

Foreign Influence Registration Laws and Civil Society:

An Analysis and Responses

APRIL 2024



Foreign Influence Registration Laws and Civil Society:

An Analysis and Responses



Author: Nick Robinson
Senior Legal Advisor
nrobinson@icnl.org

The International Center for Not-for-Profit Law's program teams and the European Center for Not-for-Profit Law provided expertise and materials for this report.

April 2024

Table of Contents

1. Introduction	2
COVERED LAWS	3
2. Comparative Analysis	4
A. WHO IS REGULATED	4
B. NATURE OF THE RELATIONSHIP	5
C. WHICH FOREIGNERS	6
D. COVERED ACTIVITIES	8
E. REGULATORY REQUIREMENTS	10
F. PENALTIES	12
SUMMARY	12
3. Recommendations	13
A. SUBSTANTIVE ARGUMENTS	13
B. RESPONSE STRATEGIES AND TACTICS	17
Appendix:	
FOREIGN INFLUENCE REGISTRATION LEGISLATION	22

1. Introduction

In recent years, governments have increasingly adopted laws that create foreign influence registries and often have labeling or other compliance requirements for those that register. These laws are frequently enacted in the name of promoting transparency about foreign influence. If appropriately tailored, some of the transparency elements in foreign influence registration laws can potentially assist in defending and promoting open and democratic governance. However, many foreign influence laws have overbroad and vague provisions, as well as excessive regulatory requirements, that have been used by governments to burden, stigmatize, and criminalize civil society organizations (CSOs).

In response to concerns about hostile and authoritarian governments covertly influencing their politics, many historic democracies have turned to foreign influence registration requirements. In 2018, Australia enacted the Foreign Influence Transparency Scheme Act. In 2023, the United Kingdom enacted a Foreign Influence Registration Scheme (FIRS) as part of the U.K.'s revised national security legislation (2023 National Security Act). The same year, the European Commission proposed a foreign influence registration scheme for E.U. member states as part of its Defence of Democracy package. Canada and France are also currently considering foreign influence registration schemes.

At the same time, foreign influence registration laws have also been adopted by governments attempting to restrict the space for civil society to operate. The last two decades have seen a well-documented decline in democracy worldwide. This shift has corresponded with many governments increasing legal restrictions on civil society, including their access to resources. One of the strategies for restricting CSO funding is to adopt foreign influence registry laws with overbroad and stigmatizing registration requirements to inhibit this funding.

In Russia, for example, the government enacted a foreign agents law in 2012 that it used to discredit human rights and other nonprofits by casting them as “foreign agents,” a term Joseph Stalin used to designate enemies of the state. Under the law, any organization receiving cross-border funding that engaged in a broad set of “political activity,” such as writing a public policy report, had to register with the government and label their material stating that they were a “foreign agent.” Many groups shut down or stopped receiving foreign funding rather than being so stigmatized. In Nicaragua, after enacting a foreign agents law in 2022, the government deregistered over 150 organizations for alleged noncompliance with the new legislation as part of a broader legal targeting of CSOs.

A number of countries have recently introduced foreign influence registration legislation that critics contend would significantly restrict the ability of civil society to oper-

ate. In Georgia, for example, protesters took to the streets in March 2023 to successfully oppose a proposed foreign influence registration law that they feared would be used by the government to target nonprofits and activists and would draw the country closer to Russia. Nearly identical legislation was again introduced in April 2024. Observers have also raised alarms about proposed foreign influence legislation in El Salvador, Republika Srpska, Bulgaria, Myanmar, and elsewhere.

Some governments have sought to justify and defend their overbroad and restrictive foreign influence laws by pointing to similar measures in historic democracies, most notably the 1938 Foreign Agents Registration Act (FARA) in the United States. And indeed some historic democracies are considering or have adopted foreign influence measures that have overbroad provisions.

This report develops a typology of salient features of foreign influence registration laws to assist in assessing their potential impact on civil society and to help compare and contrast these laws across countries. It then shares key recommendations for both substantive arguments against overbroad foreign influence registration laws and potential response strategies. In doing so, it adopts a rights-based approach under which any regulation impacting the associational rights of a nonprofit should be undertaken for a legitimate purpose, be non-discriminatory, and be necessary and proportionate.

COVERED LAWS

For purposes of this report, foreign influence registration laws are defined as creating *ex post facto* registration requirements for receiving foreign funding or acting on behalf of a foreign actor. Some countries explicitly use the term “foreign agent” in these laws, including the United States, but others cast their laws differently. For example, the European Commission’s proposal in the Defense of Democracy package is for a foreign interest registration scheme.

Governments have also used a variety of other laws to regulate foreign funding to civil society. Many countries, for instance, require prior approval from the government before CSOs can receive foreign funding, such as in China, India, Azerbaijan, Belarus, and Uzbekistan. In these countries, the receipt of foreign funding can often be denied on the basis of a broad and vaguely defined set of criteria, including if the funding is determined by the government to threaten national security.

While these other types of restrictions have also been used to target nonprofits and activists in violation of international law, this report only focuses on foreign influence laws that require *ex post facto* registration. The legislation considered in this report is included in a table in the Appendix, which also compares relevant features of these laws.

2. Comparative Analysis

Foreign influence registration laws can differ markedly in their character and impact across countries. This part compares and analyzes six key features of foreign influence registration laws. These features are: (A) Who is Regulated; (B) Nature of the Relationship; (C) Which Foreigners; (D) Covered Activities; (E) Regulatory Requirements; (F) Penalties.

A. WHO IS REGULATED

A key distinction between foreign influence registration requirements is whether they only apply to nonprofits or whether they apply to all actors engaged in covered activities equally.

Only Nonprofit Organizations

A number of foreign influence registries only require nonprofit organizations to register. Russia's 2012 foreign agents law, for example, initially only covered nonprofits but was later extended through amendments to also include for profit media and other actors. Similarly, Hungary's 2017 NGO Transparency Law only required nonprofits to register - the law was later repealed in 2021 after the Court of Justice of the European Union found it violated E.U. law, including provisions of the Charter of Fundamental Rights of the E.U. Israel's 2016 NGO disclosure law and the Kyrgyz Republic's 2024 foreign influence registration law also only apply to nonprofits. Meanwhile, proposed foreign influence registration requirements in Republika Srpska and Slovakia would similarly only apply to nonprofits.

All Entities and Individuals

Other countries require registration of anyone engaged in a covered activity. For example, the registration requirements in the United States, U.K., and Australia, as well as the proposed Defense of Democracy package in the E.U. or the proposed foreign influence registry in Canada, make no distinction between the types of entities or persons who must register.

