



# **A Trust-Compromising Shift Towards Autocracy in Singapore: The Foreign Interference (Countermeasures) Act of 2021**

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## **ABSTRACT**

Amid the increasingly prevalent challenge of modern information warfare, Singapore passed a controversial law empowering its government to censure anyone or anything believed to have ties with foreign entities. The broad scope of the legislation has raised fears among many Singaporeans regarding their freedoms of expression and political contestation, especially given our world's thorough interconnectedness. Understanding critics' worries, however, requires an investigation into Singapore's history and political culture of periodic authoritarian episodes in the name of uninhibited economic prosperity.

## Introduction

In the era of Cambridge Analytica and attempted Russian hacks of US presidential elections, Singapore has grown increasingly concerned with information warfare. With ninety percent of its population owning a smartphone, the island city-state off the southern tip of the Malay Peninsula rightfully fears malicious foreign efforts to sway public opinion and subvert its popular sovereignty (Digital Influence Lab 2020). The country maintains a self-labeled democracy in which ideological debates and free and fair elections are an ironclad guarantee. Nevertheless, the ruling People’s Action Party (PAP) presently holds the record for the longest uninterrupted governance of any party in the world, having continuously been in power since 1959. These past few election cycles, a slow but steady shift away from the PAP has resulted in the greatest-ever opposition in Parliament. With only eleven dissenting members, however, no movement can fathom dislodging the one-party rule. In this context, growing Chinese influence poses a more immediate threat to Singapore’s stability and the PAP’s supremacy, which the PAP-led government formally addressed with the Foreign Interference (Countermeasures) Act (FICA) of 2021. In the eyes of many, FICA goes far beyond shielding the city-state from information warfare, for it empowers the ruling party to silence and suppress its growing share of dissidents without any guarantee of democratic accountability.

## Broad Wording for Boundless Scope

Under FICA, the Minister of Home Affairs

is granted complete discretion to seize or remove online content and the data of persons or entities with “suspected or believed” ties to a foreign principal (Ministry of Home Affairs (a) 2021; Ministry of Home Affairs (b) 2021). Whereas “suspicion” implies factual grounds to act in Singapore’s collective interest, “belief” is an inherently subjective concept easily biased by authorities’ political views, individual experiences, and careerist ambitions. The Minister of Home Affairs’ new ability to censure, suppress, or imprison without having to produce factual evidence was deemed an unprecedented assault on Singaporeans’ fundamental freedoms by human rights advocates, who called on the government to repeal the law to preserve popular sovereignty with mechanisms of political accountability (Human Rights Watch 2021). In the era of interconnected trade and information, virtually all journalists, activists, and thinkers have ties to foreign entities, which, no matter how faint, could form the basis for false accusation and prosecution. In addition, opposition politicians now designated ‘Politically Significant Persons’ can be subject to constant monitoring, granting the PAP yet another legal tool to undermine dissidents and tighten its grip on the island republic’s highest offices (Min Ang & Abu Baker 2021; Ang & Zhang 2021).

Like any political system, democracy is not immune to unpredictable events for which exceptional measures can become necessary. Democratic states’ constitutions conventionally lay out a set of exceptional emergency powers to consolidate the executive branch’s ability to promptly tackle crises. Nevertheless,

these constitutions typically stipulate the circumstances and definite time frame in which these powers can be invoked. Following the 2015 Paris Terrorist Attacks, for example, then-French President François Hollande could have been granted “exceptional powers” by Parliament for sixty days as part of a nationwide state of emergency to facilitate the manhunt of perpetrators (Conseil Constitutionnel, n.d.). Martial Law is another, more commonly known example of emergency powers that prescribe the temporary suspension of civil liberties in times of war (Killam 1989, 44-47). Singapore’s FICA, however, incorporates no clear conditions nor limitations for its extensive authority. For the measure’s provisions to be used, the Minister of Home Affairs does not require factual proof or legitimate motive, but simply to “think there is foreign involvement” in an information campaign (Ministry of Home Affairs (b) 2021). Since FICA is not contingent on parliamentary approval, temporality, or accountability, it makes for a permanent state of emergency for Singaporeans.

