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WHAT ARE THE PROSPECTS OF THE NATIONAL ANTI-CORRUPTION AGENCY IN GEORGIA?

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ABSTRACT

A draft law on the establishment of the National Anti-Corruption Agency was submitted to the Parliament of Georgia in September 2020. In cooperation with Transparency International Georgia, the bill was drafted by five independent MPs in response to the challenge of political corruption in Georgia. The bill's envision of the agency model draws on the experience of Singapore, Slovenia, Poland, Lithuania and Latvia. Consequently, it is presented as an effective mechanism to cope with corruption at the highest levels. Because of the significance of the issue of political in Georgia, the paper assesses the future effectiveness of the agency based on a relevant theoretical review and analysis of the political and institutional environment of the countries cited as successful examples in the fight against political corruption. Based on the comparison of international experience with Georgia's political practices, the paper develops the view that the effectiveness of the "agency" in the fight against systemic corruption – duplicated from the context and characterized with political will and a strong judiciary – will be significantly reduced due to the political conjuncture in Georgia. Instead, the paper presents an alternative method to cope with political corruption – in promoting the increase of political competition in the country. Giving the example of transitional democracies in conditions of low political competition, and in which ruling parties continue to engage in corrupt activities without fear of losing power in elections, the paper suggests that the promotion of the formation and development of new, institutionalized parties and the consequent advancement of political competition may have a positive effect on eliminating elite-level corruption in the country.

Key Words: Anti-corruption agency, political corruption, political will, judiciary, political competition, parties.

INTRODUCTION

As a result of the anti-corruption reforms launched in 2004, Georgia has made significant progress in combating bureaucratic corruption (Barometer 2005, 2006, 2008; Transparency International 2010, 2011, 2012, 2013, 2014). Nevertheless, high-level corruption has become entrenched in recent years and remains an acute problem in the country. In 2019, Transparency International Georgia assessed the degree of elite corruption in the country as "state capture" (საერთაშორისო გამჭვირვალობა - საქართველო 2019). Regarding this fact, the Transparency International Secretariat noted that Georgia is backsliding in its anti-corruption policies (Transparency International 2019).

On September 1 2020, in response to the challenge of political corruption, five independent MPs – Tamar Chugoshvili, Tamar Khulordava, Irine Pruidze, Nino Gogvadze and Dimitri Tskitishvili – submitted a package of bills on the establishment of the National Anti-Corruption Agency to the Georgian Parliament. The bill proposes the creation of an anti-corruption body independent of political interference. The authors outlined the creation of an anti-corruption body with wide discretion in terms of investigation and administrative proceedings, and which will be able to solve the problem of political corruption in Georgia (საქართველოს პარლამენტი 2020). The following legislative initiative was developed in active cooperation with Transparency International Georgia, which has been lobbying for the idea of establishing an independent anti-corruption body since 2014 (საერთაშორისო გამჭვირვალობა - საქართველო 2014). The draft law is also supported by a local non-governmental organization, the Institute for the Development of Freedom of Information (ინფორმაციის თავისუფლების განვითარების ინსტიტუტი 2019), one of the main activities of which is aimed at establishing good governance in Georgia. The reason for the adoption of the bill is the need to design appropriate mechanisms for the enforcement of anti-corruption legislation in Georgia, the effective investigation of corruption cases, the coordination of anti-corruption policies, and effective planning and implementation (საქართველოს პარლამენტი 2020, საერთაშორისო გამჭვირვალობა - საქართველო 2020).

Currently, there are three main anti-corruption institutions in Georgia: the State Audit Office, which supervises budget spending and political party financing; the Anti-Corruption Department, operating in the State Security Service and fighting against corruption in the civil service; and the Civil Service Bureau, which monitors the property and property declarations of high-ranking officials.

However, according to the authors of the bill, the current anti-corruption system is not able to meet the corruption-related challenges existing in the country. The reports of the State Audit Office, Anti-Corruption Network of the Organization for Economic Co-operation and Development (OECD), the United Nations Development Program, and the European Parliament are presented as arguments in support of this (საქართველოს პარლამენტი 2020). These reports mention the basic procedures and mechanisms necessary for the prevention of corruption in order to facilitate the practical implementation of the requirements provided by the law – these are not currently fully implemented in the public sector (საქართველოს პარლამენტი 2020). Despite the positive changes in the legislation in some areas, high-level elite corruption remains a serious problem in Georgia, and the country still does not have any demonstrable evidence in effectively investigating high-level corruption cases (საქართველოს პარლამენტი 2020).

