent, combined with a 2012 scandal of prison guards abusing inmates, culminated in UNM losing key parliamentary and presidential elections in 2012 and 2013 to a ramshackle coalition, Georgian Dream, financed by the billionaire Bidzina Ivanishvili. Ivanishvili initially become Prime Minister and, though he resigned in 2013, he has remained the dominant force in Georgian politics running the country like a CEO by placing former employees from his companies into key state offices, including three out of four of the Prime Ministers who followed him, all without Ivanishvili holding a formal political role.[89] The result is a parallel informal structure,

with high-ranking officials responsible to Ivanishvili and his inner circle rather than to formal institutions.[90]

Police impunity and politicisation

The UNM and GD administrations used the police to prosecute political opponents and there have been cases of police abuse of authority, both caused by a combination of intolerance of political opposition and few institutional checks on executive power.

The MIA has little autonomy from politicians who also have a strong, direct influence on senior-level recruitment and promotion. In the years immediately after the Rose Revolution, political lobbying, nepotism and cronyism remained the main mechanisms for staff selection, though more transparent recruitment systems were introduced for lower ranks.[91] At higher levels though, all top-ranking officers owed their positions to Saakashvili under UNM.[92] The Georgian Dream elite continue to run the higher echelons of the security sector using neo-patrimonial practices.[93] Senior figures in key positions have close ties to Ivanishvili and his former businesses, including Georgia's current Interior Minister, Vakhtang Gomelauri, who was a former head of Ivanishvili's bodyguard.[94]

UNM and GD both demonstrated intolerance of political opposition and have been able to use the police against political opponents partly because of the MIA's limited autonomy and accountability outside the executive.[95] UNM increased the accountability of the police but only to the executive. External institutions, such as parliament, the judiciary or local government were given little input or oversight, a situation that has not changed under GD.[96] After the revolution the new incumbents directed criminal investigations against leading members of the previous government or their families.[97] In many incidents too politically powerful individuals acted as state spoilers and used links and the judicial system to further their personal economic as well as political interests.[98] GD also used the criminal justice system against numerous former official, including Saakashvili and former interior and Prime Minister Vano Merabishvili (2004–2012; 2012). Whilst there may have been substance to some allegations of corruption, the weight of evidence against former officials was not strong in many cases.[99] Ineffective external oversight also enabled the suppression of popular expressions of discontent and removed incentives for the police to moderate overly-forceful tactics. The 2007 and 2009 protests were, for example, suppressed with heavy-handedness, with two protestors dying during further protests in 2011.[100]

The retention of a personalised system of governance and political interference in policing also facilitated excessive police violence and police impunity. Under UNM, various reports highlighted cases of police mistreating detainees, withholding access to legal and medical services and failing to properly investigate such cases.[101] The Georgian Dream coalition has partially addressed police impunity by relaxing some of the rules of the previous regime (eg lowering traffic fines) and demilitarising some SWAT-style units.[102] Police violence and impunity appear reduced but institutional measures to protect against them are insufficient. Several NGOs reported heavy-handed policing of protests in 2019 and excessive use of force.[103] NGOs and media reports also highlight cases of police shootings and violence, where subsequent investigations have either not been thorough or where cases have been covered up. The government has partly

acknowledged the problem, establishing a State Inspector's Service in 2019 to investigate crimes committed by law enforcement officers and public officials.[104]

This example, though, demonstrates an important vulnerability within the police system. Within the broader system of informal governance and weakness of other institutions, the effectiveness of the State Inspector's Service, and control of the police in general, is dependent on neo-patrimonial rather than formal institutions. The reforms did not institutionalise a system of governance dominated by rational-legal forms of governance at higher levels or democratic checks and balances. That low levels of corruption have been sustained and non-state spoilers contained suggests a degree of institutionalisation within the state and MIA bureaucracies, and also in terms of wider public intolerance of corruption. Success has though been contingent on executive power and the concentration of power under one (UNM or GD) neo-patronage network. This leaves the reforms vulnerable should a Georgian government be formed by individuals with greater tolerances for corruption and violence.

