

14 June 2018

Minister for Finance
Ministry of Finance
#10-01 The Treasury
100 High Street
Singapore 179434

By Email

Dear Minister,

RE: APPEAL TO THE MINISTER UNDER SECTION 27(12C) OF THE COMPANIES ACT BY DR THUM PING TJIN TO BE ALLOWED TO REGISTER THE PROPOSED COMPANY NAME 'OSEA PTE LTD'

1. We refer to the letter from the Accounting and Corporate Regulatory Authority ("**ACRA**") dated 28 May 2018, that we received on 28 May 2018 ("**ACRA Reply Letter**"), pursuant to paragraph 2(a) of the directions given by the Ministry of Finance ("**MOF**") in its letter dated 11 May 2018 (as amended by Ms Barbara Chua's letter dated 14 May 2018) ("**MOF Directions Letter**").
2. Our reply representations, pursuant to paragraph 2(b) of the MOF Directions Letter, are set out in this letter.
3. Unless otherwise defined in this letter, this letter will adopt the definitions used in the ACRA Reply Letter.

Paragraph 2

4. Paragraph 2 of the ACRA Reply Letter is not disputed.

Paragraph 3

5. We dispute ACRA's contention that it would have been "*contrary to the national interest to approve the application*". Otherwise, ACRA's account of the events of 11 and 12 April 2018 at paragraph 3 is not disputed.

Paragraph 4

6. Paragraph 4 of the ACRA Reply Letter is not disputed. In this letter we will refer to our letter to the Minister for Finance dated 9 May 2018 as the "**9 May Appeal**".

Paragraph 5

7. Paragraph 5 of the ACRA Reply Letter is not disputed.

Paragraph 6

8. We make no comment on paragraph 6.

Paragraph 7

9. It is not disputed that the purposes of the proposed company include political purposes. We have in our 9 May Appeal set out the nature of our “*democracy classroom*” activities (at paragraphs 15 to 21).

Paragraph 8

10. We are surprised that ACRA has not taken the opportunity in the ACRA Reply Letter to identify the articles by New Naratif, that according to ACRA, “*have claimed that certain regional governments are using violence to maintain political control, had manipulated events or framed them for political gain, and have “rigged” their electoral systems*”. In any event, we have already explained¹ New Naratif’s standards and editorial process with regards to these articles. We would further and in addition like to stress that we apply the same rigorous standards to all our articles on New Naratif – whether they are critical of a government or not.
11. We believe that consistency of standards is important. As we noted, the Straits Times and other media outlets routinely report on the internal politics of regional governments. They may prove controversial from time to time, as shown in the recent disagreement between The Edge Malaysia and the Straits Times over its reporting of the 1MDB controversy.² However, neither the Straits Times nor The Edge Singapore³ have been instructed to cease reporting on foreign political issues.
12. In any event, we are concerned by the implication raised by ACRA’s point at paragraph 8, that critical political reporting on regional governments is somehow against the “national interest”. We reiterate the reasons for our objection to this point at paragraphs 25 to 29 of the 9 May Appeal.

Paragraphs 9 and 10

13. The fact that FOSI and the OSF organisations may have a political agenda is not, in and of itself, a point that the Singapore government necessarily has an issue with. Where FOSI’s involvement in an organisation appears to benefit the government’s agenda, the government has not prohibited the involvement of such FOSI funded organisations from participation in the making of Singapore’s domestic political policies.

¹ Paragraph 24, 9 May Appeal

² <https://www.straitstimes.com/singapore/st-responds-to-whistle-blowers-hidden-hand-claims>

³ Both “The Edge Malaysia” and “The Edge Singapore” are part of the Edge Media Group:
<http://www.theedgemarkets.com/content/about-us>

