

New Zealand government to extend spy agency's powers

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New Zealand's National Party-led government is preparing to use a report into illegal activities by the secretive Government Communications Security Bureau (GCSB) to hand the agency previously prohibited powers to spy on citizens and residents.

The report by Rebecca Kitteridge, a senior public servant in Prime Minister John Key's department, was ordered after Key was forced to apologise to Kim Dotcom, founder of the Megaupload Internet file sharing site, following revelations over the January 2012 police raid on his Auckland home. Kitteridge reported that 55 GCSB operations over the past decade, involving up to 85 individuals, had been illegal.

Dotcom is still facing extradition on copyright and money-laundering charges initiated by the US Justice Department in worldwide moves to establish greater state control over the Internet. New Zealand High Court proceedings uncovered a series of breaches of Dotcom's legal rights by authorities, including the NZ Police, which had collaborated closely with the FBI. The GCSB acted illegally by spying on Dotcom, who has New Zealand citizenship. Legislation forbids the bureau from intercepting communications of NZ citizens or permanent residents.

According to defence policy analyst Paul Buchanan, the GCSB is an integral part of Echelon, a network of signals interception facilities run by UK and US agencies, which shares global electronic intelligence among security agencies of the US, UK, Canada, Australia and New Zealand. The GCSB receives "considerable" funding from the US—the exact amount is classified—as well as most of its technical equipment.

The bureau operates the Waihopai satellite communications monitoring base in the South Island and the Tangimoana radio interception facility near Palmerston North. Waihopai, which opened in 1989

and expanded in 1998, continued its operations despite a 20-year defence rift with the US over NZ's anti-nuclear legislation. The GCSB's listening posts are staffed by US personnel as well as New Zealanders. New Zealand has access to "5-Eyes" signals intelligence, unique among small countries.

Kitteridge's report identified cases under both Labour and National governments in which the GCSB spied on New Zealand residents to support operations by the domestic security agency, the Security Intelligence Service (SIS), and the police. Key stated that the report "finds long-standing, systemic problems with the GCSB's compliance systems and aspects of its organisation and culture."

The government, however, flatly denied intentional illegal spying by the GCSB, instead blaming "confusion" in the law. Kitteridge's report asserted that "legislative clarification would be desirable" to enable the GCSB to carry out its work. Key said that while the report would "knock public confidence" in the agency, the 2003 Act governing the GCSB was "not fit for purpose and probably never has been."

The government and the GCSB covered up the spying operations throughout 2012. Questions were first raised over the Dotcom affair by security services overseer Paul Neazor in May, and Key was informed in July that there was a problem. Key said in September that the bureau may have acted illegally in the Dotcom case. But he did not reveal the other cases, saying it was an "isolated incident."

No details of the 85 cases identified in the report have been revealed. The Dotcom affair has shown that systemic abuses of fundamental democratic rights have occurred. Under the security legislation, "national security" is broadly and loosely defined, extending to "threats to economic security." Those who were

illegally spied upon could have included people involved in strikes or political protests.

However, with the support of the right-wing populist NZ First Party, legislation will be passed to make the GCSB's illegal activities legal and permit the agency to involve itself in domestic security operations. According to Key, "failure to do so would leave New Zealand's national security open to threat." He listed a series of purported "threats," including an unsubstantiated claim that New Zealand technology had been targeted from overseas to create "weapons of mass destruction."

The law will allow the GCSB to undertake activities on behalf of other named agencies and assist entities such as the SIS, the Defence Force and police, while retaining its foreign intelligence powers. The GCSB will also be able to provide information assurance and cyber security advice to both public and private sector organisations.

The changes will transform the extensive but fragmented intelligence apparatus into a more centralised and far-reaching spying operation. The GCSB's role in providing support to the SIS represents a de facto merger of the two agencies' operations, with international coverage. In the *New Zealand Herald* on April 19, Gehan Gunasekara, an information privacy law specialist at Auckland University, warned that giving agencies such as the police access to GCSB capabilities would "extend their abilities to spy throughout the globe."

Last year, Key installed a long-time friend, Ian Fletcher, as the new director of the GCSB. Unlike his predecessors, who were recruited from the military, Fletcher is a career civil servant with a background in economics and trade. He has been appointed as a "change manager" to align the work of the GCSB to focus on international economic rivalries and growing domestic opposition to government austerity policies.

Labour and the Greens have promised to hold an independent inquiry into the intelligence services should they win next year's election. If held, such an inquiry would only further boost the powers of the spy agencies. The Helen Clark-led Labour government in 2003 passed the GCSB Act, moving the bureau away from the Ministry of Defence and setting it up as a stand-alone department. This was part of a ramping up of security measures by Labour under the rubric of the

"war on terror," including its 2003 Counter Terrorism Bill, which established the framework for deepening attacks on basic democratic rights.

National's moves to exploit the GCSB's illegal activities in the Dotcom case further expose the role played by the pseudo-left groups. From the start, they effectively lined up behind the New Zealand and US governments. Socialist Aotearoa dismissed Dotcom as someone linked to the far-right ACT Party. The former Workers Party, now "Fightback," objected to Dotcom "being painted as some kind of a folk hero," asserting that as "a businessman with an amoral attitude toward commerce," he had no right to be defended.

In reality, the prosecution of Dotcom set a precedent for broader state operations against workers and youth. Under conditions of intensifying class struggles and imperialist wars internationally, preparations are being made to confront mass social upheavals.



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