Importantly, though some countries that might appear to apply to all actors equally in practice only apply, or disproportionately apply, to nonprofits. For example, in Bulgaria, a proposed 2023 foreign agents law nominally applies to everyone but then only covers a set of distinct activities, including "nonprofit activities," meaning the law is actually focused on nonprofits.

ANALYSIS

Who is Regulated



Foreign influence laws that only regulate nonprofits often seem more designed to target civil society rather than foreign influence. For example, if a government is concerned about secretive foreign government lobbying of its officials, it would seem inappropriate to only target CSOs for regulation, as foreign governments also lobby through for-profit firms. As the U.N. Special Rapporteur on the Freedom of Peaceful Assembly has articulated, CSOs should not be subject to burdens “different [than] that of corporations to mobilize international resources and seek, receive and use foreign funding.” Such treatment is discriminatory and also less likely to be effective in addressing any legitimate government interest in making transparent foreign influence.

B. NATURE OF THE RELATIONSHIP

Foreign influence legislation can be triggered by different types of relationships between a foreigner and the person or entity that may be required to register.

Funding Relationships

Some foreign influence registries are triggered by receiving any funding from a covered foreigner, such as Russia’s 2012 foreign agents law, Nicaragua’s 2021 foreign agents law, or Kyrgyzstan’s 2024 foreign influence registration law. Similarly, proposals in El Salvador and Republika Srpska are triggered by receiving any amount of funding from a foreigner for covered activities. Other laws require over a certain amount of funding. Hungary’s 2017 NGO Transparency Law, for instance, was triggered by nonprofits that received over about 23,500 Euros a year from foreign sources. Meanwhile, in Israel, the country’s nonprofit transparency law only applies to nonprofits that receive 50% or more of their operating budget from foreign governments. Proposed foreign influence legislation in Georgia in 2023 and 2024 would be triggered if an organization receives over 20% of its funding from abroad.



Labeling nonprofits as “foreign agents” or otherwise acting on behalf of a foreign funder for simply receiving foreign funds fundamentally mischaracterizes the relationship between a funder and the nonprofit.

Other Covered Relationships

Many foreign influence laws are not triggered by receiving funding but rather by other forms of relationships. In the United Kingdom, for example, registration under FIRS is triggered if a covered foreign power “directs” a person or organization to engage in covered activities. In the U.S., under FARA, funding may be indicative of an agency relationship but not determinative and instead requires that one act at the order, request, or direction or control of a foreigner in a covered activity. In the E.U. proposal for a foreign interest registration scheme, funding from non-E.U. states are also not indicative *per se* of an agency relationship but instead require that the entities carry out certain types of activities on behalf of such states (defined as “interest representation services”).

These alternative definitions of covered relationships can narrow the scope of a law but also sometimes broaden them. For example, in Republika Srpska, under a 2023 draft foreign influence registration law, registration would be triggered not only by foreign funding but also by “other types of support” by a foreigner. This is a vague term that could potentially include a local nonprofit receiving training from a foreign organization.

ANALYSIS

Nature of the Relationship

Nonprofits may receive funding from different sources, but they still act independently. Labeling nonprofits as “foreign agents” or otherwise acting on behalf of a foreign funder for simply receiving foreign funds fundamentally mischaracterizes the relationship between a funder and the nonprofit.

Some foreign influence laws also include vague terms that are difficult to interpret. For example, under FARA in the U.S., one may be required to register if one engages in a covered activity at the “request” of a foreigner, which has led to confusion about what activity is covered by the Act.



C. WHICH FOREIGNERS

Some foreign influence laws require registration for covered relationships with all foreigners, while others only regulate relationships with certain types of foreigners, particularly foreign governments.

All Foreigners

Some foreign influence registration requirements are triggered by a covered relationship with any type of foreigner. This includes the 2012 Russia foreign agents law, Ukraine’s 2014 foreign agents law, Kazakhstan’s 2016 law, Hungary’s 2017 NGO Transparency Law,

Nicaragua’s 2021 foreign agents law, Kyrgyzstan’s 2024 law, and FARA in the U.S.¹ It also includes proposals in Georgia, Bulgaria, Slovakia, El Salvador, and elsewhere.

Foreign Governments or Political Parties

Other countries’ laws, though, only regulate relationships with foreign governments or political parties. Australia’s FITS, for example, only covers those who undertake registrable activities on the behalf of a foreign government, foreign political party, or a foreign government related entity or individual. Similarly, the U.K.’s FIRS or the E.U.’s proposed foreign interest registration scheme focuses on those engaged in covered activities on behalf of a foreign government or political party.²

ANALYSIS

Which Foreigners

The distinction between whether foreign influence registration requirements only apply to covered relationships with foreign governments or to relationships with all foreigners has important implications. Laws that cover relationships with all foreigners will often require a much broader set of nonprofits to register, as they may receive money from private foundations or individuals based abroad.



Some governments focus on regulating relationships with foreign governments for certain activities, such as lobbying of public officials, as they are concerned foreign governments may be promoting interests adversarial to their own. Further, foreign governments, unlike most other types of actors, have the option to engage domestic government officials through formal channels like embassies or inter-governmental organizations. That said, even if a foreign influence law only applies to foreign governments or political parties, it can still undermine the activities of CSOs and infringe on human rights if it is not narrowly targeted at distinct activities where there may be more justification for greater regulation, like electioneering or direct lobbying of elected officials.

¹ Note that the 2012 Russian foreign agents law has been superseded by the 2022 Regulation of Activities of Noncommercial Organizations and Ukraine’s 2014 foreign agents law and Hungary’s 2017 NGO Transparency Law have been repealed.

² The United Kingdom’s FIRS also has an enhanced tier under which the Secretary of State may designate certain foreign governments of heightened concern triggering registration requirements for a much broader set of activities for those acting at the “direction” of the foreign power.

D. COVERED ACTIVITIES

What activities trigger registering under foreign influence legislation is one of the most significant distinctions between countries. The degree to which these laws are targeted to specific, carefully defined activities or not can be critical to determining whether they are in compliance with international human rights law.

Any Activity

Some laws cover all or almost all activities a nonprofit might engage in. Hungary's 2017 NGO Transparency law, for example, requires a nonprofit to register for receiving foreign funding for almost any activity they engage in with limited exceptions for associations pursuing religious activities, certain associations involved in sports, and ethnic minority organizations or organizations engaged in such activity. Similarly, Nicaragua's 2021 foreign agents law covers any activity except certain commercial activity, as does Israel's nonprofit transparency law. Many proposed foreign influence laws also cover any activity, or almost any activity, a nonprofit might engage in such as in El Salvador, Georgia, and Republika Srpska.