Conclusion – what do the Georgian reforms mean for DPR and SSR?

The Georgian case indicates that successful DPR and SSR require a concentration of executive power and degree of institutionalising reforms before democratisation to prevent spoilers from countering reform. But this also presents a conundrum as it implies anti-democratic means may be necessary for democratic ends but at the risk of undemocratic outcomes.

Applied to DPR and SSR, a logical, if controversial, inference of institutionalisation before democratisation is that reform should prioritise the institutionalisation of government authority over democratisation of the police and security sector, an approach similar to the realist school. The overall goals remain similar to mainstream approaches (i.e. establish an effective security sector; which is accountable to the law and democratic institutions; upholds human rights; prioritises servicing the needs of individuals and private groups; is under local leadership; and can be sustained). But executive control of the police is prioritised *before* democratic control. This contrasts with the main ethos of the mainstream, hybrid-governance and post-structural schools, which emphasise democratising reform processes and including multiple parts of government and non-state actors, albeit to differing degrees. There are, however, few empirical examples of such approaches working and being sustained at large-scale, especially in fragile states.

The success of the Georgian reforms was dependent on state leaders driving forward executive consolidation and anti-corruption reforms and limiting opportunities for spoilers to co-opt reforms. Based on the neo-patrimonial structure of Georgian politics before the revolution, a more inclusive approach may well have allowed opportunities for thieves-in-law and corrupt state and police figures to stymie reforms, similar to how they had resisted and compromised with Shevardnadze and how corrupt elites have resisted reforms in other post-Soviet republics.[105] Under UNM the speed and scale of the reforms denied spoilers the opportunity to mobilise and resist reform.

But Georgia also highlights the risk of top-down reforms without institutionalising control of the police, or state actors, within a legal or democratic framework. An obvious problem is that institutionalising government authority without democratisation can, and historically, often has, led to dominance of one group over another rather than the

dominance of an inclusive democratic order. This has been partially true in Georgia. UNM restored the executive's authority and developed Georgia's democratic institutions sufficiently to allow the country's first peaceful, democratic transition. But it did not institutionalise democratic checks on the executive, nor the security sector. Instead, it used executive power to buttress its own patronage network and to target political opponents. The failure to institutionalise legal or democratic controls also undermines the solidity of the reform gains, which are dependent on personalities.

The Georgian case also demonstrates the importance of questioning whose order are DPR or SSR upholding. UNM used its power to impose its socio-economic model which included high-level corruption and neo-liberal economic reforms. The latter helped reduce corruption and attract foreign investment but did not lead to a considerable reduction in poverty or democratisation. This demonstrates, as per the post-structuralist school, the importance of examining the ethics of security reforms and broader policies, which is often missed by mainstream DPR and SSR practitioners. Spoilers can be defined against the type of socio-political order security reforms are building but it should not be taken for granted that this is an ethical order, the process of getting there is ethical, nor are these attitudes shared across donors, political elites and ordinary citizens. Conceptualising spoilers is important but it is also important to consider both the normative and power dimensions behind such conceptualisations.

The challenge the Georgian case thus poses to research and practice on DPR and SSR is that it provides some evidence that both require institutionalisation before democratisation but less clarity on how or when to institutionalise democratisation of the security sector. Nevertheless, it also offers clues on how to improve DPR and SSR. First, it suggests that anti-corruption measures may be a more effective way of delivering democratic outcomes than democratisation of the security sector. In tackling the most egregious spoilers, the revolutionaries not only strengthened the security sector they also sent a strong message that Georgia was being transformed, and the government would no longer tolerate police predation and collusion with organised crime. The executive's authority was re-established and trust in the police significantly enhanced. Opportunities to tackle corruption are limited where regimes depend on it but a focus on anti-corruption may have more potential for enhancing the lives of ordinary citizens than DPR's or SSR's traditional democratising elements, which may be co-opted by spoilers and in many cases only few people are likely to get directly involved in reform. By contrast, corruption in the security sector is one of its most pervasive forms and tackling it can have a far reach.

