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Eight Things to Know

Argentina's Draft Law on Transparency and Disclosure of Interest Management

Argentina's government has proposed the Draft Law on Transparency and Disclosure of Interest Management (Draft Law), which seeks to regulate *gestión de intereses* ("interest management" or lobbying) relating to the Executive and Legislative Branches. It introduces mandatory registration, reporting obligations, and other measures applicable to individuals and organizations seeking to influence public decisions, policies, legislation, contracts, budgets, appointments, and permits, among others. Below, we highlight eight key concerns with the Draft Law.[1]

1. The Draft Law applies to a broad range of actors and "interest management" activities

The Draft Law applies to "interest management," which is defined as virtually any activity carried out by an individual or legal entity, on a for profit or not-for-profit basis, "through any means, that aims to influence … a public decision or decision-making process," including a law, administrative act, or public policy; public procurement; budget or tax benefit; or appointment, nomination, or other institutional process.[2]

The Draft Law's broad language could conceivably encompass an extremely wide range of activities, such as a private citizen who contacts his or her legislator about a public decision. This person could be required to register and fulfill onerous reporting obligations under the Draft Law, which may deter participation or subject individuals to criminal sanctions for failure to register. This raises serious concerns about the potential infringement of the right to participate in public affairs as protected by international law and regional human rights standards.[3] The Draft Law could also apply

[1] ICNL used an unofficial translation of the Draft Law.

[2] Under Article 3 these activities include "promotion, representation, intermediation, advisory, preparation, or influence" carried out to influence a public decision. Article 4 also provides a list of certain limited exclusions, such as "purely ceremonial, social, or institutional" communications; participation in institutionalized mechanisms of participation such as public hearings; and petitions filed in administrative proceedings, among others.

[3] The right to participate in public affairs is protected by the International Covenant on Civil and Political Rights (ICCPR), Article 25, and by the American Covenant on Human Rights (ACHR), Article 23. International human rights

to public awareness campaigns relating to legislation or other public decisions conducted by civil society, which could unduly restrict the right to freedom of association.[4]

2. "Interest managers" must register and disclose detailed information

The Draft Law requires individuals or legal entities that conduct "interest management" activities to register in a Public Registry of Interest Managers. An applicant must submit, among other things, information about parties it represents, its clients, and ultimate beneficiaries; the thematic or institutional sector of its interest management activities; "matters on which influence is sought"; whether the activity is conducted on a for profit or not-for-profit basis; and a declaration of foreign interests.[5] This could create a significant administrative burden for applicants and regulators and force applicants to disclose information that could raise privacy concerns for their beneficiaries and funders. The requirement to disclose information on "matters" on which influence is sought, for instance, could require civil society stakeholders to disclose details regarding their planned legislative or policy advocacy activities in advance to the government.

3. Each "interest management contact" must be registered

Under the Draft Law, the Executive Branch and the Legislative Branch will each maintain a Public Registry of Interest Management[6] containing detailed information about "any communication" ("interest management contact") with a government

mechanisms have recognized that this right protects the ability of individuals and organizations to take part in public affairs by exerting influence through public debate and interact with public officials without unreasonable restrictions. *See* United Nations Human Rights Committee, *CCPR General Comment No. 25: Article 25 (Participation in Public Affairs and the Right to Vote)*, (July 1996) paras. 3, 4, 8, and 19, (stating that any restrictions on the right to participate in public affairs must be based on "objective and reasonable criteria," and noting that a restriction is considered unreasonable if it is discriminatory, disproportionate, or creates arbitrary barriers to democratic participation).

[4] The right to freedom of association is protected by the ICCPR, Article 22 and ACHR, Article 16, and includes the ability of civil society to take part in the conduct of public affairs. Civil society observers have noted that lobbying laws in some cases may unduly restrict the ability of associations and other civil society stakeholders to take part in public affairs. *See* United Nations Human Rights Council, *Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai*, (A/HRC/20/27) (May 2012), para. 73 (recognizing that the ability to take part in the conduct of public affairs is integral to the right to freedom of association); *see also* ICNL, *Civic Space and Anti-Corruption: Toward a Virtuous Cycle* (December 2025), p. 14 (noting that "broad definitions [in lobbying laws] force CSOs into complex registration systems designed for professional corporate lobbyists or expose them to severe sanctions, effectively stifling their ability to participate in public life.").

[5] This includes identification of any foreign principal and the nature of the relationship. A "foreign principal" is defined to include any foreign state, foreign government, foreign political party, foreign state-owned enterprise, entity controlled by a foreign state, legal entity incorporated abroad, or non-resident natural person.

[6] These appear to be different than the Public Registry of Interest Managers. The Draft Law details the Public Registries of Interest Management in a different section of the law and specifies that the Executive and Legislative Branches will each maintain a separate Public Registry of Interest Management.

official, employee, or advisor[7] that "aims to present interests, positions, arguments, proposals, information, or requests intended to influence a public decision's adoption." Each communication must be registered within five business days of its occurrence, and details regarding the participants, subject of the communication, and a summary of "issues addressed" must be recorded. This could require the registration of any email, phone call, or in-person conversation ("any communication") aiming to influence a public decision, raising the risk of government scrutiny of even minor communications between public officials and persons or entities registered under the Draft Law. This would also be highly challenging to administer given the number of communications with public officials that could be subject to this requirement.