Political Activity

Foreign influence laws will sometimes be triggered by engaging in "political activity." This is often defined broadly or vaguely so that it covers not just electioneering or lobbying but also advocacy on public policy issues. For example, in the U.S. under FARA, "political activities" is defined to include any activity an individual believes will influence the U.S. government or any section of the U.S. public with reference to the U.S.'s domestic or foreign policies. Russia's 2012 foreign agents law also adopted a broad definition of political activities, as did Ukraine's 2014 foreign agents law. These broad definitions are often confusing and can be used to require nonprofits to register for engaging in nonpartisan policy analysis, such as issuing a report providing options to the government about how it can improve healthcare delivery in the country.

Decision-making Activity

Some foreign influence laws have a more targeted set of covered activities related to government decision-making. For example, Australia's FITS Act is triggered by Parliamentary lob-



The degree to which foreign influence laws are targeted to specific, carefully defined activities or not can be critical to determining whether they are in compliance with international human rights law.

bying or lobbying of public officials, political parties, of candidates in federal elections. In the U.K., registrable activity under FIRS includes communications with certain senior decision makers, such as U.K. ministers, election candidates, M.P.s, and senior civil servants on behalf of a foreign government or political party.

Communications

Some foreign influence laws are triggered by certain types of communications. For instance, under Kazakhstan’s foreign influence law disseminating any information (unless for a commercial purpose) is a covered activity. In the U.S., FARA, which was originally designed as an anti-propaganda law, covers a broad range of communications, including acting as a “publicity agent” or “information service employee.” In Australia, under FITS one must register if a person undertakes communications activity within Australia for the purpose of political or governmental influence on behalf of a foreign government or political party and it is not already apparent to the public the communication is for this purpose.

Exemptions

Many foreign influence laws also include exemptions that can narrow their scope. One of the most common exemptions is for commercial activity, as otherwise much cross-border commercial enterprise would fall under many of these acts. Other common exemptions are for religious activity or in relation to providing legal services.

ANALYSIS

Covered Activities

Many foreign influence laws are overbroad and either cover all activity a CSO might engage in or any public advocacy they might undertake. As these laws often also have significant regulatory requirements, this can undermine the beneficial work of civil society and chill public debate. In some situations, there may be justifiable reasons to regulate certain decision-oriented deliberations, like direct lobbying of government officials. However, governments must ensure any such regulation is carefully tailored to meet its goal. Otherwise, it can undermine needed inputs into democratic debate. For example, onerous regulation on lobbying can make it difficult for policymakers to hear important perspectives from marginalized communities that may have difficulty navigating excessive lobbying regulations.



E. REGULATORY REQUIREMENTS

Registration requirements and other types of regulation triggered by a foreign influence law can vary considerably across legislation in different countries.

Registration

Registration requirements can place very different types of burdens and rights concerns on those covered. For example, in Kazakhstan, under its 2016 law, nonprofits that register face extensive reporting requirements that require not only providing information about the money being received from abroad by a nonprofit but details about how it will be used in programming. It also requires individuals who were registering to provide their unique tax ID number, which has in the past been made public with other reported information, increasing the risk these individuals may face potential personal fraud and harassment.

These types of excessive regulatory burdens requirements can be chilling and create significant burdens on already under-resourced nonprofits.

Labeling

In many countries, foreign influence laws require those who register to do so under a stigmatizing label. For example, under Russia's 2012 law, one registered as a "foreign agent," while under Hungary's 2017 NGO Transparency Law, those registered were labeled "organization supported from abroad," and in Republika Srpska, a pending proposal is to register as an "agent of foreign influence."

Not only must one register in a registry using a stigmatizing label, but in many countries, one must label one's materials as being distributed by a "foreign agent," "organization supported from abroad," or other such term. This can discredit both the materials and the organization. These terms frequently mischaracterize the relationship between a funder and a CSO. Instead of conveying to the public that a CSO is independent and driven to fulfil a beneficial social mission, these labeling requirements instead stigmatize them as instead being merely an instrument of a foreign hand.

Broad Investigatory and Audit Powers

A number of foreign influence laws empower the government to investigate nonprofits and also have additional audit requirements. For example, Kyrgyzstan's 2024 foreign influence registration law requires registered organizations to pass an annual financial audit. The proposed legislation also empowers the Ministry of Justice to conduct scheduled or unscheduled investigations of the organization's activities and provides them discretion to unilaterally shut down the CSO for up to six months. A withdrawn 2020 Ukraine foreign agents law would have even required senior staff to pass a polygraph test. Under Republika Srpska's proposed 2023 law those who register would have to not only submit bi-annual reports and an annual audit, but additional audits of the organization can be requested by citizens.

Bans on Certain Activity

Some foreign influence laws not only have registration requirements, but also ban those who would have to register from engaging in certain activities. For example, Nicaragua's foreign agents law bans those registered from intervening on topics of internal or external policy, while proposals in Bulgaria and Republika Srpska ban those covered from engaging in vaguely defined "political activities." Bulgaria's proposal additionally bans those registered with engaging in activity in schools or universities or taking part in any public procurement.

ANALYSIS

Regulatory Requirements



Any regulation impacting the associational rights of a nonprofit should be undertaken for a legitimate purpose and be necessary and proportionate. In finding the Hungarian NGO Transparency Law in violation of E.U. law, the CJEU noted how the law creates a set of regulations that single out NGOs as "organizations in receipt of support from abroad" and require them to "present themselves to the public as such." The Court continued that "[i]n thus stigmatising those associations and foundations, those provisions are such as to create a climate of distrust with regard to them . . ."

Similarly, in ruling the Russian "foreign agents" law violated the European Convention of Human Rights, the European Court of Human Rights in 2022 critiqued how the law's "burdensome" requirements and its "stigmatizing" requirement of labeling any organization that registered a "foreign agent" created a "significant chilling effect." It found this "label coloured them as being under foreign control, in disregard of the fact that they saw themselves as members of national civil society working to uphold respect for human rights, the rule of law and human development for the benefit of Russian society and its democratic system." Registration or labeling requirements that create undue burdens or stigmatization in the context of the country violate the freedom of association under international law.



Registration or labeling requirements that create undue burdens or stigmatization in the context of the country violate the freedom of association under international law.

F. PENALTIES

Some foreign influence laws have criminal penalties or provide the government the authority to shut down an organization. For example, in Russia, someone who is found to have failed to include required documents in the foreign agent registry can be fined up to three hundred thousand Rubles (approximately \$3,300) or be committed to “corrective labor” for up to two years, or by imprisonment for the same term. In Kazakhstan, providing inaccurate information about the receipt or expenditure of foreign funds, even if unintentional or minor, is punished with a fine of \$1200. These types of severe and potentially arbitrarily enforced penalties can have an intimidating and chilling effect on CSOs.

