

The Significance of Abolishing Foreign Agents Bill in Ensuring Zourabichvili's Political Survival

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ABSTRACT

The Foreign Agents Bill caused a significant divide between the Georgian government, its civil society, and President Salome Zourabichvili with her European Union (EU) aspirations, due to its controversial nature of alienating the existence of civil society in the country, along with the fact that it is in direct opposition with the twelve point candidacy criteria issued by the EU – thus endangering any future prospects and relations between Georgia and the EU. This paper will analyze the decision-making processes Zourabichvili employed to navigate this considerable challenge to her political survival as a pro-EU leader. Through the lens of poliheuristic theory, this paper explores two critical dimensions encountered in Zourabichvili's decision-making process – namely the domestic political and strategic dimensions – through an analysis of her political psychology. It highlights the importance of considering national interests during policy formation, as negative reactions can significantly impact a leader's political survival and the nation's geopolitical influence.

Keywords: Georgia; European Union; Foreign Agents Bill; Poliheuristic Theory; Political Survival

ABSTRAK

RUU Agen Asing telah menyebabkan perpecahan yang signifikan antara pemerintah Georgia, masyarakat sipil, dan presiden Salome Zourabichvili dengan aspirasinya untuk menggabungkan Georgia dengan Uni Eropa (UE). Hal ini dikarenakan karakteristik kontroversial dari RUU agen asing yang mengasingkan keberadaan masyarakat sipil di negara tersebut serta fakta bahwa hal ini bertentangan langsung dengan dua belas poin kriteria pencalonan yang diterbitkan oleh UE – sehingga membahayakan prospek masa depan dan hubungan antara Georgia dan UE di masa depan. Tulisan ini akan menganalisis proses pengambilan keputusan yang digunakan Zourabichvili untuk menghadapi tantangan signifikan terhadap kelangsungan politiknya sebagai pemimpin pro-UE di Georgia. Dengan teori poliheuristik, tulisan ini mengeksplorasi dua dimensi yang dihadapi dalam proses pengambilan keputusan Zourabichvili – yaitu dimensi politik domestik dan strategis – melalui analisis psikologi politiknya. Tulisan ini menekankan pentingnya mempertimbangkan kepentingan nasional dalam pembentukan kebijakan, karena reaksi negatif dapat berdampak signifikan terhadap kelangsungan politik seorang pemimpin serta pengaruh geopolitik dan hubungan internasional suatu negara.

Kata Kunci: Georgia; Uni Eropa; RUU Agen Asing; Teori Poliheuristik; Kelangsungan Politik

Introduction

During Salome Zourabichvili's presidential campaign against Grigol Vashadze for the 2018 electoral term, she brought multiple pledges to the table, one of which significantly defined her political stance and identity upon assuming the role of president of Georgia: To advance the nation of Georgia further into gaining candidacy status in the European Union (EU).¹ The root of Zourabichvili's vehement aspiration to bring Georgia and the EU towards a state of convergence can

¹European Parliament. 2023. "President Zourabichvili of Georgia Plenary Session: We want to reunite with our European family." European Parliament. <https://www.europarl.europa.eu/news/en/press-room/20230524IPR91904/president-zourabichvili-of-georgia-we-want-to-reunite-with-our-european-family>.

be traced to the desire of Georgians to fight for the European identity and to ensure tangible concrete security towards Georgia, as a nation that has endured numerous Russian occupations and prolonged aggression.² EU candidacy could offer the promise of closer cooperation by providing Georgia with greater stability and protection against external threats. Furthermore, by pursuing closer ties with the EU, Zourabichvili aimed to strengthen Georgia's position on the international stage and enhance its economic prospects through access to European markets and investment. Concrete translations of these visions can be seen towards Georgia's move to pursue membership in the EU. On 3rd March 2022, Georgia submitted a formal application for membership to join the EU.³ Meanwhile, the Georgian path to warrant a glance from the EU has been proven difficult over the past years, with its state of backsliding democracy, persistent oligarchic influences, lack of protection for civil society, and infestation of organized crime.⁴ Following this unseemly state, the EU has provided a set of twelve criteria that need to be fulfilled by Georgia before it is able to gain candidate status.⁵ One of the criteria that was required by the EU in opinion priority 10 was for Georgia to ensure the involvement of civil society in decision making processes at all levels, where they also have openly condemned the drafting of the controversial Foreign Agents Bill in Georgia.⁶

The Foreign Agents Bill, as a draft law endorsed by former Georgian Dream members, now separated as the People's Power Party, of the parliament from 29th December 2022, has been a root of controversy and dissent amongst Georgians and its civil society. The bill, consisting of two draft laws, requires non-commercial media outlets and legal entities that acquire 20% or more of their legal funding of operations from abroad to be declared as "foreign agents". If ratified, the bill would ensure transparency in the flow of external funding that is received by organizations that are supported by foreign grants.⁷ However, the declaration of the bill caused an uprising amongst Georgians, in fear that the legislation could possibly harbor an alienating and stigmatizing nature towards civil society, and in turn drift Georgia further apart from its intended goal to gain candidacy in the EU and apart from its Euro-Atlantic aspirations.⁸

Furthermore, this bill has further complicated Georgia's already rocky path to join the European Union due to its contradictory nature to the recommendations given by the European Union. With the plans of enactment of the Foreign Agents Bill, it is in automatic defiance of the tenth key recommendation, "Ensure the involvement of civil society in decision-making processes at all levels".⁹

²European Parliament. 2023. "President Zourabichvili of Georgia: We want to reunite with our European family." European Parliament.

<https://www.europarl.europa.eu/news/en/press-room/20230524IPR91904/president-zourabichvili-of-georgia-we-want-to-reunite-with-our-european-family>.

³European Commission. 2022. "Opinion on the EU membership application by Georgia." EEAS. https://ec.europa.eu/commission/presscorner/detail/en/qanda_22_3800.