4. The Draft Law imposes burdensome reporting obligations

Registered "interest managers" must submit a quarterly activity report to the relevant Enforcement Authority containing:

- Interest management contacts made during the quarter.
- Matters, files, regulations, policies, procurements, or public decisions that were subject to interest management activities.
- Party represented, client, or ultimate beneficiary.
- Whether the activity was gratuitous or "for consideration."
- Identification of foreign interests, where applicable.
- Sworn statement attesting to the truthfulness of the report.

This requirement will likely create a significant administrative burden for registered "interest managers" and opens the door to excessive government scrutiny into the communications and activities of civil society stakeholders.

5. Special rules for foreign interest management activities

Under the Draft Law, an "interest management activity" that is directed or financed by a foreign principal, as well as one done on behalf or for the benefit of a foreign principal, is subject to special rules. A manager of foreign interests must:

- Declare status as a manager of foreign interests upon registering in the Public Registry of Interest Managers and in each contact or interest management report they submit.
- Submit "supporting documentation established by the Regulations."
- Submit, in addition to the required quarterly reports, any additional information or reports requested by the Enforcement Authority "when there

[7] The Draft Law applies this requirement to communications with an "obligated subject," which is defined to include a "public official, employee, or advisor" subject to registration under the Draft Law.

> are substantiated reasons relating to institutional transparency, national defense, domestic security, national intelligence, or foreign relations, as well as other justified grounds of public interest."

The application of special rules to the managers of "foreign interests" could enable excessive government oversight of civil society stakeholders who are financed or supported by foreign donors. For example, the managers of "foreign interests" must submit any information or reports requested by the Enforcement Authority on "justified grounds of public interest," which provides wide discretion to the government to define new grounds upon which to demand information. Further, as in other countries that have enacted foreign influence registries, registration as a manager of "foreign interests" could stigmatize people and organizations by signaling that they are under the control of a "foreigner."[8] Similarly, social causes could be stigmatized if they are portrayed as being supported by organizations or individuals that receive foreign funding and advance a "foreign agenda."

6. Publicity of registries

Under the Draft Law, the information in the Public Registry of Information Managers and the Public Registries of Information Management must be published digitally and made available to the public free of charge. The quarterly reports "interest managers" must submit will also be published. Consequently, details regarding any communication intended to influence a public decision between an "interest manager" and a public official subject to the law will be made available to the public.[9] "Interest managers" and others may need to consider any privacy concerns that could arise through, for instance, the public disclosure of "interest management" activities related to issues or social causes that are considered sensitive or controversial. Further, it is possible that any communication between a private citizen and legislator about a policy matter may be made public, as the Draft Law could require the registration of such communications.

7. Registered "interest managers" are assigned identification numbers

Registered "interest managers" will be assigned a Unique Identifying Number that will accredit them to conduct "interest management" activities. Public officials may not engage in "interest management contacts" with persons who are required to register under the Draft Law but cannot demonstrate valid registration. Even where such

[8] *See* ICNL, *Foreign Influence Registration Laws and Civil Society: An Analysis and Responses* (Updated January 2025), p. 16 (noting that "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.").

[9] The Public Registry of Information Management and quarterly reports submitted by "interest managers" contain details on these communications ("interest management contacts"). This information will be available to the public.

contacts are spontaneous or incidental, the contact must be disclosed to the authorities, and noncompliance can result in substantial fines. This creates an additional administrative burden and could cause public officials to restrict their contact with civil society stakeholders and others, as they will fear violating the Draft Law's prohibition on contacts with unregistered "interest managers."

8. The Draft Law imposes significant civil and criminal penalties

The Draft Law establishes administrative sanctions including substantial fines, suspension, and permanent disqualification for violations such as false or incomplete reporting, failure to submit periodic reports, and noncompliance with prohibitions set out in the Draft Law. It also introduces criminal offenses that can result in substantial prison sentences, including aggravated falsity or concealment and clandestine interest management (up to two years in prison), clandestine foreign interest management (up to three years in prison), and willful obstruction (up to four years in prison).[10] In some cases, these sanctions are disproportionate to a vaguely defined offense contained in the Draft Law. For example, "clandestine interest management" includes engaging in public interest management activities without being registered. As discussed above, under the Draft Law's broad language, a private citizen contacting his or her legislator about a proposed law could be considered an "interest manager." If this person is unregistered, they could face up to two years in prison, which would be disproportionate to the conduct at issue. This could also have a chilling effect on public policy engagement as individuals and organizations will fear exposure to these substantial penalties.

[10] Articles 39-42 define these offenses as follows: (1) "clandestine interest management" – "any person who engages in public interest management activities with obligated subjects without being previously registered in the Public Registry of Interest Managers"; (2) "aggravated falsity or concealment of interest management" – "any person with knowledge of the legal obligation to disclose and with the intent to conceal the true identity of the represented party, client, beneficiary, or foreign principal, submits substantially false declarations, reports, documents, or communications, or omits essential data required by this law, when such conduct has the capacity to affect the transparency of a public decision-making process"; (3) "clandestine representation of foreign interests" – "Any person who, acting on behalf, at the direction, under the control, with the financing, or for the benefit of a foreign principal, engages in interest management activities with obligated subjects while willfully omitting their registration or the declaration of such status, when the management is aimed at influencing decisions related to national defense, domestic security, national intelligence, foreign relations, public procurement, critical infrastructure, or natural resources"; and (4) "willful obstruction of oversight" – "Any person who, having been formally required by the Enforcement Authority in the context of an oversight procedure, conceals, destroys, alters, or suppresses registry documentation or mandatory information required by this law, when such conduct seriously impedes or obstructs the public oversight provided for in this law."