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***Georgia: a study case of lawfare***

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The 26<sup>th</sup> of October marked a watershed moment for Georgia's recent history. Unlike Western and the same population's forecasts, the ruling party *Georgian Dream* – in power since 2012 – obtained the majority of votes by defeating oppositions and rekindling fears of an authoritarian move that could push Georgia away from the European Union, in favour of its inclusion under Moscow's sphere of influence.

For the first time, electronic voting has been tested in almost all the country (around 90% of the polling stations). Nevertheless, there was no lack of criticism and accusations of alleged electoral irregularities and even requests to cancel the elections in favour of a new call to the polls under strict international control to avoid fraud. This was the case following the gathering of an oceanic crowd along Rustaveli avenue to the seat of the Georgian Parliament, under the auspices of President Salome Zourabichvili, who on the occasion of her first statements to the press called on Georgians to take to the streets for their European future.

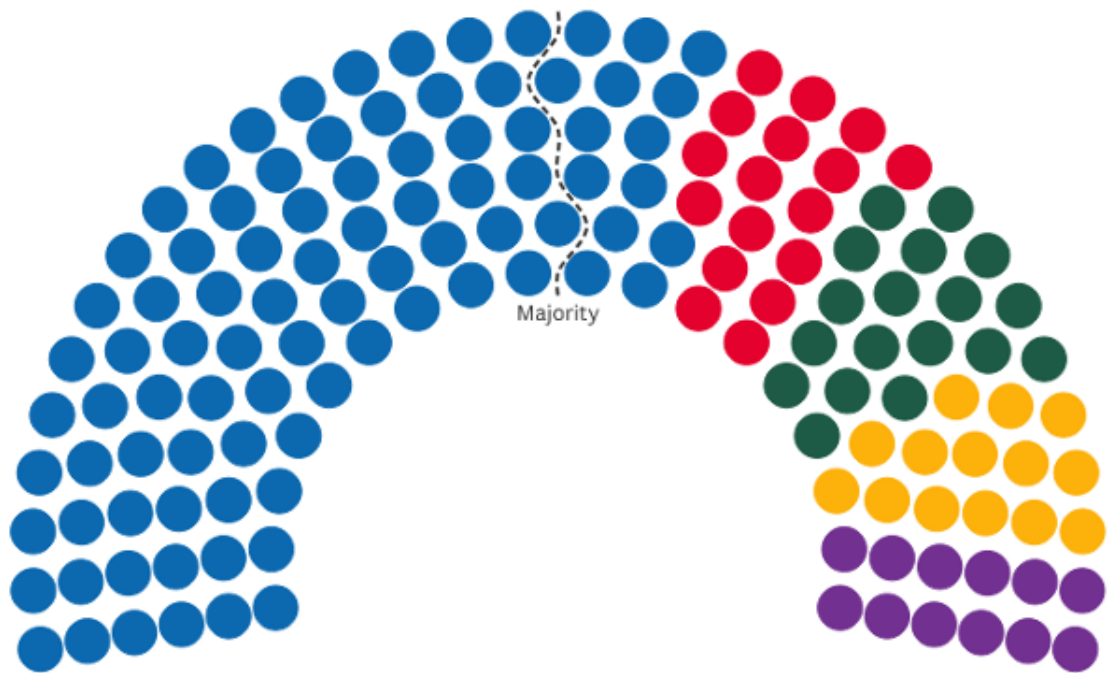
The president herself expressed serious concerns to the international community due to what has been happening in Sakartvelo (the Georgian country's name) for two years: "a special Russian operation of which the population is both victim and witness", conducted in a manner that echoes the modern hybrid wars, aimed at definitively cutting off the path of Georgia's integration into the European Union. Even for the opposition, the ruling party led by the billionaire Bidzina Ivanishvili is clearly trying to bring Tbilisi closer to Moscow. All at the likely cost of sacrificing the goals of membership to the European institutions and the NATO security umbrella, enshrined in the Georgian Constitution, as well as at the risk of provoking an irreversible authoritarian shift in the country.

Despite this, Ivanishvili and the Georgian Dream party reject the accusations, expressing a firm will to keep foreign policy on the European rails and possibly to be implemented by 2030, an objective was echoed by Prime Minister Irakli Kobakhidze (Georgian Dream). Nevertheless, the Central Election Committee, taking into account national protests and international observers' indications about irregularities, has declared it will recount the votes in approximately 14% of the seats, randomly chosen. For the time being, the same commission certified a victory of Georgian Dream by 53,9%, against 11% of the second party Coalition for Change and the rest of a fractured opposition. Apparently, the social fracture was embodied by the polarisation between progressive cities and conservative rural areas.

