

SUMMARY FACTSHEET ON THE FOREIGN INTERFERENCE (COUNTERMEASURES) ACT

1. The Foreign Interference (Countermeasures) Act (FICA) was passed in Parliament in October 2021. This law seeks to strengthen our ability to prevent, detect and disrupt foreign interference in our domestic politics conducted through (i) online Hostile Information Campaigns (HICs) and (ii) the use of local proxies.

Threat of Foreign Interference

2. History is replete with examples of countries interfering in the politics of other countries. While countries naturally seek to influence others to achieve their objectives, some modes of foreign interference are not acceptable, such as when they involve covert and deceptive means to undermine our sovereignty and harm our social cohesion.

3. In recent times, the threat of foreign interference has risen in potential and severity because of the increasing ease, sophistication, and impunity with which hostile foreign state actors are able to carry out such operations. The internet and social media have created a powerful new medium for foreign interference.

4. We have seen overseas examples of foreign interference in the form of HICs. These are covert, coordinated, and sophisticated online communication activities that seek to advance the interests of the attacking country, for example by manipulating public opinion in the target country on domestic political issues, subverting its democratic institutions, polarising society, or influencing the outcome of domestic elections. The US intelligence community found that ahead of the 2020 US Presidential Elections, foreign actors had established troll farms to amplify controversial domestic issues, and to promote or run down certain candidates. There were also influence campaigns to discredit the US government's handling of the COVID-19 pandemic and spread scepticism of Western-developed vaccines. Other examples include alleged interference in the 2016 Brexit Referendum, the 2017 French Presidential Elections, and the 2017 German federal elections.

5. We have also seen examples of offline influence operations, where foreign principals use funding and other leverage to get local proxies to push their agenda. For example, in Australia, a former Senator received donations from a foreign billionaire, and advocated for the foreign country's position on a sensitive issue of national security, contradicting his own political party's official position. In Europe, a chairman of a European Union foreign friendship group, after having a foreign government sponsor his flights and hotel stays, subsequently voiced views supporting that foreign country's policies on various issues, including urging sympathy towards a company from that foreign country.

Singapore's Vulnerability to Foreign Interference

6. As an open, highly digitally connected, and diverse society, Singapore is especially vulnerable to foreign interference. In a report on influence operations in September 2021, the French Military School Strategy Research Institute described Singapore as vulnerable due to our size, hyperconnectivity, and multi-ethnic and multi-religious society. The Select

Committee on Online Falsehoods in 2018 warned that foreign state-linked disinformation efforts were likely already occurring in Singapore.

Foreign Interference (Countermeasures) Act

7. FICA provides us with legislative levers to deal with foreign interference conducted through (i) online HICs or (ii) the use of local proxies.

8. It is not our intent to prevent all forms of foreign influence, only those which seek to manipulate our political discourse and disrupt our society. FICA is primarily concerned about covert and clandestine activities to such ends, and not open, transparent, and attributable activities, transactions, relationships, or even criticisms. It does not apply to foreign individuals, businesses, publications, NGOs and academics engaged in legitimate commentary, business transactions, news reporting, civil activities or academic research that are open, transparent, and with attributed comments about Singapore, that are not part of a HIC. They may continue their activities even if their views are critical of Singapore or the Singapore Government. FICA also does not apply to Singaporeans expressing their own views on political matters, unless they are agents of a foreign principal.

9. Businesses need not worry about FICA affecting their legitimate activities. Singapore's success depends heavily on us being open. FICA is not meant to curtail Singaporeans' collaborations with foreigners, or to hamper the activities of foreign businesses operating in Singapore. FICA will not stop local businesses and organisations from building overseas partnerships or soliciting overseas business, networking with foreigners, or going to conferences or seminars. We welcome foreigners in our midst to live, work and exchange ideas. None of this changes with FICA.

