



Strategies for responding to a foreign agent law

The case of Georgia

Context:

In early 2023, the Georgian Parliament introduced two draft laws focused on the foreign funding of civil society and media (the so called ‘foreign agent’ laws): a Draft Law on Transparency of Foreign Influence, followed by its alternative Draft Law on Registration of Foreign Agents and On Amendments to the Criminal Code of Georgia. Both laws were supported by the government and had wide political support in Parliament; therefore, it was expected that one of the draft laws would easily be adopted, despite the opposition from civil society. However, the proposed laws led to large-scale protests. In the face of mass demonstrations, widespread criticism from international bodies, pressure from media, businesses and civil society, the government decided to withdraw the laws.

Analysis of the draft laws

First draft Law

The Draft Law on Transparency of Foreign Influence introduced mandatory registration as “agent of foreign influence” for CSOs and media receiving funding from abroad, if such funding exceeded 20% of their annual revenue. Apart from stigmatising CSOs (the Georgian translation of the term “agents of foreign influence” carries a negative connotation and is usually interpreted as a synonym for a “foreign spy”), the law would [violate a number of international standards](#).

Second draft Law

The Draft Law on Registration of Foreign Agents and On Amendments to the Criminal Code of Georgia was an almost literal translation of the U.S. FARA Law but, curiously, the law would have failed to address the problem of foreign interference, as it explicitly exempted employees of foreign governments (which includes foreign spies). You can find the [analysis of the draft law by ECNL-ICNL here](#).



TIMELINE

December 2022

A governmental coalition party announces the [Law on Foreign Agents](#), claiming it will ensure transparency of foreign influence.

Early 2023

CSOs notice an increase in anti-CSO rhetoric and start monitoring the situation.

February 2023

- The law on Transparency of Foreign Influence is introduced in the Parliament.
- Immediately after the introduction of the draft law, CSOs form a coordination group to prepare response strategies.
- An online campaign involving CSOs and public figures raises awareness about the issue.
- Various foreign institutions and local organisations - the [European Union](#), [United Nations](#), the [Council of Europe Commissioner for Human Rights](#), [several business associations](#) (in a joint statement), the [U.S. Embassy in Georgia](#) - as well as the [President of Georgia](#) - publish statements raising concerns about the law.

March 2023

The alternative [Draft Law on Registration of Foreign Agents and On Amendments to the Criminal Code of Georgia](#) is introduced in the Parliament.

7 March 2023

Parliament makes ad-hoc changes in its agenda and votes on adopting the laws in first reading.

7 and 8 March 2023

Georgians hold peaceful [protests](#) against the laws in front of the Parliament. Law enforcement responds with tear gas, water cannons and mass arrests, but people refuse to disperse.

10 March 2023

A second reading of the law is held, in which only one MP votes in favour, and the law is rejected.

KEY ARGUMENTS CIVIL SOCIETY USED TO CONTEST THE LAW

Arguments by the proponents of the law	Counterarguments by civil society
<p>It is essentially the same as FARA.</p>	<p>It is a Russian law, based on the Russian foreign agent law. A Russian law contradicts the values of the EU and will endanger Georgia's European path.</p>
<p>More transparency of CSOs is required.</p>	<p>Instead of contradicting accusations about CSOs not being transparent, they focused their messaging on their values and impact, emphasising that such a law would deprive vulnerable communities in Georgia of essential services CSOs provide.</p>
<p>The law will prevent foreign interference.</p>	<p>The law will prevent CSOs from helping people; prevent students from being able to receive fellowships to study abroad; and prevent arts, culture and sport from prospering.</p>
<p>The law is not limiting or restricting, it only increases transparency.</p>	<p>The label of foreign agent is in itself enough to violate freedom of association, as it is stigmatising.</p>

STRATEGIES EMPLOYED

- CSOs started **monitoring government narratives** and public statements early on.
- Immediately after the law's introduction, they **formed a coordination group with specialised sub-groups** focused on key aspects, such as communications or law.
- **Anticipated** what reaction the government was expecting from CSOs and planned their steps carefully to not follow those expectations.
- Engaged in the campaign **small, local and service-oriented CSOs**, including parent associations or CSOs working with people with disabilities.
- Spoke to opposition politicians asking them to **refrain from politicising** the protests, to allow the campaign to be driven by the public.
- **Coordinated with media** to encourage them to invite statements from a wide variety of CSOs.
- Managed to engage both **well-known and everyday people** to state their opposition to a law that would endanger **Georgia's EU accession**.
- Ran a **large-scale social media campaign** focused on **humanising the civil society sector**, showcasing people who work in it and people who benefit from it.
- Supported the protest in front of the Parliament (although it started spontaneously) and **encouraged everyday people to join**.
- Anticipated potential threats and had **alternative plans** prepared in case the need would arise.

PUBLIC COMMUNICATION

The key to success was the mobilisation of the public, notably engaging the youth and people who had not been previously vocal in the political realm. This was possible because:

- The **main faces of the campaign** were local, service-providing CSOs and their beneficiaries. The campaign included **statements from the beneficiaries** showcasing how foreign-funded services helped them. This was also necessary because the government had been conducting a smear campaign against the largest Georgian CSOs to pre-emptively discredit them.
- **Opinion-leaders from various sectors** (academia, arts, sports) spoke out about the law and their **short quotes were further disseminated on social media**. Notably, the **statements of athletes** gained particular traction.
- CSOs involved **professional PR advisors in the framing and structure** of the campaign. The framing was based on the **key values and aspirations of Georgian people**: the desire to belong to the EU, the distrust towards Russia and the need for services to communities and vulnerable people. **Targeted social media advertisements** showcased the benefits of civil society.
- CSOs **anticipated what reaction the government expected from them and deliberately refrained from it**. For example, they did not extensively showcase their transparency or engage in lengthy discussions on particular articles of the law. Instead, they rejected the law as a whole, and **re-framed the discussion about the benefits foreign funding brings to Georgian people**.

