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Georgia: We need to have an honest conversation about 'foreign agent' laws

Tuesday 4 April 2023, by [ROCHOWANSKI Almut](#) (Date first published: 29 March 2023).

Pushback against 'foreign agent' laws in Georgia should not stop us from asking whether countries have a right to limit foreign influence

The spectre of "foreign agent" laws resurfaced in Georgia a few weeks ago.

Georgia, which has long allied with the West against Russia, seemed set on adopting laws that would oblige some NGOs to publish their foreign funding and or register as foreign agents, enforced through inspections and fines. Critics pointed out the laws were similar to the law that had been introduced in Russia a decade ago. Theatrical parliamentary debates, [impassioned street protests](#) and massive pressure from the EU all followed, and the draft laws were voted down earlier this month.

Zooming in, it emerges that the protesters were not exactly supporting Georgia's NGO sector, which has long [ranked low on the list of institutions Georgians trust](#). As one Georgia-based observer put it to me: "Nobody took to the streets to defend [the local branch of] Transparency International".

Instead, Georgians feared something more ominous was in the works, since the government was taking such a reckless risk over the country's widely desired EU candidacy. In these circumstances, Georgia's "foreign agent law" served as a stand-in for fears that Georgia would not be granted EU candidate status but follow a Russian path.

Russia is neither the first nor the only country to adopt a "foreign agent" law targeting NGOs.

So-called "foreign agents laws" were adopted in Hungary in 2017 and repeatedly proposed in Kyrgyzstan in 2014, 2016 and 2022. But Russia's example looms large in Georgia. The Russian law's impact on civil society has indeed been dramatic, not because it brought the wholesale destruction of the sector that was predicted, but by imposing enormous stress, costs and labour on NGOs. Russian NGOs have proven resilient to the point of indestructibility. Even so, the law is often cited as a cornerstone of Russia's descent into authoritarianism. That's why it works as a toxic label.

Consequently, there hasn't been a thorough, [honest](#) conversation of the realities that have spawned foreign agent laws in Georgia and elsewhere: the prospect of foreign influence on domestic political processes via international funding for NGOs and media.

"In Georgia and countries like it, local NGOs and foreign funders behave very differently than in countries where civil society raises funds at home"

At such a fraught moment, no one wants to sound like they're justifying a dubious policy or siding with a discredited government, even if they have nagging concerns. Neither local nor international experts I talked to in Georgia wanted to speak on the record. They preferred to share their concerns

about the impact of foreign money on the country's development privately. As one insider working in Georgia put it, Western embassies "know they have created a monster [with the NGO sector], but don't know what to do about it".

But judging by previous situations, even once the dust settles we may not get a proper conversation about the fundamental question behind "foreign agent" laws: when much, most, or even all the money going into local NGOs and media comes from abroad, what are the implications for accountability, citizens' ownership of their nation's fate and ability to direct it, democracy and sovereignty? Among academics, it is [uncontroversial](#) that this financial constellation produces countless dysfunctions and distortions in the NGO sector and in the wider political economy. Behind closed doors, donors admit it, too.

The discussion we need starts with recognising that in Georgia and countries like it, local NGOs and foreign funders behave very differently than in countries where civil society raises funds at home.

In wealthy Western countries, laws and industry self-regulation ensure that non-profits steer clear of politics. They don't lobby officials, campaign for political parties or write laws. If they did, the public and authorities would take a dim view of it. If they did so while getting all their funding from abroad, there would be alarm bells.

Yet Western grant-makers operating in post-Soviet states push and prod local NGOs into politics. Funders strive for high impact, and it doesn't get more high-impact than drafting laws, designing policies or affecting elections. In Georgia, the EU and its members present a to-do list which would allow Georgia to get candidate status for EU membership and fund NGOs to help do the legislative and implementation work. NGOs that break the charity-politics firewall in the West would quickly lose their donors' favour, but when grantees in countries like Georgia engage in partisan, toxic politics, donors wash their hands of it and keep funding them anyway.

A fit-for-purpose discussion of the issues behind foreign agent laws must include a broad range of voices.