⁴Mdzinarishvili, David. 2023. "The Dangers of Democratic Backsliding in Georgia." Council on Foreign Relations. <https://www.cfr.org/article/dangers-democratic-backsliding-georgia>.

⁵European Union - European External Action Service (EEAS). 2022. "Georgia: The Twelve Priorities." EEAS. <https://www.eeas.europa.eu/sites/default/files/documents/12%20Priorities.pdf>.

⁶European Union - European External Action Service (EEAS). 2023. "Georgia: Statement by the High Representative on the adoption of the "foreign influence" law." EEAS. https://www.eeas.europa.eu/eeas/georgia-statement-high-representative-adoption-%E2%80%9Cforeign-influence%E2%80%9D-law_en.

⁷Civil Georgia. 2023. "Georgian Dream" Promotes Draft Law on Foreign Agents, Multiplies Tactical Narratives." Civil Georgia. <https://civil.ge/archives/526827>.

⁸Center for European Policy Analysis. 2023. "Unpacking Georgia's "Foreign Agent" Bill: What Comes Next?" Center for European Policy Analysis. <https://cepa.org/events/unpacking-georgias-foreign-agent-bill-what-comes-next/>.

⁹European Commission. 2022. "Commission Opinion on Georgia's application for membership of the European Union." COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL

With the formulation of this law, it sets the civil society further apart in the eyes of the Georgian law, plastering an identity that is seemingly alienating to their presence in the country. The EU High Representative, following the drafting announcement, has threatened through an official statement that any final adoptions of the law might have serious repercussions on the relations between Georgia and the EU. With the string of demonstrations that the law has generated, Georgian citizens share the same opinion that this would set Georgia further apart from its desire to gain the full experience of European identity.

With Zourabichvili's electoral campaign being largely supported by the domineering Georgian Dream Party in the beginning, this would pose as a contradictory state later on during her term, with the Georgian Dream Party increasingly showing inclinations towards Moscow and against anti-Western rhetorics, while Zourabichvili is consistent on her pro-EU stance and aspiration to bring Georgia into the EU.¹⁰ The complex nature of the formulation of the Foreign Agents Bill has further deepened the dissent between Zourabichvili and the Georgian Dream Party, with the Foreign Agents Bill mirroring a similar Russian law that is used to stymie media outlets.¹¹ Though the People's Power Party, as the drafters of the bill and an offshoot of the Georgian Dream Party, deny this assumption and claim that it is instead inspired by America's Foreign Agents Registration Act (FARA), this claim would be denied by the US State Department.¹² Zourabichvili stated that she stood with the demonstrators against this bill, and vowed to abolish it.¹³ In March 2023, the parliament, strengthened by Zourabichvili's stance, took the move to abolish the Foreign Agents Bill.¹⁴ The abolition was a concrete example of Zourabichvili's tenacity to fulfill the terms given by the EU to gain candidacy status, put forward its civil society, and hinder the threat of estrangement of relations made by the EU High Representative. This act of abolition would also later prove to be a conspicuous factor for Georgia in gaining candidacy status.

This research aims to uncover the effectiveness of Zourabichvili's abolition towards the progression of EU candidacy with a focus on her decision-making process alongside her administration. Additionally, the abolition of the bill proved as a contestation to ensure the pertinence of Zourabichvili's figure and pledges, and to her political survival in the Georgian political landscape. Hence, we bring forth the research question of, **“Why was Zourabichvili's decision to abolish the Foreign Agents Bill important for her political survival?”**

Literature Review

The discussion regarding Foreign Agents Bill cannot be separated from Georgia's pursuit to gain candidacy status in the EU. In the past few years, researchers have already put special attention to

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<https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-06/Georgia%20opinion%20and%20Annex.pdf>.

¹⁰Shanava, Diana. 2023. “The President challenging the Georgian Dream.” Veridica Editorials. <https://www.veridica.ro/en/editorials/the-president-challenging-the-georgian-dream>.

¹¹ Natchkebia, Tamta. 2022. “The Pro-Russian Policy of the Georgian Government During the Russian War in Ukraine.” Goethe-Institut. <https://www.goethe.de/ins/ro/en/kul/sup/unp/24516454.html>.

¹²U.S. EMBASSY TBILISI. 2023. “Ned Price on Foreign Agents Law.” U.S. Embassy in Georgia. <https://ge.usembassy.gov/ned-price-on-foreign-agents-law/>.

¹³Saakashvili, Mikheil. 2023. “EU condemns Georgia's 'foreign agents' law as protests continue.” EURACTIV. <https://www.euractiv.com/section/europe-s-east/news/eu-condemns-georgias-foreign-agents-law-as-protest-continue>.

¹⁴RFE/RL. 2023. “Georgian Parliament Revokes Controversial 'Foreign Agents' Bill That Sparked Protests.” RFE/RL Georgian Service. <https://www.rferl.org/a/georgia-parliament-revoke-foreign-agents-bill/32311614.html>.

this issue and offered various outlooks. To better examine the significance of Foreign Agents Bill to Georgia's candidacy status, there are various pieces of literature that are worth to be reviewed and are able to complement this paper's analysis.

Davit Zedelashvili through his writing titled *Georgia's Bill on Foreign Agents and the Limits of the EU's Soft Power* argued that the EU's influence over Georgia has grown to be so insignificant that the prospect of Georgia gaining a candidacy for EU membership is not enough to deter the Georgian Dream regime from passing the bill on foreign agents into law. He believes that the Foreign Agents Bill has instead exposed the EU's lack of soft power in Georgia. This argument is further reinforced by the fact that Georgia Dream's chairman and Prime Minister, Irakli Garibashvili, had even listed the EU as one of the malign sources of influence that the Foreign Agents Bill intends to counter.¹⁵ So, it was implied that there is not any direct correlation between the abolishment of the bill with Georgia's goal to gain candidacy status.

