

# EXPERT EVALUATION

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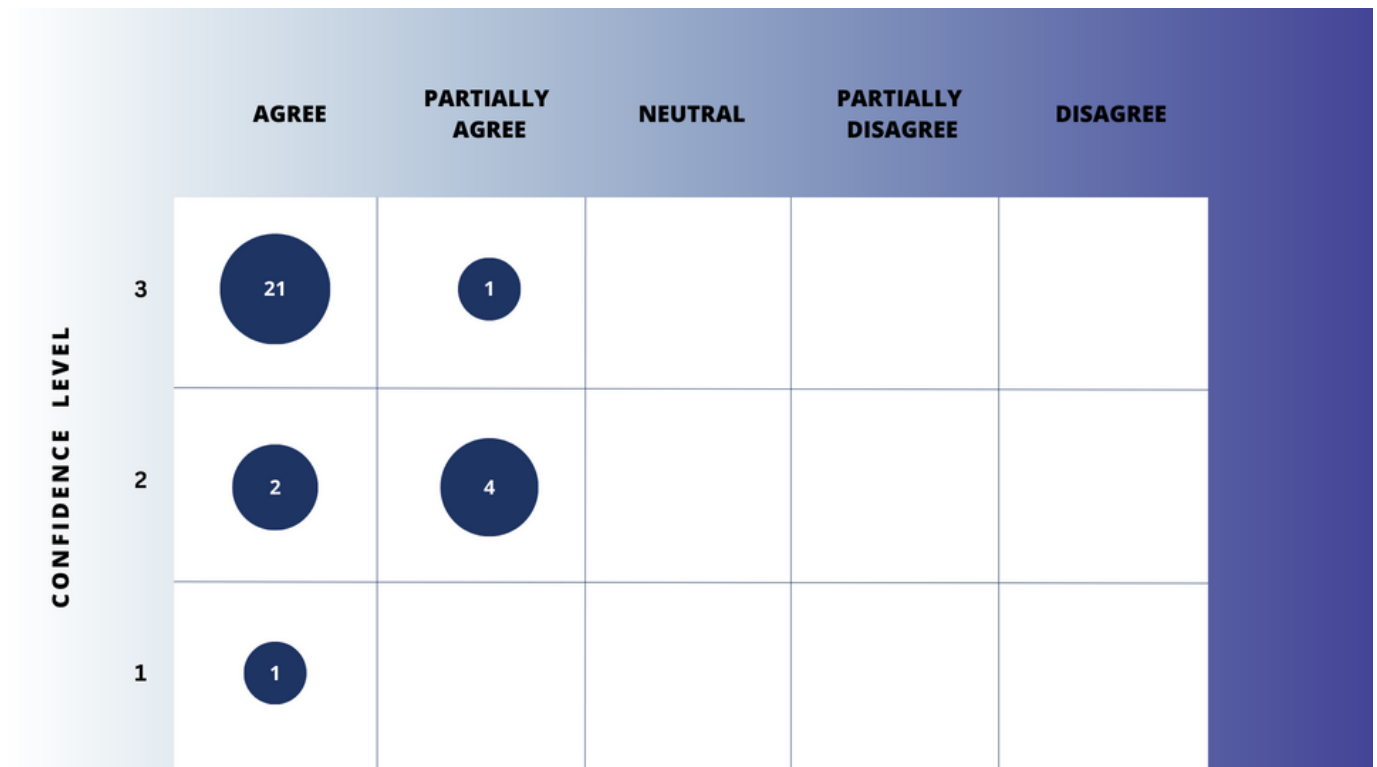


საქართველოს პოლიტიკის ინსტიტუტი  
GEORGIAN INSTITUTE OF POLITICS

# Potential Impact of Adopting the Law on Agents of Foreign Influence on Georgia's European Integration

On December 29, 2022 The People's Power a populist faction movement affiliated with the ruling party, Georgian Dream, presented the draft law which will envisage creating a registry for “agents of foreign influence”. According to the idea, “the definition of an agent of foreign influence will be introduced”, and “the direct involvement of the state in a number of processes that envisage the privileging of individuals or legal entities with foreign funding will be ensured.” On February 14, 2023 the movement initiated a bill on the activities of foreign-funded organizations and are going to register it officially in parliament. Georgian Dream has been in agreement with this position. The draft law might be successfully adopted by the Georgian Parliament in the near future, which would put CSOs in a vulnerable position.

