



CASE STUDY: GEORGIA

Global State of Democracy 2023 Report

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Independent civil society and critical media have been lifelines in Georgia's troubled democracy. So, when the Georgian ruling party (Georgian Dream) and its affiliated parties embarked on a course to label them as 'foreign agents' and eliminate their ability to operate freely, the Georgian public could not stand idly by.

In March 2023, civic groups, non-governmental media outlets, and tens of thousands of citizens joined well-organized advocacy and street protests to counter the government's plan to pass the bill containing these proposals, leading to it being withdrawn, just days after its initial approval in the first reading.

Countervailing action by civic groups and citizens has become typical of Georgia, given that other mechanisms for public interest representation continue to be deadlocked, with the ruling party's 'winner-take-all' behaviour and opposition boycotts.

This case illustrates the power of informal and formal countervailing institutions (CIs) as well as the ways in which they can be mobilized, depending on the domestic and geopolitical context. Their influence can be especially impactful when bolstered by other informal CIs, such as civil society organizations (CSOs) and their advocacy tools, or formal CIs, such as international organizations (European Union, Council of Europe (CoE) Venice Commission). In the case of Georgia, the threat of a presidential veto, though not powerful enough alone, may have also played a role in the outcome.

ATTEMPTS TO SUPPRESS INDEPENDENT CIVIC SPACE AND FREE SPEECH

The draft law on Transparency of Foreign Influence was announced in December 2022 by a group of members of parliament who had left the ruling Georgian Dream party and founded a small but radical faction known as

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People's Power. Their intention was to speak freely about how they thought the country was being dragged by the West into the war with Russia (Shoshiashvili 2023). People's Power's split from Georgian Dream was seen as an attempt to establish a faction aiding the ruling party in expressing itself freely. As one survey showed, 'positioning Georgian Dream as more moderate than its spin-off group, People's Power, increased support for the ruling party' (Turmanidze and The Caucasus Datablog 2023). Shortly after the announcement of the bill, the ruling party stated it would support it.

People's Power argued that transparency about the use of foreign funds was important. The bill intended to make non-governmental organizations (NGOs) and media outlets with at least 20 per cent funding from foreign donors register as 'agents of foreign influence'. It would also have required them to register in a new public database and submit annual financial reports.

Georgia's civil society sector plays a central, if not leading, role in advocacy and oversight of democratic governance reforms at all levels (USAID and FHI 360 2023). Key CSOs lead transformative initiatives for gender equality, provide legal protection to LGBTQIA+ communities, and champion the rights of national minorities. With NGO legislation in place, the country has a robust disclosure system, enabling tax authorities to have legitimate oversight of all necessary information (Jikia et al. 2023). Leading NGOs proactively disclose their sources and strategic objectives on their websites. For these reasons, the bill appeared counterfactual in its stated aims of increasing transparency.

Georgia's President condemned the bill and threatened to veto it if passed, playing her role as a constitutionally enshrined CI (RFE/RL 2023). Although her veto was expected to be overcome by the parliamentary majority, it reinforced the confidence of citizens and the country's international partners, while increasing the political cost of this move for the ruling party.

MOBILIZATION

The bill was also opposed by high-level bodies. It was assessed by experts to be in conflict with Georgia's international commitments and relevant European standards, namely the European Convention on Human Rights articles on freedom of assembly and association, prohibition of discrimination, and the right to privacy (ICNL/ECNL 2023). This echoed the opinion of the Venice Commission in relation to a similar draft law in Hungary (Venice Commission 2017) and is the same principle underscored in the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: 'Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, in accordance with article 3 of the present Declaration' (UN 1998).

The bill was passed at first reading on 7 March 2023 despite international condemnation and calls to rescind it from national CSOs, the EU ([European Union External Action Service 2023](#)), the CoE ([CoE Commissioner for Human Rights 2023](#)), the USA ([U.S. Embassy in Georgia 2023](#)) and other European partners of Georgia ([Delfi 2023](#)). As it was being voted on, large crowds filled the streets. Leading civil society actors, opposition politicians, media personalities and regular citizens took turns at the podium, calling for the bill's reversal and for the government to fulfil all recommendations given to Georgia to obtain EU candidate status. The protest continued into the night, with demonstrators clashing with riot police. Barricades were built, making clear the protesters planned to remain as long as necessary ([Kunchulia, RFE/RL's Georgian Service and Heil 2023](#)). After a day of clashes, the ruling party issued a statement that it intended to withdraw the bill, expressing its regret that the public was misinformed about the true intentions of the bill ([Gabritchidze 2023](#)). On 9 March, the ruling party and the People's Power faction voted against the bill, with 35 votes supporting the motion to reject the bill and one voting against ([Kunchulia, RFE/RL's Georgian Service and Heil 2023](#)).

CONCLUSIONS

The speed with which the public served as an effective countervailing force in defence of democracy was remarkable. This was due to two reasons:

1. A realization that the bill was beyond the boundaries of ordinary political or policy disagreements between the ruling and opposition parties. It was too similar to authoritarian methods relied upon in Russia, Belarus and other repressive regimes. It would usher a different, more malign, overt and indiscriminate regime suppressing critics and independent voices.
2. Given its anti-democratic nature, the anti-Western rhetoric by its authors, and the reactions from the EU, its adoption would undermine the prospects of Georgia receiving an EU-candidate country status. A tweet from EU Council President Charles Michel, stating that the bill was not compatible with the EU path, made this clear ([Michel 2023](#)).

Georgia's democracy watchdogs drew important lessons: remain vigilant, don't take anything—even long-won basic freedoms—as permanently granted, and continue to forge close connections with citizens.

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ABBREVIATIONS

CI	Countervailing institution
CoE	Council of Europe
CSO	Civil society organization
NGO	Non-governmental organization

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