

FOREIGN INTERFERENCE LAWS IN SOUTHEAST ASIA

Deepening the Shrinkage of Civic Space



FOREIGN INTERFERENCE LAWS IN SOUTHEAST ASIA:
Deepening the Shrinkage of Civic Space

February 2022
Asia Centre

Copyright © 2022 Asia Centre. All rights reserved.

No part of this report in printed or electronic form may be reproduced, transmitted or utilised in any form or by any means, electronic, mechanical, photocopying or otherwise, without written permission of the Asia Centre.

Copyright belongs to Asia Centre unless otherwise stated.

Civil society organisations and educational institutions may use this report without requesting permission on the strict condition that such use is not for commercial purposes.

When using or quoting this report, every reasonable attempt must be made to identify owners of the copyright.

Errors or omissions will be corrected in subsequent editions.

Requests for permission should include the following information:

- The title of the document for which permission to copy material is desired.
- A description of the material for which permission to copy is desired.
- The purpose for which the copied material will be used and the manner in which it will be used.
- Your name, title, company or organization name, telephone number, e-mail address and mailing address.

Please send all requests for permission to:

Asia Centre

128/183 Phayathai Plaza Building (17th Floor),
Phayathai Road, Thung-Phayathai,
Rachatewi, Bangkok 10400 Thailand
contact@asiacentre.org

CONTENTS

	Page
<i>Abbreviations</i>	V
<i>Executive Summary</i>	VI
1 Introduction	1
a Methodology	1
b Rhetoric of Foreign Interference	1
c The Global Emergence of Foreign Inference Laws	3
2 Foreign Interference Laws in Southeast Asia	6
a Existing Legislation	6
b Singapore’s Foreign Interference Act (FICA)	8
c Ongoing Legal Developments in the Region	10
3 Impact on Cross-border Collaboration and Partnerships	12
a Shutting Down INGOs and NGOs	12
b Blocking Foreign Funding	13
c Public Rebuke	14
d Shift to Government Partnerships	14
e Strategising Relocation and Remote Working	15
4 Recommendations	17
5 Conclusion	18
<i>Bibliography</i>	19

Abbreviations

CSO	Civil Society Organisation
DFA	Department of Foreign Affairs (Indonesia)
FICA	Foreign Interference (Countermeasures) Act (Singapore)
HIC	Hostile Information Campaign
INGO	International Non-Governmental Organisation
MOU	Memorandum of Understanding
NGO	Non-Governmental Organisation
OHCHR	Office of the United Nations High Commissioner for Human Rights
PSP	Politically Significant Person
SEA	Southeast Asia
UN	United Nations
US	United States



Executive Summary

There is a growing tendency to label collaboration between local civil society, organisations and individuals working with INGOs, international aid-agencies and diplomatic missions as ‘foreign interference’ from democratic and authoritarian governments alike. The purported aim is to prevent the manipulation by overseas entities on the basis that these entities are acting on behalf of foreign governments or interests. This has provided justification for ‘NGO laws’ and other related legislation being introduced in the region to contain strict provisions on ‘foreign interference’, monitoring and controlling the activities and funding of local CSOs, political parties and individuals. However, in countries without independent oversight mechanisms, such legislation often runs contrary to commonly accepted human rights standards concerning freedom of expression and freedom of association and presents a grave danger to the civic space in the region. Recently, many countries have also adopted their own ‘foreign interference’ laws seeking to place the threat of foreign interference at the centre of such laws, with aims of controlling any individuals and organisations within the country. This holds the potential for an unprecedented shrinkage of civic space for those working on civil and political rights.

In Southeast Asia, a comprehensive regulation against ‘foreign interference’ was first found in Singapore’s ‘Foreign Interference (Countermeasures) Act’ or FICA (2021). It confers a wide range of vague powers to the government to oversee activities and funding sources of who it designates as politically significant. Developments in Singapore have spurred momentum in countries in the region to similarly adopt provisions against foreign interference in their updated NGO laws, while some have announced plans to pursue their own version of FICA.

The introduction of laws aimed at curbing ‘foreign interference’ has its consequences. It has resulted in the government shutting down INGOs, CSOs and blocking access to foreign funds. Even without these laws, the government has threatened and rebuked some organisations publicly as foreign agents. This has caused INGOs, development aid agencies and embassies to reassess their operations and strategy in Southeast Asia. As a result, there is a shift among aid agencies and diplomatic missions to engage and spend resources on government partnerships to reduce risks. In other cases, INGOs opt to shut down their country offices and relocate outside the region and consider remote working for their in-country staff. Overall, this impacts the future of civic space as foreign interference laws make it challenging for cross-border partnerships and the receipt of funds in the region.

To address these concerns, the report offers some recommendations. The primary actions that must be swiftly taken is to repeal these problematic laws. Additionally, public education is needed to clear the negative perception of genuine cross-border collaboration as foreign interference. Parliamentarians and international organisations share the burden of overseeing the Government labelling of cross-border collaboration as foreign interference. At the same time, local organisations should also become more self-sustaining through crowdfunding, relying less on third-party funding, domestic or otherwise.

Executive Summary

The rapidly shrinking civic space coming about as Southeast Asian governments move to adopt restrictive laws under the guise of protecting against foreign interference poses a major concern. Individuals, CSOs, INGOs, diplomatic missions and aid agencies have been more watchful of what they do and who they collaborate with, while governments clamp down on their foreign sources of funds and their activities. These laws and rhetoric have reversed decades of progress in terms of civil-political rights and democratisation, even more so as the civil society sphere as a whole finds it harder and harder to voice their concerns over the authoritarian conducts of regional governments. It is thus critical that foreign interference laws in the region be repealed and the work of these organisations be protected.

1 Introduction

There is a global emergence of ‘anti-foreign interference’ laws or ‘NGO (Non-Governmental Organisation)’ laws that aim to control cross-border collaborations in the name of deterring foreign influence and protecting national security. This has entrenched the shrinkage of civic space as governments infringe upon the rights and freedoms of individuals, civil society organisations (CSOs), international non-governmental organisations (INGOs), diplomatic missions and other agencies working on civil and political rights to organise and express their concerns. This report seeks to review developments in laws related to ‘foreign interference’, with a specific focus on how these laws have evolved over time and how they are being introduced in Southeast Asia specifically.¹ It also reviews the laws’ impacts in terms of offices being shut down, organisations being denied access to foreign funding and members being publicly condemned as foreign agents. The phenomena of shifting to government partnerships and relocation will also be discussed. Asia Centre, following a review of the situation in the region, makes some concrete recommendations to address the impact on civic space.

1a Methodology

Desk research for the baseline study was undertaken from December 2021 to February 2022. The research covers political and legal developments related to the attempts to bar foreign interference in Southeast Asia. It examines existing and emerging legislation that specifically targets and puts limits on foreign influence on individuals, non-governmental organisations (NGOs), media outlets, parliamentarians, political leaders and political parties. Other documents consulted include United Nations (UN) documents that outline international standards on cross-border collaborations and evaluative reports by international organisations. As part of this study, the Asia Centre research team participated in three workshop sessions, on 29 November 2021, 23 December 2021 and 26 January 2022, that were held among researchers of the Tokyo Democracy Forum 2022 during which the team presented its interim findings and sought feedback. The research takes into account inputs from a questionnaire sent to the participants of these workshops on their views and draw’s from Asia Centre’s participant observation. The consolidated findings were presented at the Tokyo Democracy Forum 2022, 14-15 February 2022 and the report was further revised following the feedback received.

1b Rhetoric of Foreign Interference

Collaborations by INGOs, aid agencies and diplomatic missions with local individuals and organisations are that which governments have portrayed as inherently ‘foreign interference’. The specific interferences cited are funding of local CSO activities, meetings by embassy officials with civil society representative, election candidates and opposition parties, statements and reports on human rights issued by foreign government agencies and INGOs and stints of international education and visitor programmes are labelled as acts of interfering in domestic affairs or influencing individuals and organisations. These and other similar rhetoric had been used to designate individuals and organisations as foreign agents, especially if their activities are critical of policies of the sitting government. Hence, it is not uncommon for governments to argue that resistance to government policy is due to foreign agitators.

The political upsets of 2016 highlight this new danger: hostile foreign powers may exploit new technologies such as social media and various forms of advocacy to interfere with the domestic politics of a












nation in a clandestine manner in service of their own agenda and often to the detriment of the recipient nation. The most famous example is Russian efforts to interfere with the 2016 US election to ensure the victory of Donald Trump by a concentrated misinformation campaign through social media (Hosenball, 2020). Moreover, in a Facebook study of disinformation campaigns in more than 50 countries during 2017-2020, it uncovered Russia as a top source of these ‘coordinated inauthentic behaviours’ – totalling 27 networks (Facebook, 2021). One such case was its sustained information operations in Ukraine since 2014. Ukraine has seen an uptick of these operations in December 2021 and January 2022 with claims that the US is planning a chemical attack on Russian-speakers in Ukraine or that NATO is similarly planning to attack pro-Russia Ukrainians. The campaign has had results as far as South America and Africa, whose populations have been more on the fence on whether to see the US or Russia as perpetrator of the Ukrainian crisis (Barnes, 2022).