**If the Georgian Parliament adopts the law on agents of foreign influence, it will mark a decisive turn away from Georgia's European integration and should negatively impact perspective for future European financial aid.** In the frameworks of Expert Evaluation, we are asking for answers to the established Georgian and international experts if they agree or disagree to that notion. In the same survey experts provide the evaluation of their confidence level from 1 to 3 points and explain their answer within 150 words maximum. [1]



[1] Assessments were made before the official announcement about the bill was made on February 14, 2023

## Hubertus Jahn

*Professor of the History of Russia and the Caucasus, University of Cambridge*



Agree (3)

This policy was first adopted and used in the Russian Federation. Its outcome there is for everyone to see. It has led to a complete dismantling of democratic and civil society structures and the rise of an autocratic and corrupt dictatorship accompanied by numerous arbitrary punishments and incarcerations of innocent individuals. This policy stands diametrically opposed to legal practices and traditions of freedom in Europe. This will effectively stop the European integration process of Georgia (which may well be the intention behind the proposed law in the first place). It will have serious long-term effects on Georgia's economic prosperity and development, and it will negatively affect the aspirations of Georgia's young and educated generation, many of whom may even consider leaving the country (just as in Russia).

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## Stephen Jones

*Director, Georgian Studies Program, Harvard University*



Agree (3)

This is a provocative bill, and I hope it is decisively rejected by the Georgian parliament. It is modeled on the legislation of Russia and other authoritarian states. It is the beginning of a process which will chip away at the freedom of Georgia's CSOs to freely organize without fear of government restrictions, and to express dissent. Georgian CSOs and their freedom of action are essential to the proper functioning of Georgia's democracy. Without them, Georgia's citizens will not have access to the informed analysis and commentary they require. But this bill, if it becomes law, will cast a deeper shadow over Georgia's media and other parts of Georgian civil society. Anyone can be declared a "foreign agent;" it is an ominous reference to Soviet times when being "foreign" was dangerous. This bill is counter to Georgia's aspiration for democratic openness, and will undermine the goal of EU membership.

## Julie George

*Associate Professor of Political Science, Queens College, CUNY*

Agree (3)



Laws on foreign influence are a way to isolate and harass civil society groups whose voices, while sometimes difficult to hear, are the essence of democratic governance. Democracies are difficult to govern. But they are the safest societies. Georgians deserve to live in a democracy. It could be that the current Georgian leadership does not intend to suppress voices, but merely mark them. Even so, in those countries that have created foreign agency laws, over time the power of ALL civil society has eroded. Media freedoms have collapsed. Authoritarian regimes have emerged every time. This trajectory is well studied and well-known. This law, then, is not merely a law – it’s a signal to the West that Georgia’s efforts to build democracy have ended. The Georgian government will have abandoned its people, who have worked for so long and endured so much to build the promise of an open and safe Georgia.

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## Lincoln Mitchell

*Columbia University*

Partially Agree (2)



The three confidence related options do not cover all the possibilities. My position is that I know the topic reasonably well, but am only partially confident. The primary reason for my view is that while passing such a law would not help Georgia's European integration, many in Europe have already pushed Georgia to the back of the line, so passing a law like this will not be decisive in any way.

## Helge Blakkisrud

*Associate Professor, University of Oslo*

Agree (2)

To adopt a law 'on foreign agents' in the current situation would be to send a fundamentally wrong signal to Brussels and to European capitals. While across the European Union, member states are concerned about how external powers might seek to exploit domestic vulnerabilities through fake news and influence operations, a law on foreign agents as envisioned by the current proposal is not the way forward if Georgia is seeking further integration with the EU.

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## Michael Emerson

*CEPS, Brussels*

Agree (1)

I have not seen the draft text of the draft, so my response implies this reserve. But in general my think tank, CEPS, should for consistency be regarded as a foreign agent in all 27 member states of the EU. Otherwise this seems to follow the Russian model.

