

Spy legislation pushed through New Zealand parliament

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New Zealand's conservative National Party-led government passed legislation on August 22 to give the country's external security agency, the Government Communications Security Bureau (GCSB), vastly expanded powers to spy on citizens and residents.

The legislation, introduced under "urgency" provisions to curtail public debate, passed its final reading in parliament by 61 votes to 59. National, United Future and ACT New Zealand backed the legislation, with all other parties, including Labour, the Greens and the Maori-nationalist Mana Party voting against it.

The law was pressed through in the face of overwhelming public opposition. Three days earlier an audience of 1,500 people filled the Auckland town hall to protest the Bill. This followed a series of well-attended protest rallies in towns and cities across the country on July 27 (see "New Zealand: Thousands protest domestic spying laws"). A poll of nearly 53,000 people by TV3 found that 89 percent opposed the Bill.

The legislation was brought forward following revelations that the GCSB had illegally spied on Internet entrepreneur Kim Dotcom as part of an operation initiated by the US State Department to shut down Dotcom's Megaupload file-sharing site. A government-ordered inquiry found that over the last 10 years the GCSB broke the law by spying on 88 citizens and permanent residents.

On August 29, police superintendent Peter Read announced that no charges would be laid over the spying on Dotcom on the spurious grounds that the GCSB did not break the law with "intent."

Last month the *Sunday Star-Times* also published claims that the Defence Force and GCSB had worked with US agencies to spy on New Zealand journalist Jon Stephenson in Afghanistan.

The new law is designed to legalise past GCSB activities and at the same time to boost its powers. It amends the 2003 GCSB Act and the 2004 Telecommunications Interception Capability Act to allow the agency to engage in domestic spying, both on its own behalf and in conjunction with the police, the Defence Force and the domestic spy agency, the Security Intelligence Service (SIS).

The new law extends the GCSB's aims beyond "national security" to include contributing to "the international relations and well-being of NZ" and its "economic well-being." It is also empowered to provide advice to a range of unspecified public and private sector organisations.

The extent of popular opposition has provoked concerns in ruling circles. In an editorial on August 24, the *Dominion Post* expressed full support for the Bill, including the "need for the GCSB to exist and to have the extraordinary abilities it has been given." At the same time, the *Post* warned that it would take more than a "statutory change" to "restore New Zealanders' trust in the spy agency ... after serious questions about its ability to stay within legal boundaries."

As well as invoking threats of "terrorism," Prime Minister Key claimed that as minister in charge of the agency he would not grant warrants to the GCSB to look at the content of New Zealanders' communications. Key also promised that he and the head of GCSB would resign if the spy agency were found to have conducted mass surveillance.

Such assurances are completely hollow. New Zealand is a member of the "Five Eyes" intelligence network led by the American National Security Agency (NSA), together with Britain, Canada and Australia. This allows the governments involved to circumvent any prohibition against gathering data on their own citizens

by accessing the NSA's massive data banks.

The whistleblower Edward Snowden revealed in July that the GCSB's Waihopai spy base—which is partly funded by the US—helps to gather electronic data for the NSA's X-Keyscore program.

Former Internet NZ chief executive Vikram Kumar noted in the *National Business Review* that under the companion Telecommunications Interception Capability and Security (TICS) Bill, all internet service providers, including Skype, Google Talk and Apple's FaceTime and iMessage, and telecommunications companies like Telecom and Vodafone, can be ordered to make their networks "interceptable."

According to Kumar, the TICS Bill will "provide surveillance agencies with secret, direct access to the whole of a network's traffic in real-time, bypassing normal security and access requirements."

Despite voting against the GCSB Bill in parliament, the "opposition" parties are just as committed to maintaining and extending the country's intelligence apparatus. Labour and the Greens have promised a "review" of the security services, if they win the next election, but such a review will only pave the way for deeper attacks on democratic rights.

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The key role in attempting to divert anger over the Bill behind the parliamentary opposition has been played by the Mana Party and its pseudo-left affiliates, particularly Socialist Aotearoa.

Mana's candidate for mayor John Minto made clear at a July 27 protest that he had no principled opposition to state surveillance, provided it was "in the interests of the people of New Zealand." In a July 17 article, Socialist Aotearoa (SA) downplayed the significance of the new laws. Echoing the line of the government, SA asserted that the GCSB was focused on "potential terrorist actors" and dismissed claims that the Bill represented "massive new attacks on civil liberties."

Amid growing public hostility to the new law SA attempted to backtrack from this position, stating on August 14 that the GCSB's collaboration with the NSA's gathering of personal data "breaches our fundamental human rights to privacy." SA promoted the August 19 public meeting, organised by Mana and liberal blogger Martyn Bradbury, ensuring opposition remained tied to the parliamentary set-up and capitalist

parties.

The meeting provided a platform for Labour leader Shearer, Greens co-leader Russel Norman, and Winston Peters of the right-wing populist NZ First Party, to posture as opponents of the Bill. Peters asserted that spy agencies were necessary because "we live in an imperfect, often evil world." Like Shearer and Norman, he made vague calls for "robust, workable oversight."

The reactionary nationalism of Mana and SA is revealed in their embrace of NZ First. On August 27, SA applauded NZ First leader Peters for joining Mana leader Hone Harawira in giving Energy Minister Simon Bridges "a good kicking" during a parliamentary debate on the GCSB.

It is no accident that these same parties backed by the pseudo-lefts seek to play down the significance of the intelligence legislation and support GCSB's continued operation and integration into the vast US spying network.

NZ First—supported by Labour, the Greens and Mana—is currently leading a racist campaign against Chinese immigration and investment. Last year all the opposition parties and the pseudo-left groups worked to whip up opposition to the purchase of a handful of dairy farms by a Chinese company. The campaign is to scapegoat Chinese people for growing social inequality and align New Zealand with the US war preparations in Asia against China.



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