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Georgia at a Crossroads: An Increasingly Illiberal Domestic Policy is Becoming an Obstacle to EU Accession

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Georgia faces a defining moment. The recent adoption of a Law on Transparency of Foreign Influence, modelled on Russian legislation, clashes with Georgia's goal of EU accession. The law allows for extensive control and elimination of civil society and critical voices, which contradicts the democratic principles required for EU membership. The ruling Georgian Dream party nonetheless claims that EU accession, a goal shared by most Georgians, remains achievable by 2030. As the parliamentary elections on 26 October approach, the party seeks to maintain its grip on power by projecting an image of commitment to democracy and EU integration.

But opposition parties, civil society organisations and the media have rallied against the law, which many believe reflects a deeper issue: the efforts of a small elite around billionaire Bidzina Ivanishvili to consolidate power and push Georgia towards authoritarianism under the guise of democratic governance. An increasing alignment with Russia has accompanied this trend, potentially enabling Russia to exert some level of control over Georgia through a local proxy instead of direct military intervention.

This policy brief argues that the EU should implement the steps that High Representative Josep Borrell announced after the Foreign Affairs Council on 24 June 2024. In light of further developments, consideration should be given to additional measures, including targeted EU sanctions on anti-democratic actors similar to those imposed by the US. Continued EU support for Ukraine's resistance to Russian aggression will also be vital for the sovereignty of both Ukraine and Georgia, as well as for regional stability.

THE DISPUTE OVER THE TRANSPARENCY LAW

Tbilisi, the capital of Georgia, is home to nearly 1.2 million people. On a recent visit, the vibrant city showed contrasting faces. As a tourist destination, it offers an eclectic mix of medieval, Russian imperial and modern buildings alongside dilapidated Soviet apartment blocks and well-developed tourist facilities. But it has also been the scene of fierce political conflict. In April and May, peaceful, youth-led protests took place against the 'Law on Transparency of Foreign Influence'. Both the police and unidentified men in black suppressed these demonstrations, sometimes violently. Nonetheless, a massive protest took place in the city on 11 May, involving tens of thousands of people.¹

Despite the protests, parliament passed the law in its third reading on 14 May. The President of Parliament signed it on 3 June, allowing it to come into force 60 days later. Parliament had passed the law by 84 votes to 4 with the opposition abstaining, overriding a veto by President Zourabishvili, who supported the demonstrators. In this tense climate, all eyes are now on the parliamentary elections on 26 October. While Georgian Dream hopes to confirm the super-majority of seats it currently holds, the opposition wants the elections to be a resounding vote in favour of Georgia's accession to the EU. For this to happen, Georgian Dream would have to be defeated.

Following Georgia's application, the EU acknowledged it as a candidate country last December, on the understanding it would take several specified reform steps, thereby initiating a gradual process towards eventual EU

membership. This move is pivotal for Georgia's aspirations of Euro-Atlantic integration, encompassing both EU and NATO accession.

The dispute over the transparency law involves domestic politics and the country's foreign policy. The debate centres on the law's role in the Georgian government's strategy to consolidate power around Bidzina Ivanishvili, a billionaire who wields immense influence despite being unelected. Critics argue that Ivanishvili is steering the country towards an authoritarian regime under the guise of democratic governance to prolong his and his associates' rule. In doing so, Ivanishvili aligns himself with Russian domestic politics and shares Putin's anti-Western orientation. If Ivanishvili's efforts succeed, Russia could establish some level of control over Georgia through a local elite as a proxy, making military intervention unnecessary.

Georgia's development is a critical element in the broader context of change in the region that, together with Russia, once formed the Soviet Union. Russia has long regarded this area as its "Near Abroad" and still claims the right to assert its interests there, as reflected by its 2023 foreign policy concept. One of the priorities of Russia's engagement with the near abroad is "preventing and countering unfriendly actions of foreign States and their alliances" there, "which provoke disintegration".² At the same time, all countries in Russia's neighbourhood, including Georgia, strive to avoid complete and permanent subordination to Russia, although Belarus has come close. These efforts coincide with varying degrees of cooperation with Russia, driven as much by the personal benefit of their leaders as by national interests.