The authors of the bill and representatives of the civil sector working on corruption propose the idea of the National Anti-Corruption Agency as an effective mechanism to fight high-level corruption.

As an argument for the need to establish this agency, civil society representatives highlight the experience of various European countries (საერთაშორისო გამჭვირვალობა - საქართველო 2020, ინფორმაციის თავისუფლების განვითარების ინსტიტუტი 2020). The model of the “agency” directly envisaged by the draft law was developed from the examples of Singapore, Poland, Slovenia, Lithuania and Latvia (საქართველოს პარლამენტი 2020).

Considering the importance of the issue of political corruption in Georgia, the purpose of this study is to illustrate the effectiveness of the National Anti-Corruption Agency suggested in the draft law. The research question on how effective the agency can be given Georgia's current political reality is built upon the normative knowledge, existing empirical studies, and analysis of the political and institutional environment of the countries cited as successful examples in the fight against elite corruption, and a comparison of international expertise with Georgian experience.

The paper is divided into five parts: the first reviews the bill and its shortcomings. The second subchapter focuses on the relevant theoretical discussion regarding the role of anti-corruption agencies in the context of modern anti-corruption mechanisms. This section of the paper focuses on the importance of political will and strong institutions in the fight against high-level corruption. The third section analyzes the political and institutional contexts of Singapore, Poland, Slovenia, Lithuania and Latvia, the states noted as examples of successful countries in the fight against corruption and the impact of these contexts on the effectiveness of anti-corruption agencies in those nations. The next subchapter of the paper discusses the impediments to the success of the duplicated Anti-Corruption Agency model in Georgia. In the final section, an alternative method of combating high-level corruption in Georgia is proposed.

BILL REVIEW AND EXISTING DRAWBACKS

According to the initiative, the Georgian National Anti-Corruption Agency will be a multifunctional institution uniting the authority of all the three existing anti-corruption bodies and will be accountable for the following: a) checking the implementation of the norms established by the legislation for the prevention, detection and suppression of corruption, and the incompatibility of interests in the public service by an official, as well as preparing and publishing a conclusion on the basis of the inspection; b) monitoring the financial activities of citizens' political unions; c) the protection of whistleblowers in reporting corruption-related crimes; d) the improvement of Georgian legislation and prevention of corruption, the preparation of legislative proposals and submitting them to the Parliament of Georgia, as well as taking necessary measures to raise the awareness of public officials and the public in general on corruption issues (საქართველოს პარლამენტი 2020).

It is important that the draft law also gives the “National Anti-Corruption Agency” the investigative authority which, according to the authors, significantly determines its future effectiveness. Within the scope of investigative subordination as defined by the legislation of Georgia, and in cases determined by the Criminal Procedure Code of Georgia and in accordance with the established procedures, the Agency is authorized to conduct full-scale investigations and carry out operative-investigative activities (საქართველოს პარლამენტი 2020). Also, in case an official violates the incompatibility requirements established by law, the agency will be authorized to apply to the body responsible for the appointment with a recommendation of dismissal of the violator (საქართველოს პარლამენტი 2020).

According to the authors, the National Anti-Corruption Agency, equipped with a wide-scale authorities, will be able to solve the problem of coordinating the fight against corruption, improve control over the implementation of anti-corruption legislation, investigate corruption cases, and plan and implement anti-corruption policies (საქართველოს პარლამენტი 2020).

It is self-evident that the initiation of a new anti-corruption mechanism can only be evaluated as a positive development, although the bill has a number of significant shortcomings that raise questions regarding the future effectiveness of the National Anti-Corruption Agency. The main shortcoming of the bill is the fact that it pays a little attention to the empirical research and normative knowledge on the effectiveness of anti-corruption bodies already present in the relevant political and academic fields. In order to illustrate the anti-corruption agency as an important mechanism against elite corruption, the authors rely on only two local (საერთაშორისო გამჭვირვალობა - საქართველო 2017, ინფორმაციის თავისუფლების განვითარების ინსტიტუტი 2017) and one international (OECD 2008) study which is not enough to implement an ambitious project aimed at eliminating high –level corruption.