Figure 1: Rhetoric of Foreign Interference



Similarly, the People’s Republic of China has been accused of exploiting its growing influence and presence on the international stage to interfere in the domestic affairs of various target countries. One case of note is Australia, where China used means of clandestine lobbying of various interest groups. This has included, to name a few, monetary incentives to politicians, threats to mobilise Chinese-Australians and co-opting Chinese media and local CSOs to promote pro-Beijing narratives (Searight, 2020). In Southeast Asia, it has strengthened ties with Chinese media outlets and with the Chinese diaspora across the region, while offering technical support in telecommunications and education to the governments in Cambodia and Myanmar (International Republican Institute, 2019). It has been maintaining good relations with the leadership in Laos and Cambodia – two countries arguably most friendly to it – while helping the ruling parties to stay in power. This is similar in Myanmar, where it has been currying favours with the military elites (Ibid.). China’s concurrent connection with insurgent ethnic groups, has contributed to the prolonged Myanmar’s internal conflict, despite both the military and the ex-civilian leadership’s desire to end the war (Ibid.). Singapore also has similar concerns of Chinese information operations asserting the Chinese identity, playing on the country’s ethno-religious diversity (Yahya, 2018). The Philippines saw a more confrontational approach of interference, when bots and fake accounts were used to influence online debate on the issue of the South China Sea (Chieu and Deng, 2020).

Table 1: Concerns of Foreign Interference in Democratic and Authoritarian Regimes

Democratic	Authoritarian
<p> Cyberattacks: Disrupting official government websites, online services, electronic voting systems and internet infrastructure</p> <p> Educational Institutions: Covert funding of research and teaching institutions to influence opinions or steal intellectual property</p> <p> Elections: Influencing political parties and influencing election outcomes through online content manipulation</p> <p> Funding: Covert funding to institutions and persons that can influence the democratic values and institutions</p> <p> Media: Actions towards media outlets or media professionals to encourage or dissuade publications in the interests of a foreign state</p> <p> NGOs: Covert funding, partnership or involvement aiming to disrupt NGOs operations or influence their ability to collaborate with their partners</p> <p> Terrorism: Encouraging, funding, offering protection to persons planning or having committed acts of terrorism locally and abroad</p>	<p> Civil Society Empowerment: Barriers against local civil society organisations’ ability to advocate for issues</p> <p> Loss of Economic Monopolies: Safeguards economic control, including corrupt access, to ensure ability to perpetuate stay in power</p> <p> Loss of Political Power: Protect political control against creation of independent institutions which challenge its central authority</p> <p> Western Interventionism: Against political ideas and values that may challenge the views of those in power</p>

For Southeast Asian governments, what is more readily accused as ‘foreign interference’ are democratisation and development work by local CSOs and their international partners. The idea that advocacy for human rights and democratisation is somehow a foreign plot to bring down the government is not a new one and has been creeping into government rhetoric in Southeast Asia and other non-Western countries for a while. However, hybrid and authoritarian governments are increasingly turning to legislation. Beyond portraying and attacking their critics as puppets or mouthpieces for foreign interests, emerging laws facilitate surveillance, control activities and block foreign funding. This evolution from rhetoric to legislative action is the main focus of this report. This chapter provides a basic overview of the global trends in adopting such laws before proceeding to explore the situation specifically in Southeast Asia in the coming chapters.

1c The Global Emergence of Foreign Interference Laws

While the rhetoric of ‘foreign interference’ is not uncommon in Southeast Asia, the region has witnessed adoption of laws and even stronger rhetoric since 2020 as part of a larger global trend. This is evident from the fact that there is often significant similarity between the laws adopted in Southeast Asia and outside the region, such as that of Russia. Accordingly, a fitting starting point will be to review this larger global trend. This section provides a review of a selection of NGO and anti-foreign interference laws across the globe prior to moving on specifically to Southeast Asia.

Russia

The global rise of these ‘foreign interference laws’ reflects on growing anxiety surrounding the increasing sophistication of governments’ ability to clandestinely interfere with each other’s domestic politics. One should be hardly surprised that the Russian Federation, who has been accused of being most active in such clandestine interference in recent years, is also at the forefront of anti-foreign interference laws, often exploited to stifle civil society most critical to its rule. The country has a slew of anti-foreign interference and NGO laws, and it is usually considered to be the progenitor of such legislation.

In 2012, it adopted ‘On Amendments to Certain Legislative Acts of the Russian Federation Regarding the Regulation of the Activities of Non-Commercial Organizations Performing the Functions of a Foreign Agent’. The amendment defines non-commercial enterprises as foreign agents if they receive funds from abroad (Russian Federal Assembly, 2012). It establishes the narrative of characterising foreign-supported NGO as instruments of the agenda of foreign powers, a narrative which permeates to laws in other countries; and more generally, it has also been used to classify NGO working on domestic violence, LGBT rights and anti-corruption as ‘foreign agents’. Organisations registered as foreign agents are subject to special registration and monitoring rules (Library of Congress, 2015).

In 2015, Russia adopted ‘On Amending Certain Legislative Acts of the Russian Federation’, popularly known as the ‘undesirable organisations law’. The law criminalises the work of NGOs that the government has designated as undesirable by a fine of up to ~\$6400 or incarceration of 2 to 6 years. Once designated as such, an NGO may not (a) open any offices in the country, (b) publish any materials in the country or (c) launch any projects in the country (Russian Federal Assembly, 2015). In 2021, further amendments were added that require all materials related to a ‘foreign agent’ NGOs to be labelled as originating from a foreign agent with a fine of ~\$5000 for failing to do so (Library of Congress, 2015). The move is seen as seeking to characterise the values and norms promoted by the country’s civil society as alien to Russia and a ploy by foreign interests to undermine the security of the state.

Hungary

The conservative government of Hungary has followed the suit of Russia in developing its own NGO laws. This is hardly surprising in light of the ruling FIDESZ party's friendly relations with Putin, despite the party's anti-Soviet origins. In 2017, Hungary adopted its own NGO funding law that sought to monitor the use of foreign funds by NGOs in the country. The law classified such organisations as 'organisations receiving foreign funds'. The details of these NGOs were to be published on the Civil Information Portal, including the source of the funds (Hungarian National Assembly, 2017; EURACTIV, 2021). The law showed a lot of similarities to the 2012 Russian law in its objective to characterise foreign NGO as instruments of foreign powers. The law was repealed in 2021 (Amnesty International, 2021). However, the law is to be replaced by new requirements concerning NGOs, including a requirement to submit to a yearly audit by the State Audit Office, a requirement to which sport or religious organisations are exempted (EURACTIV, 2021; Amnesty International, 2021). While the laws in Hungary were weaker than those observed in Russia, they still demonstrate a hostile attitude towards the work of NGOs in similar ways to their Russian counterpart.

Poland

In 2017, Poland adopted the 'National Freedom Institute Act', which created a central government authority to disperse public and EU funds within the CSO sphere (LibertiesEU, 2017; HFHR, 2017; OSCE Office for Democratic Institutions and Human Rights, 2017). The institute gives an opportunity to the government to punitively distribute funds away from organisations that do not fall in line with the government. In 2020, the Ministry of Environment also announced that it seeks to make the country's civil society sphere more transparent by publishing the funding of various NGOs, following the model set up by Hungary (Reuters, 2020).

India

In 2020 India passed the 'Foreign Contribution (Regulation) Amendment Bill', a follow up to the 'Foreign Contribution (Regulation) Act' of 2010, which places severe limits on foreign funding to civil society. Under the act, an organisation of political nature may not accept foreign funds. An organisation can be designated as 'of political nature' even if it is not a political party (Parliament of India, 2010). The amendment adds public servants to this list, i.e. anyone who is in service or paid by the government or remunerated by the government for the performance of any public duty (PRS India, 2020). This opens individuals such as lecturers to the jurisdiction of the Act. Persons or organisations 'having a definite cultural, economic, educational, religious or social programme' can accept foreign contributions only if registered with the government (Parliament of India, 2010). Contributions can only be accepted through a single account in a designated bank, classified as an 'FCRA account' and no other funds can be deposited in such an account. Under the amended act, it is illegal to transfer foreign contributions from a registered entity to others. There are also restrictions on how the funds can be used: for example, only 20% can be used for administrative expenditure (PRS India, 2020). The Act clearly erects administrative barriers to make the receiving and management of foreign funds difficult for those who are not outright banned from receiving such support in the first place.

Australia

In 2018, Australia passed two legislations, the 'Foreign Influence Transparency Scheme Bill and the Espionage and Foreign Interference Bill' (Library of Congress, 2018), to deter foreign interference. The transparency scheme requires individuals or entities to register specific activities done on behalf of a foreign principal, such as lobbying, communication or disbursement. Australia maintains a 'transparency registrar' to list all registered activities under the scheme. The laws are a reflection of growing anxiety concerning interference from the People's Republic of China in the country's affairs (BBC, 2018).

Based on the laws above, one can see that foreign interference laws or provisions within NGO laws have the common characteristics of seeking to erect administrative or other barriers to the effective functioning of individuals and organisations with cross-border ties in the name of transparency, national security and/or preventing money laundering. The tactics utilised are common: there is a deliberate attempt to equate cross-border collaboration and funding as foreign interference. 'Foreign interference' is often exploited by authoritarian governments to limit political participation. Extreme forms of these laws seek to actively interfere with the day-to-day working of individuals and organisations and to give the government the authority to determine who and in what manner can receive foreign assistance of any kind.