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## Christofer Berglund

*Associate Professor, Malmö University*

Agree (3)

GD has time and again demonstrated that it has zero interest in ensuring rule of law. After cracking down against opposition politicians and critical media outlets, this draft law creates conditions for harassing CSOs too. It makes no sense for the EU to extend financial let alone political support to a state that demonstrates blatant disregard for its values.



## Stefan Meister

*DGAP, Head of Center for Order and Governance in Eastern Europe, Russia, Central Asia*

Agree (3)



The current Georgian government has left the transatlantic and European integration path. Its actions against the media, undermining The rule of law and now the foreign agent law are seen in Brussels and the EU member states very critical because it all together undermines key elements of the integration with the EU. The foreign influence law reminds much on practices we know from Russia, which tries to minimize international contacts and funding for civil society. All this is about control and isolation of the society. For Georgia's path to Europe, a vibrant civil society is crucial. International contacts are very important. A lot of activities are funded from abroad which are important to develop the human potential of the country, for education, international exchange, to keep young people which have very limited perspective in the country. Independent media is financed from abroad, which is not fueling polarization but provides fact based quality information and investigative research. Many services for the Georgian society are not funded by the Georgian state, but by foreign donors first of all from Europe and the US. If all this is not possible anymore, the situation of the society will worsen, more young people will left the country and such a law would undermine granting a candidate status for Georgia. Georgia had a strong image as a reform country in the past. It still performs best in many areas in reforms in the context of the Association agreement with the EU. But that is a legacy from the past. Without rule of law, independent media, free and fair elections and strong civil society their will be no EU integration for the country possible. Georgia's big assets in the past two decades were its openness for foreigners and a vibrant civil society. Such a law will destroy this important advantage Georgia has with regard to many other post-Soviet countries and will bring it closer to the Russian political culture and repressive policy. Russia will only become weaker and lose more influence with its war against Ukraine. Any rapprochement with Russia and compromise, any disinformation campaign in line with Russian narratives have not only a negative impact on the political culture of the country but will burn bridges towards European and transatlantic integration. I can only confirm this from my talks with Brussels institutions and in the member states. A big shift is going on in the perception of Georgia, and this law and anti-Western and anti-European narratives and policy is very distractive.

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## Sonja Schiffers

*Director, Heinrich Boell Foundation Tbilisi Office - South Caucasus Region*

Agree (3)

The discourse on the possible adoption of a so-called foreign agent law is aimed at intimidating civil society. Civil society has been very critical of the Georgian government's incomplete implementation of the EU's 12 recommendations. Understandably, the government is not happy about the criticism it is facing, but it needs to tolerate it if it sees Georgia's future in Europe and democracy. I hope that Georgia's Western partners make it very clear that adopting a foreign agent law would be unacceptable and lead to negative consequences in mutual relations.

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## Licinia Simão

*Professor of International Relations, University of Coimbra*

Partially Agree (2)

My answer relies on a comparative assessment with other similar cases, rather than a detailed knowledge of the specific situation in Georgia.

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## Tracey German

*Professor, King's College London*

Partially Agree (2)

Financial transparency is important, but concerns about this proposed bill stem from how Russia has used its 'foreign agent' legislation to restrict the activities of a wide range of organisations and individuals, undermining fundamental freedoms associated with a functioning liberal democracy.

## Thomas de Waal

*Senior Fellow, Carnegie Europe*

Partially Agree (2)



This proposed legislation has echoes of Russia's "foreign agent law" and, if passed, would clearly do a lot of damage to Georgia's European aspirations. But let's be clear on what this is really about. This initiative is very unlikely to pass and is better seen as a deliberate provocation. It's the work of a group of politicians who have no interest in Georgia joining the EU and who want to advance their agenda and gain fame by picking a public fight with Western politicians. Caution, restraint and scepticism which do not give these provocateurs too much "oxygen of publicity" are needed in coordinating the response.

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## Fernando Casal Bertoa

*Associate Professor, University of Nottingham*

Agree (3)



It is against the *acquis-communitaire*.