Second, as other scholars have noted, Georgia also makes a contribution to debates on what makes anti-corruption initiatives successful.[106] In contrast to democratisation approaches almost unequivocally promoted by donors,[107] the Georgian case supports the 'big bang' theory, which maintains that successful reform requires all of its components to be implemented simultaneously.[108] Though not without risk, a more concentrated system of political power makes it easier for a government to implement reform and reduces the number and ability of actors to block initiatives and preserve the status quo, including systems of corruption.[109]

Third, an anti-corruption drive may not require state spoiling, and here it may be useful to differentiate between institutionalising the rule of law and institutionalising democratisation. Though UNM implemented its statebuilding programme and police

reform with quasi legality, the government could have placed more emphasis on strengthening the legal framework without democratising it extensively (and risking empowering spoilers). It should be noted that democratisation of power would not have been easy for UNM in a country/region where political opponents use executive power against former officials once in office and engage in subterfuge with political actors in Russia.[110] But for much of the mid-2000s UNM's popularity and dominance gave it space to cede some control without threatening regime security. This suggests that it is possible to 'institutionalise before democratising' within a legal framework by combining this with a commitment to institutionalise democratic mechanisms at a later point. But there is limited evidence on how or when this should occur. It also remains difficult to determine exactly how less democratic anti-corruption efforts can be combined with a more legal approach, as Georgia also demonstrates the risks of too much a concentration of power. Overall, the evidence on what policies work to reduce corruption is limited, and analysis on integrated anti-corruption strategies (i.e. sets of policies) even more so.[111] There are, therefore, few empirical examples of successful broader, democratic anti-corruption strategies and not many successful top-down examples, though Georgia is one of the latter, along with other cases, such as Singapore and Hong Kong.[112]

Some important qualifications must also be made when considering the lessons from Georgia for other contexts. Georgia is a small country and by 2003 the territory under government control had a relatively homogenous population united by a strong Georgian nationalism. This helped Saakashvili and UNM to rally large-scale popular support around the revolution and subsequent reforms. Spoilers did not have scope to mobilise popular resistance around other forms of identity. In contexts with more diverse populations and identities, similar clampdowns on patronage networks could engender significant conflict. A more inclusive approach, as per the hybrid-governance school, may help to converge the interests of different political groupings, although there is limited evidence in support of it generating sustained and large-scale reform. Applied more generally, one lesson is that security reforms may be dependent on nationalism, or some sort of social contract, indicating, for donors, that assistance should be better targeted to such contexts. Such clampdowns are also likely to be more difficult in larger, more federalised systems where there are more opportunities both to check misuse of executive power and also to spoil clampdowns.

Finally, Georgia demonstrates that DPR and SSR research and practice need to better conceptualise the role of spoilers in reform. Overall, both need to be informed by deeper, empirical studies of what factors impact domestic policing and reform, which can be compared and are longitudinal, exploring the impact of interventions and outcomes over time. At present, there are especially few empirical case studies of success to draw from. A key challenge too for scholars and practitioners is to examine more closely who is likely to support reforms and who is likely to block it. This paper presents an initial framework to encompass spoilers. A greater challenge is to combine this with critical analysis and develop ideas that can be actualised on how to account for and manage spoilers whilst also ensuring executive dominance only exists in the short-term and transitions to broader institutionalisation of checks and balances. This is by no means an easy task but it is one that necessitates bringing to the fore and into the open discussion around spoilers.