The Transparency Law requires NGOs and media outlets that receive over 20% of their funding from foreign sources to register as entities representing foreign interests and submit annual financial reports - failure to comply results in heavy fines. Like a 2012 Russian model targeting Kremlin critics, the law gives the Georgian government sweeping powers to control media and NGOs. Georgian Dream proposed the law in March 2023 but withdrew it after intense domestic and international

protests. Despite continued opposition, the government reintroduced it in April. Parliament ignored the 21 May urgent opinion of the Council of Europe's Venice Commission, an advisory body of independent experts in constitutional law, which recommended repealing the law. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) provided the same recommendation, with equally detailed justification, at the time of the signing by the President of the Parliament.³

Implementing the Transparency Law, which contradicts democratic principles, exacerbates flaws in Georgian democracy. With a weak opposition and limited institutional channels for dissent, the role of civil society becomes even more crucial. Restricting its activities confines dissent to street protests as a last resort.

A FLAWED DEMOCRACY

Geography matters. Georgia, about the size of Ireland, lies in the southern Caucasus, bordering Russia to the north and Turkey, Armenia, and Azerbaijan to the south. None of its neighbours is genuinely democratic. Relations with Russia have shaped Georgia, which became part of the Tsarist Empire in the early 19th century. After a brief period of independence from 1918 to 1921, Georgia had to join the Soviet Union. Following the collapse of the Soviet Union in 1991, Georgia regained its independence but faced a civil war before transitioning to democracy.

Presidents Eduard Shevardnadze (1995-2003) and Mikheil Saakashvili (2004-2013) initially enjoyed broad support but lost it during their second terms due to their detachment from reality and arbitrary rule. Saakashvili's loss of Georgian territory (Abkhazia and South Ossetia) following Russia's 2008 intervention, his harsh criminal justice system, and his confrontational attitude towards Russia also hurt his popularity. Both presidents left office without resistance: Shevardnadze after the peaceful Rose Revolution in 2003 and Saakashvili after his party lost the 2012 parliamentary election to Bidzina Ivanishvili's Georgian Dream. Saakashvili's departure from Georgian politics seemed to mark a shift towards a more balanced political landscape in Georgia.



Georgian Dream consolidated its control over Georgian politics after winning the presidency in 2013, focusing on strengthening democratic institutions and improving the economy. However, internal conflicts and public discontent emerged towards the decade's end, fueled by a perceived backlog of reforms, judicial issues, and allegations of corruption. Accusations of abandoning democratic principles further tarnished the party's image. Despite this, Georgian Dream won the 2016 and 2020 parliamentary elections and was on course to win the October 2024 elections until the government reintroduced the Foreign Influence Transparency Law.

A policy of rapprochement with Europe bolstered Georgian Dream's electoral success. Milestones included the EU-Georgia Association Agreement in 2014, which established a deep and comprehensive free trade area, and the granting of visa-free access to the Schengen area for Georgian citizens in 2015. In 2018, Georgia amended its constitution to prioritise full integration with the EU and NATO. Russia's invasion of Ukraine accelerated the EU's rapprochement with countries seeking closer ties, including Georgia, which submitted its application for EU membership in March 2022.⁴

The reintroduction of the Foreign Influence Transparency Law in April sparked widespread protests in Georgia, damaging Georgian Dream's chances in the upcoming October elections. Polls show that around eighty per cent of Georgians consistently support EU membership, and approximately seventy per cent support NATO membership.⁵ Ivanishvili's decision to reintroduce this unpopular law, which contradicts EU demands, is linked to his personal preferences and political ambitions.