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## Bakur Kvashilava

*Professor of Political Science; Dean, School of Law and Politics at Georgian Institute of Public Affairs (GIPA)*

Agree (3)



This initiative is a direct replica of the legislation adopted in Russia years ago, which further exacerbated the final demise of their already fragile democratic institutions.



## Vano Chkhikvadze



*EU Integration Program Manager at Open Society Foundations Georgia (OSGF)*

Agree (3)

The decision largely defies recommendation #10 by the European Commission, which ensures the involvement of civil society in decision-making processes. The Venice Commission's assessment of the same issue is also noteworthy.

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## Ghia Nodia



*Professor at Ilia State University*

Agree (3)

This legislation inherently replicates the similar law adopted by Russia and its satellites aimed to eradicate the involvement of Western organizations in their respective countries. This kind of decision, on the one hand, challenges liberal-democratic values and, on the other hand, conveys animosity towards Western democratic states.

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## David Aprasidze



*Professor at Ilia State University*

Agree (3)

This legislation would endanger the very existence of an already fragile civil society since it would complicate the funding process and limit the scope of its action. It would be used as a political tool to discredit civil society organizations and activists and would prepare a legal basis for their further control. Thus, the legislation would negatively affect Georgia's Euro integration prospects. As for the reduced funding for civil society, the funds would be contingent upon specific barriers and reporting envisioned by the law. In general, new barriers will undoubtedly have a negative impact.

## Giorgi Isakadze



*Host & Editor at BMG; Editor in Chief at Forbes Georgia Agree (3)*

Agree (2).

I do not see strong institutions in Georgia that would be capable of revealing “agents of influence in the country, which falls more into the realm of intelligence services and law enforcement rather than political connotation. The latter could skillfully be used as a political tool to damage the reputation of certain people unacceptable by the government. The contents and name of the initiative evoke direct association with the existing Russian legislation, under which hundreds of people, who were in any way unacceptable for the regime, were labeled “agents of foreign influence” and registered as foreign.

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## Tinatin Akhvlediani



*Research Fellow and Head of Financial Markets and Institutions (FMI) Unit at CEPS*

Agree (3).

This law would create the legal basis for the government to interfere in the activities of civil society organisations. The abuse of the legal powers could result in targeting and attacking certain civil society organisations, which would criticize the government. On the background of increasing informal governance, corruption, politicized justice and deterioration of media freedom in Georgia over the past years, the law would feed into the steps taken towards the state capture. Given the instrumental role of civil society in building Georgian democracy, the law would seriously threaten Georgian democracy, and therefore Georgia's European future.

## Nata Sabanadze

*Invited Professor, Mount Holyoke College*

Partially Agree (3)

First of all, it will be a deviation from the democratic development of the country. It will have a negative impact on the process of European integration, which process is already noticeable. This law will be another particularly damaging step. Whether or not a financial sanction will follow is difficult to say with complete certainty. The probability is high.

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## Shalva Dzebisashvili

*Professor, The University of Georgia (UG)*

Agree (3)

The content and expected effect of any draft law are determined not only by its wording, but also by the political context, political experience, and the tradition of using or not using normative acts. Therefore, according to all three components, there is an absolutely justified enormous risk that, on the one hand, the wording in the law mainly reflects the typical attempts of authoritarian regimes to limit austerity and accountability, to limit the actions of the independent public (and non-governmental) organizations, and to prosecute or put pressure on political opponents.

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## Paata Gaprindashvili

*Georgia's Reforms Associates, Director*

Agree (3)

Even the initiation of this draft law will have a negative impact on the commitment of Georgia to EU integration in the eyes of our partners. The adoption of such a law today is a practice of autocratic/dictatorial regimes.

## Tamar Khulordava

*Founding partner of Egeria Solutions*

Agree (3)

Not only the adoption of the law on agents of foreign influence but even holding a serious discussion on it will significantly damage the already shaken international reputation of Georgia. Even if the law is not finally adopted, its consideration will cause great harm to the activities of non-governmental organizations. European integration requires the readiness of various sectors of the country to incorporate European standards and legislation, but European integration is primarily a political process. Nobody considers a country as a serious candidate for EU membership that restricts civil liberties and engages in a targeted campaign against civil society.