To date, the resistance against foreign agent laws has been waged exclusively by people and institutions with a manifest conflict of interest: activists and organisations that depend on international funding, donor governments and their foreign aid apparatuses, foundations and the professional classes managing them, and international NGOs relying on local "implementing partners" - all of whom could not do their work, achieve their objectives, build careers or even pay the office rent if money no longer flowed unimpeded from Western donors to grantees in the global South.

Days after Georgia killed its foreign agent bills under massive EU pressure, it was reported that the EU had been preparing its own foreign agent law

Their message is categorical: anything short of unconstrained funding, which donors are free to pledge and NGOs free to use for any purpose, violates freedom of association. Constraints thus amount to autocracy, repression and the ["shrinking space"](#) for civic activity. Any proposed regulation is decried as inappropriate and abusive and rejected out of hand. These critics never explain what reasonable, proportionate regulation would look like.

The "freedom of association equals free flows of money" dogma is shored up by arguments that further shut down debate. For example, by warning of impending doom: [only NGOs](#), and only if they have foreign funding, can be a check on power and halt Georgia's descent into authoritarianism, since a succession of ruling parties can't shake their autocratic instincts, and [democratic institutions](#)

[remain weak](#). This is despite Western donors having spent billions, over decades, on promoting democracy.

Put plainly, foreign donors must keep up their capture of Georgia's civil society and media sectors – for the sake of Georgian democracy. This is inconsistent and self-defeating, intellectually and as a practical strategy. It is also patronising, biased and unsustainable.

The right to monitor foreign influence

Days after Georgia killed its foreign agent bills under massive EU pressure, it was reported that the EU [had been preparing its own foreign agent law](#), which will, among others, target NGOs. [The UK](#) and [Canada](#) are working on similar bills.

Don't mistake this for gotcha whataboutism or a cheap shot at Western hypocrisy. On the contrary, these moves are a useful, poignant reminder that [any country has eminent, honourable reasons to monitor and regulate foreign money and influence](#), for the sake of accountability, citizens' agency and equality, national interests and national security, democracy and sovereignty. These Western foreign agent laws might pry open space for that broad, honest discussion and for exploring what appropriate, reasonable regulation should look like.

This will not happen by itself. To date, the discourse about foreign agent laws has been unsatisfying, with gaping holes in its logic and double standards. We must be intentional about asking uncomfortable, but fundamental questions:

How can we reconcile citizens' ownership of their democracy, their agency and equality, with freedom of association, if the latter is equated with unaccountable flows of money? How can we have an honest conversation between aid recipients and donor countries? How could it broach the discrepancies of power between them and the resulting dependencies and abuses?

How can we distinguish malign interference from beneficial or at least benign assistance? How do we account for the wide grey areas between them?

If the EU, the US, UK and Canada step up regulation of foreign money and influence, must we infer that only "perfect" democracies are entitled to enjoy and protect their sovereignty? Does it mean imperfect democracies and autocracies cannot, by definition, have legitimate concerns about foreign influence, or that by veering from the righteous course of democracy, they relinquish their right to sovereignty? Isn't it conceivable that a less than perfectly democratic government has an opportunistic desire to silence critics and simultaneously a bona fide interest in preventing injurious interference in domestic affairs?

If some countries are entitled to regulating foreign money and others aren't, what would be the dividing line? "Democracy versus autocracy", or powerful, wealthy hegemony versus poor, aid-dependent client states?

How do we translate our ideas into mutually acceptable norms and practices? Should they take the shape of ethics guidelines and self-regulation, or binding norms? Are quantitative benchmarks (e.g. at what percent of foreign funding certain regulations kick in) the way to go?

Finally, [how do we work towards sustainable, autonomous civil societies](#) and media? How do we deflate a bloated NGO industry? De-centre our Western wealth and power and re-centre citizens as the main source of support? How would we visualise the resulting, very different, civil society landscape? There will be substantial transformation, disruption, certainly degrowth as a result. We need to be honest about that, too.

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Open Democracy

<https://www.opendemocracy.net/en/odr/foreign-agents-laws/>