# 2024 Georgian Parliamentary Elections

Preliminary results from 99% of precincts

2024 2020



\* A Flourish election chart

Source: oc-media.org

Relations with Brussels remain tense, and Georgia's accession process to the Union is frozen. At the moment, at European level only Hungarian Prime Minister Viktor Orbán has congratulated the winning party, visiting Tbilisi early this week, adding that the country had avoided becoming a second Ukraine. However, such an action has not been supported by other institutional EU figurehead, and a rapid and shared support from other individual European states for a new Georgian Dream-led government is unlikely to be expected. The reasons are multiple, and must be sought above all in a series of events that occurred in the last two years, the face of which was well expressed during the mass protests of 2023 and of Spring 2024.

There are concrete fears both by a considerable part of Georgian civil society and by international observers that the current government may adopt a line of less and less tolerance towards opponents, independent media, activists and civil society organisations who took to the Georgian streets waving the European flag alongside the Georgian, American and Ukrainian ones. Also, President Zourabichvili's institutional vetoes and rejections of bills that were interpreted as

showing an anti-democracy and illiberal streak, were roundly ignored and passed by an appropriate majority becoming ultimately laws.

The trajectory followed by Georgia in the last two years and in particular by the government party represents what is commonly described as “the strategic use of law in global politics” or “lawfare”, i.e. the use of the legislative instrument (domestic or international) in order to pursue specific international politics objectives. The exploitation of the law in Georgia has followed various phases, culminating in the recent adoption of the “anti-LGBT” law with clear inspiration from the sister provisions adopted in Russia, which prohibits any type of propaganda on the topic.

Nonetheless, the example *par excellence* of “lawfare” is the law on foreign influences, approved at third reading last spring. The law, requiring entities that receive more than 20% of their funding from abroad to register as foreign agents, has become known as the “Russian law”, due to its similarities with an analogous regulation in force in Russia, as much as for the alleged pressure coming from the Kremlin for its approval. After Russia, Kyrgyzstan and Bosnia-Herzegovina, Georgia too, at the behest of some members of the ruling Georgian Dream party, has entered a spiral of control that risks a serious undermining of its European ambitions.

Although at first reading the issue of the approval of the law on foreign influences may apparently be reduced to a contrast between Georgia’s European aspirations and Russian influences in the opposite direction, such a reading appears simplistic due to the plurality of interests and implications on the matter. On the one hand, around 85% of the pro-European population has taken to the streets in recent months to contest the much-feared authoritarian turn in the country led by Georgian Dream and express the common desire for democracy, freedom and transparency against an opaque and corrupt state system, whose future could not lie anywhere else but in the Western bloc. On the other hand, pointing out the majority party as purely pro-Russian also appears misleading, as it would mean eclipsing a decade of community-oriented adjustments.

In this sense, it should be remarked that Georgia remains one of NATO’s closest partners, aspiring to join the Alliance. This has implied a broad range of practical cooperations with the Alliance, that has supported Georgia’s reform efforts and its goal of eventual membership. Since 2008, the NATO-Georgia Commission (NGC) provides the framework for close political dialogue and cooperation through the implementation of Annual National Programmes, underpinned by the “Open Door Policy” launched by the Bucharest Summit. Additionally, at the 2014 NATO summit

in Wales, the substantial NATO-Georgia package (SNGP) of measures was launched to strengthen Georgia's ability to defend itself and advance its preparation for membership. More recently, not only does the country contribute to the NATO-led Operation Sea Guardian, but it has also been the object of a set of tailored support measures on the occasion of the 2022 Madrid summit, since it is most directly targeted as NATO partner by Russian interference after 2022 (aggression against Ukraine).

Against this background, it seems more correct to refer to the web of personal interests of a political elite that revolves around the figure of Ivanishvili, who tries to protect his own profits and who has made his fortune due to a steel bond with Russia. It is therefore no coincidence that the name of the billionaire oligarch Ivanishvili was mentioned in the well-known Panama Papers, due to a series of funds deriving from previous business activities carried out in Russia and hidden in foreign tax havens. Just as it is no coincidence that amid protests against the law on foreign influences, a further bill was approved under the name of "offshore law", facilitating the re-entry of funds from abroad into Georgia, offering a wide range of tax advantages to companies and individuals who decide to move their assets from tax havens to the country. This has sparked widespread backlash in the country amid fears that it could turn Tbilisi into a black money hub, allowing billionaire Georgian Dream founder Ivanishvili and some members of his circle to evade potential Western sanctions.