In addition, the initiators of the legislative change suggest that the National Anti-Corruption Agency become a significant means of solving the problem of high-level corruption in the country without any consideration for the political and institutional context of the anti-corruption institutions in Singapore, Poland, Slovenia, Lithuania and Latvia, and what exactly led the institutions to the success in these countries; as is mentioned in the bill, "an overview of the specific experience used in the drafting of the bill has not been prepared" (საქართველოს პარლამენტი 2020, 36).

As the draft law on the establishment of the Anti-Corruption Agency has not been developed on the basis of existing knowledge on the effectiveness of anti-corruption agencies, nor has it taken into account analysis of the examples of successful countries presented in the draft law, the argument that the future effectiveness of the "agency" in terms of eliminating political corruption is in line with realistic expectations requires further examination.

LITERATURE REVIEW: THE ROLE OF AGENCIES IN THE CONTEXT OF ANTI-CORRUPTION MECHANISMS

According to the bill, the National Anti-Corruption Agency is considered a necessary institution to fight high-level corruption. However, a review of the literature confirms that this bill, in terms of eliminating elite corruption, has raised more expectations for the agency rather than it is actually capable of implementing, when the structural factors necessary for its functioning and effectiveness are taken into consideration.

Existing theories about the effectiveness of anti-corruption agencies emphasize that they are primarily a mechanism against bureaucratic corruption. In particular, in a model developed by the World Bank and later by other international organizations, local anti-corruption agencies assist governments interested in tackling the problem of bureaucratic corruption.

Modern anti-corruption approaches are based on Robert Klitgaard's (Klitgaard 1988) "Principal -Agent Theory" (Riley 1998; Shah 2007; Rothstein and Tanneberg 2015), according to which the main problem regarding corruption is bureaucratic corruption in countries (Rothstein and Tannenber 2015). The main premise of the theory is the unconditional trust in the "principal", i.e. a government.

The theory contends that having been given an election mandate, the government is always focused on the public interest while bureaucracy may have personal interests and be more involved in corrupt activities (Rothstein 2018). Therefore, according to the "principal-agent" approach – which the bureaucracy is the 'agent' – the government can take strict measures against bureaucratic corruption (Shah 2007, Rothstein 2018).

It should be noted that in terms of combating corruption, the universality of the "principal-agent" model was defined by a new agenda of international development. The development of modern anti-corruption approaches for developing countries, which apparently began in 1997 on the basis of World Bank reports (World Bank 1997a, World Bank 1997b), coincided with a growing wave of democracies in transition countries (Riley 1998, Web 2008). Scholars of corruption and international development believe that governments that came to power through a democratic election would naturally be interested in fighting corruption and the subsequent development of the country.

The democratic agenda has conditioned the establishment of the concept of horizontal and vertical accountability in the fight against corruption and the defining of the role of anti-corruption agencies in this model. Horizontal accountability implies the existence of internal government control mechanisms in the legislative, executive and judicial systems. According to vertical accountability, the effectiveness of the government in combating corruption is controlled from the bottom up by the media, NGOs and citizens. The main logic of the vertical accountability model – through transparency and access to information on corruption cases – is the probability of a corrupt government losing power through democratic elections (Fjeldstad and Isaksen 2008).

Anti-corruption agencies work to enhance horizontal and vertical accountability through their six functions. In terms of horizontal accountability, the anti-corruption monitoring of government institutions is carried out by agencies with the following five functions: 1) receiving and reviewing complaints; 2) carrying out monitoring and investigations; 3) carrying out relevant legal proceedings; 4) carrying out preventive research, analysis and technical assistance; 5) working on the study of declarations and the introduction of anti-corruption ethics in public services; strengthening vertical accountability by supporting anti-corruption agencies; 6) accessing information on corruption in the public service and raising general public awareness of corruption issues (Meagher 2005).