STATE CAPTURE

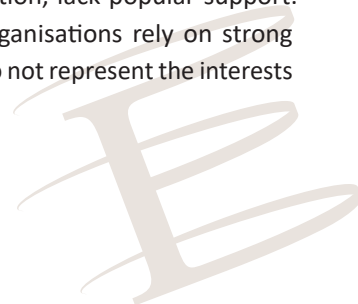
Ivanishvili is by far the richest person in Georgia, with an estimated fortune of close to \$5 billion, almost a sixth of Georgia's GDP.⁶ He wields considerable power in the country, using the wealth he accumulated through his business ventures in Russia to pursue his political ambitions. Born in 1956 in the Georgian Soviet Socialist Republic near the Russian border, he graduated from

the Faculty of Engineering and Economics at Tbilisi State University. In Moscow, he became associated with the circle of Boris Berezovsky, whose financial support was crucial to Boris Yeltsin's re-election campaign in 1996. This association proved lucrative when Yeltsin's administration privatised state enterprises, allowing Ivanishvili and a few others to emerge as oligarchs.⁷

Ivanishvili returned to Georgia in 2003 and ventured into politics in 2011. Initially, a supporter of Saakashvili, Ivanishvili's Georgian Dream party, backed by his financial resources, became a powerful vehicle for uniting factions seeking an end to Saakashvili's presidency. Following his party's victory in the 2012 parliamentary elections, Ivanishvili briefly served as prime minister from October 2012 to November 2013. After that, he preferred directing policy from the sidelines. He was able to place confidants in crucial state positions without holding state or parliamentary office. After serving as interim leader of the Georgian Dream party from 2018 to 2021, he became its honorary leader in December 2023, a position that grants him the privilege of nominating the party's candidate for prime minister.

Transparency International Georgia, the local chapter of Transparency International, has repeatedly spoken of 'state capture' when referring to Ivanishvili's influence on Georgia. In the absence of a strong opposition, civil society organisations are the primary monitors of government action.⁸ With its threat of punishment, the transparency law is seen by many as an attempt to curb the country's only real domestic scrutiny and ensure the ruling party's dominance. President Zourabishvili, despite previously benefiting from its support, has attempted to counter Georgian Dream's excessive influence. But her powers are limited. That leaves the Georgian people themselves as the ultimate check. They have intervened several times in Georgia's three decades of independence. Now, they have taken to the streets again.

All political parties in Georgia, including Georgian Dream and the fragmented opposition, lack popular support. Their top-down regional organisations rely on strong political personalities who do not represent the interests



of the people. The government controls the organisation of elections and has the means to ensure that they work in its favour. There has been no sustained attempt to engage people between elections, and there is no evidence that this situation could be changing. Stephen Jones, director of Harvard's Georgian Studies Programme, commented that Georgian Dream was "not genuinely interested in democracy" and instead wanted to establish a "managed democracy" similar to Hungary's.⁹

GEORGIAN DREAM'S ILLIBERAL TURN

Georgian Dream's ideology has significantly evolved since the party's establishment in 2012. Initially, the party appeared liberal, promising to strengthen democratic institutions and protect human rights, distancing itself from the authoritarian tendencies of Mikheil Saakashvili's United National Movement. In recent years, however, it has shown increasingly illiberal and populist tendencies. The party now emphasises rural and religious resistance to modernity, focusing on national sovereignty, Georgian history, the church, and the family.

Prime Ministers Gharibashvili and Kobakhidze attended the Conservative Political Action Conference in Budapest in 2023 and 2024, respectively, providing key evidence of Georgian Dream's ideological transformation. Gharibashvili praised Prime Minister Orban as "a truly exemplary politician, fighter, and striving Christian." Kobakhidze went further, stating that the only difference between the "so-called liberals and the Bolsheviks is that the latter used the sledgehammer as their main weapon in the fight against religion, while the liberals fight against Christianity with propaganda." He added that, according to these liberals, neither the country nor the nation, nor even an individual, should have a solid identity. Early June this year, Georgian Dream presented a draft law explicitly targeting "LGBT propaganda".¹⁰