Contrasting Zedelashvili's view, Ketevan Chakhava through *Road Leading Georgia to the European Union Membership* argued that both EU and Georgia can receive a lot of strategic benefit from each other. By being a member of the EU, the developing Georgia could receive a great support in making better changes in the ongoing political and economic processes, while the EU could develop trade relations and improve civilian factors. Therefore, it is beneficial for Georgia to integrate itself with Europe. Chakhava also emphasized on the importance of political reforms as well as goals that can align the two parties together. One of the major things that should be done by Georgia is to maintain the European oriented aim of Foreign Policy and fulfill the EU membership criteria, which requires Georgia to have stable institutions that guarantee democracy, rule of law, human rights defense and respect of minorities.¹⁶ This means that the abolishment of Foreign Agents Bill is necessary for Georgia in order to align with the EU. Through his article titled *Georgia's EU Candidate Status Will Test Its Relations With Russia*, Emil Avdaliani complement Chakhava's view on the issue by highlighting the importance of Georgia's foreign and security policies alignment with the EU. The European Commission emphasized that Georgia should focus on dismantling the oligarchic structure that dominates Georgian politics if it intends to continue Georgia's path into Europe.¹⁷

Kinga Zsofia Horvath through her writing titled *Transparency Vs. Delegitimization? Shrinking Space For Foreign-Funded Organizations In Democracies: Hungary And Israel* analyzed the enactment of the foreign agents regulations in two states with developed democracies. She concluded that the recently enacted foreign agents regulations in Hungary and Israel serve more as a political tool to strengthen the governments' nationalistic ideology and power than as a tool to increase transparency. This can be seen with both states' regulation being indirectly discriminatory and disproportionate towards organizations that are working on specific fields such as human rights. Horvath argued that the excessive regulation of foreign-funded organizations could lead to weakening democracies.¹⁸ Aligned with Horvath's argument, Galina Goncharenko and Iqbal Khadaroo through their writing *Disciplining Human Rights Organisations Through An Accounting Regulation: A Case Of*

¹⁵Zedelashvili, Davit. 2023. "Georgia's Bill on Foreign Agents and the Limits of the EU's Soft Power." Verfassungsblog. <https://verfassungsblog.de/georgias-bill-on-foreign-agents-and-the-limits-of-the-eus-soft-power/>.

¹⁶Chakhava, Ketevan. 2012. "Road Leading Georgia to the European Union Membership." Journal of Social Sciences. <https://jss.ibsu.edu.ge/jms/index.php/jss/article/view/33>.

¹⁷Massacesi, Elena S. 2022. "GEORGIA'S PATH INTO EUROPE." The Borgen Project. <https://borgenproject.org/georgias-path-into-europe/>.

¹⁸Horvath, Kinga Zsofia. 2018. "Transparency Vs. Delegitimization? Shrinking Space for Foreign-Funded Organizations in Democracies: Hungary and Israel." PhD diss.,

The 'foreign agents' Law In Russia, argued that the disciplining power of the 'foreign agents' law enforcement have instead left very little space for Human Right Organizations (HROs) and their members to maneuver. They argued that any strategy chosen by HROs within the new unfavorable regulatory environment created by the 'foreign agents' law led to substantial reduction in activism and increased vulnerability.¹⁹

By reviewing previous pieces of literature that are relevant to the topic of Georgia's candidacy status and its ties with the abolishment of Foreign Agents Bill, this paper aims to fill the gap and offer a new perspective on the issue. As this paper will show, the prospect of Georgia's candidacy status progressing became the key factor for Zourabichvili's decision to endorse the abolishment of the Foreign Agents Bill as this could guarantee her political survival. This paper will begin with the analysis on Zourabichvili's policy alternatives and how the abolishment of Foreign Agents Bill became crucial for her political survival.

Methodology

To answer the research question regarding Zourabichvili's political survival and its correlation with the abolishment of Foreign Agents Bill, this article utilizes qualitative methods to prove our assertions. Through this method, the authors examine data drawn from literature and official data reports from the Georgia government and international organizations. By using qualitative research methods, the authors are able to explore the perspectives, experiences, and views of Zourabichvili on the issue. In supporting the analysis process, the authors will use the Poliheuristic Theory.

Poliheuristic Theory

In order to answer that question, the authors will adopt a model that is within the individual level of analysis to take a deeper look at the decision-making process taken by the leader of the previously mentioned administration. The poliheuristic theory, proposed by Alex Mintz, will be used as the framework in this essay's analysis, due to its rational and cognitive nature that is able to elucidate on the decision making processes held in complex foreign policy environments. The theory came into existence by Mintz in 1993 as a critique to traditional decision-making models in the field of international relations, and has since garnered significant attention in its becoming a prominent model in foreign policy analysis. As a theory that was born as a critique, Mintz designed the poliheuristic theory to expand beyond the limitations of traditional rational models that often disregards the cognitive aspects that exist within the decision-making processes and political psychology of leaders. With its nature that combines cognitive and rational aspects, the poliheuristic theory postulates a two-stage decision making process. In the first stage, a menu of policy alternatives are being narrowed through a non-compensatory analysis. In this stage, any alternatives that are not viable or risk the leader's political survival will be eliminated. Each alternative will be evaluated separately and those who fail to achieve a minimum threshold on the critical dimensions are rejected. Then in the second stage, all remaining alternatives are evaluated to minimize risks and maximize benefits through a compensatory analysis.²⁰

¹⁹Goncharenko, Galina, and Iqbal Khadaroo. 2020. "Disciplining human rights organisations through an accounting regulation: A case of the 'foreign agents' law in Russia." *Critical Perspectives on Accounting* 72. <https://doi.org/10.1016/j.cpa.2019.102129>.

²⁰Mintz, Alex. "How Do Leaders Make Decisions?: A Poliheuristic Perspective." *The Journal of Conflict Resolution* 48, no. 1 (2004): 3–13. <http://www.jstor.org/stable/3176265>.