It has been proven that the performance of the first five functions of anti-corruption agencies involving investigation and prosecution in a corrupt environment is linked to only two factors: the political will and the institutional environment. Success in fighting corruption in transitional democracies or non-democratic regimes is linked to political will (Shah and Huther 1999, Meagher 2005, Quah 2008, Quah 2017). In the fight against corruption, political will is defined as the "demonstrated credible intent of political actors" (Kpundeh 1998, 70), which means declaring war against corruption and all those involved in it, especially against the so-called "big fish" who usually remain unaffected in the absence of any political will (Kpundeh 1998).

The correlation between political will and anti-corruption activities is also outlined by researchers who study the outcomes of the work of anti-corruption agencies and note that the effectiveness of agencies in unconsolidated democracies is determined by political will rather than the agency's formal independence from the government or its resources (Quah et al 2015). The importance of political will in eliminating corruption is underlined by the fact that despite various anti-corruption methods initiated by the international donors (and together with anti-corruption agencies), political corruption still remains a significant problem in

most transition countries; this is because political officials themselves are involved in corruption and they lack the political will to fight it (Shah 2007, Mishra 2005, Meagher 2005, Kpundeh and Johnston 2002, Fjlstad and Isaksen 2008, Kpundeh 2004, Heeks and Matinsen 2012, Amundsen 2006, Mutebi 2008).

In contrast to non-democratic regimes where the success of anti-corruption agencies is based solely on political will against elite corruption, in democratic countries the rule of law determines the positive effect on corruption control (Back and Hadenius 2009, Montola and Jackman 2002, Sung 2004, Carbone and Memoli 2015, Rock 2009), as impartial investigative bodies and independent judiciaries effectively balance the political will based entirely on the human factor standing on relevant litigation.

It is not coincidental that one of the most important researchers in the field of anti-corruption agencies, Meagher, after having studied thirty agencies around the world, argues that except in those countries where the government itself has the political will to fight corruption, the success of anti-corruption agencies is attributed to effective laws, as well as transparent procedures and an independent judiciary (Meagher 2005). An overview of the role and the factors necessary for the success of anti-corruption agencies show that agencies are mainly a technical mechanism developed against bureaucratic corruption, although with political will and the rule of law, they can function successfully in the fight against elite corruption. This finding is very important for Georgia, as the National Anti-Corruption Agency highlights the need for political will and an independent judiciary to succeed in the fight against high-level corruption.

THE POLITICAL AND INSTITUTIONAL CONTEXT OF THE COUNTRIES REVIEWED IN THE BILL AND THEIR IMPACT ON THE ACTIVITIES OF LOCAL ANTI-CORRUPTION AGENCIES

As mentioned above, the model of the Georgian Anti-Corruption Agency is based on the example of comparable organizations in Singapore, Slovenia, Poland, Lithuania and Latvia. A review of the political and institutional environment in these countries also confirms the conventional knowledge that political will and a strong judiciary are essential for the effectiveness of a high-level anti-corruption agency.

The Singapore Anti-Corruption Agency, the Corrupt Practice Investigation Bureau, was established in 1952 prior to the development of the anti-corruption policy agenda of the international community, and was launched on the initiative of the Government of Singapore. The decision by the Singaporean government was stipulated by a police corruption scandal in 1951. The new anti-corruption bureau replaced the previously existing anti-corruption department functioning under police supervision. The key to the Bureau's success in fighting against bureaucratic and high-level corruption was sharply declared by the political will of the government, which was that and foremost expressed by the Prime Minister himself, Lee Kuan Yew, through his highly intolerant attitude towards corruption (Rotberg 2017).

In terms of investigating corruption practices and then imposing appropriate sanctions, the Singaporean government later delegated significant authority to the Corrupt Practice Investigation Bureau and it functioned as an executive body independent from the government (Quah 2008). However, although, Singapore had an "atmosphere entirely against corruption" (Quah 2017, 264) due to the fact that the bureau successfully dealt with the so-called problem of the "big fish".

In 1966-2014, the Bureau filed a lawsuit against the members of the ruling People's Movement Party of Singapore out of which all the cases went to court and were put on trial accordingly (Quah 2017). As a result of the anti-corruption policy, since the 1950s Singapore has been one of the world's most successful countries in terms of fighting corruption. Despite a number of authoritarian governance trends, Singapore is ahead of many democracies in the Transparency International 2020 Corruption Perceptions Index (Transparency International 2020). Accordingly, given the political climate in Singapore, it is valid to argue that the success of the Singapore Anti-Corruption Agency was not due the agency's independence or quality of the resources, but to the classic formula: the political will of the government.

