**How does Georgia’s new foreign agent law impact its integration into the EU, and how does this compare to similar laws in Russia?**

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Published: 27th of January, 2025

**Abstract**

**The paper assesses the implications of Georgia’s new transparency, which is often dubbed as “Russian foreign agent law,” on its integration within the EU. It aims to show the relationship between the laws in Russia and Georgia and why it is so problematic for the country’s prospects after their candidate status. The analysis examines how the law differs from European standards and undermines democratic norms.**

Keywords: Georgia, Russia, rule of law, EU

1. **Introduction**

Georgia’s new law on transparency has caused huge outrage both domestically and internationally. Georgia, which has recently started its process of becoming part of the European Union, has seen a major setback after passing the infamous “foreign agent law,” which has raised questions regarding the country’s alignment with the EU values.[[1]](#footnote-0) The law requires NGOs and media outlets to register as “foreign agents” or, in other words, “agents of foreign influence,” which very evidently mimics a similar law that was passed in Russia over 10 years ago.

The Russian foreign law was deeply criticized due to its use as a political tool to control the opposition and its arbitrary enforcement due to the law’s vague language and interpretation.[[2]](#footnote-1) It has been argued that due to the similarity in nature and Russia’s influence on Georgia’s political party, the Georgian Dream, the country might go down the same path and jeopardize Georgia’s European future.[[3]](#footnote-2) Massive protests in Georgia regarding this law have given this problem international attention, and questions regarding future human rights violations have started to emerge. The paper will discuss how this law will affect Georgia’s future integration into the EU, and how similar it is to infamous and publicly condemned Russian foreign agent law.

*II. What is the “Foreign Agent” Law in Georgia?*

Georgia’s “transparency on foreign influence bill” also known as “foreign agents’ law” was passed on May 17, 2024. The law requires NGOs and media outlets that receive more than 20% funding from abroad to register as “organizations “pursuing the interest of a foreign power.”[[4]](#footnote-3) They are required to disclose any activity, organizational details, and financial sources to the government. In the case of non-compliance with the law, the government will impose penalties such as fines, potential suspension, operational restrictions, or closure of the organization. [[5]](#footnote-4)

According to the ruling party in the government, The Georgian Dream, this law is the key to ensuring transparency from foreign influences to protect national sovereignty. They believe that this will protect Georgia from any external interference in Georgia’s domestic politics.

However, the true nature of the law has been questioned by many politicians and the public itself. Critics argue that the law is inherently restrictive and could harm civil society and media freedom. By forcing NGOs and media organizations to register as “foreign agents,” critics argue that it stigmatizes these groups and creates an environment of suspicion. It is argued that this labeling could lead to public distrust and delegitimize the work of civil society groups that are critical of the government, particularly those advocating for EU integration or human rights.[[6]](#footnote-5)

The law could also discourage foreign funding for NGOs, as many international organizations may be hesitant to operate under the presumption of being labeled as foreign agents. This could reduce the ability of NGOs to operate freely, thereby hindering their influence on public policy and limiting their ability to advocate for democratic reforms, the rule of law, and human rights.[[7]](#footnote-6) The groups that will suffer from this bill are extensive. Civil Society Groups such as Transparency International Georgia and many more, have various international aid due to the international purpose of their organizations.[[8]](#footnote-7) This is also applicable to independent media outlets, especially if they collaborate with international entities and get funding from abroad. This is why many observers have mentioned that this bill “threatens to equip the government with tools to suppress civil society and independent media.” [[9]](#footnote-8)

More importantly, the vague wording of some provisions in the bill could be broadly interpreted and used to target organizations for opposition views. The law offers a lot of space to be used to silence dissent and limit civil society from operating freely. [[10]](#footnote-9)

The biggest outrage towards this law came after comparisons were drawn between Russian and Georgian foreign agent laws, hence dubbing this law as “Russian Foreign Agent Law”. Despite Georgian Dream’s pleadings regarding the fact that many other European countries have a similar law, people are still convinced that this law will be used in a politically motivated manner, as it is used in Russia.[[11]](#footnote-10)

*1.2 “Foreign Agent” rule in Russia*

In July 2012, Vladimir Putin signed the law on “foreign agents”, which came into force in November of that year. [[12]](#footnote-11) This law similarly requires non-governmental organizations receiving funds from abroad and engaging in “political activities” to register with the Ministry of Justice as “foreign agents”. This caused several pro-democracy aid agencies to pull out of Russia, including the US Agency for International Development, the International Republican Institute and the National Democratic Institute.[[13]](#footnote-12)