Under these laws, it is becoming increasingly difficult, if not virtually impossible for cross-border collaborations to take place if they do not do so at the pleasure of the governments' interpretation of vague laws. International partnerships are increasingly viewed as avenues to spread foreign norms and values, without considering that cross-border partnerships are part of the work INGOs, development aid-agencies and diplomatic missions undertake globally. The next section will examine the status of foreign interference laws in Southeast Asia specifically.

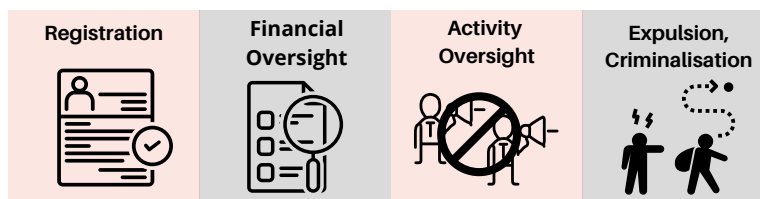
2 Foreign Interference Laws in Southeast Asia

The previous chapter has taken a global outlook at how rhetoric of foreign interference is matched by the growing adoption of laws seeking to combat them. Governments wield blunt instruments and often use these fears as justification for cracking down on civil society, impeding advocacy and stifling dissent in the name of protecting national security. This chapter looks at (1) existing laws in Southeast Asia governing local civil society's relationship with foreign entities, specifically of (2) Singapore's introduction of 'Foreign Interference (Countermeasures) Act (FICA)' and how it represents an evolution on the regional baseline and (3) the region's potential to follow suit to the detriment of civil space.

2a Existing Laws

Much of the Southeast Asian region has adopted laws that hinder the place restriction on political activities, operation of political parties and other civil society or mass organisations. Foreign interference laws and provisions focus on implementing bureaucratic barriers that only allow organisations that may have or develop political influence to operate at the pleasure of the Government as well as stepping up monitoring of financial matters. Individuals, political parties and CSOs negatively framed as agents of foreign interests are subject to surveillance and face restrictive operating conditions.

Figure 2: Provision of Existing NGO Laws



Cambodia

In 2015, Cambodia passed the 'Law on Associations and Non-Governmental Organizations'. The law requires foreign NGOs to register with the government or seek government approval for any short-term projects (Art. 12). Essentially, an NGO wishing to implement a project in the country needs to enter into a Memorandum of Understanding (MOU) with the government, valid for 3 years and subject to extension afterwards. By law, NGOs must maintain neutrality towards any political party in Cambodia (Art. 24). The law directs the government to immediately stop the work of any foreign NGO that is not registered or had its MOU suspended, including expelling foreign personnel working for that NGO. NGOs have the obligation to report their finances to the Government yearly (Art. 25). Article 35 specifies that the Government may terminate the MOU if the foreign association does not adhere to the MOU, or 'conducts activities which harm security, stability, and public order, or endanger the national security, national unity, culture, good traditions and customs of Cambodian national society' (OHCHR, 2015). The law means that any foreign NGO must operate in the country at the sole discretion of the Government and an MOU can be refused without clear procedural grounds (Library of Congress, 2015).

In October 2021, a constitutional amendment was passed into law barring politicians with dual citizenship to hold positions as speaker of the two Houses, head of the constitutional council and as a PM. The bid, by Hun Sen to prove loyalty to the country and denounce oppositions who had lived in exile and gained foreign citizenship, was justified as to 'avoid foreign interference' in the country's domestic and international affairs (Reuters, 2021b).

Indonesia

In 2013, Indonesia accepted the draft bill for the 'Law on Mass Organization'. The law grants the government power to screen any mass organisation in the country with the exception of the two largest Islamic organisations operating prior to independence. The law requires any mass organisations to: (a) register and secure permits from the government, (b) uphold the unity of the nation, (c) maintain religious, cultural and moral values, (d) preserve public order and (e) promote the state's ideals or Pancasila. Violations of the rules are punishable by the temporary suspension of the organisation's operations or the disbandment of the organisation (Library of Congress, 2013).

The law diminishes political participation from a wide range of actors and can be used to suppress a wide range of civil society organisations and NGOs, especially those of foreign origin. International organisations face nebulous demands not to disrupt the national unity of Indonesia or the diplomatic ties of the country as well as face excessive bureaucratic controls such as having minimum 5 years of consecutive residency in the country and \$1 million prior to their establishment (CIVICUS, 2013). It is also stipulated that international NGOs must not perform any political activities, profit-making or commercial activities and any activity for fund-raising purposes. More broadly, is that INGOs could only work within the scope of the MOU with the Ministry of Foreign Affairs, a prerequisite condition to establishing a presence in Indonesia (Simbolon & Partners Lawfirm, n.d.). These conditions are applied discriminatorily against INGOs, denoting them a potential risk to national security.

In July 2017, President Joko Widodo issued a decree amending the Mass Organisation law allowing the government to sidestep the once lengthy court procedures to disband organisations that are deemed as a threat to national security (Aljazeera, 2017), a decree which was passed into law in October of the same year (Almanar, 2017).

Laos

Laos's Decree Associations No. 238 of 2017, in effect since November 2017, updated its previous law on associations with articles requiring NGOs' assets to be reviewed by authorities and requiring activities to be in-line with laws, regulations and official party policy (RFA, 2018). In a joint letter to repeal the Decree, rights groups raised concerns that the law gives the Government power to control and monitor CSOs, order the dissolution of said associations without the right to appeal and criminalise unregistered associations, allowing for prosecution of their members (CIVICUS, 2018). It also provides a vague power to the Ministry of Home Affairs to 'discipline associations' that disobeyed the law. Should an organisation request funding from foreign sources, the request must also first be vetted and approved by the Government (RFA, 2018).

Malaysia

Malaysia has not yet adopted any new NGO law, instead it relies on 1966 'Societies Act'. The act requires 'societies' to register with the Government, who can refuse the registration or declare a society illegal even after registration (Commissioner of Law Revision, Malaysia, 2006). In 2014, the Act was used to declare the 'Coalition of Malaysian NGOs in the UPR Process and Negare-Ku' illegal on the basis of lacking official registration (Amnesty International, 2019). The Malaysian example is not what one would strictly consider a foreign interference NGO law: it is not directed specifically at NGOs with foreign ties. But it can be used to achieve a similar effect at the government's discretion.

Philippines

In February 2021, Philippine's Department of Foreign Affairs (DFA) issued a directive addressed to all diplomatic missions in the country that foreign government fundings for local NGOs must be coursed through for appropriate clearance (Rocamora, 2021). The directive was in addition to a similar directive in 2019 to European states to seek clearance with the DFA before funding CSOs in the Philippines (Mabasa, 2021). Justifying the move, Secretary Teodoro Lascin said that financial oversight of NGOs are part of government's duty 'in the face of insurgent and terrorist-secessionist threats' (Reuters, 2021a). The move is understood as part of the country's ongoing investigation and asset freezing of organisations the Government labelled as terrorists groups under the Anti-Terrorism Act and Terrorism Financing Prevention and Suppression Act (Mabasa, 2021).

Overall, one can see that there are already strict laws present in the region to govern and limit the operation of local civil society, especially one with foreign ties. These laws represent the regional baseline: these laws are designed to force these organisations to register and to open their books to the Government. There is a special attention to creating a dichotomy between domestic and foreign organisations in virtually all of these laws: the goal is to portray 'foreign-funded' CSOs as alien to the country and representative of foreign interests. Accordingly, CSOs with foreign ties face more bureaucratic hurdles and oversight compared to their self- or domestically-funded counterparts. While the situation is not good in the region, it is expected to get worse with the introduction of Singapore's FICA law. FICA goes beyond the standard constraints of legislation and financial monitoring: it actively deters foreign cooperation and provides the government tools to isolate local civil society from the international community at large, including ordering cessation of foreign contacts and prohibiting foreign assistance or volunteers.

2b Singapore's Foreign Interference (Countermeasures) Act (FICA)

As the previous section shows, the existing approach to NGO laws has been to erect bureaucratic barriers through registration requirements. It has also been to classify these organisations as foreign if they are part of international efforts or receive assistance from abroad. Probing the source of funds has been a major concern, but once an organisation has been established, the government maintains limited interference with their activities. Singapore's new legislation, however, seeks to escalate the process by offering more power to the Government to oversee the conduct of these organisations, while making central the threat of 'foreign agents' in domestic politics.

In 2021, it introduced the 'Foreign Interference (Countermeasures) Act' (FICA). Officially, the Act seeks to empower the government to counter foreign interference in light of what it saw as the rise of high-profile interferences in European and US politics (Ministry of Home Affairs, Singapore, 2021). The Act has two stated objective: (a) to empower the government to counter hostile information campaigns (HICs) such as those suspected to be in play during the 2016 US election and BREXIT referendums and (b) to enhance 'protection' to politically significant persons (PSP), a reflection on growing fears that foreign regimes might seek to position compromised people for high office, a fear illustrated by the divisive presidency of Donald Trump and the Australian political crisis surrounding the dual citizenship of members of parliament (ABC News, 2017).