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## Irakli Kobalia

*Dean of the School of Politics and Diplomacy at New Vision University*

Agree (3)

Russian-Style legislation on foreign agents would act as direct interference with the activities of civil society organizations as well as restriction on civil society space. The parallels with Russia would be clear and striking. Such a scenario would damage democracy agenda with the EU, funds included.

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## Tamar Sulukhia

*Director of The International School of Economics at Tbilisi State University (ISET)*

Agree (3)

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## **Kakha Gogolashvili**

*Senior Fellow, Rondeli Foundation*

Agree (3)

The Georgia-EU Association Agreement (2014) states the following in the preamble: "...desire to contribute to the process of political, socio-economic and institutional development of Georgia, through cooperation in a wide range of areas of common interest, such as the development of civil society, good governance ...and note the readiness of the European Union to support the implementation of relevant reforms in Georgia..." Thus, with this note, the Georgian authorities and government agree to cooperate with the European Union for the development of civil society, which in itself implies (as it happens in the case of all other types of cooperation) allowing EU funding for projects implemented by local non-governmental organizations in support of reforms. Based on this record, any lawyer would view the "foreign agents" law as an attempt to undermine the spirit of the Association Agreement and the basic principles of cooperation.

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## **Ketevan Bolkvadze**

*Senior Lecturer, Lund University*

Agree (3)

This appears to be a carbon copy of Russia's law on foreign agents, which was passed in 2012 and was widely used to suppress dissent and opposition. Given the GD's dismissive attitude toward non-governmental/watchdog organizations, there is a very real danger that the law will be used to restrict and delegitimize any dissenting voices. This will undoubtedly further distance Georgia from the EU and its western partners.

## Mikheil Sarjveladze



*Visiting Fellow at German Institute for International and Security Affairs (SWP); Friedrich Schiller University Jena Postdoctoral Researcher*

*Agree(3)*

Adopting the mentioned legislation by the Parliament would signal a departure from the Euro integration process for a simple reason: state monopolization of power over civil society is inadmissible in a democratic regime since it defies the basic principles of democracy. That kind of decision by the state only demonstrates the systematic violation of the power distribution principle - one of the main characteristics of the shift towards authoritarianism. Considering Georgia's struggle to fulfill the 12 recommendations by the European Commission, the law on "foreign agents" would further distance the country from the EU. By looking at the Russian example, a similar law in Russia restricted not only non-governmental organizations but was also extended to specific individuals and activists, who became easy targets for the state actors under the changed legal framework. Therefore, when it comes to financial aid confiscation allocated to the government sector when there are risks of misuse of those funds against civil society, that legislation will for sure negatively affect the fundraising process (for the Georgian organizations). Besides, that kind of law would force the civil society sector out of the country, similar to what happened to the "Memorial" in Russia.

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## Thornike Gordadze

*Paris Institute of Political Sciences*

Agree (3)



Talking about this draft law might be a sort of tactic of the ruling power, and thus it tries to respond to frequent criticism from the West (from the EU and the USA). The ruling party ("People's Power" should be considered as its part and instrument) thereby shows its readiness to respond to pressure from the West: to establish an openly authoritarian regime, the geopolitical continuation of which will eventually be the transition to Russia's orbit. The government of Georgia and primarily its informal ruler might want to show the West that they can act more actively against Europe and the USA. Whether the law will be adopted or not will depend on the reaction of the West. Such a tactic in itself, even if the matter does not reach the approval of the draft law, shows the following: 1. For the Georgian government, Euro-Atlantic integration is less important than staying in power. It could easily cope with changing the political course developed for 10 years. 2. The Georgian government thinks that geopolitically the West is weak and that it can speak the language of blackmail. Party representatives often repeat that Europe needs Georgia more than Georgia needs Europe. 3. The Georgian government is quite far from the European Union and the USA in terms of values. Russian or lighter Hungarian and Turkish models are much closer to them.

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