14. We had noted in our 9 May Appeal⁴ that StopFake.org, which is funded by an OSF organisation, was invited by Parliament to testify before the Select Committee on Deliberate Online Falsehoods. Human Rights Watch, another organisation identified by ACRA as having advocated “*changes to laws and the political system in Singapore*”⁵, was also invited by the earlier mentioned Select Committee to testify and give evidence, but declined.⁶
15. ACRA furthermore did not deal at all with the point that control over OSEA Pte Ltd and New Naratif would be exercised at all times by Dr Thum Ping Tjin and Ms Kirsten Han, both Singapore citizens, even if indirectly funded by FOSI. OSEA UK’s terms and conditions of grant with FOSI did not direct the organisation to carry out any political agenda.⁷ Indeed, we note that ACRA failed to raise any concerns with respect to the terms of the FOSI grant *per se* in the ACRA Reply Letter.
16. ACRA’s response repeats its earlier statement that OSF funded groups opposing the Catholic Church’s position for an “upcoming referendum” in Ireland.⁸ The “upcoming referendum” had in fact already been held (on 26 May 2018) by the date of the ACRA Reply Letter (28 May 2018). Furthermore, we understand from a report in *The Irish Times*⁹ that OSF has denied that its funding to some of the OSF funded groups in question was for the political purpose of liberalising Ireland’s severely restrictive abortion laws.
17. In any event, the referendum was won very decisively by those who want to repeal the 8th Amendment of the Irish Constitution.¹⁰ The entire referendum process has been praised as having been well done and a true reflection of the will of the people.¹¹ The referendum is being seen as a successful exercise in democracy and a demonstration of how citizens can participate in divisive but important issues.

Paragraphs 11 to 13

18. We repeat that the assertion that “*foreign interference in our domestic politics is contrary to the national interest*” sets up an over-simplified straw-man position that does a disservice to the nuanced manner in which domestic policy is constructed.
19. We refer the Minister to paragraphs 30 to 42 of our 9 May Appeal, where we explain how foreigners routinely comment on and participate in the making of Singapore’s domestic political policies.

⁴ Paragraph 39

⁵ Paragraph 10, ACRA Reply Letter

⁶ <https://www.channelnewsasia.com/news/singapore/human-rights-watch-says-select-committee-s-invitation-not-in-10089424>

⁷ Annex D, 9 May Appeal

⁸ Paragraph 9, ACRA Reply Letter

⁹ <https://www.irishtimes.com/news/politics/george-soros-s-amnesty-donation-was-not-for-political-purposes-1.3335146>

¹⁰ <http://www.bbc.com/news/world-europe-44256152>

¹¹ <https://www.theguardian.com/commentisfree/2018/may/29/brexit-ireland-referendum-experiment-trusting-people>

20. Indeed, foreign owned businesses are hardly shrinking violets when it comes to lobbying for more favourable rules to advance their own interests. On 25 May 2018, Airbnb Singapore sent a post on its Facebook page urging the public to support a more liberal regulatory regime for short term vacation rentals in private homes as follows:

“Across Singapore, thousands of families and individuals like you benefit from using Airbnb as guests when travelling abroad. Travel is evolving rapidly, and the existing rules governing short-term rental do not reflect how Singaporeans travel or use their homes today. The Urban Redevelopment Authority (URA) is collecting feedback on their newly proposed law, which aims to enable individuals to host short-term rentals in private residential homes in Singapore.

Share your feedback via email to the URA to show your support for fair and reasonable new rules.”¹²

Paragraphs 14 to 17

21. Paragraphs 14 to 17 essentially state that as the purposes of the proposed company are political in nature, and that the proposed company would be funded by foreign entities and foreigners, it would be against the national interest to permit the registration of the company.
22. Our position is that foreign funding is not in and of itself against the national interest for companies that have political purposes, so long as:
- a. Singaporeans are in control of the management of the company;
 - b. The company’s political purposes are not a condition for the foreign funding; and
 - c. The nature of the foreign funding is open and transparent.
23. Indeed, foreign funding can play a vital role in helping independent media defend a nation against corrupt or unethical governments. For example, Malaysiakini has received grants from the National Endowment for Democracy and other foreign organisations.¹³ It has played a vital role in uncovering corruption in Malaysia and promoting democracy. Following his recent release from prison, Anwar Ibrahim expressed his appreciation to Malaysiakini and commended it for remaining committed to independent reporting, commenting that *“[a]t a time when we had massive restrictions, where the media was nothing but incessant propaganda, Malaysiakini was there. (I’m saying this) not because you have been kind to me - you have been tough against me too - but as a pillar (of democracy), that is how an independent media should function”*.¹⁴

¹² <https://www.facebook.com/AirbnbSingapore/posts/1149386031868513>

¹³ <https://about.malaysiakini.com/accountability/>

¹⁴ <https://www.malaysiakini.com/news/425385>

Conclusion

24. In summary, our position is that that foreign funding for companies that have political purposes is not necessarily against the national interest.
25. A copy of these submissions has been sent to ACRA.

Yours faithfully,



Dr Thum Ping Tjin
Director Designate, OSEA Pte. Ltd.

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