

22 July 2022

Submission to the Home Office consultation on Legislation to Counter State Threats (Hostile State Activity)

Introduction

1. **The Royal Society** is the national academy of science for the United Kingdom. Its Fellows include many of the world's most distinguished scientists working across a broad range of disciplines in academia, industry, charities and the public sector. The Society draws on the expertise of the Fellowship to provide independent and authoritative scientific advice to UK, European and international decision makers.
2. In our submission, we have not sought to respond to the broad range of questions posed in the consultation; rather we have focussed on the proposal to create a **Foreign Influence Registration Scheme** (FIRS) as this is something of particular relevance to the research sector.

The importance of international research collaboration

3. The Society welcomes the consultation's statement that "The Government ... does not intend for this scheme to halt or obstruct collaboration". The UK's research and innovation sector thrives precisely because it engages with excellent research around the globe. In 2018, 55% of UK publications were the product of international collaboration¹. On average, the field-weighted citation impact, a relative measure of the number of citations a publication receives, of papers with an international co-author is higher than those without² and this difference has increased³. This collaboration is also key to addressing global challenges, such as the COVID-19 pandemic and climate change, which require pooling of expertise and resources. International collaboration is also vital within the private sector - nearly half of UK business expenditure on research & development is performed by foreign-owned businesses⁴ - and this expenditure contributes toward enhanced business performance and innovation.
4. UK-based researchers currently collaborate extensively with colleagues overseas. Surveys of Fellows and grant recipients at the UK's academies have suggested close to 90% felt that international collaboration was important to their careers⁵. It enables them to access additional, often specific, expertise, gain new perspectives on research and build relationships with others in the field, which for early-stage researchers can be key to career development. The types of outputs which result from international collaborations parallel those which are produced in other ways - an indication that that collaboration is a core part of the work of researchers. And collaboration takes many forms, involving bilateral and multilateral relationships and

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/815400/International_comparison_of_the_UK_research_base__2019._Accompanying_note.pdf

²https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/660855/uk-research-base-international-comparison-2016.pdf

³ <https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/International/implications-research-digital-collaboration-uk-universities.pdf>

⁴<https://www.ons.gov.uk/economy/governmentpublicsectorandtaxes/researchanddevelopmentexpenditure/bulletins/businessenterpriseresearchanddevelopment/2018#majority-of-uk-business-expenditure-by-foreign-owned-businesses>

⁵ <https://royalsociety.org/-/media/policy/projects/international-mobility/national-academies-opinion-leader-survey.pdf>

collaborations within and across disciplines; with very different lengths of time involved, from the one-off contact to continuous collaboration over several years.

5. International collaboration is thus fundamental to the existing strength of the UK's research and innovation sector which provides solutions to domestic and global challenges, including the current pandemic. Despite its importance, the UK currently invests less in R&D as a proportion of its GDP than most comparator nations⁶. This Government has committed to increasing investment and has stated a desire for the UK to become a 'science superpower.' **Achieving this ambition and addressing global challenges such as climate change will depend on effective collaboration with overseas partners.**

Current context of action on threats to international research collaboration

6. At the same time, the Society recognises that threats from hostile activity by states are, as the consultation says, "growing, diversifying and evolving"; and that this includes in relation to research collaboration - be it through theft, misuse or exploitation of research, loss of personal information, damage to individual or institutional reputation, or involvement in a wider threat to society.
7. The Society has therefore welcomed the work of Government agencies to develop "Trusted Research Guidance for Academia" and has engaged actively with it as a means to support the integrity of the system of international research collaboration. This approach looks to be a good way to help researchers make informed decisions around potential risks, and protect themselves and their institutions. The establishment of the Research Collaboration Advice Team is another welcome initiative by Government in this regard. Export Controls and the National Security and Investment Act are other means through which risks are actively managed.
8. **Given that some of these initiatives are relatively new, it would be good to see them become embedded so that evidence of their impact can be assessed over time.**

Proposal for a Foreign influence Registration Scheme

9. If new measures are to be introduced, it seems clear that they would need to be, as the consultation says, "proportionate, clear and practical".
10. As regards proportionality, it is not yet clear whether recent, related, initiatives have had sufficient impact in mitigating risks and hence whether additional measures are needed. While some evidence might be drawn from the United States and from Australia, the overall regulatory and self-regulatory environments is different in those countries and we are aware of problems that their registration schemes have encountered. Given the potential impact of a registration scheme on the research sector, it would be helpful to see evidence that it is a proportionate response.
11. As regards clarity, definition of what is going to be covered by the proposed scheme is critical and, currently, lacking in sufficient detail to comment. For example:
 - is the question of payment going to be a key; and, if so, will there be thresholds?
 - would one off activities such as grant or peer review requests be included?

⁶ <https://royalsociety.org/-/media/policy/projects/investing-in-uk-r-and-d/2020/Investing-in-UK-RD.pdf>

- would jointly paid activities between research institutions and/or academies on jointly developed research or science policy topics be included?
 - how would exemptions be considered?
12. And as regards practicality, we are looking at something that is likely to result in considerable bureaucratic burden on both individuals and on institutions – wherever the responsibility rests. We cannot see the detail which reassures that the scheme would be practical for the research sector.
13. Overall, there is a serious risk that a Register could have a chilling effect on the research community and act as a deterrent to international research collaboration – which would be to the detriment of the UK. To move forward, we would therefore want to be clear on the additional benefits that such an approach would bring on top of measures already in place; and we see a need for more content on definitions and practicalities in further consultation which we would be happy to engage with.

For further information, please contact public.affairs@royalsociety.org