Notes

1. Mailhot, Kriner, and Karim, 'International Involvement in (Re-)Building Police Forces'.
2. Bayley, *Changing the Guard*; Peacock, 'Bayley's Six Critical Elements of Democratic Policing'.
3. Wozniak, 'Post-Conflict Police Reconstruction'; McAuliffe, 'The Conceptual – Contextual Gap between Non-Recurrence and Transformative Police Reform in Post-Conflict States'.
4. Baker, 'The Future Is Non-State'.
5. Sheptycki, 'The Constabulary Ethic and the Transnational Condition'; Ryan, *Statebuilding and Police Reform*; Ellison and Pino, *Globalisation, Police Reform and Development*.
6. Hills is one of the few scholars to examine how reform models might work with aspects of local politics that contravene with the norms of DPR. Hills, 'Policing, Good-Enough Governance and Development'; Hills, 'The Dynamics of Prototypical Police Forces'.
7. Paris, 'Saving Liberal Peacebuilding'.
8. Manion, 'Lessons for Mainland China from Anti-Corruption Reform in Hong Kong'; Quah, 'Curbing Police Corruption in Singapore'.
9. Wozniak, 'Iraq and the Material Basis of Post-Conflict Police Reconstruction'; Wozniak, 'Post-Conflict Police Reconstruction'; Marat, *The Politics of Police Reform*; González, *Authoritarian Police in Democracy*; McAuliffe, 'The Conceptual – Contextual Gap between Non-Recurrence and Transformative Police Reform in Post-Conflict States'.
10. Eck, Conrad, and Crabtree, 'Policing and Political Violence'.
11. Nasuti, 'Administrative Cohesion and Anti-Corruption Reforms in Georgia and Ukraine'; Kupatadze, 'Georgia: Breaking Out of a Vicious Circle'.
12. Doig and Marquette, 'Corruption and Democratisation'.
13. Kakachia and O'Shea, 'Why Does Police Reform Appear to Have Been More Successful in Georgia Than in Kyrgyzstan or Russia?'; O'Shea, 'Police Reform and State-Building in Georgia, Kyrgyzstan and Russia'; O'Shea, 'Why Democratic Police Reform Mostly Fails and Sometimes Succeeds: Police Reform and Low State Capacity, Authoritarianism and Neo-Patrimonial Politics (in the Former Soviet Union)'.
14. They differ by *number* and *locus* (is their behaviour dictated by a leader, followers, or both?), their *relationship to the law* (ie 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 actor) Stedman, 'Spoiler Problems in Peace Processes'; Volkov, *Violent Entrepreneurs*.
15. Note, legal is not necessarily synonymous with the ethical framework of DPR/SSR. A state may, for example, formally allow police to use levels of violence incompatible with DPR. For the purposes of this paper, however, I define spoilers against a DPR/SSR legal and democratic framework.
16. Bayley, *Changing the Guard*; Sedra, *Security Sector Reform in Conflict-Affected Countries*.
17. Gerber and Mendelson, 'Public Experiences of Police Violence and Corruption in Contemporary Russia'; González, *Authoritarian Police in Democracy*.
18. Bayley, *Patterns of Policing*.
19. Neopatrimonialism is a mix of patrimonial and rational-legal bureaucratic domination. Under patrimonialism, all power relations between ruler and ruled are personal relations and there is no division between public and private. Under neo-patrimonialism there is that distinction, at least formally, even if, in practice, this is not observed. Erdmann and Engel, 'Neopatrimonialism Reconsidered'.
20. Taylor, *State Building in Putin's Russia*.
21. DCAF, *Police Reform*.
22. Wozniak, 'Iraq and the Material Basis of Post-Conflict Police Reconstruction'; Wozniak, 'Post-Conflict Police Reconstruction'; McAuliffe, 'The Conceptual – Contextual Gap between Non-Recurrence and Transformative Police Reform in Post-Conflict States'.
23. Bayley, *Changing the Guard*; Peacock, 'Bayley's Six Critical Elements of Democratic Policing'.
24. Sedra, 'Adapting Security Sector Reform to Ground-Level Realities'.