Sanctions that the European Union has not ruled out adopting, and that have also been discussed in the United States. Especially, the House of Representatives approved the "Megobari Act" (from the Georgian term meaning "friendship") and promised restrictions in terms of concession of visas and travel bans against the Georgian officials of Georgian Dream, considered responsible for the weakening of the Georgian democratic framework and considered hostile both towards civil society and its Euro-Atlantic partners. If the Western sanctions were welcomed by the Georgians in a positive way and interpreted as a tangible sign of closeness to their democratic struggle, there are equally well-founded fears that the approval of the law on foreign influences could mark a breaking point with no return for Georgian-American relations: the law has in fact affected that dense network of NGOs and associations whose funding comes exclusively from Washington, a fundamental player in financing and supporting Georgia's fragile democratic institutions since 1991.

For its part, the Kremlin (with no diplomatic relations with Tbilisi except through the mediation of Switzerland, due to separatist and frozen-conflict issues), accused squarely the West of having attempted to destabilise the country by supporting the demonstrators in a sort of “colour revolution” against the government. It is a standard fear and claim since year 2000 at least.

Moscow would considerably benefit if Georgia abandoned (forcibly or through hybrid warfare) the Western sphere of influence in favour of the exclusive Russian orbit: the Southern Caucasus is in fact part of the rhetoric of “*russky mir*”, as well as geographically Russia’s near abroad, to which Russian policy in the post-Soviet space is aimed in order to maintain its (possibly) exclusive dominion. At the same time, having political control over Georgia would potentially mean being able to continue in the Southern Caucasus, also influencing the pro-European aspirations of Armenia, which under the Prime Minister Nikol Pashinyan at the end of the thirty-year war with Azerbaijan over the Karabakh region expressed its desire to abandon the Russian orbit to move closer to the West.

Lastly, the geographical position of Georgia should not be underestimated. Indeed, this aspect has made the country strategically relevant in terms of transit of the infrastructure of the Middle Corridor, the multimodal project that connects China and Central Asia to Europe via Azerbaijan, Georgia and Türkiye. In fact, it is precisely through the Middle Corridor that the West supplies itself with gas, oil and goods, bypassing sanctioned Russia, thus allowing the Southern Caucasus to play an unparalleled role in terms of East-West connections.

In the event of the consolidation of Moscow’s influence on Georgia, new scenarios could therefore open up on the future of this infrastructural project, which is preparing for a significant expansion with a view to the transit of renewable energy from Kazakhstan and Azerbaijan.

Another aspect that is connected to civil logistics, but regards military basing and logistics, touches a possible naval base in Abkhazia, the separatist republic (together with South Ossetia) unrecognised by all other UN members, namely the port of Ochamchire. Ukrainian intelligence, probably with support of friendly organs, raised the alarm on dredging works in the port and on the mooring of a Russian naval support unit (Project 22870 support ship) in July. The possible base could act as a relatively safe harbour from the incursions of the special forces of the Ukrainian military intelligence (GUR) and as a constant hostile presence vis-à-vis the Georgian port of Anaklia, that would be a key node of the Middle Corridor. In October the leader of the separatist



entity, Aslan Bzhania talked about the Ochamchire basis in an interview to the newspaper Izvestia; the Kremlin did not comment.



Source: [bbc.com](http://bbc.com)

For these reasons, these elections represented a key moment for Georgians. The situation of uncertainty that pervades this delicate moment for the country is accompanied by considerable volatility and instability of events.

A manipulation was central to the Georgian Dream approach: to make inroads into that 80% of the pro-European electorate who sought refuge in the opposition, the lever was an effective game of insinuating fears in the population, connected to the risk of an imminent threat of a war with Russia. Certainly not a direct invasion, but rather potential clashes on the border with the separatist regions of Abkhazia and South Ossetia.

Recognised only by Russia, which has maintained a military presence there in the form of bases, troops and weapons since 2008, these regions have always represented the “thorn in the side” of Tbilisi. It is no coincidence that rumours of possible reconciliations to be achieved through the creation of a possible “confederation”, as well as the rhetoric of the West as belonging to a “global war party”, intending to open a second front with Tbilisi, have led to the seductive alternative of

Georgian Dream creating a European path “as a sovereign state”, so as to avoid a replay of what is happening in Ukraine.

Nevertheless, this rhetoric seems not to support the government party’s victory as an expression of the will of the Georgians in favour of Russia. With a European Union busy in a global diplomatic struggle and a vulnerable domestic democratic hold, the Georgian public opinion seems to have no doubts about its Western ideological cornerstones. At the moment, however, the opposition parties have not had enough strength to undermine the private interests of an elite that looks at Moscow.