Any penalties for violation of a law that addresses foreign influence should be proportionate and, where possible, issued after a warning concerning noncompliance. Under the E.U.’s proposed registration requirements in its Defense of Democracy the sanction for noncompliance would be administrative fines with a maximum threshold linked to the revenue of the organization.

Summary: Comparative Analysis

Any regulation impacting the associational rights of a nonprofit should be undertaken for a legitimate purpose and be necessary and proportionate. It should also not discriminate against nonprofits versus other entities. Not only are many foreign influence laws overbroad, excessively burdensome, or unduly target nonprofits, but they also frequently may not be the best tool for combatting the type of foreign influence lawmakers claim to want to address. For example, if a government is trying to combat unlawful foreign election interference, those engaging in this activity are unlikely to register in a foreign influence registry as the activity is already unlawful. Instead, resources may be better spent on appropriate law enforcement training or other interventions that might be more likely to successfully address this issue.



3. Recommendations

Below are key substantive arguments and response strategies that have been used to oppose overbroad foreign influence registration laws.

A. SUBSTANTIVE ARGUMENTS

Under international law, nonprofits have a right to receive funding, including across borders. These organizations play a beneficial role in helping support a number of important goals in society, including access to healthcare, education, and poverty reduction. Overbroad and burdensome foreign influence laws undermine the work of these organizations.

Not Properly Targeted

1. **Unnecessary** Many governments fail to provide evidence of a substantial, legitimate threat that requires such unduly broad foreign influence legislation. Further, many countries already have laws addressing key issues, such as disclosure requirements for groups engaged in partisan political activities.
2. **Ineffective** Some foreign influence laws are justified by claiming they will combat illegal money laundering or clandestine foreign funding of political influence operations. Yet, these laws often do little to deter this type of activity, which is frequently clandestine or illegal and so those involved are unlikely to register. Other strategies, like appropriately targeted law enforcement training, may be more likely to be effective.
3. **Discriminatory** Foreign influence laws often only apply to foreign funding to nonprofits. This is a form of discrimination and sectoral inequality. Cross-border funding of nonprofits is similar to other types of cross-border funding. Commercial enterprises often seek out foreign investment, individuals benefit from family remittances from abroad, and governments often receive loans from international investors or foreign governments. Nonprofits should also be able to access international funding and engage in cross-border collaboration. Laws that only apply to nonprofits are often designed not to target foreign influence but rather to target nonprofits.
4. **Overbroad and Vague** Many foreign influence laws are overbroad or vague, creating undue burdens and providing government discretion in enforcement that can be used against disfavored voices.
5. **Stigmatizing** Many foreign influence laws have stigmatizing requirements that seem designed not to promote transparency but chill speech. For example, under some laws, covered actors must register in a “foreign agent” registry and disclose on all their materials that they are a “foreign agent,” which often has

the connotation of a spy. Often, merely having to register in a registry of those representing foreign interests is stigmatizing as it implies an organization is not representing its own members or acting purely to further its mission.

6. **Excessive Reporting and Audits** Foreign influence laws frequently have excessive reporting requirements and detailed audits. These are on top of additional regulatory requirements that nonprofits must also comply with regardless of whether they receive foreign funding. These additional requirements distract civil society from helping communities and furthering their beneficial missions. They also provide the government with opportunities to launch investigations into disfavored organizations.
7. **Excessive Penalties** Some foreign influence laws carry criminal penalties for CSO staff, disproportionately high financial sanctions, or can lead to closure of the organization for even relatively minor violations of the legislation. Such penalties have a chilling impact and can lead CSOs to pre-emptively avoid foreign funding altogether or shut down.
8. **More Targeted Approaches Available** Governments may have legitimate concerns about making transparent certain types of foreign funding or influence. However, any response should be rights-based and narrowly tailored to address a legitimate goal.

Negative Impact

1. **Constrains Funding for Beneficial Activities** Foreign influence laws can deter funding to CSOs for needed investments in beneficial goals for society, including poverty alleviation, health care, and education.
2. **Restricts Activity of CSOs** Some foreign influence laws ban CSOs that receive foreign funding from engaging in certain types of activity altogether, such as issuing a report on a topic of public policy. This is not a form of transparency but rather a mechanism to control speech.
3. **Silences Needed Voices in a Democracy** Overbroad or vague foreign influence laws can be used by governments to target voices in a democracy with which it disagrees, including voices from marginalized communities like minority groups, women, and people with disabilities. This not only violates the rights of those in the association but also the right of citizens of the country to hear from different perspectives in order to make more informed decisions.
4. **A Slippery Slope** Overbroad foreign influence laws in countries like Russia and Nicaragua were often only part of a first step in a broader crackdown on civil society and democracy.

5. **Negative Geopolitical and Trade Implications** In Georgia, civil society and others labeled the proposed foreign influence law as the “Russia law”, helping spark large scale protests, as there was concern it would draw the country closer to Russia and undermine the country’s chances of joining the E.U. In Ukraine, a 2014 package of laws that constricted civil society, and included a foreign agents law, was dubbed the “dictatorship laws,” which helped fuel widespread protests, including by those who wished to join the E.U. The package of laws was repealed after President Yanukovich fled to Russia. In other countries, arguments have similarly been made that enacting overbroad foreign agents laws weaken alliances with democratic countries, undermining existing and potential political and trade relationships.

Legal Arguments

1. **Violates Domestic Law** In some countries, a proposed or enacted foreign influence law may violate domestic law, whether that is the constitution or administrative law. It can be useful for local legal experts to review a proposed foreign influence law to see if it violates domestic law. Once a law is enacted, the entire legislation or parts of it might be successfully challenged in domestic courts.
2. **Violates International Law** International law protects the right of CSOs to be able to access resources. Article 22 of the ICCPR protects all activities of an association, including activities directed at accessing resources or funding.

The U.N. Special Rapporteur on the Freedoms of Peaceful Assembly and Association has released general principles and guidelines to ensure the right of CSOs to access resources. The first principle is that “The freedom to seek, receive and use resources is inherent to the right to freedom of association and essential to the existence and effective operations of civil society.” Any restrictions on this right must be based in law, be undertaken for a legitimate purpose, and be necessary and proportionate. Regional bodies have found a similar right.



In some countries, a proposed or enacted foreign influence law may violate domestic law. ... Once a law is enacted, the entire legislation or parts of it might be successfully challenged in domestic courts.