The act adopts a broad definition of what could potentially constitute foreign interference. It is defined as 'interference undertaken on behalf of a foreign principal' (Parliament of Singapore, 2021). While the bill devotes extensive space to definitions, 'interference' is defined simply as 'interference, includes influence'

(Ibid.). 'Foreign principal' covers any foreign entity and goes beyond a foreign government or government-related individual (Ibid.). Essentially, the bill potentially defines foreign interference as any exercise of influence in Singapore by a foreigner, with the only determining criteria being the government's view that such an act interferes with the politics of Singapore. The term 'political aim' covers any activities broadly related to politics, from seeking to bring any change to a law in Singapore (8(e)) to influencing public opinion on a matter of controversy (8(f)) and promoting or opposing views subject to political debate (8(g)) (Ibid.). Essentially, any advocacy for political change or even engaging in political debate involving foreign person or entity of any kind constitutes foreign interference.

The HIC provision seeks to counter online communications arising from fear of interference by malign foreign social media campaigns. The Ministry of Home Affairs assumes wide-reaching powers to identify, label and block such campaigns. The Government can direct entities involved in the dissemination of information (social media platforms, internet service providers, website owners, etc.) not only to disable or block certain content but to display messages mandated by the government; with the only legal threshold to authorise these measures being if it is believed to be in the public interest. 'Public interest' includes preventing any foreign interference towards a political end (7(f)) and preventing harming public confidence towards the government (7(e)). The same principles apply if the Minister suspects that such activity will or may take place (Ibid.). Under the definitions of the bill, any foreign-connected information campaign that has political significance can be classified as a 'HIC' and accordingly 'countered'. The bill has no definition of what constitutes foreign interference and potentially treats all acts of advocacy akin to an attempt to undermine the government through covert means.

The PSP provisions of the law are equally problematic. While members of the Singaporean political sphere (members of parliament, political parties, etc.) are automatically designated as PSPs, the Government has power to additionally designate any person or entity as a PSP. Section 47(a) states that a competent authority may designate one as a PSP if their activities are directed towards the nebulous 'political end' as discussed above, and 47(b) states that a competent authority may designate someone as a PSP if in their 'opinion' it is in the public interest to apply the countermeasures specified in the act (Parliament of Singapore, 2021). In practice, the government through the act has the power to designate any entity as a PSP and apply the restrictions of the act. Under the act, once designated as a PSP, any gift or money or property (5a), any money lent on a non-commercial basis (5b), or the provision of any property, services (including the services of any persons) or facilities (5c) constitutes a political donation (Ibid.). Section 5(e) specifies that any contribution classifies as a political donation if it aims to cover the costs of the person's activity towards a political end. Theoretically the law would allow the Government to designate local CSOs or academics as PSPs, and any assistance provided on a non-commercial basis, such as a research grant, to constitute a political donation. The act imposes limitations on the acceptance of such political donations. Under Section 67, the government may direct a designated PSP to not accept donations from specified foreign entities and/or to return previously received donations. The donor is also required to disclose their donations to such PSPs. Section 76 requires PSPs to disclose their foreign affiliations, which covers everything from working for a foreign principal to being a member of a foreign principal or having any association with a foreign principal, even if the principal is not directed at a political aim.

The act specifies 'stepped up countermeasures' at the disposal of the government: Section 83 may prohibit foreigners from having membership with such PSPs, Section 84 may direct the PSPs to end affiliation with a foreign principal and Section 85 may prohibit the PSPs from accepting volunteer labour from foreigners. Violating these provisions can result in steep fines and punishments. For accepting donations from prohibited donors, one may face an up to ~\$7400 fine or 12 months in jail, or both. For repeat offenders the fine is doubled, and the prison term is extended to 3 years. For violations of articles 83 to 85 one similarly faces a fine up to ~\$7400 or 12 months in jail. (Ibid.)

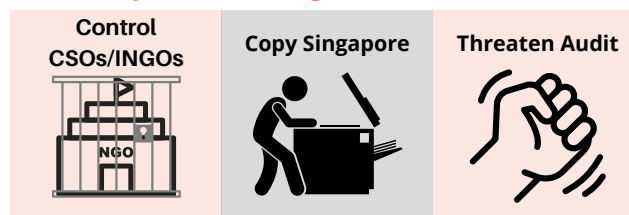
The Government argues that it is not excessive because ‘the Minister can only issue a direction to stop hostile information campaigns if he thinks this is a foreign involvement and it is in the public interest to do so’ (Ministry of Home Affairs, Singapore, 2021). Though, in practice, the Minister is not required to prove that there is foreign involvement taking place and the Government has broad mandate under its own definition to determine the public interest, including protecting its own image. Once the ‘protective’ measures of the act are in place, there is limited recourse. There is no judicial review due to the invocation of state secrecy, and all appeals against HIC designation need to go through a Supreme Court Judge, while PSP designations can be appealed through the Minister that issued the PSP designation in the first place (Ibid.).

The FICA bill incorporates elements of ‘NGO laws’ in the region, such as various reporting requirements concerning foreign donations and affiliations, but it goes beyond by granting the government far reaching mandates with minimal to no oversight to interfere with the work of entities it designates as politically significant. FICA not only gives the government the authority to monitor or disclose foreign associations, but to actively prohibit any association or cooperation with a foreign principal or to replace any message on the internet with its own. And it can do so with no oversight based on nebulous definitions that make no effort to distinguish between threats to national security and messaging the Government disagrees with. While existing NGO legislation in Southeast Asia has already been problematic, FICA pushes the envelope further by seeking even more power for the Government to hinder the activities of political advocates and classify any foreign association as a threat to Singapore’s sovereignty. The implications of FICA are far reaching: it is likely that other regimes will follow suit, replicating the legislation and deflecting criticism by pointing out Singapore as a precedent.

2c Ongoing Legal Developments in the Region

There is an observable similarity between laws adopted by different regional governments: Indonesia’s NGO law shows a lot of similarity to Cambodia’s, while both share similarities with their Russian counterpart. The provisions of FICA display a lot of similarity with India’s Foreign Contribution Bill, pointing to the potential for wider regional adoption of foreign interference laws and provisions, with detrimental effects on civic space.

Figure 3: Developments of ‘Foreign Interference Laws’ in the Region



Thailand

The biggest push to enact laws over the conduct of NGO based in Thailand came about as a royalist group, the ‘Network of People Protecting the Royal Institution’, gained traction to expel Amnesty International and other NGO that undermine national security and the monarchy (Bangkok Post, 2021). As a result of this, the Thai cabinet agreed in principle to the ‘Draft Act on Operations of Not-for-Profit Organisations’, which at the time of drafting this report is in the process of entering into the legislature. The law adopts a broad definition of ‘not-for-profit organisation’ that could potentially encompass all forms of associations. Following the trend of previous NGO laws, the law would require such groups to register with the

Government, making their operation conditional on the Government's favour. However, the law would grant ambiguous powers to the Government by allowing the Minister in charge of the act to dictate any rules that NGO would need to comply with in order to not to run afoul of the law. Furthermore, if the NGO accepts funds from non-Thai sources, it can only use it for activities that are approved by the Minister, granting financial control to the government over foreign-funded organisations. In order to enforce these strict stipulations, the law would grant the authority to the Government to physically monitor the operations of NGOs as well as to inspect all of their electronic communications. Non-compliance with the law would impose stiff legal penalties, including a prison term of up to 5 years or a fine of up to ~\$3,300 (Article 19, 2021). Thailand's NGO bill proposal demonstrates a parallel to Singapore's custodial sentences as deterrent, compared to other regional legislations that emphasised the suspension of the activities of CSOs, as well as a desire to directly interfere with the day to day operations of said organisations.

Indonesia

In December 2021, the Coordinating Minister for Maritime Affairs and Investment, Luhut Binsar Panjaitan, threatened to audit NGOs in the country, accusing them of spreading false information. The threat came after environmental activists objected to the government's data showing that deforestation was in decline (Diglogs, 2021). Later the minister's spokesperson cited the audit as necessary for an increased transparency in the civil society, saying NGOs 'have the potential to carry the interests of the funder', and that the public 'has the right to obtain information about the source and use of NGO funds' (Bhwana and Muthiariny, 2021).

Both the original threat by Panjaitan and the explanation given by his spokesperson share a similar view of NGOs working as foreign agents seeking to delegitimise the Indonesian government and representing foreign interest in the country under the guise of civil society work. This rhetoric is similar in narratives leading up to Singapore's FICA bill, which positions the centrality of the foreign threat. If Indonesia successfully passes this audit into law, it will amend the terms in Law 17/2013 for NGOs with foreign funds, giving it full oversight to the conduct and finance of NGOs.

Cambodia

The most direct case of using Singapore's FICA bill as a call to action is in Cambodia. Despite its robust anti-foreign interference rhetoric and NGO laws to persecute what the government deems as foreign agents (Tann, 2020), the Cambodian government announced in January 2022, that it is developing its own foreign interference law using FICA as a model (Dara, 2022). Praising FICA as needed for Singapore to be developed, independent and able to run itself 'with no one giving orders', the Spokesperson for the Cambodian Interior Minister added that the law is needed to bar 'colour revolution'. He also noted that the law would work in tandem with anti-terrorist and anti-money laundering legislation (Ibid.).