According to Mintz in his writing *How Do Leaders Make Decisions?: A Poliheuristic Perspective*, there are five main characteristics that the poliheuristic decision-making is based on:

- a. Dimension-based: Decision makers process all policy alternatives based on certain dimensions sequentially (intra-dimensional). On the other hand, an alternative-based process implies that the leader compares the implications for an alternative across dimensions (interdimensional). These dimensions typically revolve around strategic, military, diplomatic and/or domestic politics.
- b. Non-holistic/non-exhaustive search of alternatives: Heuristic-based models are simplified with rules that offer shortcuts. So, not all options are considered from the start of a decision making process.
- c. Non-compensatory principle: When an alternative is being considered, a low score on one dimension cannot be compensated by a high score on another. They will instead immediately get eliminated.
- d. Satisficing: Decision makers seek a satisfactory solution rather than attempting to obtain all information of the problem. Leaders will not search for other information once they have found a satisfactory alternative.
- e. Order-sensitive: The order of preference among prospective options depends on the sequences they are presented. Policy options may not be available at the start of a situation. So, changes in the presentation of the choice can affect how decision-makers processed the available information and which alternatives were chosen.²¹

Through the poliheuristic theory, we are thus able to identify the alternative that aligns best with the leader. This theory holds a significant degree of relevance to the topic of research since not only will it focus on Zourabichvili's decision-making process, but it will also encompass the strategic and cognitive considerations behind her decisions. Through analyzing her decisions with this framework, we can then understand the rationality behind her actions, particularly in navigating complex political situations through balancing the political gains and losses.²²

Analysis

a. Zourabichvili's Policy Alternatives

After the Foreign Agents Bill was submitted by the parliament, Salome Zourabichvili as President of Georgia, had the option to either sign and promulgate the law or return the bill back to parliament. According to Article 46 of Georgia's constitution, President Zourabichvili may return the bill with justified remarks which will then be voted on by the parliament. If the remarks were to be adopted, it requires the same number of votes as the initial adoption of the type of law in question. However, if the parliament rejects the remarks, the initial version of the law shall be put to a vote. With that said, Salome Zourabichvili, when faced with the Foreign Agents Bill, has three policy alternatives that are being considered: (1) to use the presidential veto, (2) to sign and promulgate the law, (3) to return the bill and give justified remarks. While it is not an exhaustive list, this paper believes these three alternatives can effectively represent the direction that Zourabichvili should

²¹Mintz, Alex. "How Do Leaders Make Decisions?: A Poliheuristic Perspective." *The Journal of Conflict Resolution* 48, no. 1 (2004): 3–13. <http://www.jstor.org/stable/3176265>.

²²Brulé, Davic J. 2005. "Explaining and Forecasting Leaders' Decisions: A Poliheuristic Analysis of the Iran Hostage Rescue Decision." *International Studies Perspectives* 6, no. 1. <https://www.jstor.org/stable/44218355>.

determine in deciding Georgia's foreign policy trajectories. Having identified the alternatives, we will then discuss why some of the alternatives were unable to satisfy Zourabichvili's criteria.

b. Domestic Political Dimension

Domestic political dimension becomes the first dimension on which most leaders assess the alternatives because it represents the nation's interest which corresponds directly with the leader's political survival. Political survival, in the case of Zourabichvili, relates to her ability to maintain her credibility and influence by fulfilling Georgia's aspiration to join the EU. Her stance on the issue of the EU aligns her closely with her electorate—Georgia's civil society and citizens who favor EU integration, as they perceive it crucial for the nation's future. A leader's competence in advancing shared aspirations can further solidify their position in office by demonstrating to their electorate that they are better adjusted with their values than any other challenger to meet the national interest. Therefore, Zourabichvili's unyielding commitment to EU candidacy gives her leverage in remaining in office as she symbolizes the leadership that represents the political interest of the nation.²³ On a psychological aspect, decision-making under high-stakes scenarios often relies on heuristics, where leaders choose options that minimize potential political risks. For Zourabichvili, this cognitive process aligns with her strategic commitment to the advancement of EU integration, as well as her detachment from affiliations that might compromise this goal. Her choice to be independent and separate from the Georgian Dream party demonstrates her poliheuristic approach - eliminating any policy or affiliations that may conflict with her political survival. In this case, she perceives support for the Foreign Agents Bill, which alienates civil society and contradicts EU requirements, as a non-negotiable threat to her political survival.²⁴

In Georgia, the domestic political system consists of a monarchy, a president, and a prime minister. Although the role of a president is mostly a symbolic role as a figurehead, it does not negate the significance of the president's influence in representing national interests and voicing the sentiment of the public. Despite limited executive power, the president can leverage this position to shape public opinion and reinforce political agendas, such as Zourabichvili's aspiration to integrate the nation with the EU, as an agenda that is profoundly favored by the populace. The president's electoral term is dictated by the votes of the absolute majority to serve a five-year term, and should the leading candidate receive less than fifty percent of the votes, a run-off will be conducted to determine between the two highest-ranking candidates.²⁵ During Zourabichvili's election period, she was endorsed by the Georgian Dream party, as the party that has the majority of the seats in the parliament. However, she soon chose to leave the party and stand as an independent due to the fundamental disagreements over Georgian Dream's pro-Russian stance through the endorsing the formulation of the Foreign Agents Bill and reluctance to pursue EU membership.²⁶ Consequentially, Zourabichvili faced political isolation – even facing impeachment trials in October 2023 that were instigated by said party – as her departure from the Georgian Dream party severed her ties to substantial parliamentary power. This further strengthened Zourabichvili's need to contest her political survival, by solidifying her public

²³Morrow, James D., Alastair Smith, Bruce Bueno de Mesquita, and Randolph M. Siverson. 2005. "The Logic of Political Survival." MIT Press.

²⁴Houghton, David P. 2015. *Political Psychology: Situations, Individuals, and Cases*. N.p.: Routledge.

