

Registering foreign agents needed

Written by Ho Cheng-hui 何正輝
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China's use of all manner of means to increase its influence over its targets is becoming increasingly obvious. These activities have long since gone beyond straightforward propaganda or expressions of standpoints and seek to influence, set and change political agendas.

It is in this context that several Democratic Progressive Party legislators and I have been working together to expedite a draft "foreign agents' registration system."

The idea is mainly to establish a system of registration and declaration that will publicly reveal necessary information about the agents of foreign principals — meaning foreign governments, parties and other foreign-based associations or individuals.

It would also clearly indicate the connections between their actions and those foreign principals, with the aim of letting the public know the possible purposes of such agents' actions and propaganda, the things they say and do, and their interests.

Some people might wonder whether this registration system might have the opposite effect in that registration would give such activities a stamp of approval.

That is a misunderstanding and an unnecessary worry, because registration would not lead to immunity or exclusion from prosecution for any unlawful activities.

The situation could be compared to the fact that one cannot drive legally without obtaining a driver's license, and anyone who drives without a license is liable to pay a fine.

Driving with a license is legal in itself, but that does not exclude the illegality of actions such as driving under the influence of alcohol. If someone does something that contravenes other laws, they will still be punished.

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The same would apply to agents who register under the proposed registration system. If their activities were to contravene the National Security Act (NSA), the Political Donations Act (PDA) or the Lobbying Act (LA), for example, they would still be punished in accordance with the law and would not be exempt from punishment.

There is therefore no need to worry that a registration system would have the effect of inviting a wolf into your house.

This draft legislation complements the national security-related laws that were amended on July 3, namely the National Security Act, the Criminal Code, the Classified National Security Information Protection Act (CNSIPA) and the Act Governing Relations Between the People of the Taiwan Area and the Mainland Area (ARF), as well as the aforementioned Political Donations Act and Lobbying Act.

The intention of the July 3 amendments is to ban certain activities to prevent the nation's legal interests from suffering real damage.

As for the proposed "foreign agents' registration system," its purpose is to impose an obligation to register persons whose work is related to speaking or acting on behalf of foreign principals, thus revealing their relations and related interests, and rendering the related identities, information and content open and transparent.

Having registered, agents would be subject to the terms of this law that forbid activities where the original intention was one of infiltration, including those intended to achieve such aims via a third country.

As regards safeguarding the democratic system by preventing infiltration by dictatorial countries or other foreign principals and preventing them from influencing the democratic political decisionmaking agenda, the proposed system and recently amended national security-related laws and other related substantive laws form defensive mechanisms against infiltration activities.

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The former would function as an “early warning system” that makes agents’ activities open and transparent by means of registration, while the latter fights and deters harmful actions and threats.

These two defensive mechanisms would be mutually supportive and interdependent. They would also provide an institutional regulatory safeguard of division of labor and cooperation within an overall system of democratic safeguards.

There would be no conflict between the two. On the contrary, they would reinforce one another.

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Translated by Julian Clegg

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