Unlike Singapore, most Eastern European countries mentioned in the Georgian National Anti-Corruption Agency bill listed as having good experience in fighting corruption were unable to completely defeat political corruption due to the lack of political will despite the existence of anti-corruption agencies. At the same time, an overview of the political and institutional environment in Slovenia, Poland, Lithuania and Latvia shows that the results achieved in the fight against high-level corruption in these countries are also directly proportional to the degree of independence of their own judiciaries.

In 2001, in a report on the implementation of recommendations for EU candidate countries, the European Commission identified corruption as a major problem for those nations (European Commission 2001). This has led to the stimulation of political will and establishment of anti-corruption agencies in the direction of anti-corruption policies in Slovenia, Lithuania and Latvia.

Slovenia has been pursuing an anti-corruption policy since 2000 based on the recommendations of the Council of Europe (Doig 2006). In February 2004, a few months before joining the European Union, the Slovenian government established an independent anti-corruption agency called the Commission for the Prevention of Corruption, which is solely accountable to Parliament (Trapnell 2013). Although Slovenia has the highest average Corruption Perceptions Index among the Eastern European countries cited in the bill (Transparency International 2020), it should be noted that the country's independent anti-corruption agency has only partially managed to solve the political corruption problem in the country. The literature reviewing the obstacles to anti-corruption policies in Slovenia outlines the importance of political will and the resistance of a self-interested political elite in the process of investigating high-level corruption. In particular, the Slovenian National Assembly often imposes barriers to conducting specific investigation of the corruption activities of high-ranking officials (Trapnell 2013). However, the relevant literature also emphasizes the importance of the role of the Slovenian Constitutional Court in relation to anti-corruption policies. In particular, the Constitutional Court significantly opposes self-interested political elites in ongoing high-level corruption proceedings and strengthens the activities of the Anti-Corruption Agency (Trapnell 2013). It should be stated that Slovenia's rule of law index has decreased significantly since 2018 (Coppedge et al, 2021) and it is not coincidental that this has been reflected in the fight against high-level corruption. The fifth assessment report highlights the problem of high levels of corruption in the Group of States against Corruption (GRECO). The report positively assesses the practical implementation of the part of the Slovenian anti-corruption legislation related to the transparency of public information and legislative processes. However, the same report highlights that when it comes to assessing the conflict of interest, gifts, lobbying activities and declarations of high-ranking officials and relevant investigation, there is a significant mismatch between legislation and practice (GRECO 2018).

The Lithuanian Anti-Corruption Agency, the Special Investigation Service, was established in 1997. In the first stage, the main purpose of the Anti-Corruption Agency under the Ministry of Internal Affairs was to fight administrative corruption.

In particular, the strategic documents of Lithuania of that period mentioned corruption in the context of economic and organized crime and did not say anything about the transparency of the financing of influential parties or the priority of fighting corruption in the government. However, Lithuania's aspiration to become a member of the European Union and NATO significantly changed the direction of the anti-corruption policy in the country, and the fight against high-level corruption soon became a priority (Aleksnevičienė 2014). In the following years, the EU's anti-corruption practice significantly defined Lithuania's anti-corruption strategy (Aleksnevičienė 2014).

In 2000, the Special Investigation Service became an independent body accountable only to the parliament and the president. The strong political will and institutional environment declared by the Lithuanian government have had an impact on the positive outcome of the country's anti-corruption policy in the post-EU period. In its latest fourth assessment in 2019, the Group of States against Corruption (GRECO) did not include any specific recommendations to fight against high-level corruption (GRECO 2019).

The Corruption Prevention and Combating Bureau of Latvia was established in 2002. The establishment of the Latvian Anti-Corruption Agency was also fueled by EU pressure and fear that Latvia could not become a member of the EU without an anti-corruption policy (Johanssen and Pedersen 2011). Unlike Slovenia and Lithuania, Latvia was not characterized by any traditions of the rule of law and strong political institutions (Johanssen and Pedersen 2011), which ultimately resulted in the ineffectiveness of the Corruption Prevention and Combating. The 2018 report of the Group of States against Corruption (GRECO) states that the prosecution of corruption-related crimes in Latvia is mainly linked to middle-ranking officials, whilst very few cases of high-level corruption reached a final verdict; These cases were characterized by complexity and significant delays in the investigation process (GRECO 2018).