In response to this ideological shift, the Party of European Socialists (PES) expelled Georgian Dream from its ranks in June 2023, where it held observer status.¹¹

Georgian Dream's ideological reorientation was also on display when Ivanishvili on 29 April 2024 delivered a fiery speech at a large rally in Tbilisi on 29 April 2024. The party gathered thousands of people from different regions to show their support. Ivanishvili went beyond the statements of Garibashvili and Kobakhidze and the transparency law issue. In his speech, he accused an unidentified "Global War Party" of trying to control Georgia through "agents".¹²

He alleged that the party responsible for bringing Saakashvili and his supporters to power now aimed to reinstate them in government. He asserted that it viewed Georgia and Ukraine as 'cannon fodder,' wielding substantial influence over NATO and the European Union. Ivanishvili further contended that this entity had instigated the Georgian-Russian conflict in 2008 and had put Ukraine in a precarious position in 2014 and again in 2022. According to him, the failure to transform Georgia into a secondary front against Russia led to hostile actions against the country. Ivanishvili identified non-transparent NGO funding as the primary tool for external manipulation of the Georgian government, with the Transparency Law helping to combat this issue. Ivanishvili also announced his intention to hold the United National Movement accountable after the elections, as it had not yet faced trial as a criminal group.

Ivanishvili's central theme was the defence of Georgian sovereignty against external attempts to undermine it in collaboration with internal agents. His speech was a deliberate affront to the West, especially the US and the EU, and their values. Sharing an anti-Western outlook with Putin undoubtedly served Putin's interests, echoing his messages and complicating Georgia's EU accession prospects by targeting the West.

Yet Ivanishvili maintained that Georgia would join the EU by 2030, echoing the optimistic statements of Kobakhidze and Garibashvili. But all three must have known that their ideology was incompatible with EU values. Georgia's leaders continued to talk about EU integration, but this rhetoric seemed designed to mask the transition to an illiberal regime incompatible with EU accession.

PRESSURE FROM RUSSIA

There is no hard evidence that Ivanishvili gave his speech at Putin's request. However, given his anti-Western rhetoric during Russia's aggression against Ukraine, it could be seen as an endorsement of Putin, including by Putin himself. The reintroduction of the Transparency Law in the same month, coupled with the implied obstruction of EU accession despite the majority will of the Georgian people, signalled that Georgia intended to respect Russia's red lines.

Georgia's response to Russia's invasion of Ukraine already indicated its reluctance to antagonise Russia. While many Georgians protested in support of Ukraine, the government remained largely silent. Despite voting for the UN General Assembly resolution condemning Russia's invasion, Georgia did not support sanctions against Russia. Meanwhile, economic ties strengthened significantly. Transparency International Georgia reported a 47% increase in Georgia's economic dependence on Russia between 2021 and 2023.¹³ Georgia is suspected of being a hub for Russian sanctions evasion, although the EU acknowledged Georgia's efforts to prevent such activities at the February Association Council meeting.¹⁴

Moreover, as Russia improved its battlefield performance over the past year, the Georgian government has taken another significant step: In May 2023, it resumed flights with Russia, raising EU concerns about its commitment to aligning its foreign policy with the EU. In the same month, Russia belatedly reciprocated President Saakashvili's 2012 decision to grant visa-free travel to Russia.

Despite these concessions towards Russia, Georgia has steadfastly insisted on the reintegration of Abkhazia and South Ossetia, territories comprising about 20% of Georgia's land that were lost when Russia recognised their independence after its military incursion into Georgia in 2008. Georgia broke off diplomatic relations with Russia in 2008 over the war, and they have not been restored since.