In order to stay in power, governments in the region share the common interest of extending their power over civic space and stifling the operation of internationally funded CSOs - especially so if these organisations are extremely critical of the ruling authorities. FICA has not only set a precedent for other states to follow, but the existence of Singapore's law will legitimise the adoption of similar laws in other regional states that will deflect criticism by pointing to Singapore having had adopted a similar law. CSOs have already been, and will continue to, face stigmatisation as foreign agents and have their work made impossible by bureaucratic barriers and active government interference. The next section of this report will look at the impacts under the looming threat of legislation seeking to curtail cross-border collaborations.

3 Impact on Cross-border Collaboration and Partnerships

There are a number of key trends emerging in light of growing government restrictions and hostility towards ‘foreign interference’. International and domestic organisations have either been denied registration or have been shut down. Sources of funds have been questioned, stopped or have been used as reason to halt or stop their operations. As a result there is a general sense of dread among INGOs, aid agencies and diplomatic missions who are anxious to know more about these laws and how it might affect them when they collaborate with CSOs and other organisations. Meanwhile, they are looking at other forms of work and modes of collaboration. This chapter examines how the foreign interference provisions and laws have impacted cross-border collaboration and partnership.

Figure 4: Impact on Cross-border Collaboration and Partnerships



3a Shutting Down INGOs and NGOs

The various foreign interference laws adopted by Southeast Asian countries make it very difficult for an organisation to establish a presence in the region, or if already established, to maintain it. The bureaucratic provisions of these laws give a lot of power to the government to hinder the establishment of these organisations or make it impossible to maintain one through various rules of registration, auditing and other forms of oversight.

In Malaysia, the Societies Act was used to declare several NGOs illegal for lack of registration and for going against the national value: BERSIH in 2011 (CLJLaw, 2012), Negara-Ku in 2014 (Kanyakumari, 2014), SUARAM, and the Sarawak Association for People’s Aspiration (FIDH, 2014). Notably, the declaration of Coalition of Malaysian NGOs in the UPR Process (COMANGO) as illegal (2014) included the claim that the coalition ‘champions rights that deviate from Islam’ in deregistering the coalition. The move is widely believed to be an act of reprisal by the Government following COMANGO’s submission of reports to be used in the country’s UPR process (FIDH, 2014). This plus the red tape of registering NGOs through the Societies Act, has traditionally pushed organisations to register as businesses. Some entities maintain a second registration as a company limited by guarantee, however again that depends on approval from the relevant government department.

For Thailand, the Government’s effort to control and shut down NGOs was supplemented by its coordinated informational operations targeting those critical of the military and the ruling government through social media platforms and online blogs (Sattaburuth, 2021). The disinformation campaign has successfully made the majority of the Thai population wary of NGOs in general (Fronde, 2022), especially if the organisations have foreign connections, paving the way for easy enactment of its draft NGO law to shut down NGOs. For example, in December 2021, a royalist group called for expelling Amnesty International, a call with the Government promptly endorsed. It promised that it will look into the organisation’s money trail and possibly expel the organisation (Bangkok Post, 2021).

Oftentimes, justification of MOU violation is also used as a basis to shut down 'problematic' organisations and expel their foreign staff. Provisions of MOU in NGO laws of Cambodia, Indonesia and Laos already limit the work of NGOs, INGOs and other such organisations to a vaguely-defined set of regulations, severely limiting the scope of what activities could be undertaken. As a result, interpretation is up to the Government. For example, in 2017, Cambodia closed down the US registered branch of the National Democratic Institute (NDI), an INGO primarily involved in promoting democratisation. The Government argued that NDI had violated the local foreign interference law's provisions of political neutrality by providing support to opposition parties, without an MOU, and thus their operations were immediately suspended and their foreign personnel expelled with a seven day notice (Meyn, 2017). However, the U.S. Embassy in Phnom Penh stressed NDI had a valid MOU with the country's electoral commission, and that NDI had worked with both sides of the aisle on electoral communications and campaign (RFA, 2017). A year prior, it also refused to renew an MOU with OHCHR, threatening to expel the Office unless a renewed MOU included an explicit reference to the non-interference principle by UN and its staff (Davies, 2016). In Indonesia, in 2020, the Indonesian branch of the World Wide Fund for Nature (WWF) had its MOU with the Indonesian Ministry of Environment and Forestry terminated. The official reasoning was that WWF was working on issues beyond the scope defined in the MOU. However, it is widely speculated that the move was in reprisal to the public criticism that the Ministry was not working as much as WWF and after the Ministry's claim that WWF shifted the blame of the country's to the Ministry (Jong, 2020).

3b Blocking Foreign Funding

Governments have also seized on the foreign funding to ferment anxiety about foreign interference. Funding, including that from abroad, allows these organisations to operate, criticise and challenge the authority of governments whose policies these entities disagree with. Regional Governments have attacked local CSOs for their source of funding, with some enacting laws to block foreign funding altogether.

In 2021, The Online Citizen (TOC), Singapore's longest-running independent online media, was forced to shut down following the suspension of its licence by the Infocomm and Media Development Authority due to the organisation's failure to declare all sources of its fundings (Kurohi, 2021). The Authority raised concerns of TOC's subscription model of fundraising, whereby it argued that posting subscriber-only articles 'could be an avenue for foreign influence', as a loophole could be made for foreign subscribers to pay for the TOC writing specific articles in their interest, possibly to the detriment of Singapore's national security (Palatino, 2021).

NGOs in Laos have also criticised the increased financial crackdown as making it impossible for them to continue operating, effectively forcing them to shut down (RFA, 2018). Anti-foreign fund stance of the government forces local NGOs to have only a limited number of government-approved foreign funding sources they can rely on (Kaur, 2018). It has also been noted that an increased oversight of financial sources have forced local organisations to cater to both the government's demands and demand of their international donors. As a result, project implementation of those with mainly international funding has been severely impacted, and they have limited capacity to seek international funding (Chanthaphoung, 2020).

In post-2021 coup Myanmar, the banking crisis exacerbated by the junta order to close banks for weeks on end makes financing CSOs near impossible. Moreover, it scrutinises CSOs' bank accounts and blocks transactions it sees as being used to fund its enemies. It had also seized the bank account of the Myanmar branch of the INGO Open Societies as a result of its suspicion of foreign funding to pro-democracy

movements (Liu, 2021).

3c Public Rebuke

Removing the civil society's ability to participate in the political process through intimidation just as much as through law is not only contrary to established human rights standards but neuters their ability to fulfil a role of meaningful advocacy. Governments have also employed their supporters in helping their cause of silencing them. One can see these threats across the region.

In Thailand, for example, a movement for constitutional amendment was targeted by the pro-Government media and parliamentarians as having been spearheaded by a foreign-funded NGO (ThaiPBS, 2020), discrediting the entire movement for reform. The disinformation campaign as addressed in Section 3a is another way in which the government threatens their work through netizens and fake accounts. Threats of disrespecting the monarchy is also a surefire way to rile up the country's conservative base.

Activists and media outlets in Singapore also faced similar threats before the introduction of FICA. For one, since 2018, PAP politicians have been accusing activists of being foreign traitors by showing solidarity with international movements or taking grant money from the Open Societies Foundation. In 2021, 'Pink Dot', the country's annual pride parade, was neither allowed to receive sponsorships from foreign companies, nor have foreigners attend the event. Barricades were also set up around the event perimeter and the event required participants to produce their ID cards (Annamalai, 2021).

Myanmar has, in 2017, also accused international aid workers of supporting terrorist movements in Myanmar. This came about as online conspiracy theories spread about INGOs and aid groups aligning with Muslims to take over the country. The State Counsellor's Office, headed by the-then state counsellor Aung Sang Suu Kyi, posted photos of UN foods present in what the Government claimed to be a terrorist camp. This was compounded by the accusation that some items sent by these agencies were turned into explosives (Arkin, 2017).

Although no legal actions have been taken by the Governments against these organisations, cases such as these nevertheless show the trend towards shutting out cross-border collaboration of CSOs, especially as these countries have announced intentions to regulate these organisations.

3d Shift to Government Partnership

Foreign interference laws seek to expand government control over local actors' ability to associate or work with foreign counterparts and make it conditional on government approval to engage in virtually any form of cross-border cooperation, moving far beyond simply controlling foreign funds. They are also strategically ill-defined in crucial areas and meticulously detailed in outlining their punishments and bureaucratic mechanisms. This has created a deep existential fear and sense of dread in the sector. Overall, anxiety over the trend of anti-foreign influence rhetoric has undermined the security of established organisations in the region. Anxiety over the use of the vaguely-worded laws has forced local CSOs and NGOs to seek clarifications through various channels to identify what behaviours specifically may run contrary to established legislation. As a result, they have stunted any substantive work by the civil society sector in fear of criminalisation or sudden expulsion. Rather, CSOs and INGOs operating in the region have increasingly been focusing their efforts to safeguard their existence.