25. Baker, 'The Future Is Non-State'; Gordon, 'Security Sector Reform, Statebuilding and Local Ownership'.
26. Baker and Scheye, 'Multi-Layered Justice and Security Delivery in Post-Conflict and Fragile States'.
27. Ansorg and Gordon, 'Co-Operation, Contestation and Complexity in Post-Conflict Security Sector Reform'.
28. Ryan, *Statebuilding and Police Reform*; Ellison and Pino, *Globalisation, Police Reform and Development*.
29. Sheptycki, 'The Constabulary Ethic and the Transnational Condition'.
30. Pino and Wiatrowski, *Democratic Policing in Transitional and Developing Countries*.
31. Hills, 'The Dynamics of Prototypical Police Forces'.
32. Colletta and Muggah, 'Context Matters'; Thruelsen, 'Security Sector Stablization in a Non-Permissive Environment'.
33. Lynch, *Engaging Eurasia's Separatist States Unresolved Conflicts and De Facto States*.
34. Kupatadze, *Organised Crime, Political Transitions and State Formation in Post-Soviet Eurasia*.
35. Areshidze, *Democracy and Autocracy in Eurasia*.
36. Kupatadze, Siradze, and Mitagvaria, 'Policing and Police Reform in Georgia'.
37. Marten, *Warlords: Strong-Arm Brokers in Weak States*.
38. Areshidze, *Democracy and Autocracy in Eurasia*; Jones, *Georgia*.
39. Transparency International, 'Budgetary Priorities in Georgia'; Gurgenidze, *Georgia's Search for Economic Liberty: A Blueprint for Reform in Developing Economies*.
40. Bolkvadze, 'Hitting the Saturation Point'.
41. World Bank, 'Fighting Corruption in Public Services'.
42. Nasuti, 'Administrative Cohesion and Anti-Corruption Reforms in Georgia and Ukraine'.
43. Darchiashvili, 'Security Sector Reform in Georgia 2004–2007'.
44. Anonymous, Former EU official, Georgia (August 2011).
45. Boda and Kakachia, 'The Current Status of Police Reform in Georgia'; Kukhianidze, 'Korruptsiia i Prestupnost' v Gruzii Posle "Rozovoi" Revoliutsii [Corruption and Crime in Georgia after the Rose Revolution; Russian]'; Light, 'Police Reforms in the Republic of Georgia'.
46. Kupatadze, Siradze, and Mitagvaria, 'Policing and Police Reform in Georgia'.
47. Darchiashvili, *Power Structures, The Weak State Syndrome and Corruption in Georgia*; Transparency International, 'Budgetary Priorities in Georgia'. Conversions are based on historical average conversion rates (annual): http://fxtop.com/en/historates.php.
48. Boda and Kakachia, 'The Current Status of Police Reform in Georgia'.
49. Anonymous, Detective, 7 years service, Georgia (August 2011); Conversion based on historical average conversion rates (2011): http://fxtop.com/en/historates.php.
50. The World Bank measures it at $5,086 in 2012 based on a constant 2005 international dollar World Bank, 'World Development Indicators'. Figure is adjusted to provide for inflation: http://data.bls.gov/cgi-bin/cpicalc.pl.
51. Devlin, 'Seizing the Reform Moment'.
52. Krunic and Siradze, 'The Ministry of Internal Affairs of Georgia'.
53. Kupatadze, Siradze, and Mitagvaria, 'Policing and Police Reform in Georgia'.
54. Shota Utiashvili, Information and Analytical Department, Ministry of Interior (Georgia), Tbilisi (August 2011).
55. Krunic and Siradze, 'The Ministry of Internal Affairs of Georgia'; Light, 'Police Reforms in the Republic of Georgia'.
56. Devlin, 'Seizing the Reform Moment'; Light, 'Police Reforms in the Republic of Georgia'. Ekaterine Tkeshelashvili, Former State Minister for Reintegration/Deputy Prime Minister of Georgia, Tbilisi (August 2011).
57. Civil.Ge, "MIA in Internal Row over 'bribery' Case"; World Bank, 'Fighting Corruption in Public Services'.