International law also protects the ability to receive cross-border funding. As the U.N. Special Rapporteur on the Freedoms of Peaceful Assembly and Association has declared, “Receipt of foreign funding as such does not justify the imposition of additional restrictive measures, nor stigmatization measures such as requiring all associations receiving foreign funding to be labeled as ‘foreign agents,’ nor targeting, whether through audit procedures, the imposition of penalties or otherwise.”

Regional bodies have found a similar right. The Guidelines on Freedom of Association and Assembly of the African Commission state that “Associations shall be able to seek and receive funds from local private sources, the national state, foreign states, international organizations, transnational donors and other external entities.” The Inter-American Juridical Committee, in its declaration on principles for regulating the sector, determined that “[n]onprofit civil entities have the right to seek, access, and use funding for the achievement of their social objectives, from public and private, as well as domestic and foreign sources.”

Overbroad foreign influence registration laws can violate a variety of rights. For example, the Court of Justice of the European Union found Hungary’s 2017 NGO Transparency Law discriminatory and that it violated both the freedom of association and the right to privacy under the Charter of Fundamental Rights of the European Union, as well as its commitments within the E.U. not to inhibit the free flow of capital. The European Court of Human Rights similarly found that the Russian foreign agents law’s creation of a new category of “foreign agent” organizations, the burdensome auditing and reporting requirements and its excessive fines were not “necessary in a democratic society.” This violated the right to the freedom of association.

3. **Violates Investment Treaty Obligations** In some contexts, these laws may also violate bilateral investment treaties. It can be useful to carefully examine bilateral investment treaty commitments between a country that is considering a foreign agents law and other countries.

Addressing Counter Arguments

1. **Comparisons to U.S.’s FARA** The U.S.’s Foreign Agents Registration Act is a 1938 law that has historically been enforced in a relatively narrow manner against lobbyists for foreign governments and others. The law is not targeted specifically at nonprofits and it is not triggered by mere receipt of foreign funding, but there also must be some type of agency relationship. Relatively few CSOs are currently registered under FARA. However, there is concern in the U.S. about how it could be applied more broadly, and there is an ongoing domestic advocacy effort for reform.

2. **Claims Law is Justified by FATF Recommendations** Some governments claim that foreign influence registration laws are necessary to combat terrorism financing and money laundering and comply with Recommendation 8 of the Financial Action Task Force (FATF). Recommendation 8 requires countries to protect nonprofit organizations (NPOs) from terrorist financing (T.F.) abuse. However, Recommendation 8 does not require the adoption of a foreign influence registration law. On the contrary, the Recommendation and FATF guidance on its implementation make clear that countries should adopt only measures that are focused, proportionate, and based on identified risk; that measures should only apply to those organizations with identified risk; and that countries should be mindful of and avoid disproportionate measures that hinder the legitimate activities of the sector.
3. **Claims the Law Promotes Transparency** In most jurisdictions, there are already preexisting laws that require considerable reporting for nonprofits, including particular disclosure requirements for activity involving partisan political activity. Nonprofits themselves often take proactive steps to be transparent to their board, staff, donors, and public. Frequently the transparency measures demanded by governments of nonprofits are not demanded of those engaged in commercial or other activities. Instead, these transparency measures are often unduly burdensome and stigmatizing.

B. RESPONSE STRATEGIES AND TACTICS

This section shares potential response strategies and tactics for civil society, donors, and international organizations and foreign governments to push back on overbroad foreign influence registration legislation.

Civil Society

1. **Monitor Government Narratives** Understanding how the government is justifying a proposed overbroad foreign influence registration law and how it may respond to different kinds of criticism is useful for strategizing a response.
2. **Move Swiftly** Narratives amongst the public and policymakers about foreign influence laws develop early and it is important to take steps to quickly push back against an overbroad foreign influence registration law. Similarly, where overbroad laws have already been adopted, sometimes windows of proactive opportunity arise because of a change in government or because the government has decided to take a more protective stance towards CSOs. This can create relatively short opportunities for positive reform.

3. Finding Allies and Mapping Key Actors

- **Build Civil Society Alliances (Early If Possible):** Overbroad foreign influence laws are part of a larger playbook to constrain civil society. Where civil society has already developed alliances to oppose these restrictions, it is often easier to rapidly and effectively respond to proposed foreign influence law restrictions. In Hungary, for example, a diverse cross-section of CSOs set up a coalition to take action against the 2017 NGO Transparency Law and shrinking civil space broadly. They shared knowledge and skills, worked to strengthen the public image of the sector, and increased solidarity against the law. In Georgia, civil society was able to effectively reframe the public narrative around the 2023 proposed foreign agents law. In many countries, it has been important for CSOs not just to engage with each other but also journalists, private lawyers, social media influencers, law schools, religious organizations, and others within civil society that may be uniquely positioned to help push back against restrictive proposals.
 - **Domestic Government Officials:** Certain government officials or members of parliament may be particular allies. Where appropriate, it may be useful to connect with specific like-minded, or swayable, government officials.
 - **Business Community:** In some contexts, the business community has mobilized against foreign influence type legislation out of fears it could disrupt trade relationships with other countries or make the country seem like a less safe investment opportunity. In Georgia, for example, the U.S. and European Chambers of Commerce released a statement expressing concern over the proposed foreign agents law because it could jeopardize entry into the E.U.
 - **International Organizations and Foreign Governments:** In some countries, international organizations or foreign governments, including the European Union, World Bank, the Open Government Partnership, or major donor countries, may be in a position to influence the adoption of a restrictive foreign influence law.
4. **Communications Strategy** Clear and easy to understand narratives opposing restrictive foreign influence laws are often important for success. For example, in Georgia, a restrictive foreign influence law was labeled the “Russia law,” and civil society clearly communicated that it would bring the country closer to Russia and further from the E.U. In Ukraine, a restrictive foreign influence law was dubbed part of the “dictatorship laws.” In many countries, it has been useful to provide concrete examples of the negative impact these laws will have and how they undermine or stigmatize ordinary citizens or groups doing beneficial work. It can be helpful to have coordination amongst civil society about the most successful messaging for different target audiences to successfully oppose a restrictive law.