Ivanishvili is in contact with Russian counterparts but is not known to have met with Putin. A recent report by Transparency International Georgia found that while he had sold assets directly linked to his name in Russia, he continued to own at least 10 Russian companies through offshore entities between 2012 and 2019. The report also found that he owns at least one company in Russia through one of his offshore companies and that some of his family members and confidants are also involved in business with Russia.¹⁵

There has been speculation that Georgian Dream's tax code amendments were designed to benefit Ivanishvili by providing tax exemptions for transferring company assets from countries with preferential tax treatment to Georgia.¹⁶ Ivanishvili also holds significant assets outside Russia, details of which became public due to his dispute with Credit Suisse, which dates back to 2011 when a banker defrauded his account. In May 2024, a Singapore judge ordered Credit Suisse to pay him \$926 million.¹⁷ He had already won a case in Bermuda in 2022, being awarded \$607.5 million. Credit Suisse is appealing both cases. Shortly after the Russian invasion of Ukraine, Ivanishvili suggested that a significant portion of his assets at Credit Suisse had been frozen at the insistence of the US to force Georgia into the war over Ukraine. The US ambassador in Tbilisi publicly denied this.¹⁸

Ivanishvili's influence led Georgia initially to attempt balancing closer ties with the European Union with increased engagement with Russia, probably for personal as much as national interest - the deepening of Georgian-Russian relations following Russia's invasion of Ukraine built on this trend. However, after the EU granted Georgia candidate status in December, EU accession became a real possibility, fully exposing the contradiction in this approach. Whether under direct pressure from Putin or not, Ivanishvili then decided to obstruct Georgia's progress towards EU membership by reintroducing the Transparency Law. At the same time, to reassure the Georgian population, he continued to express support for EU accession publicly. He may have understood that turning away from the EU and establishing an illiberal political system to maintain power for himself and his

associates would signal alignment with Russia. The price he seems willing to pay is increased Georgian dependence on Russia.

Recent developments in Georgia are indeed serious obstacles to EU accession. In December, the EU granted Georgia candidate status on the understanding that it would take nine steps, namely: combating disinformation, aligning foreign policy with the EU, reducing political polarisation, ensuring fair elections, strengthening parliamentary oversight, reforming the judiciary, fighting corruption, moving away from oligarchy, and protecting human rights.¹⁹

EU ACCESSION IN THE BALANCE

Geopolitical considerations drove the EU's decision to include Ukraine, Moldova and Georgia in the enlargement process shortly after Russia's attack on Ukraine in 2022. European capitals wanted to eliminate 'grey zones' vulnerable to Russian aggression by relying on these countries' cooperation and fulfilment of necessary conditions. The decision was not an immediately obvious one.²⁰ However, Georgia still needs to demonstrate the required commitment, making the EU's initiation of its membership path seem premature. Georgia's candidate status is conditional, and Ivanishvili has complicated its EU membership prospects by obstructing democratisation and establishing an increasingly authoritarian regime.

Much more progress on these nine steps is needed. High Representative Borrell, at the end of May, rejected Georgia's transparency law as incompatible with EU accession and deplored disinformation by official actors, noting that the law was pushing Georgia away from the EU. This followed Borrell's and the European Commission's earlier regret that the Georgian parliament ignored President Zourabishvili's veto and endorsed the law despite the Venice Commission's arguments against it.²¹

Legislative developments on two issues in particular have raised further concerns. On 25 June, the Venice Commission criticised the Georgian authorities for ignoring its recommendations on draft amendments

to the Electoral Code and the Parliament's Rules of Procedure, noting a lack of public consultation and consensus. It found that these changes undermined public confidence less than a year before the elections. On 26 June, the Commission advised against adopting anti-LGBT legislation, urging the Georgian government to reconsider the draft law to ensure non-discrimination and compliance with the European Convention on Human Rights.²² Nonetheless, on 27 June, the Georgian Parliament passed the anti-LGBT legislation in its first reading.²³ On the same day, the European Council called on Georgia's authorities "to clarify their intentions by reversing the current course of action, which jeopardises Georgia's EU path and de facto leads to a halt of the accession process".²⁴

The road ahead for Georgia to start accession negotiations remains steep. The EU began accession negotiations with Ukraine and Moldova on 25 June 2024, but it is unclear when negotiations could start with Georgia. Georgia and Moldova applied for EU membership in March 2022, following Ukraine. The EU granted candidate status to Ukraine and Moldova in June 2022 while granting Georgia conditional candidate status only last December. Unless it takes decisive action, Georgia could become stuck in the accession process like Turkey and some Western Balkan countries.