One clear impact has those that are directly based in their host countries being more risk averse and focusing less on political issues for advocacy, while steering clear from issues related to democratisation, election reform. This includes any issues that otherwise reflect poorly on the government or issues that are sensitive to the government, such as the ethno-religious inequality, military, monarchy or corruption and abuse of power. This significantly reduces the impact of advocacy by narrowing the scope to non-controversial issues and is extremely detrimental to the effectiveness of civil society as their advocacy is dependent on their ability to highlight issues of concern and bring them into ongoing political discourse.

Apart from reducing their critical voices, another risk aversion strategy in the face of anxiety is to actively cooperate with the government sector. This strategy is justified as to maintain deeper connections with the ruling power to safeguard the existence of their organisation within the host country, while also sustaining continued operation – albeit piecemeal. For example, in Cambodia, the government joined a two-week campaign with an EU-UN joint initiative for elimination of violence against women (David, 2021). Indonesia's Presidential Regulation No. 16 was adopted to provide an opportunity for NGOs, which have been mainly foreign-funded, to take part in government procurements in services of helping marginalised communities. This was in lieu with a prior Regulation in 2011 that allowed selected legal aid organisations to claim government funding (Jackson, 2018). They also engage with the government in ventures with the government and the business sector. For example, the NGO World Vision, together with the Singaporean government, established a 'partnership hub' where business ventures, start-ups and other NGOs can offer their ideas in providing clean water to marginalised communities of the region. The Bangladeshi, Cambodian, Indian, Myanmar, Indonesian and the Filipino governments have also taken up the offer to work with World Vision and the Singaporean government (Apolitical, 2017).

3b Strategising Relocation and Remote Working

If foreign interference laws make country-based offices untenable or if it creates an atmosphere of anxiety and uncertainty, it is reasonable to expect that key operations and staff will be relocated to more hospitable locations. This is especially true of organisations that primarily, or are mandated to, work on issues of civil-political rights. Increasingly, regional offices of INGOs have had more direct role to play in the overall work of their organisations, recentralising works and projects that were once delegated to their country offices.

Taiwan, for example, has been attracting INGOs to set up an office in its country, selling itself as Asia's NGO haven. The country is known for its liberal governance and promotes democracy and freedom of assembly and expression of the civil society. Unlike governments of Southeast Asia, the Taiwanese government does not interfere with their work and harass their staff (Gardner, 2021). Its legal structure also facilitates the operation of these organisations: NGOs do not have to be registered in most cases, except if they want official membership, set up a bank account or expand their activities internationally (Kamalov, 2015). Among others that have moved to the country are: Reporters Without Borders (in 2017), Friedrich Naumann Foundation, which moved its offices from Hong Kong in 2020 (Gardner, 2021), the International Republican Institute (2020), the National Democratic Institute (2020) and European Values Center for Security Policy (2022).

These organisations also have been seeking to work around restrictions through other avenues such as remote work. Based on the data on 10 February 2022, job listing websites impactpool.org and unjobs.org of NGOs, CSOs, INGOs jobs, with the keyword 'remote' or 'home-based', lists 46 jobs and 7 jobs, respectively, on organisations that work on issues in the Southeast Asian region. With developments in telecommunications technology, this number is expected to rise, especially if the government continues to antagonise CSOs.

This chapter has shown that foreign interference laws and rhetoric have been used as punitive measures by the government. Organisations that are critical of the governments are accused of being agents of foreign governments or entities and their operations are highly regulated. The government has invoked these powers to shut down their offices, block their fundings, and publicly threaten to expel or criminally prosecute them. Especially so as these laws are vaguely implemented, the anxiety over their existence has forced them to be less critical of the ruling power and opt to partner with the government, mainly working on less sensitive matters. INGOs have also chosen to move away from the region entirely and rely on remote work to continue its operations in the region.

4 Recommendations

Foreign interference laws and provisions in the region merits a strong concern as momentum is built towards the region adopting more of such laws. The impacts of these laws on the existence and continuity of INGOs, independent CSOs and individually led work in the region is detailed in the previous Chapter. This Chapter lists a number of recommendations to mitigate this emerging threat to civic space and to preemptively counter potential damage of these laws on the existence of cross-border collaboration.

1. End rhetoric of foreign interference directed at individuals, CSOs and INGOs which amount to bullying and harassment.
2. Repeal or significantly amend foreign interference laws and provisions to be in accordance with existing human rights obligations that guarantee freedom of expression, freedom of association and other basic rights.
3. Challenge foreign interference laws and provisions in court.
4. Make laws governing conducts of CSOs, INGOs, aid agencies and diplomatic missions clear, without ambiguities. These organisations should actively seek clarifications with the government regarding these 'foreign interference' laws.
5. Establish independent oversight mechanisms that can monitor the implementation of such laws.
6. Reduce bureaucratic barriers to the establishment and operations of INGOs and CSOs. Financial reporting required of INGOs and CSOs should not be used to frustrate and restrict their operations. Anti-terrorist or money laundering provisions must not be generalised and used to regulate the entire civil sphere.
7. Increase government funding available to CSOs locally and ensure that disbursement of these funds is carried out by an independent commission.
8. Parliamentarians and political parties should use their law-making mandate to seek to reverse foreign interference laws and to advocate against the punitive application of these laws on the civic sector.
9. UN human rights mechanisms should monitor and seek clarity from member states about foreign interference laws and their implementations. More accountability in promoting compliance with human rights obligations should be encouraged. Such mechanisms should also be more engaging with INGOs and CSOs to provide them with a platform to hear their views and experiences in relation to these laws.
10. INGOs and CSOs need the broader community to understand their role in society, how cross-border collaborations function and why it is necessary. They also need to move towards greater self-sustainability and rely less on third-party funding. They could rely on crowdfunding schemes for local communities to support their work.

Rhetoric and laws of foreign interference have been used against individuals and organisations that direct criticisms against governments in the region. These recommendations aim to protect the freedom of expression of those individuals and organisations and create an environment that is enabling. Governments should reform their approach towards regulating the CSO sphere, while stakeholders in the parliament, international community and CSOs themselves, should also actively seek to promote cross-border collaboration and limit governmental overreach.

5 Conclusion

'Foreign interference' provisions and laws and rhetoric of 'foreign interference' are spreading across Southeast Asia and Singapore's FICA present a concerning view into the future of cross-border partnerships in the region. While these laws are new and have not been used widely in a punitive manner, their potential to disrupt the civic space is significant, especially in light of larger global trends.

Reviewing legislation from across the Southeast Asian region, one can see that regional trends all point towards the same direction: increasing government interference in the operation of local, international organisations working in the civil society sphere on issues of civil-political rights; and the increasing insecurity of these organisations to effectively carry out their mission without facing existential threats from disapproving governments. Singapore's FICA is the most extreme of the currently allowed legislation: a concerning development knowing the country's regional influence.

The rest of the region is likely to follow suit. Thailand's own NGO draft is passed by the Cabinet and awaiting parliamentary approval, Indonesia has announced a potential update to its own NGO laws, while Cambodia has directly cited Singapore's FICA for its own version of the anti-foreign interference bill. Each is expected to use the others' laws as precedent to justify their own, creating a downward spiral of adopting increasingly harsh legislation.

If the trend is not countered, it will be catastrophic for political participation and the region's civic space. The laws infer a broad array of punitive powers to governments to interfere with virtually all aspects of these organisation's operation, eliminating any notion of independence in civil society. These laws have been used to shut down offices, prevent and oversee foreign funding and altogether barred political participation of the civil society. As a result, those who work in the civil society are in constant anxiety over developments of key 'foreign interference' laws, to the detriment of their work. This is especially so as vaguely-worded laws give the government discretion over the scope of acceptable activities. For those that continue to operate in the region, they have significantly dumbed down their civil-political advocacy project, and rather opting to advocate on issues that are not sensitive to the ruling power. Even more, to continue its existence and funding, they have shifted more towards government-CSO partnerships. Many country offices are also shutting down, while many refer to establishing regional offices in countries that are more free, sometimes in countries outside the region altogether.

In response, this report suggests that problematic sections of these laws be immediately repealed or significantly amended. Cross-border collaboration must be seen as a regular process of political participation and governments must not clamp down on these organisations. Parliamentarians must be watchful and seek to limit the abuse of governmental powers. International mechanisms must be continued to monitor these developments and provide CSOs with a platform to speak. Ultimately, CSOs themselves must also adapt and engage with the public as to the critical importance of their work and develop ways in which they can rely less on foreign funding. The core priority should be to ensure that their operations supporting vulnerable segments of society can carry on.

Fear mongering about the threat of foreign interference in light of wider democratisation of the Southeast Asian region comes as a part of the ever-shrinking civic space of Southeast Asians as regional governments impose restrictive laws to safeguard their status. Cross-border collaboration of local individuals and CSOs with INGOs, diplomatic missions and aid agencies, among other organisations working to promote civil-political rights, local development and wider democratisation have been at the forefront of these attacks. These efforts pose a threat to the ability of the civil society sphere to voice their concerns over the conduct of governments.

Bibliography

ABC News (2017) 'Fact file: The dual citizenship crisis', ABC News, at: <https://www.abc.net.au/news/2017-12-06/fact-file-the-dual-citizenship-scandal/9147418?nw=0&r=HtmlFragment>.