### **The Undermining of Singaporean Institutions**

Notwithstanding any future misuse of FICA, the law has already wobbled Singapore’s democratic bedrock, exposing cracks in the regime. Following a mere ten hours of debate, no expert auditing, and no judicial review, Parliament formally enacted FICA on October 4, 2021—without any opposition support (Min Ang & Abu Baker 2021). According to the ruling majority, FICA needed not be debated; its urgency and provisions had already been

considered during “extensive discussion as part of the Select Committee on Deliberate Online Falsehoods”—albeit none of these exchanges took place after the bill’s introduction (Ministry of Home Affairs (b) 2021). On the contrary, FICA’s passage significantly undermined the platform on which the primary opposition group in Parliament, the Workers’ Party (WP), was elected: “denying the PAP a blank check” (Tham 2020). Indeed, the WP was sent to Parliament not to entrave the PAP but to force the government to refine and explain its policies as part of public parliamentary debate. FICA’s final draft, however, was left virtually unchanged from the PAP’s initially proposed text, a profound rebuke of the very meaning of Singapore’s opposition and its mandate that ignored the need for minimal consensus on such a crucial topic (Ang & Zhang 2021). Furthermore, the public was kept widely uninformed until after the law’s formal promulgation (Min Ang & Abu Baker 2021). As the voices of both the parliamentary opposition and the wider public were essentially silenced, FICA denotes an apparent retraction of democracy.

In addition to tarnishing the legislative branch’s legitimacy, FICA flouts the integrity of Singapore’s judiciary and, through it, its constitution. An outlier among Singaporean legislation, FICA cannot be subjected to judicial review, for legal disputes would undermine “national interests and security, and bilateral relations” (Ministry of Home Affairs (b) 2021). Instead, the law instituted an “independent tribunal headed by a Supreme Court judge” which was overseen by the

Ministry of Home Affairs to audit contentions over its use (Ministry of Home Affairs (b) 2021). This provision effectively elevated Cabinet to legislative supremacy while limiting the purview of the Court of Appeal, the nation's highest court. Regardless of the Ministry of Home Affairs' supremacy on potential disputes, 'Politically Significant Persons' are not allowed to use the independent tribunal to request a FICA utilization review (Ministry of Home Affairs (a) 2021). As such, the government is free to act without accountability. By establishing an institutional blurriness between the Singaporean government and the judiciary, FICA legitimizes the scholarly debate on the true nature of the city state's political system whose self-label of 'democracy' is contested. Indeed, elected leaders who cannot be held accountable essentially operate within an electoral autocracy.

### **The Role of Singaporean 'Survival Politics'**

Although strategically located on the Strait of Malacca, Singapore is sometimes described as a "landlocked [ethnically-Chinese] state in a sea of Malays" (Singh 2021). Albeit simplistic, this analogy is helpful to understanding the city-state's traditional emphasis on 'survival politics'. Combined with the island's restrictive territory and lack of natural resources—which forces it to import electricity from as far as Australia—Singaporeans live under the projected dread of an eternally-looming foreign menace: "The threat of terror is real. Be prepared and safeguard our way of life", reads a pamphlet for SGSecure, a government-sourced alert mobile app. Depicting graphic

imagery, the document contributes to normalizing the alleged omnipresent threat of violence in Singaporean society. This unique mindset may help to explain complacency with FICA, especially as the law was largely absent from public discourse. For fear of legal persecution due to the statute's tacit impunity, dissenting opinions toward FICA now enjoy little space in society (Pannett 2021). Referred to as a "human rights disaster", FICA is the most conspicuous attack yet on the freedom of speech in Singapore (Human Rights Watch 2021). The less democratically-engaged the population becomes, the easier it is for the PAP to advance its strategic narratives.

Ubiquitously instilled through socialization, this narrative of national survival has previously justified 'whatever-it-takes' policies and controversial high-stakes decisions. On the night of February 2nd, 1963, over a hundred prominent figureheads of Singapore's political and organizational spheres were detained without trial because they were deemed immediate threats to the nation's security and promising destiny ("Special Branch Mounts Operation Coldstore" 2011). Dubbed 'Operation Coldstore', the mass arrests resulted in the complete extinction of Singapore's communist wing through the precise targeting of the movement's key members (Ping Tjin 2013). The Lion City's political landscape found itself utterly simplified, allowing for more than half a century of PAP rule without meaningful opposition (Han 2018). In spite of the unprecedented circumstances, provisions, and ramifications of Operation Coldstore, the collective memory of this turning point in

Singapore's history was widely forgotten (Han 2018). Instead, large sections of the public appear to be complacent with the pervasive official portrayal of a 'paramount islandwide cleansing of integrity-threatening detractors' (Han 2018). Whereas qualifying Singaporeans as gullible would be unfair, the narrative of national survival undoubtedly led to the operation's unquestioned legacy.