Among the discussed Eastern European countries, Poland is the least succeeded in terms of elite corruption. However, the successful periods of activity of the Polish Anti-Corruption Agency should also be attributed to the factors of political will and an independent judiciary. The Central Anti-Corruption Bureau of Poland was established in 2006. The idea of creating a central anti-corruption agency belonged to the then-ruling party, Law and Justice, which turned the anti-corruption policy into the main political slogan during the pre-election period. However, it should be noted that the Polish Anti-Corruption Agency not only failed to perform its function under the rule of the Law and Justice political party, but was also often accused of being an instrument of corruption for political purposes (Gadowska 2010). Prior to 2007, Poland was considered the most corrupt country among the new members of the European Union (Transparency International 2005, 2006) and since 2007 the improvement in Poland's Corruption Perceptions Index (Transparency International 2007) has been significantly conditioned by strong anti-corruption policies and the factor of an independent court. In 2007, Prime Minister Donald Tusk ousted the head of Poland's Central Anti-Corruption Bureau Mariusz Kaminski from the office (Gadowska 2010) for allegedly using the agency for political purposes. In addition, improvement of the anti-corruption law started during Tusk's presidency that facilitated the fight against high-level corruption (Gadowska 2010). However, it should be noted that, unlike the rule of law, the court enjoyed more freedom under the Tusk government (Mathes et al, 2011). It must also be mentioned that with the weakening of the judiciary, the problem of high-level corruption in Poland has again arisen. According to the Transparency International report of 2020, there has been a significant problem in the fight against high-level corruption in recent years, together with the decline in the degree of judicial independence in Poland. The weak judiciary prevents the effective investigation of corruption cases, as stated in the report (Transparency International 2019).

The cases reviewed reaffirm the importance of political will and an independent judiciary for the successful implementation of high-level anti-corruption measures. Singapore is a clear illustration that the success of the Corrupt Practice Investigation Bureau in dealing with bureaucratic and high-level corruption was unequivocally driven by the political will of the ruling regime, whilst Eastern European cases demonstrate the role and importance of independent judiciary against elite corruption.

The anti-corruption agency without any political will and independent judiciary in Poland was not only able to deal with high-level corruption, but it was also used as an attack on political opponents. Therefore, the country only experienced periods of reduced elite corruption during the judiciary's political independence. Similarly, just as EU pressure after being granted EU membership ceased to stimulate the anti-corruption political will in Slovenia, Lithuania and Latvia, the degree of elite corruption in these countries became directly proportional to local courts' independence and impartiality regarding investigations of high-level corruption cases.

Accordingly, a relatively in-depth analysis (given in the draft law on the National Anti-Corruption Agency of Georgia) of the cases of those countries presented as the examples of successful countries in the fight against elite corruption once again proves that the Anti-Corruption Agency is only a technical tool in the hands of any government interested in eliminating political corruption. Therefore, without political will or an independent judiciary, there is less likelihood and capacity to smoothly monitor and prosecute high-level corruption cases.

COMPLIANCE OF INTERNATIONAL EXPERIENCE WITH GEORGIAN PRACTICE

The main mistake in initiating this bill is the approach of its authors, which is based on the new anti-corruption agency being initiated on a principle of "one size fits all". This idea is one of the most common mistakes made in those countries fighting corruption (Heeks and Mathisen 2012), as experience shows that one successful model of anti-corruption agency may not be suitable for other cases. Consequently, the consideration of local social, economic and political reality is necessary (Doig et al, 2005). Considering Georgia's political context is characterized by a lack of political will against elite corruption and weak political institutions, the cases presented in the bill are less likely to fit the Georgian model and solve Georgia's existing corruption problems.

