

Singapore: Foreign Interference (Countermeasures) Act

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The Singapore Parliament passed and enacted the **Foreign Interference (Countermeasures) Act (FICA)** on 4 October 2021. This Act empowers authorities to deal with covert attempts by hostile foreign entities to interfere in domestic politics.



1 Overview of FICA

FICA is designed to prevent foreign interference, such as attempts to manipulate public opinion through social networking services and lobby politicians through online communications and donations to specific individuals and organization. FICA makes it possible to require social networking service providers and ISPs to disclose, block or delete information or post governmental views or designate a specific individual or organization to disclose their donation information and relationships with foreign political groups.

Specifically, the process is as follows. Firstly, the authorities such as the Ministry of Home Affairs can take specific measures to prevent the spread of hostile information dissemination activities that are believed to be backed by a foreign power, if they determine that the activities are aimed at political purposes and it is in the public interest to take countermeasures. Such measures include forcing social networking service providers, ISPs, website operators, etc. to block the distribution of certain accounts, contents and applications in Singapore. The most severe penalties for non-compliance with these orders can include a fine of up to S\$100,000, imprisonment for up to 14 years or both.

The authorities also designate "politically significant person" (which includes, but not limited to, individuals, organizations and politicians), and request such designated individuals and organizations to submit periodic reports on their donations and foreign partnerships.

The above regulations can be made by the authorities, such as the Ministry of Home Affairs of Singapore, without the need for a court decision.

2 Background of the introduction of FICA

The Ministry of Home Affairs has explained that such foreign interference is a serious concern

for the national security of Singapore. The ministry has cited examples such as the recent imposition of sanctions on individuals and groups in Ukraine for allegedly interfering in the US presidential election and the leak of French President Emmanuel Macron's email, stating that the number of attempts by foreign powers to intervene in domestic politics by manipulating public opinion and hacking via the Internet, rather than by military force, is increasing, and the crisis of online manipulation of public opinion is imminent. In addition, it introduces a case in which a Chinese-affiliated businessman made a donation to an Australian parliamentarian to get him to speak in favor of China on the South China Sea issue, and calls for the necessity of regulation by law.

In response to concerns from the public and abroad that the government can arbitrarily block anti-government activities, the government has explained that **Singaporeans who make political statements on their own initiative are not subject to FICA restrictions in any form or content and foreign nationals and foreign media are likewise exempt from regulation, regardless of the content, as long as it is in an "open and transparent manner"**.

However, as even Singaporean citizens, companies and organizations that are deemed to be influenced by or receive contributions from foreign powers are subject to the regulations, and the regulations also extend to activities via the Internet, the application of FICA is still unclear until concrete practical decision is made.

3 Regulations on funding sources and the Internet

Singapore Parliament also argued for the need to regulate what crossed the line as hostile activity, noting that the law was deliberately looser than similar regulations in the United States and Australia because Singapore is a country that thrives on foreign interaction, and explained its concerns as follows

First, with respect to the political activities of domestic individuals and organizations, it states that domestic individuals and organizations can only be designated if they are acting on behalf of a foreign power and supporting foreign activities that are contrary to Singapore's public interest, and that once designated, they are required to disclose their sources of funding. It is not intended to prohibit political statements, including criticism of the government, but to prevent foreign powers from spreading propaganda through Singaporeans and organizations in secret. It is only to prevent foreign powers from spreading propaganda secretly through Singaporeans and organizations, and to ensure transparency by revealing their funding sources.

As for cases where an overseas individual or organization engages in activities via the Internet, it said that an overseas individual or organization is completely free to make any statement that is clearly identified as such. As an example, it cited foreign newspapers that often write articles

critical of Singapore's state administration, but such articles and activities are not regulated by FICA. The FICA does not regulate such articles or activities.

4 Points for Japanese companies to keep in mind

As explained by Home Minister K Shanmugam, Singaporeans should make their own decisions on political and social issues in Singapore, and it is legal for Singaporeans to engage in political activities. On the other hand, he emphasized that **those who are staying in Singapore with working visas such as Employment Pass and S-Pass should not be involved in political activities in Singapore, and if they participate in political activities in Singapore, their working visas may be revoked.** Japanese companies should emphasize to their employees with work visas that they should not be involved in political activities in Singapore, and in particular, they should remind their employees to be careful when sending messages on social networking sites, even if they are in Japanese.

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