5. **Legal Strategy** In some countries that have adopted overbroad foreign influence laws, civil society has responded with domestic legal challenges. In some contexts, it is also possible to bring claims under regional international law, such as claiming that the law is in violation of E.U. law. Developing coordination early amongst groups or individuals planning to bring a legal challenge can be critical to having successful outcomes.
6. **Draw on Expert or Authoritative Analysis** Where available, it can be useful to draw on expert analysis as a basis or criticism or to coordinate a response. For example, a U.N. Special Rapporteur, the Venice Commission, the Council of Europe Commissioner for Human Rights, or the Inter-American Commission on Human Rights may make a public statement or publish an analysis on a proposed foreign agents law. Where they have not already, it may be helpful to encourage this type of engagement or draw on past statements about similar laws.
7. **Slowing Down Restrictive Laws can be a Win** In some contexts, it is difficult to stop a restrictive law from being enacted. Slowing it down can have the benefit of allowing the political context to evolve to where there may be more opportunities for reform. Also, it can provide civil society organizations more time to prepare for the restrictive law.
8. **Thinking Ahead** If a law is likely to be enacted, it can be useful to explore ways to shape the future enforcement environment by attempting to receive government commitments now about enforcement or consider setting up monitoring of enforcement with the U.N. or other independent bodies.
9. **Civil Society Resilience** Where restrictive foreign influence laws have been enacted, it can be useful for civil society to be able to share information about compliance so that they can continue to lawfully receive international funding if possible. For example, this could include trainings organized for lawyers and others that work with nonprofits on compliance.



If a law is likely to be enacted, it can be useful to explore ways to shape the future enforcement environment by attempting to receive government commitments now about enforcement or consider setting up monitoring of enforcement with the U.N. or other independent bodies.

For Donors

1. **Support Civil Society Capacity to Respond to Restrictive Laws** Restrictive foreign influence laws are part of a larger playbook to constrain civil society. It can be useful to invest in civil society's capacity to respond to these types of laws. Building on lessons learned, invest in countries where foreign influence laws might arise to help preemptively develop civil society's capacity to respond to these laws and other restrictions on civic space. This can include CSO coalition building and awareness raising about the beneficial work of CSOs. Complementing longer-term capacity-building efforts, consider quick-response funding to enable civil society to respond when new regulatory threats emerge.
2. **Support Civil Society Resilience** Where restrictive foreign influence laws have been enacted, consider programming that assists CSOs with navigating complex legal environments so they can continue to lawfully receive international funding.
3. **Promote Development of Supportive International Norms** International norms can be helpful in protecting cross-border funding of CSOs. Work by U.N. Special Rapporteurs and the African Commission on Human and People's Rights have helped create stronger standards for the ability of CSOs to access resources. After engagement by civil society and governments, the Financial Action Task Force (FATF) fundamentally changed its approach to the regulation of CSOs in the name of counter-terrorism and anti-money laundering. Consider initiatives to help civil society engage in informing the development of these types of international norms.
4. **Support Research and Analysis** Trackers, identification of horizon issues, and analyses are often under-resourced but important to advance evidence-based policymaking and programming.

For International Organizations and Foreign Governments

1. **Behind Door vs Public Engagement** Public engagement can bring immediate attention, but it can also backfire in some contexts as these laws are targeting foreign influence. Behind-door engagement is often helpful to message with government officials and highlight concerns. Public statements can often be important after a bill is introduced to make clear to the public and other stakeholders the problems with the proposal.
2. **Combine Discussion in Dialogue on Other Issues** With some domestic governments, it may be useful to raise concerns about a foreign influence law in the context of discussions about economic trade, debt forgiveness, or providing aid assistance. For example, E.U. officials and member governments of the E.U. have made clear that restrictive foreign influence laws under consideration in coun-

tries looking to accede to the E.U. would not be in line with E.U. values and commitments. In other contexts, donor governments made clear that the continuation of popular aid programs were contingent on not enacting overly restrictive foreign influence legislation. It can also be effective to raise concerns about overbroad foreign influence laws during official visits to the country.

3. **Engage with Civil Society** Where appropriate, engage with civil society to understand their concerns about proposed legislation. In some contexts, domestic civil society may be taking a visible lead against a proposed overbroad law, while in others, there may be limited space for them to do so.
4. **Coordinate with Other Governments and International Organizations** There may be opportunities for unified responses with like-minded international organizations and governments but also coordinated differentiation. For example, some governments or international organizations may be better positioned for public engagement, have strong preexisting relationships with domestic government officials, or have a unique voice because of their country's or organization's political or economic relationship with a country.



Where appropriate, engage with civil society to understand their concerns about proposed legislation. In some contexts, domestic civil society may be taking a visible lead against a proposed overbroad law, while in others, there may be limited space for them to do so.

Appendix

FOREIGN INFLUENCE REGISTRATION LEGISLATION

JURISDICTION	LAW	YEAR	STATUS	WHO REGULATED	WHAT RELATIONSHIP	WHICH FOREIGNERS	WHAT ACTIVITY	WHAT TYPE OF REGULATION	PENALTIES	RELEVANT LINKS
1. Australia	Foreign Influence Transparency Scheme Act 2018	2018	<u>Enacted</u>	Any person or legal entity	On behalf of	Foreign governments, foreign political party, or a related foreign government entity or individual	Parliamentary lobbying, general political lobbying, communications activity, disbursement activity	Registration	From fine of 60 penalty units to five years in jail	
2. Bulgaria	Amendments to Non-profit Legal Entities Act	2020	<u>Rejected</u>	Nonprofits	Any funding over 1,000 BGN	Any foreigner (except for funding from the E.U.)	Any activity	Registration, oversight over the CSO, declaration of assets of NGO senior management, possibility to temporarily withdraw public benefit status	Financial sanctions to possible termination of entity	
3. Bulgaria	Bill on the Registration of Foreign Agents	2022	<u>Rejected</u>	Any person or legal entity	Any funding or material benefits over 1,000 BGN except commercial transactions, gambling, or funds received from E.U.	Any foreigner (except for funding from the E.U.)	Nonprofit activities, education, awareness raising, implementation of projects	Register organization and those associated with organization. Labeling requirement on covered materials that “foreign agent.” Prohibition on foreign agents operating in schools and from “engaging in political activities”; exception for religious activities, sports clubs, and E.U. projects	Financial sanctions from 500-2500 EUR for individuals and 2500-5000 EUR for legal entities. Increased for second offense	BCNL analysis of proposal