²⁵International Foundation for Electoral Systems. 2011. "Georgia's Parliamentary Electoral System." <https://www.ifes.org/publications/georgias-parliamentary-electoral-system>.

²⁶The Soufan Center. 2024. "Georgian Dream or Democratic Nightmare? The Struggle for Democracy Amid Voter Fraud and Russian Interference." <https://thesoufancenter.org/intelbrief-2024-october-30/>.

image as an unwavering pro-EU leader that is willing to oppose the majority to defend the political direction that is favored by the people.²⁷

Alternatives that fail to cross the threshold in this dimension will immediately be eliminated. In her fifth year of presidency, Zourabichvili still has not fulfilled her pledges to bring Georgia closer into gaining candidacy status in the EU. Though a formal application for membership has been submitted, Georgia still has some work to be done in order to make the nation more compliant with the EU membership criteria. The political survival of a leader could be threatened by domestic challenges to their leadership, and in this case, the formulation of the Foreign Agents Bill has threatened the pro-EU stance that has kept Zourabichvili's existence buoyant in the eyes of Georgian citizens. For Zourabichvili to remain in the office, it is imperative that she remain attentive to the institutions within which they operate and adjust those institutions to suit her interests.²⁸

Institutions, in this case, the Georgian Parliament, have the likelihood to transform their stance when they are faced with events serious enough to threaten the political survival of leaders, and in response, the leaders can either choose the option to avoid or eliminate such threatening political circumstances.²⁹ Leaders that exist in such systems have the tendency to pay great attention to their personal incentives towards their policy performance. Even though it was not Zourabichvili that authored the controversial bill, it still posed a risk towards her position and objectives, and poor policy performance heightens the risk of leaders being ousted, and creating an even larger incentive to work hard to prevent the draftings of laws and policies of controversial nature.³⁰ Ultimately, leaders such as Zourabichvili must be acutely aware of their personal incentives along with the risks that are carried out in the policy decisions made by the government, and it is imperative for Zourabichvili to maintain a watchful eye towards any formulation of laws and policies that might jeopardize her personal objectives at stake.

The Foreign Agents Bill, as said by Human Rights Watch, would have had serious implications on groups and individuals that are working to protect human rights, democracy and the rule of law. This implication is what eventually leads to a series of demonstrations by tens of thousands of Georgians, chanting, "No to the Russian law". The notion that Georgia's declaration of this bill is increasing its embrace of Russia has also become yet another reason for the uprising amongst the people. Around 400 Georgian NGOs also spoke about how the bill was "an attack on Georgian values" and that it would "hinder Georgia's progress towards EU membership". Georgian society has been strongly anti-Moscow after years of conflict over the status of two Russian-backed breakaway regions.³¹ Kakhaber Kemoklidze complements this sentiment by stating that around eighty five percent of Georgian society is very European and the European perspective is written all over the Georgian constitution. With that said, the decision rule used by Zourabichvili for choosing among the alternatives on the domestic political dimension can be captured by the following question: *Is the alternative expected to result in the advancement of Georgia's membership status in the EU?* Among the three alternatives, the option to sign and promulgate the law clearly became the one that was not

²⁷Davit Zedelashvili. 2023. "Failed Presidential Impeachment Bid and Georgia's Current Path to European Integration." <https://www.freiheit.org/south-caucasus/failed-presidential-impeachment-bid-and-georgias-current-path-european-integration>

²⁸ Morrow, James D., Alastair Smith, Bruce Bueno de Mesquita, and Randolph M. Siverson. 2005. "The Logic of Political Survival." MIT Press.

²⁹Ibid.

³⁰Bueno De Mesquita, Bruce, James D. Morrow, Randolph M. Siverson, and Alastair Smith. 1999. "Policy Failure and Political Survival: The Contribution of Political Institutions." Sage Journals. <https://doi.org/10.1177/0022002799043002002>.

³¹Cordell, Jake. 2023. "Why is Georgia in turmoil over a "foreign agents" law?" Reuters. <https://www.reuters.com/world/us/why-is-georgia-turmoil-over-foreign-agents-law-2023-03-09/>.

expected to result in the advancement of Georgia's membership status. Zourabichvili has the need to prevent any measures that can instead steer Georgia away from Europe.

Based on the poliheuristic theory, the president is expected to reject any alternatives that fail to satisfy her predetermined decision rule which is political survival. Hence, it was becoming obvious that in the domestic political dimension, Zourabichvili urgently needed to take a stance against the Foreign Agents Bill. This quickly eliminates the option to sign and promulgate the law, as it would risk Georgia to become further away from EU's membership, an outcome that would be against Zourabichvili's interest. This reduced the menu of alternatives from three to two with only the alternatives that are against the bill remaining. In order to choose between the remaining two options, Zourabichvili then weighed their relative costs and benefits on the strategic dimension.

c. Strategic Dimension

The strategic dimension for Georgia is largely concerned about the implications that could come from the remaining alternatives for such factors as geopolitical power and grand strategy. After Georgia declared its independence back in 1991, it has always been in the nation's interest to drift further away from the post-Soviet orbit. Therefore, for the past 33 years, Georgia has also tried to integrate itself into the European regional structure. Zourabichvili then weighed the relative costs and benefits of the remaining alternatives with these factors in mind. Despite all the narratives surrounding the Foreign Agents Bill, the main ruling party has repeatedly denied any correlation between this bill to Russia's interest.³² Prime Minister Irakli Gharibashvili stated that this bill was instead proposed by the parliament to reveal criticism of the Georgian Orthodox Church, one of the most powerful institutions in the country, and that the whole bill was instead modeled after the Foreign Agents Registration Act (FARA), as an American law enacted in 1938.³³ Although, following this claim, the US has released a statement that the Foreign Agents Bill was modeled after FARA was patently false.³⁴ The Georgian Dream Party also spoke out against the unfair label that is put on the bill and said that the bill is important to show transparency of foreign funding.