58. Mark Hagen, Former Chair of Transparency International Georgia and former head of National Democratic Institute (Georgia), Tbilisi (August 2011).
59. Kupatadze, 'Explaining Georgia's Anti-Corruption Drive'.
60. Berglund, 'Georgia'; Kupatadze, *Organised Crime, Political Transitions and State Formation in Post-Soviet Eurasia*; Slade, 'Georgia's War on Crime'.
61. Slade, 'Georgia's War on Crime'.
62. Kukhianidze, Kupatadze, and Gotsiridze, 'Smuggling in Abkhazia and the Tskhinvali Region in 2003 – 2004'; Kupatadze, *Organised Crime, Political Transitions and State Formation in Post-Soviet Eurasia*; Slade, 'Georgia's War on Crime'.
63. Kukhianidze, "Corruption and Organised Crime in Georgia Before and After the 'Rose Revolution'".
64. Slade, 'Georgia's War on Crime'.
65. Shota Utiashvili, LSE How to Reform the Police Series, (April 2021). Available at: https://www.lse.ac.uk/ideas/events/2021/04/how-to-reform-the-police-series/how-are-police-organisations-actually-reformed.
66. Schueth, 'Apparatus of Capture'.
67. Devlin, 'Seizing the Reform Moment'.
68. MIA (Georgia), 'Presentation'; World Bank, 'Fighting Corruption in Public Services'; Light, 'Police Reforms in the Republic of Georgia'.
69. David Aprasidze, Tbilisi State University, Tbilisi (August 2011); Merab Basilaia, ALPE Foundation (NGO), Tbilisi (August 2011).
70. e.g. Anonymous, Former EU official, Georgia (August 2011); David Darchiashvili, Former Chairman of the parliamentary Committee on European Integration/Ilia State University, Tbilisi (August 2011); David Aprasidze, Tbilisi State University, Tbilisi (August 2011); Ekaterine Popkhadze, Executive Director, Georgian Young Lawyers' Association, Tbilisi (August 2011); Aleksander Kalandadze, Civitas (NGO), Tbilisi (August 2011); Camrin Christensen, Regional Director, Eurasia Partnership, Tbilisi (July 2011).
71. Council of Europe, CPT, 'Reports to the Georgian Government (2001 – 2018)'.
72. Light, 'Police Reforms in the Republic of Georgia'.
73. Typically N = 1,500. In November 2011, N = 4000.
74. 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).
75. IRI surveys began in May 2003 but did not assess opinions of law enforcement/the police until June 2004. Compiled by the author from: IRI, 'Georgia National Study 2008–2012'; IRI, 'Georgia National Voter Study, 2003–2007'.
76. CRRC, 'Caucasus Barometer 2008–21 - Georgia'.
77. Compiled by author from: World Bank, 'World Development Indicators'; CIA, 'CIA World Factbook 2004–2009 - Georgia'.
78. US State Department, 'US Government Assistance to and Cooperative Activities with Eurasia FY2000–2010'. Anonymous, Western police official 1, Georgia (August 2011).
79. European Commission, 'European Neighbourhood and Partnership Instrument: Georgia'.
80. Calculated using data from TI provided in Georgian laris. Conversion based on historical average conversion rates (annual): http://fxtop.com/en/historates.php. Transparency International, 'Budgetary Priorities in Georgia'.
81. Shota Utiashvili, Information and Analytical Department, Ministry of Interior (Georgia), Tbilisi (August 2011). Also: Ekaterine Tkeshelashvili, Former State Minister for Reintegration/Deputy Prime Minister of Georgia, Tbilisi (August 2011).
82. Anonymous, EU official, Georgia (August 2011); Anonymous, Former EU official, Georgia (August 2011).
83. Kupatadze, 'Georgia: Breaking Out of a Vicious Circle'.
84. Ekaterine Tkeshelashvili, Former State Minister for Reintegration/Deputy Prime Minister of Georgia, Tbilisi (August 2011).
85. openDemocracy, 'Georgia's Prisons'.