Aljazeera (2017) 'Indonesia signs decree to ban "extremist" groups', Aljazeera, at: <https://www.aljazeera.com/news/2017/7/12/indonesia-signs-decree-to-ban-extremist-groups>.

Almanar (2017) 'Strict regulation on mass organizations passed into law', Jakarta Globe, at: <https://jakartaglobe.id/news/strict-regulation-mass-organizations-passed-law>.

Amnesty International (2019) 'Laws designed to silence: The global crackdown on civil society organizations', at: <https://www.amnesty.my/2019/02/21/laws-designed-to-silence-the-global-crackdown-on-civil-society-organizations-2>.

Amnesty International (2021) 'Hungary: LexNGO finally repealed but a new threat is on the horizon', Amnesty International, at: <https://www.amnesty.org/en/latest/news/2021/05/hungary-lexngo-finally-repealed-but-a-new-threat-is-on-the-horizon>.

Annamalai, Kokila (2021) 'Singapore's 'foreign interference' law will weaken people power', Aljazeera, at: <https://www.aljazeera.com/opinions/2021/10/18/singapores-foreign-interference-law-will-crush-people-power>.

Apolitical (2017) 'Asian countries, businesses and NGOs team up for better water', Apolitical, at: <https://apolitical.co/solution-articles/en/asian-countries-businesses-ngos-team-better-water>.

Arkin, Fatima (2017) 'Aid workers under attack in Myanmar as Rohingya conflict worsens', Devex, at: <https://www.devex.com/news/aid-workers-under-attack-in-myanmar-as-rohingya-conflict-worsens-90965>.

Article19 (2021) 'The Draft Act on Operations of Not-for-Profit Organisations, 2021 Submission to Thailand's Office of the Council of State', Article19, at: <https://www.article19.org/wp-content/uploads/2021/04/ARTICLE-19-submission-NGO-Law.pdf>.

Bangkok Post (2021) 'Royalists seek to expel Amnesty Thailand', Bangkok Post, at: <https://www.bangkokpost.com/thailand/general/2221599/royalists-seek-to-expel-amnesty-thailand>.

Barnes, Julian E. (2022) 'Russia steps up propaganda war amid tensions with Ukraine', New York Times, at: <https://www.nytimes.com/2022/01/25/us/politics/russia-ukraine-propaganda-disinformation.html>.

BBC (2018) 'Australia passes foreign interference laws amid China tension', BBC, at: <https://www.bbc.com/news/world-australia-44624270>.

Chanthaphouvong, Kheuavanh (2020) 'Managing the Relationship Between the Government and Local Non-Government Organisations in Laos', Thesis submitted to Flinders University, at: <https://flex.flinders.edu.au/file/a538d6e3-06ea-4a8a-9629-508b08f02fd8/1/Final%20version%20for%20submission%20to%20Library%20K%20Chanthaphouvong%20Research%20thesis%20ID%202194646.pdf>.

Chiu, Karen and Iris Deng (2020) 'How a Chinese network of fake Facebook accounts influenced online debate on South China Sea, US politics', South China Morning Post, at: <https://www.scmp.com/abacus/culture/article/3102672/how-chinese-network-fake-facebook-accounts-influenced-online-debate>.

CIVICUS (2013) 'Indonesian NGO law a setback for freedom of association', CIVICUS, at: <https://www.civicus.org/index.php/media-resources/media-releases/2447-indonesian-ngo-law-a-setback-for-freedom-of-association>.

CIVICUS (2018) 'Decree on associations imposes severe restrictions on civil society', CIVICUS, at: <https://monitor.civicus.org/updates/2018/03/14/decreed-associations-imposes-severe-restrictions-civil-society>.

CLJLaw (2012) 'Case of the Week: DATO' AMBIGA SREENEVASAN & ORS v. MENTERI DALAM NEGERI & ORS', CLJLaw, at: <https://cljlaw.com/?page=cotw121109>.

Commissioner of Law Revision (2006) 'Societies Act 1966 - Incorporating all Amendments Up to 1 January 2006', Malaysian Department of Insolvency, at: <https://www.mdi.gov.my/images/documents/Laws/new/Act335SocietiesAct1966.pdf>.

Dara, Mech (2022) 'Cambodia pursues foreign interference law inspired by Singapore, Angkorian-era invasions', VOD, at: <https://vodenglish.news/cambodia-pursues-foreign-interference-law-inspired-by-singapore-angkorian-era-invasions>.

David, Sen (2021) 'Government and NGOs hold drive to end violence against women', Khmer Times, at: <https://www.khmertimeskh.com/50978292/government-and-ngos-hold-drive-to-end-violence-against-women>.

Davies, Jack (2020) 'MoU tweak "likely irrelevant"', Phnom Penh Post, at: <https://www.phnompenhpost.com/national/mou-tweak-likely-irrelevant>.

DigLogs (2021) 'The wall of silence behind Luhut's threat NGO audit', DigLogs, at: <https://www.diglogs.com/indonesia/the-wall-of-silence-behind-luhuts-threat-ngo-audit>.

EURACTIV (2021) 'Hungarian civil society raises alarm over NGO law change', EURACTIV, at: <https://www.euractiv.com/section/justice-home-affairs/news/hungarian-civil-society-raises-alarm-over-ngo-law-change>.

European Values Center for Security Policy (2022) 'PRESS RELEASE: European Values Center for Security Policy introduces its Taiwan Office with Czech and Taiwan's Foreign Minister's endorsement', European Values Center for Security Policy, at: <https://europeanvalues.cz/en/press-release-european-values-center-for-security-policy-introduces-its-taiwan-office-with-czech-and-taiwans-foreign-ministers-endorsement>.

Facebook (2021) 'Threat Report: The State of Influence Operations 2017-2020', Meta, at: <https://about.fb.com/wp-content/uploads/2021/05/IO-Threat-Report-May-20-2021.pdf>.

FIDH (2014) 'Malaysia: Coalition of Malaysian NGOs COMANGO declared an "unlawful organisation"', International Federation for Human Rights, at: <https://www.fidh.org/en/region/asia/malaysia/14468-malaysia-coalition-of-malaysian-ngos-comango-declared-an-unlawful>.

Fronde, Neil (2022) 'Poll: majority favour new draft bill that regulates NGOs', The Thaiger, at: <https://thethaiger.com/hot-news/protests/poll-majority-favour-new-draft-bill-that-regulates-ngos>.

Gardner, Dinah (2021) 'Taiwan reaches out to international media and NGOs', Taiwan Business TOPICS, American Chamber of Commerce in Taiwan, at: <https://topics.amcham.com.tw/2021/02/taiwan-reaches-international-media-ngos>.

Hosenball, Mark (2020) 'Key findings from Senate inquiry into Russian interference in 2016 U.S. election', Reuters, at: <https://www.reuters.com/article/us-usa-trump-russia-senate-findings-fact-idUSKCN25E2OY>.

Hungarian National Assembly (2017) 'Act LXXVI of 2017: On the Transparency of Organisations Receiving Foreign Funds', Hungarian Helsinki Committee, at: <https://helsinki.hu/wp-content/uploads/LexNGO-adopted-text-unofficial-ENG-14June2017.pdf>.

HFHR, (2017) 'National Freedom Institute Act: Helsinki Committee in Poland issues statement', Helsinki Foundation for Human Rights, at: <https://www.hfhr.pl/en/national-freedom-institute-act-helsinki-committee-in-poland-issues-statement>.

International Republican Institute (2019) 'Chinese Malign Influence and the Corrosion of Democracy', International Republican Institute, at: https://www.iri.org/wp-content/uploads/legacy/iri.org/chinese_malign_influence_report.pdf.

International Republican Institute (2020) 'IRI to open office in Taiwan', International Republican Institute, at: <https://www.iri.org/news/iri-to-open-office-in-taiwan>.

Impactpool (2022) 'Jobs in United Nations, NGO, European Union', Impactpool, at: <https://www.impactpool.org>.

Jackson, Elizabeth (2018) 'Indonesian NGOs can now access government funds to provide services to communities', The Conversation, at: <https://theconversation.com/indonesian-ngos-can-now-access-government-funds-to-provide-services-to-communities-101451>.

Jong, Hans N. (2020) 'Indonesian environment ministry ends WWF partnership amid public spat', Mongabay, at: <https://news.mongabay.com/2020/01/indonesia-environment-ministry-klhk-wwf-partnership-forest-conservation>.

Kamalov, Erkinbek (2015) 'Taiwan's NGO policy: Lessons for Asia' Open Asia, at: <https://www.openasia.asia/taiwans-ngo-policy-lessons-for-asia>.

Kanyakumari, D. (2014) 'Home Ministry declares Negara-Ku illegal', The Star, at: <https://www.thestar.com.my/news/nation/2014/07/26/home-ministry-declares-ngo-illegal>.

Kaur, Raminder (2018) 'Challenges Faced by Non-Profit Associations in Laos: A Case Study of Huam Jai Asasamak', internship paper presented at the University of Windsor, <https://scholar.uwindsor.ca/cgi/viewcontent.cgi?article=1046&context=major-papers>.