With all of that factors in, using the presidential veto will mean that Zourabichvili will be put into a position that is diametrically opposed to the Georgian Dream, which was her supporting faction during the electoral campaign. However, the option to use presidential veto also has its relative benefits compared to proposing amendments. By vetoing the bill, the president can send a clear message to the public, particularly to the international community, about her stance on this issue.³⁵ This option can also benefit Zourabichvili as it can be a way to align with public sentiment about the bill as well as to Euro-Atlantic aspirations. Another thing to consider is the fact that the decision to veto is still shadowed by the possibility of the parliament overruling her veto, as it has happened before in the previous bill. Nevertheless, using the presidential veto can also become an opportunity

³²Kirby, Paul. 2023. "Georgia drops 'foreign agents' law after protests." BBC. <https://www.bbc.com/news/world-europe-64899041>.

³³Al Jazeera. 2023. "Georgia withdraws 'foreign agents' bill after days of protests." Al Jazeera. <https://www.aljazeera.com/news/2023/3/9/georgia-withdraws-foreign-agents-bill-after-days-of-protests>.

³⁴Price, Ned. 2023. "Department Press Briefing - February 15, 2023 - United States Department of State." State Department. <https://www.state.gov/briefings/departments-press-briefing-february-15-2023/#post-420718-Georgia>.

³⁵Rohde, David W., and Dennis M. Simon. "Presidential Vetoes and Congressional Response: A Study of Institutional Conflict." *American Journal of Political Science* 29, no. 3 (1985): 397–427. <https://doi.org/10.2307/2111137>.

for Zourabichvili to show her efforts in ensuring that laws align with the broader interests of the states.³⁶

On the other hand, the option to propose amendments also comes with its own costs and benefits. By proposing amendments, Zourabichvili can take a more balanced approach to this issue. It allows Zourabichvili to demonstrate her willingness as Georgia's head of state to find a middle ground and makes herself appear to be more conciliatory as well as conducive in reaching consensus among different stakeholders. This approach can also be seen as a constructive effort to improve legislation rather than obstructing it. But, proposing amendments cannot be as effective as a presidential veto in delivering a clear message and is also not sufficient to address the president's concern. Not to mention, proposing amendments also have a fair chance to be rejected by the parliament. So, it appears to be even more risky and does not have as much benefit as vetoing.³⁷ Zourabichvili has the need to take an action that can push on her agenda of advancing Georgia's candidacy status. Therefore, when the alternatives are weighed in based on these factors, using the presidential veto appears to be a more viable option between the two.

The fate of the Foreign Agents Bill reached its dénouement on 9th March 2023, where the ruling party ultimately announced that they had withdrawn the bill without conditions in response to the unceasing protests against it. The very next day, parliament lawmakers officially voted against the bill, ending it in 35-1, during the second reading of the draft law, officiating it as a move that officially cancels the bill.³⁸ Zourabichvili's presidential veto was a contributing factor to the bill's eventual abolition, even though theoretically, the parliament majority has the power to overrule her veto. However, in this case, Zourabichvili's presidential veto was an act that further cemented her pro-EU aspirations that aligns strongly with the majority of the Georgian citizens. The Georgian Parliament as an institution, viewing this unitary stance that is held by Zourabichvili and the protesting citizens, had no choice but to eventually transform their stance as they face a crucial event that not only threatens the political survival of Zourabichvili, but also of those seated in the parliament.³⁹ Ultimately, the conflict boils down to an effort to resuscitate the remaining political survival that is had by the leaders of Georgia, especially Zourabichvili – and to maintain her significance in the eyes of Georgian citizens along with the fight for their European dream.

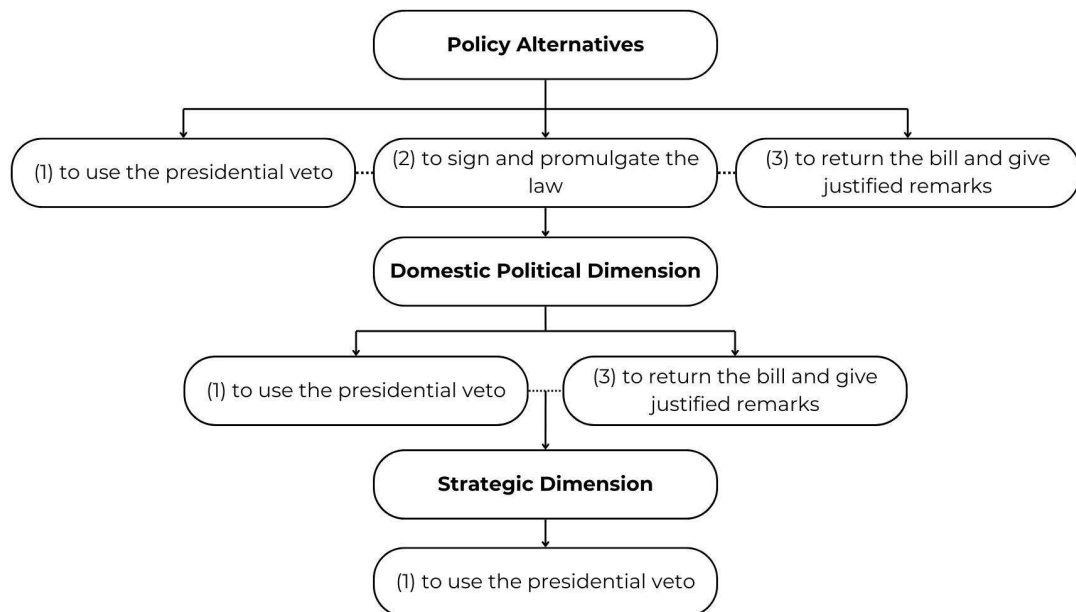
³⁶Bulmer, Elliot. 2015. "Presidential Veto Powers." International IDEA. <https://www.idea.int/sites/default/files/publications/presidential-veto-powers-primer.pdf>.