OUTLOOK

Following the adoption of the Transparency Law, many civil society representatives, political leaders, civil rights activists, and journalists have faced intimidation and threats. These incidents include anonymous phone calls, harassment on social media, and physical attacks, with some individuals being severely beaten. The EU has called on the Georgian authorities to put an end to these negative developments and investigate the documented acts of violence and intimidation.²⁵

Opponents of the Transparency Law accuse the government of targeting them in intimidation and smear campaigns. Such campaigns have been launched on social media to discredit the protests. The NGO EU DisinfoLab



has uncovered a disinformation campaign involving Russia-based actors spreading false information about the protests in Georgia. In the country, supporters and opponents of the law remain locked in conflict.²⁶

Six opposition parties, including the United National Movement, have agreed to work together to topple Georgian Dream and redirect the country towards EU accession. Most civil society organisations and cultural representatives share this critical stance, with only a few pro-government groups supporting Georgian Dream. Several Georgian NGOs, including Transparency International Georgia, the Civil Society Foundation, and the Georgian Young Lawyers Association, issued a joint statement refusing to comply with the law. Independent media made a similar announcement.²⁷

President Zourabishvili has urged all parties to endorse her “Georgian Charter” as the country prepares for the upcoming parliamentary elections on 26 October. Her action plan prioritises securing the country’s European future and calls for sweeping reforms based on the nine steps demanded by the EU. If the supporting parties win the elections, Zourabishvili proposes a transitional government appointed by her to implement the plan by the end of the spring parliamentary session, followed by early elections. She advocates unity without unification to gain broad support rather than envisaging a single electoral list. Several parties, including the United National Movement, have backed the plan.²⁸

The EU faces two challenges in responding to the situation in Georgia. It must avoid taking actions that could be seen as interfering in Georgia’s internal affairs, as this could fuel propaganda from the Georgian Dream and Russia. Second, the EU’s means are limited. Georgia is not seen as a top priority due to critical issues such as the wars in Ukraine and Gaza, which are considered more urgent, the lack of consensus among Member States, and the imminent change in EU leadership.

High Representative Borrell announced a calibrated EU response after the Foreign Affairs Council on 24 May. The EU plans to downgrade political contacts with Georgia,

reconsider putting on hold financial assistance to the government, increase support for civil society and the media, counter disinformation and increase support for the electoral process. Additional measures may follow if the situation deteriorates further.²⁹

This policy brief suggests that the EU should consider imposing targeted sanctions if additional measures are needed, although unanimity among member states may be difficult to achieve. The EU would follow the US, which announced on 23 May that it would take this step. In all its communications to the Georgian people, the EU should stress, as Borrell did on 24 May, that the path of Georgian Dream runs counter to the goal of EU accession. Both Georgian Dream and the opposition have long claimed to be working towards EU accession. If either party no longer supports this goal, voters need to know.

Likewise, supporting Ukraine’s resilience against Russian aggression is crucial to empowering Georgia’s democratic forces. Wider regional dynamics impact Georgia’s future, not solely domestic developments. A successful Ukrainian resistance would strengthen the case for closer EU ties and reduce Russian pressure on Georgia, facilitating the country’s Euro-Atlantic integration.

Finally, the EU must remain vigilant and proactive to ensure that Georgia continues on the path of democracy and European integration. For both the EU and Georgia, recognising Georgia as an EU candidate entails a solid commitment to the EU’s shared values and the country’s European future.

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