Appendix

FOREIGN INFLUENCE REGISTRATION LEGISLATION

JURISDICTION	LAW	YEAR	STATUS	WHO REGULATED	WHAT RELATIONSHIP	WHICH FOREIGNERS	WHAT ACTIVITY	WHAT TYPE OF REGULATION	PENALTIES	RELEVANT LINKS
4. Bulgaria	Bill on the Registration of Foreign Agents	2023	Pending	Any person or legal entity	Any funding or material benefits over 1,000 BGN except commercial transactions, gambling, or funds received from E.U.	Any foreigner (except for funding from the E.U.)	Nonprofit activities, education, awareness raising, implementation of projects	Register organization and those associated with organization. Labeling requirement on covered materials that “foreign agent.” Prohibition on foreign agents operating in schools and from “engaging in political activities”; exception for religious activities, sports clubs, and E.U. projects	Financial sanctions from 500-2500 EUR for individuals and 2500-5000 EUR for legal entities. Increased for second offense	
5. Canada	Proposed Foreign Agents Registry Act	2021	Proposal (no text)							
6. Canada	Foreign Influence Registry and Accountability Act	2022	Introduced	Individual	On behalf of	Foreign government or foreign political organization	Communications with public office holder on set topics or arranging a meeting with a public office holder	Registration	From fine of discretionary amount to two years in jail	
7. Canada	Proposed Foreign Influence Transparency Registry	2023	Proposal (no text)						Fine of discretionary amount up to \$10,000 or cancellation of legal personality of organization	

Appendix

FOREIGN INFLUENCE REGISTRATION LEGISLATION

JURISDICTION	LAW	YEAR	STATUS	WHO REGULATED	WHAT RELATIONSHIP	WHICH FOREIGNERS	WHAT ACTIVITY	WHAT TYPE OF REGULATION	PENALTIES	RELEVANT LINKS
8. El Salvador	Foreign Agents Law (Ley de Agentes Extranjeros)	2021	Pending	Nonprofits	Funding	Any foreigner	Any activity	Registration, 40% tax on contributions to registered nonprofits, and those who registered banned from disturbing the “public order” or threatening the social and political stability of the country	Fine of discretionary amount up to \$10,000 or cancellation of legal personality of organization	
9. European Union	Defence of Democracy Package	2023	Proposal by European Commission	Entities (individuals and legal persons)	Interest representation service and comparable activities	Foreign governments and political parties, except for the European Economic Area	Interest representation activity that is linked to or substitutes activities of an economic nature, except for diplomatic or legal representation	Registration; record-keeping; reporting	Financial sanctions. Up to 1 % of the annual worldwide turnover in the preceding financial year for undertakings; for other legal entities, 1 % of the annual budget of the entity; for natural persons, up to EUR 1 000	
10. France	Law Proposition Aimed at Preventing Foreign Interference in France	2024	Pending	Any person or legal entity	Interest representation	Any foreigner	Promoting foreigner’s interests, influencing public decisions, conduct of public policy, or outcome of election.	Registration		

Appendix

FOREIGN INFLUENCE REGISTRATION LEGISLATION

JURISDICTION	LAW	YEAR	STATUS	WHO REGULATED	WHAT RELATIONSHIP	WHICH FOREIGNERS	WHAT ACTIVITY	WHAT TYPE OF REGULATION	PENALTIES	RELEVANT LINKS
11. Georgia	On Registration of Foreign Agents and On Amendments to the Criminal Code of Georgia # 07-3/296/10	2023	<u>Rejected</u>	Any person or legal entity	Acts at the control, order, or request a foreigner or acting under control, order, or request of person directly or indirectly, in whole or major part, financed by a foreigner.	Any foreigner	Covered activities include political activities, publicity agents, and information service employee.	Registration and labeling as “foreign agent”	A criminal charge of a fine [undefined] to up to 5 years of imprisonment	ICNL analysis of proposal
12. Georgia	Law of Georgia on Transparency of Foreign Influence #07-3/293; 14.02.2023	2023	<u>Rejected</u>	Noncommercial entities and media	Funding over 20% of organization’s revenue	Any foreigner	Any activity	Registration, labeling as “agents of foreign influence,” and reporting	Administrative penalty from 10,000 GEL to 25,000 GEL	ICNL analysis of proposal
13. Georgia	Law of Georgia on Transparency of Foreign Influence	2024	<u>Pending</u>	Noncommercial entities and media	Funding over 20% of organization’s revenue	Any foreigner	Any activity	Registration as “agents of foreign influence” and reporting	Administrative penalty from 10,000 GEL to 25,000 GEL	ICNL analysis of proposal
14. Georgia (Abkhazia)	Draft Law on Foreign Agents	2024	<u>Pending</u>	Nonprofits and individuals	Funding	Any foreigner	Political activities	Registration as “implementer organization of foreign power’s interest” and reporting	Undefined administrative and/or criminal penalty	

Appendix

FOREIGN INFLUENCE REGISTRATION LEGISLATION

JURISDICTION	LAW	YEAR	STATUS	WHO REGULATED	WHAT RELATIONSHIP	WHICH FOREIGNERS	WHAT ACTIVITY	WHAT TYPE OF REGULATION	PENALTIES	RELEVANT LINKS
15. Hungary	Law on the Transparency of Organizations Supported from Abroad	2017	Repealed	Nonprofits	Funding over designated monetary amount	Any foreigner	Any activity	Registration, reporting, and labeling requirements	Penalty of 10,000 to 900,000 HUF (approx. 25-2270 EUR). After repeated notice organization can be terminated	ECNL analysis of law
16. Israel	Transparency Requirements for Parties Supported by Foreign State Entities Law	2016	Enacted	Nonprofits	Funding over 50% of organization's budget	Foreign governments	Any activity	Registration and labeling requirement as "organization supported from abroad"	Fine of up to NIS 29,000 (6,800 Euro approx.)	
17. Kazakhstan	On the Introduction of Amendments and Additions on Issues of Payments and Payment Systems	2016	Enacted	Any person or legal entity	Funding over designated monetary amount	Any foreigner	Collecting, analyzing, and disseminating information (unless commercial purpose); rendering legal assistance; or conducting public opinion polls	Reporting and labeling requirement	Administrative penalty from a warning to 1,000 monthly calculative indices (appr. 8,000 USD as of March 15, 2024)	ICNL analysis of law
18. Kyrgyz Republic	On Making Additions and Amendments to Certain Legislative Acts of the Kyrgyz Republic	2014	Rejected	Nonprofits	Funding	Any foreigner	Political activity	Register as "foreign agents" and annual audit	Fine up to 200 times monthly wage and up to 3 years of imprisonment	