³⁷ Ibid.m

³⁸ Bregadze, Nanuka, and Aidan Yusif. 2023. "Georgia's Ruling Party Vows to Kill Foreign Agent Bill after Mass Protests." OCCRP. <https://www.occrp.org/en/daily/17405-georgia-s-ruling-party-vows-to-kill-foreign-agent-bill-after-mass-protests>.

³⁹ Morrow, James D., Alastair Smith, Bruce Bueno de Mesquita, and Randolph M. Siverson. 2005. "The Logic of Political Survival." MIT Press.

Image 1. Zourabichvili's Decision-making Sequence



Source: Author's Analysis on Poliheuristic Theory

The abolition of the Foreign Agents Bill was proven as a positive maneuver to steer Georgia in the right direction into gaining candidacy status in the EU. Following the withdrawal, the EU shortly released a statement, stating that it welcomes the announcement of the withdrawal of the draft legislation, and encouraging Georgia to continue with its pro-EU reforms efforts to be able to gain candidacy status.⁴⁰ Even after the withdrawal of the bill, distrust is still rooted between civil society and the government and have ultimately sparked a boycott of consultations regarding key reforms. In attempts of reformations in the civil society sector of opinion priority 10, the government has taken a step further apart from its murky past with the Foreign Agents Bill by conducting two conferences with civil society to reignite positive collaborations and to sustain coordination meetings with civil society organizations (CSOs). This initiative for trust restoration eventually brightened Georgia's resume for opinion priority 10, enabling Georgia's sailing path to ultimately gain candidacy status by December 14th 2023.

Conclusion

Through the poliheuristic theory, we are able to explore the ramifications of the formulation of the Foreign Agents Bill that impacted Zourabichvili directly along with her pro-EU aspirations, and the decision making processes that she was able to take in rescue of her political survival, such as (1) to use the presidential veto, (2) to sign and promulgate the law, and (3) to return the bill and give justified remarks. The political dimension shines on the fact that Zourabichvili's political survival was directly threatened by the formulation of the Foreign Agents Bill, since it is also Zourabichvili's strong EU aspirations that keeps her popular amongst Georgian citizens that share the same aspirations.

⁴⁰ Al Jazeera. 2023. "Georgia withdraws 'foreign agents' bill after days of protests." Al Jazeera. <https://www.aljazeera.com/news/2023/3/9/georgia-withdraws-foreign-agents-bill-after-days-of-protests>.

Furthermore, institutions, such as the Georgian Parliament, have the likelihood to transform their stance when they are faced with events serious enough to threaten the political survival of the leaders, which they then can choose whether to avoid or eliminate such threatening political circumstances — being the drafting of the Foreign Agents Bill. Additionally, through the strategic dimension, we are also able to see that the bill might have had threatening implications towards Georgia's geopolitical influence, deterring its chances to join the European regional structure.

The resolution of the Foreign Agents Bill has unraveled the importance of domestic politics, international aspirations, and national aspirations in a leader's decision making process. We recommend that Georgia take all of these factors into greater consideration at the outset of a draft law. Both the opinions and stances held by the president and the people of Georgia are a crucial first layer to be taken into account in the formation of laws. Moreover, we also emphasized the significance of Zourabichvili's political survival as the decisive factor for her strategic maneuvers to eventually veto the bill. Additionally, her decision ultimately amplified the voice of the citizens of Georgia and eventually forced the Georgian Parliament to withdraw the controversial bill, which by extension also strengthened her position as head of state. With Georgia's subsequent endorsement by the EU to gain the candidacy status following the withdrawal of the bill, it has shown that the abolition was also proven to be an act of relief towards Georgia-EU relations. Although distrust is still rampant between the government and its civil society, proactive measures towards trust restoration appear to solidify Georgia's decision to reaffirm its position in the European sphere of influence, and to align its pro-EU values with Zourabichvili.

References

- Al Jazeera. (2023, March 9). *Georgia withdraws 'foreign agents' bill after days of protests*. Al Jazeera. Retrieved March 18, 2024, from <https://www.aljazeera.com/news/2023/3/9/georgia-withdraws-foreign-agents-bill-after-days-of-protests>
- Bregadze, N., & Yusif, A. (2023, March 9). *Georgia's Ruling Party Vows to Kill Foreign Agent Bill after Mass Protests*. OCCRP. Retrieved March 23, 2024, from <https://www.occpr.org/en/daily/17405-georgia-s-ruling-party-vows-to-kill-foreign-agent-bill-after-mass-protests>
- Brulé, D. J. (2005, February). *Explaining and Forecasting Leaders' Decisions: A Poliheuristic Analysis of the Iran Hostage Rescue Decision*. *International Studies Perspectives* 6, no. 1. Retrieved March 23, 2024, from <https://www.jstor.org/stable/44218355>
- Bueno De Mesquita, B., Morrow, J. D., Siverson, R. M., & Smith, A. (1999, April). *Policy Failure and Political Survival: The Contribution of Political Institutions*. Sage Journals. Retrieved March 18, 2024, from <https://doi.org/10.1177/0022002799043002002>
- Bulmer, E. (2015). *Presidential Veto Powers*. International IDEA. <https://www.idea.int/sites/default/files/publications/presidential-veto-powers-primer.pdf>
- Center for European Policy Analysis. (2023, March 9). *Unpacking Georgia's "Foreign Agent" Bill: What Comes Next?* Center for European Policy Analysis. Retrieved March 18, 2024, from <https://cepa.org/events/unpacking-georgias-foreign-agent-bill-what-comes-next/>