In terms of political corruption, Georgia is currently facing a serious challenge. According to Transparency International Georgia, Georgia's current corruption situation is assessed as "state capture", which mainly refers to former Prime Minister Bidzina Ivanishvili and his financial and political interests (Transparency International Georgia 2019). The term "state capture" was coined by World Bank researchers and refers to the dictate of the private sector over the public sector (Hellan, Jones, and Kaufman 2000). This is a special type of severe political corruption that gives private sector groups specific access to state funds, consequently causing significant negative social consequences (Varraich 2014).

While discussing anti-corruption measures developed by the international community anti-corruption agencies, modern scholars often criticize the "principal-agent" theory, arguing that the main reason for the failure of anti-corruption reforms in transition countries is the naive public approach that all the elected authorities act within public interests (Persson, Rothstein and Teorell 2013). Researchers point out that when anti-corruption mechanisms are designed primarily against bureaucratic corruption, in developing countries

the corrupting pyramid is dominated by high-ranking politicians (Johnston and Kpundeh 2002, Mishra 2005, Meagher 2005, Kpundeh 2004, Shah 2007) and cases similar to Singapore, where the government itself was interested in the success of anti-corruption reforms. Instances of this kind are very rare in history (Persson, Rothstein and Teorell 2013).

This problem is also relevant in the case of Georgia. In the current period, former Prime Minister and billionaire businessman Bidzina Ivanishvili is the real principal, or authority, in capturing the state through informal governance. The political party that he founded, Georgian Dream, won the people's mandate in the 2012 parliamentary elections because of Ivanishvili's financial capital and his reputation as a philanthropist (Lebanidze and Kakachia 2017). Yet while in 2013 Ivanishvili resigned as Prime Minister and left active politics, the legitimacy of the Georgian Dream party still depended on Bidzina Ivanishvili's financial and personal capital. Ivanishvili's active involvement in the election campaign in favor of the Georgian Dream was evident in the period following the 2012 elections (Lebanidze and Kakachia 2017). This balance of power was, and is, based on Ivanishvili's personal factor, and is something recognized within the party Georgian Dream itself. In 2019, Irakli Gharibashvili, Ivanishvili's confidant and one of the most influential figures in the Georgian Dream political party, stated that "in fact, the power and mandate belonged to Mr. Bidzina, it definitely belonged to him" (ON Ge, 2019). According to Transparency International Georgia, Bidzina Ivanishvili maintained an informal influence on the Georgian government in 2013-2020 regarding its state capture. In particular, during 2013-2020, Bidzina Ivanishvili was at the top of the pyramid of his party's capture of the country: it was he who, through informal governance, i.e. by appointing his confidants and individuals (employed in key positions in his private companies in the past) in various branches of government, used state institutions for personal and political purposes (საერთაშორისო გამჭვირვალობა - საქართველო 2019, საერთაშორისო გამჭვირვალობა - საქართველო 2020). Despite the fact that on the basis of an official statement made in February 2021, Bidzina Ivanishvili left politics and his own party (Civil Georgia 2021), political figures endowed with Bidzina Ivanishvili's trust still remain in key positions in various branches of government. Therefore, the current political situation provides an argument that informal governance continues in Georgia. Consequently, it seems valid to allege that the personal interests of certain political officials or bureaucracies do not prevent the principal from investigating corruption cases in today's Georgia. However, the principal himself, and with the people's mandate, has become and source of corruption. Therefore, it is unlikely that he will express the political will to fight high-level corruption and launch investigations into his and his entourage's activities.

Apart from the lack of political will, the rule of law factor is equally unable to contribute to the effectiveness of the National Anti-Corruption Agency in Georgia. This is due to the fact that since gaining independence, Georgia has never had a tradition of the rule of law; currently, according to the reports of Transparency International Georgia, most of the court judges appointed for life are loyal to the government of Bidzina Ivanishvili and the Georgian Dream party (საერთაშორისო გამჭვირვალობა - საქართველო 2020). Consequently, it is unlikely that the agency will be able to conduct unhindered investigations into a particular group carrying out state capture activities.

Consequently, given the current political context of Georgia, it is unlikely that the National Anti-Corruption Agency will achieve significant success in the fight against political corruption. Without those necessary preconditions for restricting political corruption, the Georgian National Anti-Corruption Agency is expected to share the experience of similar agencies formed with the involvement of international donor organizations in other non-democratic and transitional states (Meagher 2005, Meagher 2005), and remain another fictitious organ against elite corruption.