Koruhi, Rei (2021) 'The Online Citizen taken offline, ahead of deadline set by IMDA after failure to declare funding', The Straits Times, at: <https://www.straitstimes.com/singapore/the-online-citizen-goes-dark-ahead-of-deadline-set-by-imda>.

LibertiesEU (2017) 'Controversial Poland NGO funding bill becomes law', LibertiesEU, at: <https://www.liberties.eu/en/stories/controversial-poland-ngo-funding-bill-becomes-law-sn-20400/39041>.

Library of Congress (2013) 'Indonesia: Law on mass organizations', Library of Congress, at: <https://www.loc.gov/item/global-legal-monitor/2013-07-11/indonesia-law-on-mass-organizations>

Library of Congress (2015) 'Cambodia: Law on NGOs passed', Library of Congress, at: <https://www.loc.gov/item/global-legal-monitor/2015-07-15/cambodia-law-on-ngos-passed>.

Library of Congress (2018) 'Australia: Bills containing new espionage, foreign interference offenses, and establishing foreign agent registry enacted', Library of Congress, at: <https://www.loc.gov/item/global-legal-monitor/2018-08-21/australia-bills-containing-new-espionage-foreign-interference-offenses-and-establishing-foreign-agent-registry-enacted>.

Library of Congress (2021) 'Russian Federation: Restrictions on media with foreign funding imposed', Library of Congress, at: <https://www.loc.gov/item/global-legal-monitor/2021-05-14/russian-federation-restrictions-on-media-with-foreign-funding-imposed>.

Liu, John (2021) 'CSOs after the coup: Operations squeezed, funding crunched', Frontier Myanmar, at: <https://www.frontiermyanmar.net/en/csos-after-the-coup-operations-squeezed-funding-crunched>.

Mabasa, Roy C. (2021) 'Foreign diplomatic missions now required to clear all NGO donations with DFA', Politics, Manila Bulletin, Press Reader, at: <https://www.pressreader.com/philippines/manila-bulletin/20210223/281505048935844>.

Meyn, Colin (2017) 'Cambodia's controversial NGO law snares its first victim', Devex, at: <https://www.devex.com/news/cambodia-s-controversial-ngo-law-snares-its-first-victim-90947>.

Ministry of Home Affairs, Singapore (2021a) 'Summary factsheet on the Foreign Interference (Countermeasures) Act', Ministry of Home Affairs, Singapore, at: <https://www.mha.gov.sg/docs/default-source/default-document-library/summary-factsheet-on-fica.pdf>.

Ministry of Home Affairs, Singapore (2021a) 'Summary factsheet on the Foreign Interference (Countermeasures) Act', Ministry of Home Affairs, Singapore, at: <https://www.mha.gov.sg/docs/default-source/default-document-library/summary-factsheet-on-fica.pdf>.

Muthiariny, Dewi Elvia and Petir Garda Bhwana (2021) 'Luhut Pandjaitan's spokesman talks of NGO audit plan', tempo.co, at: <https://en.tempo.co/read/1528635/luhut-pandjaitans-spokesman-talks-of-ngo-audit-plan>.

National Democratic Institute (2020) 'NDI announces plans to open a new office in Taiwan', National Democratic Institute, at: <https://ndi.org/publications/ndi-announces-plans-open-new-office-taiwan>.

OHCHR (2015) 'Law On Associations And Non-Governmental Organizations', OHCHR Cambodia, at: https://cambodia.ohchr.org/~cambodiaohchr/sites/default/files/Unofficial_Translation_of_5th_LANGO_EN_G.pdf.

OSCE Office for Democratic Institutions and Human Rights (2017) 'Annex to OSCE/ODIHR Opinion on the Draft Act of Poland on the National Freedom Institute - Centre for the Development of Civil Society', Legislationline, at: https://www.legislationline.org/download/id/7375/file/303_NGO_POL_22Aug2017_Annex_en.pdf.

Palatino, Mong (2021) 'Singapore's The Online Citizen news website stops operating after government suspends its license' Global Voices, at: <https://globalvoices.org/2021/09/18/singapores-the-online-citizen-news-website-stops-operating-after-government-suspends-its-license>.

Parliament of India (2010) 'The Foreign Contribution (Regulation) Act, 2010', India Code, at: https://www.indiacode.nic.in/handle/123456789/2098?view_type=search&sam_handle=123456789/1362.

Parliament of Singapore (2021) 'Foreign Interference (Countermeasures) Bill', Attorney General's Chambers, Singapore, at: <https://sso.agc.gov.sg/Bills-Supp/24-2021/Published/20210913>.

PRS India (2020) 'The Foreign Contribution (Regulation) Amendment Bill, 2020', PRS India, at: <https://prsindia.org/billtrack/the-foreign-contribution-regulation-amendment-bill-2020>.

Reuters (2020) 'Polish government considers law forcing NGOs to declare foreign funding', Reuters, at: <https://www.reuters.com/article/poland-ngos-idUSL8N2CT53C>.

Reuters (2021a) 'Philippine foreign minister defends move to monitor foreign funding for NGOs' Reuters, at: <https://www.reuters.com/article/philippines-ngos-idINKBN2AO16A>.

Reuters (2021b) 'Cambodia passes law barring dual citizenship for holders of top posts', Reuters, at: <https://www.reuters.com/world/asia-pacific/cambodia-passes-law-barring-dual-citizenship-holders-top-posts-2021-10-25>.

RFA (2017), 'Cambodia Expels US NGO, Suspends Radio Stations Allowing Government Criticism', Radio Free Asia, <https://www.rfa.org/english/news/cambodia/expulsion-08232017155453.html>.

RFA (2018) 'Civil society groups in laos delayed funding, forced to disband under new law', Radio Free Asia, at: <https://www.rfa.org/english/news/laos/csos-01242018122715.html>.

Rocamora, Joyce Ann L. (2021) 'Directive on foreign funding won't affect 'legit NGOs': Locsin', Philippines News Agency, at: <https://www.pna.gov.ph/articles/1131774>.

Russian Federal Assembly (2012) 'О внесении изменений в отдельные законодательные акты Российской Федерации в части регулирования деятельности некоммерческих организаций, выполняющих функции иностранного агента [On Amendments to Certain Legislative Acts of the Russian Federation Regarding the Regulation of the Activities of Non-Commercial Organizations Performing the Functions of a Foreign Agent]', Official Internet Portal of Legal Information.

Russian Federal Assembly (2015) 'О внесении изменений в отдельные законодательные акты Российской Федерации [On Amendments to Certain Legislative Acts of the Russian Federation]', Official Internet Portal of Legal Information.

Sattaburuth, Aekarach (2021) 'MFP takes aim at military info ops', Bangkok Post, at: <https://www.bangkokpost.com/thailand/politics/2071327/mfp-takes-aim-at-military-info-ops>.

Searight, Amy (2020) 'Countering China's influence operations: Lessons from Australia', Center for Strategic & International Studies, at: <https://www.csis.org/analysis/countering-chinas-influence-operations-lessons-australia>.

Simbolon & Partners Lawfirm (n.d.) 'How to Establish International Non-Government Organization', Simbolon & Partners, at: <https://www.simbolon-lawfirm.com/how-to-establish-international-non-government-organization>

Tann, Boravin (2020) 'Regulating the Right to Freedom of Association: Implications of LANGO in Cambodia' *Journal of Southeast Asian Human Rights* 14 (1): 200-225, DOI:10.19184/JSEHR.V4I1.13397.

ThaiPBS (2020) 'Charter-change sponsor iLaw accused of targeting Thai monarchy with foreign money', ThaiPBS, at: <https://www.thaipbsworld.com/charter-change-sponsor-ilaw-accused-of-targeting-thai-monarchy-with-foreign-money>.






UNJobs (2022), 'Southeast Asia', UNJobs, at: <https://unjobs.org/themes/southeast-asia>

Yahya, Yasmine (2018) 'Staying aware of foreign influence best form of defence for Singapore: Bilahari', *The Straits Times*, at: <https://www.straitstimes.com/politics/bilahari-staying-aware-of-foreign-influence-best-form-of-defence>.



Asia Centre (asiacentre.org) is a not-for-profit research institute which seeks to create human rights impact in the region. Asia Centre's work focuses on issues related to civil society, democracy, elections, freedom of expression, freedom of religion or belief and human rights. The Centre believes that knowledge toolkits built from evidence-based research on critical human rights issues are important for designing activities for stakeholder capacity strengthening and making informed policy interventions. With this aim, Asia Centre was established in Bangkok, Thailand in 2015 and a second branch was registered in 2018 in Johor Bahru, Malaysia. On 21 May 2021, the Centre was recommended by the Committee on Non-Governmental Organizations of the UN ECOSOC for a Special Consultative Status at the UN.

To date, the Centre has been undertaking evidence-based research on key human rights issues to assemble knowledge tools such as books, reports, baseline studies, policy briefs, commentaries, infographics, videos and training programmes. These knowledge tools are often developed at the request of civil society, INGOs and parliamentarians for evidence-based research on critical rights challenges. These knowledge tools are then used to design capacity building programmes for stakeholders so that they can affect positive policy changes.

-  Asia Centre
-  Asia Centre
-  Asia Centre
-  @asiacentre_org
-  asiacentre_org

website: asiacentre.org
email: contact@asiacentre.org