- Chakhava, K. (2012, May 30). *Road Leading Georgia to the European Union Membership*. Journal of Social Sciences. Retrieved March 18, 2024, from <https://jss.ibsu.edu.ge/jms/index.php/jss/article/view/33>
- Civil Georgia. (2023, February 22). *UPDATED: "Georgian Dream" Promotes Draft Law on Foreign Agents, Multiplies Tactical Narratives*. Civil Georgia. Retrieved March 18, 2024, from <https://civil.ge/archives/526827>
- Cordell, J. (2023, March 9). *Why is Georgia in turmoil over a "foreign agents" law?* Reuters. Retrieved March 23, 2024, from <https://www.reuters.com/world/us/why-is-georgia-turmoil-over-foreign-agents-law-2023-03-09/>
- Davit Zedelashvili. (2023, October 27). *Failed Presidential Impeachment Bid and Georgia's Current Path to European Integration*. <https://www.freiheit.org/south-caucasus/failed-presidential-impeachment-bid-and-georgias-current-path-european-integration>.
- European Commission. (2022, June 17). *Commission Opinion on Georgia's application for membership of the European Union*. COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL. Retrieved March 18, 2024, from <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-06/Georgia%20opinion%20and%20Annex.pdf>
- European Commission. (2022, June 17). *Opinion on the EU membership application by Georgia*. EEAS. https://ec.europa.eu/commission/presscorner/detail/en/qanda_22_3800
- European Parliament. (2023, May 31). *President Zourabichvili of Georgia Plenary Session: We want to reunite with our European family*. European Parliament. <https://www.europarl.europa.eu/news/en/press-room/20230524IPR91904/president-zourabichvili-of-georgia-we-want-to-reunite-with-our-european-family>
- European Union - European External Action Service (EEAS). (2022). *Georgia: The Twelve Priorities*. EEAS. <https://www.eeas.europa.eu/sites/default/files/documents/12%20Priorities.pdf>
- European Union - European Union - European External Action Service (EEAS). (2023, March 7). *Georgia: Statement by the High Representative on the adoption of the "foreign influence" law*. EEAS. https://www.eeas.europa.eu/eeas/georgia-statement-high-representative-adoption-%E2%80%9Cforeign-influence%E2%80%9D-law_en
- Goncharenko, G., & Khadaroo, I. (2020). Disciplining human rights organisations through an accounting regulation: A case of the 'foreign agents' law in Russia. *Critical Perspectives on Accounting*, 72. <https://doi.org/10.1016/j.cpa.2019.102129>
- Houghton, D. P. (2015). *Political Psychology: Situations, Individuals, and Cases*. Routledge.
- Horvath, Kinga Zsofia. 2018. "Transparency Vs. Delegitimization? Shrinking Space for Foreign-Funded Organizations in Democracies: Hungary and Israel." PhD diss., International Foundation for Electoral Systems. (2011, March 1). *Georgia's Parliamentary Electoral System*. <https://www.ifes.org/publications/georgias-parliamentary-electoral-system>
- Kirby, P. (2023, March 9). *Georgia drops 'foreign agents' law after protests*. BBC. Retrieved March 23, 2024, from <https://www.bbc.com/news/world-europe-64899041>

- Massaccesi, E. S. (2022, August 16). *GEORGIA'S PATH INTO EUROPE*. The Borgen Project. Retrieved March 18, 2024, from <https://borgenproject.org/georgias-path-into-europe/>
- Mdzinarishvili, D. (2023, June 21). *The Dangers of Democratic Backsliding in Georgia*. Council on Foreign Relations. <https://www.cfr.org/article/dangers-democratic-backsliding-georgia>
- Morrow, J. D., Smith, A., Bueno de Mesquita, B., & Siverson, R. M. (2005, January 14). *The Logic of Political Survival*. MIT Press. Retrieved March 18, 2024, from <https://mitpress.mit.edu/9780262524407/the-logic-of-political-survival/>
- Natchkebia, T. (2022). *The Pro-Russian Policy of the Georgian Government During the Russian War in Ukraine*. Goethe-Institut. <https://www.goethe.de/ins/ro/en/kul/sup/unp/24516454.html>
- News European Parliament. (2023, May 31). *President Zourabichvili of Georgia: We want to reunite with our European family*. European Parliament. Retrieved March 18, 2024, from <https://www.europarl.europa.eu/news/en/press-room/20230524IPR91904/president-zourabichvili-of-georgia-we-want-to-reunite-with-our-european-family>
- Price, N. (2023, February 15). *Department Press Briefing - February 15, 2023 - United States Department of State*. State Department. Retrieved March 23, 2024, from <https://www.state.gov/briefings/department-press-briefing-february-15-2023/#post-420718-Georgia>
- RFE/RL. (2023, 10 March). *Georgian Parliament Revokes Controversial 'Foreign Agents' Bill That Sparked Protests*. RFE/RL Georgian Service. <https://www.rferl.org/a/georgia-parliament-revoke-foreign-agents-bill/32311614.html>
- Saakashvili, M. (2023, March 7). *EU condemns Georgia's 'foreign agents' law as protests continue*. EURACTIV. Retrieved March 18, 2024, from <https://www.euractiv.com/section/europe-s-east/news/eu-condemns-georgias-foreign-agents-law-as-protest-continue>
- Shanava, D. (2023, April 25). *The President challenging the Georgian Dream*. Veridica Editorials. <https://www.veridica.ro/en/editorials/the-president-challenging-the-georgian-dream>
- The Soufan Center. (2024, October 30). *Georgian Dream or Democratic Nightmare? The Struggle for Democracy Amid Voter Fraud and Russian Interference*. <https://thesoufancenter.org/intelbrief-2024-october-30/>
- U.S. EMBASSY TBILISI. (2023, March 2). *Ned Price on Foreign Agents Law*. U.S. Embassy in Georgia. Retrieved March 18, 2024, from <https://ge.usembassy.gov/ned-price-on-foreign-agents-law/>
- Zedelashvili, D. (2023, March 1). *Georgia's Bill on Foreign Agents and the Limits of the EU's Soft Power*. Verfassungsblog. Retrieved March 18, 2024, from <https://verfassungsblog.de/georgias-bill-on-foreign-agents-and-the-limits-of-the-eus-soft-power/>