CONCLUSION

Before considering the anti-corruption agency as an important mechanism against high-level corruption, it should be noted that "political corruption is a political problem that calls for political solutions. (And) Political corruption cannot be tackled by a technical/bureaucratic approach" (Amundsen 2006, 2). As mentioned in the previous subchapter, political corruption in today's Georgia is mainly caused by a lack of political will. Political will is the main problem in the country and therefore only stimulating political will can be an adequate political solution to the situation.

It should be stated that the discourse on stimulating political will is significantly related to the issue of political competition. In general, researchers of the effectiveness of anti-corruption agencies advise those countries where agencies are not allowed to carry out investigative and relevant functions, to work on raising public awareness in the issues related to corruption and forming public opinion against corruption in order to increase pressure on the government, thereby stimulating political will (Meagher 2005). However, it has been confirmed that the mechanism of vertical, democratic accountability does not work in terms of stimulating political will in Georgia. Despite current severe form of political corruption as "state capture", political corruption is not a new phenomenon in Georgia, and local non-governmental organizations working on the issues of corruption have been intensively providing information to the population. However, regardless the fact that information on the facts of corruption is open and accessible, a number of elections in Georgia show that the mechanism of democratic competition in the country cannot stimulate political will, as the population still vote for corrupt politicians. In terms of studying the phenomenon of voting for corrupt politicians, a study by a University of Gothenburg researcher is noteworthy since it mentions that repeatedly voting for corrupt politicians is conditioned by a lack of choice in the political arena, specifically due to the lack of a "clean political alternative" (Agerberg 2020, 271-275).

In terms of a "clean political alternative", there is currently low political competition in Georgia. Presently, the bulk of the country's political landscape consists of either parties funded by businessmen with political interests, or parties affiliated with political corruption while in power (საერთაშორისო გამჭვირვალობა - საქართველო 2011). Considering the political landscape, it is likely that the issue of corruption is not properly politicized among voters, as the public have no reason to believe that the next government will not engage in political corruption. Therefore, it is valid that the issue of the lack of political will in Georgia is related to the problem of political competition. At the same time, it is well-known that low political competition significantly conditions the political elite's lack of political will to pursue anti-corruption policies. This problem is particularly evident in transitional countries where governments can engage in corrupt activities without fear of losing elections due to the lack of, or low quality, political competition (Johnston 1998).

Based on the factors mentioned above, in order to succeed against elite corruption, it is necessary to develop anti-corruption mechanisms in Georgia not by methods designed on a same model for all countries, but through taking into account the political context specific to Georgia. The goal of civil society representatives working on corruption issues should not be to create an anti-corruption agency dependent on the free will of the political elite, but on stimulating the political will per se to fight corruption. This can only be stimulated by promoting the formation and development of new, institutionalized political parties. This will lead to increased political competition in the political field and, consequently, activate the principle of democratic competition.

It should be noted that the proposed alternative strategy goes beyond the framework of modern anti-corruption mechanisms and, in this respect, it may represent a non-traditional means of fighting against high-level corruption. However, when scholars examine the example of Sweden, which succeeded in pursuing anti-corruption policies before the introduction of good governance agendas in the 19th century, they highlight that countries have the potential to achieve success in anti-corruption policies independently by the correct identification of their current problems (Rothstein and Teorell 2015). Accordingly, it is recommended that the promotion of the formation and development of Western-style institutionalized political parties should appear on Georgia's anti-corruption agenda. The existence of more institutionalized political parties in the Georgian political field will generate more "clean political alternatives" (Agerberg 2020, 271-275) and, consequently, more intolerance of Georgian voters towards political corruption. Due to rational interests, it is expected this circumstance will be taken into account by the ruling parties. The proposed recommendation may also be politically relevant in the long term against political corruption under a hypothetical coalition government. However, according to the well-known postulate "power is seductive", the coalition government is not a guarantee that all the parties in government will have the same political will to fight against corruption. Nor will they necessarily have the opportunity to and assert their advantage compared to those outside government will not be involved in corruption themselves. Therefore, if the recommendation suggested in the paper is implemented, the parties in the coalition government should also know that the country's citizens have an alternative, and in case of their involvement in corruption, people will not vote for them in the next elections.

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