Appendix

FOREIGN INFLUENCE REGISTRATION LEGISLATION

JURISDICTION	LAW	YEAR	STATUS	WHO REGULATED	WHAT RELATIONSHIP	WHICH FOREIGNERS	WHAT ACTIVITY	WHAT TYPE OF REGULATION	PENALTIES	RELEVANT LINKS
19. Kyrgyz Republic	On Amending the Law of the Kyrgyz Republic on Noncommercial Organizations	2024	Enacted	Nonprofits	Funding	Any foreigner	Political activity	Register as “foreign representative,” reporting requirements, pass financial audit, new investigatory powers against all nonprofits	Still to be set (“in compliance with legislation”)	ICNL analysis of proposal
20. Myanmar	Proposal to Draft a Law on Foreign Organizations and International Organizations	2023	Proposal - committee constituted to draft law							
21. Nicaragua	Foreign Agents Regulation Law N. 1040 (2020); Regulation for the Regulation, Supervision and Sanction of Foreign Agents, Ministerial Agreement N. 03 (2021)	2021	Enacted	Any person or legal entity	“Directly or indirectly” receive funding or work under “instruction, supervision, or control”	Any foreigner	Any activity, although exemptions for commercial activity	Registration as “foreign agent” and prohibition on intervening on topics of internal or external policy or financing any type of organization, movement, or party involving internal political activities	Fine of \$300 to \$500,000 to cancellation of legal personality of organization	

Appendix

FOREIGN INFLUENCE REGISTRATION LEGISLATION

JURISDICTION	LAW	YEAR	STATUS	WHO REGULATED	WHAT RELATIONSHIP	WHICH FOREIGNERS	WHAT ACTIVITY	WHAT TYPE OF REGULATION	PENALTIES	RELEVANT LINKS
22. Republika Srpska	Law on the Special Registry and Transparency of the Work of Nonprofit Organizations	2023	Pending	Nonprofits	Funding or “in some other way assisted”	Any foreigner	Any activity	Registration as “agents of foreign influence” and labeling requirement, regular audit, and ban on foreign funded nonprofits from engaging in “political activity”. Exemption from the prohibition for engagement in political activities for any operation/activity in the area of science, culture, social and healthcare protection, sports, consumers’ protection, protection of national minorities and disabled people, environmental protection, fight against corruption, philanthropy, volunteerism and information	Financial sanctions of 500 to 2500 EUR to banning the organization.	ECNL analysis of proposal
23. Russia	On Amendments to Legislative Acts of the Russian Federation regarding the Regulation of the Activities of Non-profit Organizations Performing the Functions of a Foreign Agent	2012	Enacted (superseded by 2022 law)	Nonprofits and then expanded to media and other individuals/entities	Funding	Any foreigner	Political activity	Registration. Labeling as foreign agent. Amendments banned those registered engaging in specific activities, such as engaging in political activities and receiving money from U.S.	Penalty 120,000 rubles up to 2 years of imprisonment	ICNL analysis of law

Appendix

FOREIGN INFLUENCE REGISTRATION LEGISLATION

JURISDICTION	LAW	YEAR	STATUS	WHO REGULATED	WHAT RELATIONSHIP	WHICH FOREIGNERS	WHAT ACTIVITY	WHAT TYPE OF REGULATION	PENALTIES	RELEVANT LINKS
24. Russia	Federal Law No. 121-ΦЗ on Introducing Amendments to Legislative Acts of the Russian Federation Regarding the Regulation of Activities of Noncommercial Organizations Performing the Functions of Foreign Agents	2022	<u>Enacted</u>	Any person or legal entity	Funding or “influence,” “coercion,” or “persuasion”	Any foreigner	Designated by Russian government if determined under foreign “influence”	Disclosure requirements when engaging in political activities and a number of prohibitions, including on educating minors, advising government, or receiving financial support from the government	Fine in the amount of up to three hundred thousand rubles [appr. \$3,300] up to 2 years of imprisonment	
25. Slovakia	Foreign Agent Amendment/ Regulation	2016	Proposed (no text)							
26. Slovakia	Proposed Foreign Agent Law	2023	Proposed (no text)							<u>ECNL analysis of law</u>
27. Slovakia	On Non-profit Organizations Providing Beneficial Services (Act no. 213/1997)	2024	<u>Pending</u>	Nonprofit organization providing public benefit services	Funding over 5,000 Euros or equivalent	Any foreigner, but not E.U. funding	Any activity	Registration, labeling CSO as organization with foreign support	Fine of up to 5,000 Euros or suspension of the organization	
28. Ukraine	On Amendments to the Law on Judicial System and Status of Judges and Procedural Laws on Additional Measures for Protecting Citizens’ Safety	2014	<u>Repealed</u>	Nonprofits	Funding	Any foreigner	Political activity	Registration, labeling, and audit requirements.	Fine in the amount of fifty (50) untaxed minimum incomes of a citizens to prohibition of an organization.	

Appendix

FOREIGN INFLUENCE REGISTRATION LEGISLATION

JURISDICTION	LAW	YEAR	STATUS	WHO REGULATED	WHAT RELATIONSHIP	WHICH FOREIGNERS	WHAT ACTIVITY	WHAT TYPE OF REGULATION	PENALTIES	RELEVANT LINKS
29. Ukraine	Draft Law No. 3564 on Amendments to Some Legal Acts Regarding Transparency of CSOs Receiving Foreign Funding	2020	<u>Withdrawn</u>	Nonprofits	Funding over 50% of organization's budget and 50,000 Euros	Any foreigner	Broad set of activities	Registration and labeling requirements. Requirement of senior staff to pass polygraph. Limitations on staff to be employed by state in future.	N/A	ECNL analysis of law
30. United Kingdom	National Security Bill (Includes the Foreign Influence Registration Scheme)	2023	<u>Enacted</u>	Any person or legal entity	"Directs"	Foreign governments and political parties	To carry out or arrange "political influence activity." Political influence activity is defined as making any communication with a listed set of government officials; making a public communication (where it is not clear it is directed by a foreign power); or distributing money, goods, or services to U.K. persons with the purpose of influencing the U.K. governmental bodies, an election, or the proceedings of a U.K. political party.	Registration	From fine of discretionary amount to five years in jail.	

Appendix

FOREIGN INFLUENCE REGISTRATION LEGISLATION

JURISDICTION	LAW	YEAR	STATUS	WHO REGULATED	WHAT RELATIONSHIP	WHICH FOREIGNERS	WHAT ACTIVITY	WHAT TYPE OF REGULATION	PENALTIES	RELEVANT LINKS
31. United States	Foreign Agents Registration Act	1938	Enacted	Any person or legal entity	Acts at the order, request, or under direction and control of foreigner or any person who is directly or indirectly supervised, controlled, or financed by a foreigner, and in their “interest”	Any foreigner	Covered activities include political activities, publicity agents, and information service employee. There are a number of exemptions, including for commercial activity.	Registration and labeling requirements	From fine of discretionary amount to five years in jail	



1126 16th Street NW, Suite 400, Washington, DC 20036 USA
www.icnl.org | facebook.com/ICNLAlliance | twitter.com/ICNLAlliance