

**UNOFFICIAL TRANSLATION**

28.02.2023

# 01/02-001

To: Chairman of the Parliament of Georgia  
Mr. Shalva Papuashvili

Copy: Chairwoman of the European Integration Committee  
Mrs. Maka Bochorishvili

Copy: Chairwoman of the Environmental Protection and Natural Resources Committee  
Mrs. Maia Bitadze

Mr. Papuashvili,

We would like to express our position regarding the draft *Law on Transparency of Foreign Influence*.

**We have great doubts regarding the declared goal of the draft law about safeguarding transparency and consider that the legal obligation for non-governmental and media organizations to register as an "agent of foreign influence" is discriminatory and contains increased risks of pressure and harassment for these organizations.**

Above all, it should be noted that the ground for drafting such a law is unclear. The explanatory note of the draft law does not explain identification and prevention of what specific threats is the law serving in case of its adoption. This is not explained in the draft law either.

One of the targets of the draft law – activities of Non-entrepreneurial (Non-commercial) Legal Entities (NNLE) in Georgia are funded not by 20%, but almost 100% by "foreign power", as donors are referred to by the draft law. Subsequently, all organizations registered as NNLE's will automatically fall under the definition of "*Agents of Foreign Influence*". As You know, any NGO is registered in accordance with the national legislation of Georgia. Furthermore, reports on project activities and events implemented by each NGO are submitted on a regular basis both to the donor organization and beneficiary entities that receive the services and which, in many cases, are the state institutions. This information and reports are usually placed on the website of the organization and are widely distributed both through social and other media outlets. Thus, we consider that requiring additional registration of NNLE's through pronouncing themselves as so-called "agents of foreign influence" serves the purpose of stigmatizing these organizations in public eyes. Although at first glance the draft law does not seem to limit the "activity of an entity registered as an agent of foreign influence", in a view of the above stated concerns, **the adoption of such law puts at high risk the work and sustainability of the non-governmental sector, safety of people employed, freedom of speech and many other values, which are unequivocally critical for the democratic development path declared by the country.**

It should be also highlighted that projects, which are implemented or supported by NGOs, as a rule, are part of the broad country assistance programs, agreed upon by the Government of Georgia and donor organizations/countries, and therefore, it is groundless to consider work of such organizations as an attempted influence of "foreign power". In other words, **the projects financed by donor organizations are authorized by the Government of Georgia, and the implementation of these projects by local NGOs serves the declared interests of the state of Georgia. Thus, it is unjustified to label NGOs as "the agents of foreign influence"**. In addition, donors provide funding to the state institutions as well and it is self-contradictory to treat two entities receiving funding from the same source differently – labelling one (NNLEs) as "the agent of foreign influence" and the other (state entity) as a carrier of the national interest. At the same time, it is damaging the interests of the country and its European path to label partners as "foreign influencer/power", when it is through their assistance that the national interests declared by the country are implemented, such as, for example, the implementation of the Georgian-EU Association Agreement, the implementation of international treaties, implementation of democratic principles, reforms in various fields, transfer of knowledge, strengthening of capacities of various institutions, raising public awareness and others.

The explanatory note of the draft law appeals to similar legislation and practices in the US, Australia, and Israel. Apart from the fact that the proposed draft law is incompatible with EU legislation, equating it with the laws of the countries in question out of the general context of their legal system misleads the public. **The context of adoption of the legislation in question in the aforementioned countries and the goals of their legislation are completely different from the current context in Georgia and the goals of the given draft law.** It should be noted that the adoption of a similar law in Russia ended with disastrous results for the civil society organizations and independent media. While in Hungary, a similar law was annulled based on the decision of the European Court and the procedure initiated by the European Commission.

Taking into account all of the above, the validity of initiation of the draft *Law on Transparency of Foreign Influence* in this context raises reasonable doubts, and we believe that the **further consideration of this draft law (and even more so its adoption) is against the strategic interests of our country, the declared goal of which is the EU integration and, accordingly, deepening of the democratization processes.**

Sincerely, on behalf of the GEO team



Sophio Tchitchinadze

Head of Board  
Georgia's Environmental Outlook (GEO)