Since 2018, a revisionist wave surrounding the candid objectives of Operation Coldstore has shed new light on potential government maneuvers. Akin to a whistleblower, Dr. Thum Ping Tjin argues that no communist represented a threat to Singapore's national security in 1963 (Yahya 2018). Instead, he draws attention to contemporary opinion polls predicting a communist victory in the then-upcoming general elections, which would have ended Lee Kuan Yew's rocky tenure as prime minister (Ping Tjin 2013). Altogether, Dr. Thum's findings identify a covert political motive behind a proclaimed 'security' operation (Yahya 2018). Sparking outrage among the PAP leadership, the university researcher was probed extensively during a special hearing of the Select Committee on Deliberate Online Falsehoods. Emerging as a public event of national profile, the incident was a long-awaited public reminder of the significance of Operation Coldstore (Yahya 2018). Nonetheless, public consensus on how to perceive and remember the event remains limited. If indeed it was a political coup, Operation Coldstore enabled the tacit silencing of the electorate's voice and the willful deception of the population, thus exposing FICA as a conspicuous ramification

of Operation Coldstore for the government to subvert public opinion in its favor.

### **Threats to Privacy & the Business Community**

In the 21st century, those who control 'Big Data' exert immense power. The UK firm Cambridge Analytica's dissemination of targeted misinformation on behalf of the 2016 Trump Presidential Campaign using data provided by Facebook revealed the impact of foreign interference in the age of digital globalization. Data can be used by foreign principals, but it can also serve domestic actors. With the ability to seize and analyze the records of any data mining company present in Singapore, the government can now incisively link the intimate values of the electorate with their pre-election policy.

In this context, FICA's boundless scope and applicability to private citizens constitutes a major threat to personal privacy, a right which Singaporeans grant weighty importance. The value ascribed to personal privacy is exemplified by events that transpired in 2021, in which the revelation that TraceTogether (Singapore's official COVID-19 contact-tracing application) data was made available to police investigations. This spurred massive outcry and served to erode trust in the PAP. It is important to note, however, that many political analysts explain the PAP's 68 years of uninterrupted governance as performance-based legitimacy. Singaporeans are confident that, given the PAP's track record, the party is best equipped to maintain economic growth and social order (Morgenbesser 2016, 205-231). In other words,

the party's favour with the electorate is solely based on its public perception and trust. With faith in the PAP already eroding following the events of Trace Together, FICA could substantially accelerate this trend. Had FICA received adequate journalistic coverage, it would have surely provoked the same clamor as the TraceTogether scandal (Pannett 2021). Thus, the measure is susceptible to becoming a liability for a PAP already questioning the waning clarity of its mandate.

Dreading the seizure of their valuable data, many in the business community, including behemoths like Meta Inc., have expressed concern over FICA's broad wording, which could lead to their inadvertent subjugation (Tan & Ong 2021). Others are wary that their licit lobbying efforts with the Singaporean government might be misinterpreted as foreign interference (Tan & Ong 2021). Indeed, over half of corporations present in the city-state are owned by foreign entities, the most prominent of which strive to maintain cordial ties with their home governments (Accounting and Corporate Regulatory Authority, 2022). As evidenced by the US–China trade war or Russia's global isolation following its unprovoked invasion of Ukraine, firms can be involuntarily weaponized amid international tensions. In any case, FICA might deter corporations from moving capital to Singapore or doing business there altogether, as 'operational risk management' costs might dwarf the benefits of committing to the Lion City. Despite overtaking the US as the world's most competitive economy (Charlton 2019), Singapore remains a relatively negligible small-scale market of fewer than six million

consumers. If these firms ever decide to leave, the resulting economic downturn will unequivocally deprive the PAP of its most compelling electoral appeal.

## **Conclusion**

Recent events have proven information warfare to be unprecedentedly important. From Brexit to the 2016 US presidential election, the spread of misinformation has become an essential tool to skew political outcomes away from natural destiny. In the midst of fierce competition for global leadership, governments have reportedly engaged in wide-ranging efforts to influence foreign states' internal affairs. As restated during Prime Minister Lee Hsien Loong's trip to Washington, D.C., to discuss Russia's invasion of Ukraine, "Singapore is a staunch supporter of [...] the sovereignty, political independence, and territorial integrity of all countries—big and small". The Foreign Interference (Countermeasures) Act 2021 was ostensibly crafted to achieve that end.

Nonetheless, the scope of the measure is unbound. Superseding judicial review, FICA essentially condones the supreme unaccountability of Singapore's government. While the arbitrary suspension of civil liberties is worrisome in any country, these anxieties are especially pronounced in Singapore given its illiberal history. Assuming the 1963 Operation Coldstore was a deliberate scapegoating of 'communists' to prevent their victory in the upcoming general elections, FICA would essentially sanction its modern reenactment. While the People's Action Party may justify FICA's extensive powers as necessary for

stability and national security, such democratic backsliding has the potential to be destructive to Singapore's current standing as a successful, efficient, and globalized nation-state.

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