Countering Hostile Information Campaigns

10. Under FICA, the Minister for Home Affairs will have the powers to issue directions to various entities such as social media services, relevant electronic services, internet access services, as well as persons who own or run websites, blogs or social media pages, to help the authorities investigate and counter hostile communications activity that is of foreign origin. These directions allow the government to (i) obtain information on foreign interference operations, (ii) prevent HIC activity from taking place, and (iii) swiftly block or contain the propagation of harmful HIC content.

11. FICA sets out clear thresholds on when the Minister may issue a counter-HIC direction:

- a. There is online communications activity taking place, or that has already taken place, by or on behalf of a foreign principal;
- b. Information or material is likely to be published in Singapore as a result; and
- c. After having regard to the circumstances of the case, the Minister assesses that it is in the public interest to authorise the giving of the direction.

12. The Technical Assistance Direction (to disclose information required for authorities to investigate the source of harmful communications activity) and Account Restriction Direction

(to suspend or terminate an account's ability to communicate with Singapore end-users) may be issued on an anticipatory basis, i.e. when the Minister suspects or has reason to believe that:

- a. Online communications activity is being prepared or planned, by or on behalf of a foreign principal;
- b. Information or material is likely to be published in Singapore as a result; and
- c. It is in the public interest to give one or more directions.

13. The HICs that have taken place globally have taken many forms and employed different tactics. The tactics have been evolving, as actors devise new methods to evade detection and circumvent countermeasures. To be able to protect Singapore adequately, FICA must provide for the ability to deal effectively with a wide range of tactics.

14. FICA also introduces the offence of conducting clandestine foreign interference by electronic communications activities, as well as the power to proscribe an online location that is a purveyor of HIC content.

Safeguarding our domestic politics

15. Individuals and organisations who are directly involved in Singapore's political processes will be defined as "Politically Significant Persons" ("PSPs") and will be subject to countermeasures to mitigate the risk of foreign interference:

- a. Political parties;
- b. Political office holders, i.e. Ministers and Leader of the House;
- c. Members of Parliament ("MPs"), including Non-Constituency MPs and Nominated MPs;
- d. Leader of the Opposition;
- e. Election candidates, and their election agents; and
- f. Central Executive Committee members of political parties.

16. In addition, a competent authority, appointed by the Minister for Home Affairs, can designate other individuals and organisations as PSPs if their activities are directed towards a political end, and the competent authority assesses that it is in the public interest that countermeasures be applied.

17. Defined and designated PSPs will be subjected to countermeasures covering the following vectors of foreign interference – (i) donations, (ii) volunteers, (iii) leadership and membership, and (iv) affiliations. If there are increased risks of foreign interference, the competent authority can step up countermeasures on the defined and designated PSPs.

18. Besides the threat vectors highlighted above, FICA will:

- a. Require individual PSPs, both defined and designated, to declare if they have been granted migration facilities by foreign countries (e.g. foreign citizenship, residency);

- b. Allow the competent authority to direct any newspaper authorised under s21 of the Newspaper and Printing Presses Act, any media outlet licensed under the Broadcasting Act, or any PSP (both defined and designated) that publishes matters on political issues relating to Singapore, to disclose the particulars of any foreign author(s) and/or foreign principal for whom or at whose direction the article or programme is published; and
- c. Require Singapore Citizens who are members of foreign political or legislative bodies to declare their involvement.

Appeal Mechanisms

19. Persons issued with HIC direction(s) under FICA may apply to the Minister for Home Affairs for reconsideration, before appealing to an independent Reviewing Tribunal. The Tribunal is chaired by a High Court judge and consists of two other individuals from outside the Government, with legal or technical expertise. Appeals are made to this Tribunal and not the court, so as to protect sensitive intelligence that may be relied on to make a decision. The decisions of the Reviewing Tribunal are final and binding on all parties.

20. In relation to PSPs, decisions made by the competent authority are appealable to the Minister, who may consult an advisory body when he hears appeals regarding designations and countermeasures to apply.