According to the law, “foreign agents” are subject to a strict control regime, including extensive annual audits, quarterly financial reporting, and voluminous reporting on all activities every half year. They must mark all publications, letters, and other material, whether in paper or electronic form, as belonging to a foreign agent.[[14]](#footnote-13) This law has been criticized as vague and open to arbitrary enforcement, allowing the government to selectively target organizations that seem to be oppositional to the regime. The Venice Commission’s opinion on this law stated that the term “foreign agent” is in close association with “espionage” and “treason”. The law’s sanction regime is extensive. Non-governmental organizations that fail to register as “foreign agents” risk suspension for up to six months, by a simple decision of the authorities without a court order. Leaders who fail to comply with the law face up to four years in prison and fines up to 300,000 RUR (Euro 7,500). Organizations face fines up to 1 million RUR (Euro 25,000).[[15]](#footnote-14)

This law has resulted in further democratic backsliding for the society. Golos, a prominent election-monitoring organization, refused to register as a foreign agent. They were targeted due to their international funding and their active role in exposing electoral fraud in Russia. The government fined the NGO for various instances such as publishing “research results” during the silent period, for which Golos appealed to ECtHR. The Court concluded that this was a violation of Article 10 of freedom of expression. Golos was ultimately dissolved in 2020.[[16]](#footnote-15) Despite the fact that Russian authorities’ main argument regarding the law, similar to the Georgian government, was to ensure transparency, their main prerogative of sanctioning Golos was to ensure there was no transparency in elections available to the Russian people.[[17]](#footnote-16) However, this is not a singular case.

Meduza and Dozhd TV, major independent media outlets, have faced legal repercussions under this law, where they closed down entirely.[[18]](#footnote-17) These new organizations were known to advocate for human rights throughout the country. These cases showed that “foreign agent law” still may amount to violations of human rights such as freedom of expression, despite not restricting it directly. Many international organizations, including the EU and US, have condemned this foreign agent law, seeing it as a tool for silencing dissent.[[19]](#footnote-18)

This is why similarity to Georgian law is very detrimental to Georgia’s future. The wording of “political activities” in both laws can be interpreted in a partisan way, giving the government the right to depose the opposition in a “legitimate” way. Due to Russia’s occupation of 20 % of Georgia’s territory, adopting a similar law is not only bringing Georgia closer to Russia but also hindering Georgia’s integration into the EU. Russia has tried to seize control of Georgia numerous times through occupation or its frequent interference in its politics, hence Georgia’s EU candidate status is significantly going to affect Russia’s influence over Georgia. Even though Georgia’s foreign agent law does not have as much severity in its enforcement as Russia’s, it is due to the novelty of the law. The progression of the law in Russia started in 2006 and even to this day is gradually becoming more and more restricting. The Georgian government’s broad discretion in labeling NGOs and media outlets as foreign agents will eventually also lead to arbitrary enforcement, which directly undermines the principle of equality, a cornerstone of the rule of law.

* 1. *EU INTEGRATION*

*1.3. 1 international response and comparison*

Georgia’s aim in recent years has been to be a part of the European Union. This is further highlighted in the Georgian Constitution under Article 78, which directly states that: “The constitutional bodies shall take all measures within the scope of their competences to ensure the full integration of Georgia into the European Union and the North Atlantic Treaty Organization.” [[20]](#footnote-19) The country first applied for EU membership in 2022 and was granted the candidate status in the following year. Despite this being a milestone for the nation, Georgia had many things to improve concerning democracy and law. After the passing of the “Foreign Agent Law,” The EU condemned the “transparency of foreign influence” bill, expressing concerns that it could potentially hinder Georgia’s EU membership aspirations.[[21]](#footnote-20) The EU stated that the law “is not in line with EU core norms and values” and could potentially restrict the operations of civil society and media organizations *[[22]](#footnote-21)*

Many government and organization leaders share the similar sentiment regarding the law. Marie Struthers, Director for Eastern Europe and Central Asia at Amnesty International, referred to the law as a contravention of “Georgia’s international obligations on the rights to freedom of expression and association and strikes at the heart of civil society’s ability to operate freely and effectively*.[[23]](#footnote-22)*

Despite such pleadings from the EU, the Georgian government claims that transparency laws are not new, especially in the EU. In Hungary, Transparency law was passed within the same scope as Russian law. However, this is not a compelling argument, as this law was soon repealed when CJEU found that Hungary was unjustifiably targeting NGOs and was restricting freedom of association based on foreign funding which posed an unevidenced risk. Hungary was ordered to annul or amend the law in accordance with the EU standards. Hungary changed its legislation by introducing a review by the State Audit Office and directed its scope towards NGOs of “significant public interest” instead of any foreign-funded organizations. Most importantly, CJEU was concerned with the freedom of association which was going to be limited due to the public disclosure of donors. [[24]](#footnote-23)Hungary amended this point by making donors only accessible to the government.

