Georgia's New "Foreign Agents" Law

17 MAY 2024

Paula Bisa and Leonie Nienhaus



Amid political upheaval, Georgia finds itself at a crossroads with the adoption of the "foreign agents" law by the ruling Georgian Dream Party. Last year, this law was interrupted by widespread protests but now was reintroduced with a new definition, targeting "Organizations Pursuing the Interests of a Foreign Power". After the parliament passed its first reading of the bill, peaceful mass protests took over the centre of Tbilisi, opposing the decision of the ruling parties. Even though President Salome Zourabichvili vowed not to sign the bill, the parliament can override her vote by a simple majority.

Under this legislation, non-governmental organisations (NGOs) receiving 20% or more of their funding from abroad are compelled to register as entities serving the interests of a foreign power. This move signifies a critical juncture for Georgia, where the nation's trajectory towards Western democratic values clashes with the spectre of Russian authoritarian influence. However, 80% of Georgians desire to join the European Union, while the leading party aligns further with the Kremlin.

A Comparative Exploration

Supporters of the bill argue that it is necessary to curb foreign influence and enhance transparency regarding foreign funding. Drawing parallels to the U.S. Foreign Agents Registration Act (FARA) of 1938, advocates claim the basis of the established legislation. However, critics have labelled the proposal as "the Russian law," citing similarities to legislation enacted in Moscow in 2012. This legislation has been utilised to suppress dissenters critical of the Kremlin, including independent media outlets and human rights organisations.

It is crucial to note the distinction between international donors and designated foreign agents. While international donors refrain from issuing directives to grant recipients, agents working for a foreign power operate under clear guidelines regarding fund allocation, potentially impacting their autonomy.

In the United States, FARA was introduced to detect Nazis and Bolsheviks and now targets individuals and entities under foreign control acting in the interests of a foreign power. On the other hand, in Russia, the legislation broadens the definition of foreign agents to include NGOs engaged in activities deemed dangerous to Russian interests. In addition, Russia just passed a bill banning "foreign agents" from running for any political office.

The law applies to civil society groups receiving more than 20% of their funding from foreign sources in Georgia. They must register as "pursuing the interests of a foreign power" and provide financial statements about their activities. There are 25 000 active NGOs in Georgia, of which 90% receive funding from abroad, mainly from the West. Therefore, this law treats the West as an adversary and reduces civil society activities.

Consequences

Critics argue that this law only extends the power of Prime Minister I. Kobakhidze and the Georgian Dream party's founder, B. Ivanishvili, and their control over the opposition. This law has significant implications for Georgia's internal landscape and its aspirations for EU membership. As the nation grapples with competing ideologies and geopolitical influences, the stakes are high, with the future course of democracy in Georgia hanging in the balance.