

# New Zealand: Thousands protest domestic spying laws

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Thousands of people in 11 towns and cities across New Zealand attended protest rallies on July 27 against the conservative National Party government's moves to give the country's external intelligence agency, the Government Communications Security Bureau (GCSB), sweeping powers to spy on the population.

Protesters also denounced the GCSB's sharing of information with the US National Security Agency (NSA). In Auckland, about 1,500 protesters marched to Aotea Square, while in Wellington a similar number rallied outside Parliament (See: "Anti-surveillance demonstrators speak to WSWs").

Existing law forbids the GCSB from intercepting the communications of NZ citizens and permanent residents. But a government-ordered report released in April revealed that the agency had broken the law repeatedly by spying on at least 88 New Zealand residents over the past decade. This included an operation against Kim Dotcom, founder of the Megaupload file-sharing website, who is fighting extradition to the US for alleged breach of copyright.

NSA Director General Keith Alexander visited New Zealand after the spying on Dotcom was exposed and undoubtedly contributed to the proposed legislation. The GCSB Amendment Bill, which is being pushed through parliament under "urgency" provisions, is designed to legalise domestic spying. It enables the agency to collect information both on its own behalf and in conjunction with the police, Defence Force and Security Intelligence Service (SIS).

Prime Minister John Key has repeatedly justified expanding the powers of the GCSB by making vague and unsubstantiated references to "terrorist" threats. In fact, the legislation allows the Prime Minister and Commissioner of Security Warrants to authorise the GCSB to monitor any "classes of persons, places, and

information infrastructures" for any purpose broadly related to "national security", "the international relations and well-being of NZ" and its "economic well-being."

The Law Society's Rodney Harrison QC, who spoke at the Auckland rally, told TV3 on July 26 that the bill "hugely expands the powers of the GCSB and does so with very vague terminology," allowing "untargeted gathering of everyone's personal information and data." The Society's submission on the bill described it as "inconsistent with the rights to freedom of expression and freedom from unreasonable search and seizure under the New Zealand Bill of Rights Act 1990 ... and with privacy interests recognised by New Zealand law."

Two government agencies, the Privacy Commissioner and Human Rights Commission (HRC), have also criticised the bill, with the latter describing it as "wide-reaching without sufficient safeguards against abuse of power." Key dismissed their concerns and threatened to cut funding to the HRC for missing the deadline for submissions on the bill.

Saturday's protests followed confirmation in early July of the GCSB's collaboration with the NSA's vast global spying operations. According to documents leaked by NSA whistleblower Edward Snowden, the GCSB's Waihopai spy base is among dozens of facilities worldwide that contribute electronic data to the NSA's X-Keyscore program. X-Keyscore collects and separates data into streams of phone numbers, email addresses, log-ins and user activity for storage in massive data banks.

As a member of the "Five Eyes" network, which includes the intelligence agencies of the US, Britain, Canada and Australia, the GCSB also has access to information gathered by the NSA, including on New

Zealand citizens.

Key, who has denounced Snowden as a “criminal,” brushed aside the revelations, telling reporters on July 9 that it was “no secret ... we share information” with the US. Key absurdly declared: “Whatever we do, we do legally and we don’t ask other agencies to do things for us that’s not legal.”

Addressing protesters in Auckland, Dotcom described the GCSB as “a subsidiary of the NSA” and declared “Edward Snowden is a hero!” prompting cheers from the crowd. Describing the operation to arrest him last year, on the orders of the US Department of Justice, Dotcom said: “[T]hey didn’t spy on me because they suspected me of terrorism or because I’m a threat to national security. They spied on me because a handful of billionaires in Hollywood didn’t like my business. I created a YouTube competitor for God’s sake!... and I get raided like I’m a drug lord or I’m a terrorist, terrorising my family and invading my privacy. And if they can do that to me, they can do that to any of you.”

Further claims of illegal spying surfaced the day after the protests. A *Sunday Star-Times* article cited unnamed sources who claimed that the Defence Force, the SIS and the GCSB worked with “US spy agencies” in Afghanistan to monitor the phone calls of New Zealand journalist Jon Stephenson. Stephenson’s reporting exposed the complicity of New Zealand forces in war crimes and according to the *Star-Times* the military wanted to track down his sources.

Defence Minister Jonathan Coleman denied the allegations, but a classified Defence Force manual leaked to the newspaper described “certain investigative journalists” as a “subversive” threat. It warned that journalists may obtain “politically sensitive information” and “bring the government into disrepute.” It called for “counter intelligence” operations against them.

The opposition Labour, Green and Mana parties, who organised the July 27 protests, hypocritically denounced the GCSB and the Defence Force while attempting to steer the widespread opposition to state surveillance into harmless parliamentary channels. Labour leader David Shearer told reporters on July 26 that if elected he would launch an “an independent review” and the legislation would be “repealed, modified or whatever.” The Greens also call for an inquiry into the intelligence agencies.

Any such inquiry would merely serve to further increase spying operations. It was the 1999-2008 Labour government, supported by the Greens, which set up the GCSB as an independent department in 2003 and allowed it to spy on New Zealand citizens. The Defence Force manual targeting journalists was issued in 2003 and reissued in 2005, after Labour sent troops to take part in the occupations of Afghanistan and Iraq.

John Minto, the Maori-nationalist Mana Party’s candidate for mayor of Auckland, told protesters the GCSB should be closed down. But he made clear he had no principled opposition to state spying, stating: “We do not need surveillance of this country to support the US empire and what they’re doing around the world. We need it to be in the interests of the people of New Zealand.” Mana has repeatedly indicated that it would support a Labour-led coalition government.

Socialist Aotearoa (SA), a pseudo-left group affiliated with Mana, published an article on July 17 downplaying the significance of the new legislation. Echoing the government’s line, it asserted that the GCSB Bill would legalise “the monitoring of hackers and those suspected of criminal activity (e.g. Kim Dotcom), *but the main focus will be potential terrorist actors*” (emphasis added). SA dismissed claims by “many liberal commentators that the GCSB Bills represents massive new attacks on civil liberties.”

In reality, the legislation is part of a wave of attacks on democratic rights internationally, epitomised by the Obama administration’s persecution of Edward Snowden, Bradley Manning and Julian Assange for exposing its criminal actions abroad and at home. Like the police-state infrastructure in the US, the Key government’s expansion of spying is a pre-emptive measure aimed at suppressing opposition to spiralling social inequality and imperialist war.



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