86. Slade, 'Georgia's War on Crime'.
87. Jones, *Georgia*; Stronski and Vreeman, 'Georgia at Twenty-Five'.
88. Schueth, 'Apparatus of Capture'; openDemocracy, 'Georgia: Politics of Punishment'.
89. Aprasidze and Siroky, 'Technocratic Populism in Hybrid Regimes'.
90. Darchiashvili and Mangum, 'Georgian Civil-Military Relations'.
91. Kupatadze, Siradze, and Mitagvaria, 'Policing and Police Reform in Georgia'; Darchiashvili, 'Security Sector Reform in Georgia 2004–2007'.
92. Light, 'Police Reforms in the Republic of Georgia'.
93. Darchiashvili and Mangum, 'Georgian Civil-Military Relations'.
94. Heinrich-Böll-Stiftung, 'Georgian Democracy on Life Support'.
95. Krunic and Siradze, 'The Ministry of Internal Affairs of Georgia'; Wheatley, *Georgia From National Awakening to Rose Revolution*; Darchiashvili and Mangum, 'Georgian Civil-Military Relations'.
96. Darchiashvili, 'Security Sector Reform in Georgia 2004–2007'; Light, 'Police Reforms in the Republic of Georgia'; Darchiashvili and Mangum, 'Georgian Civil-Military Relations'.
97. Areshidze, *Democracy and Autocracy in Eurasia*.
98. Kupatadze, *Organised Crime, Political Transitions and State Formation in Post-Soviet Eurasia*; Marten, *Warlords: Strong-Arm Brokers in Weak States*.
99. Popjanevski, 'Retribution and the Rule of Law'.
100. Slade, 'Georgia's War on Crime'; Marat, *The Politics of Police Reform*.
101. Human Rights Watch, 'Letter to Georgian Authorities Regarding Abuse in Police Custody'; US State Department, 'Georgia: Country Reports on Human Rights Practices for 2011'.
102. Marat, *The Politics of Police Reform*.
103. Amnesty International, 'Georgia'; Human Rights Watch, 'Georgia'.
104. Civil.Ge, 'State Inspector Service Assumes Investigative Mandate'.
105. Nasuti, 'Administrative Cohesion and Anti-Corruption Reforms in Georgia and Ukraine'.
106. Nasuti; Kupatadze, 'Georgia: Breaking Out of a Vicious Circle'.
107. Doig and Marquette, 'Corruption and Democratisation'.
108. Rothstein, 'Anti-Corruption'.
109. Tsebelis, 'Decision Making in Political Systems'.
110. Berglund, 'Georgia'.
111. Gans-Morse et al., 'Reducing Bureaucratic Corruption'.
112. Manion, 'Lessons for Mainland China from Anti-Corruption Reform in Hong Kong'; Quah, 'Curbing Police Corruption in Singapore'.

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Notes on contributor

Liam O'Shea is a Senior Research Fellow at the Royal United Services Institute. His research focuses on security-sector reform and police violence and corruption and political transformation, especially in non-Western contexts and the former Soviet Union. Dr O'Shea leads the leads the www.howtoreformthepolice.com initiative, a project to synthesise the evidence on what works to reduce police violence. From 2018-20 he was a Governance Adviser in the UK's Foreign, Commonwealth and Development Office for the £1.3b Conflict, Stability and Security Fund. He was also the 2020/22 Dinam Fellow at the London School of Economics and has also consulted a number of organisations on security and justice in developing countries, including the Overseas Development Institute, Saferworld and the Russian NGO Public Verdict.

ORCID

Liam O'Shea http://orcid.org/0000-0002-7503-0242

Ethical approval

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Geolocation information

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