Regarding the similarities between the EU legislative initiatives on transparency and the “foreign agent law” the OSCE Office for Democratic Institutions and Human Rights (ODIHR) concluded that whilst transparency may be utilized to achieve other legitimate objectives, such as public order or combating crime, including corruption, appropriation, money laundering or financing terrorism, increasing the degree of transparency does not serve as an inherently legitimate aim by itself. It is impossible to claim that transparency is a legitimate goal to justify the violation of human rights without a solid basis. [[25]](#footnote-24)

Georgia has to understand that the aim of the law itself is not the problem but the framework. The Council of Europe’s guidelines stress that transparency requirements must be necessary and proportionate and should have specific aims, such as targeting national security. Any laws passed should refrain from labeling any organization just based on its funding. Unlike other transparency laws such as FARA in the US, the Georgian “foreign agent law” just has a mere focus on the funding source rather than providing requirements to prove whether these NGOs are truly working under foreign interests. None of these laws impose blanket rules with no exceptions and do not target civil societies directly. Transparency laws are mostly underscored regarding the EU's political lobbying and financial laws. This is to control organizations that are involved in impacting the policies. Furthermore, EU directives on transparency provide specific definitions on terms such as “representation of interest”, which contrasts “the foreign agent law” which uses the term “foreign power” based on a single criterion which is the threshold at which they receive funding.[[26]](#footnote-25) As mentioned previously, this sort of broad interpretation has been used in Russia as a tool to silence and control civic entities. The EU has affirmed that there is no place for arbitrary enforcement of law.

*1.3. 2 Rule of Law and Democratic Backsliding*

For Georgia to ensure their smooth transition to the EU, they should abide by the European principles. It is directly stated that countries that wish to join the EU should make sure that the process by which laws are prepared, approved, and enforced is transparent, efficient, and fair. Laws must be clear, publicized, stable, fair, and protect fundamental rights. [[27]](#footnote-26) Even disregarding the scope and material of the law, the process of implementation of the law itself also went directly against EU principles. The Venice Commission stressed that “complex and controversial bills would normally require particularly long advance notice, and should be preceded by pre-drafts, on which some kind of consultation takes place. The public should have a meaningful opportunity to provide input […].”[[28]](#footnote-27) However, the Georgian government adopted the law in the third and final reading within five weeks of its submission, despite massive protests that were against the passing of the bill. Mary Lawlor, the Special Rapporteur on the situation of human rights defenders stated:“We are seriously concerned at the speed of deliberations in Parliament, which appear to have taken place without inclusive, transparent and genuine consultations with civil society, society at large and opposition parties”[[29]](#footnote-28)

The legislation's adoption in such a “rushed way with no meaningful consultation process” [[30]](#footnote-29) raises concerns that the law is indeed “not in accordance with an inclusive democratic process”[[31]](#footnote-30) and further affirms the trend towards democratic backsliding.

As mentioned previously, more severe problems lie within the material of the law due to its broad scope. The definition of “foreign power” is much too extensive and directly contrasts the clarity requirement of the legislation. Due to a lack of exceptions and specifications in the law, according to the Venice Commission, “[[32]](#footnote-31)the automatic presumption that any foreign funding, however, limited and dispersed, equals foreign influence seems hard to sustain “and quite frankly justifies restrictive measures.

Applying laws proportionately and necessarily is another fundamental of the European Union.

Such derogation from European Standards, especially as a candidate, will affect Georgia’s future chances to integrate into the EU. The fact that this law already has received such backlash, even without having any effect, shows that due to what it has done to democracy in other countries such as Russia, It should be avoided. If Georgia still wants to achieve its aim of protecting national sovereignty, it should reevaluate the legislation. This can be done by offering less restrictive measures or offering specific definitions of what constitutes what to avoid arbitrary enforcement and stigmatization of NGOs and media outlets.

*1.4 Conclusion*

The “foreign agent law” clearly depicts that Georgia still has a long way to go before joining the EU. Due to constant interference from Russia in its internal affairs, Georgia must take a stance for either its European future or Russian influence. This law again shows that Russia’s impact on Georgia’s politics is theoretical and quite invasive. Regardless of the legitimate aim of the legislation, this law needs to be changed to fit the standards of Europe. This can be done by avoiding arbitrary language and making the law much more specific. The specificity will also help the law target areas that the EU tries to control with transparency laws. The problem is not that Georgia wants to protect its national sovereignty but how the law will be applied and adapted. Rushed adopted process, broad interpretation, and the infamous history of civil society are enough to raise alarms for the European Union and indefinitely put a pause on Georgia’s integration into the EU.

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