Intelligence inquiry whitewashes New Zealand's spying in the Pacific

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A long-running inquiry into whether the Government Communications Security Bureau (GCSB) spied on New Zealanders visiting and working in the Pacific has confirmed the mass collection of communications data by the country's overseas intelligence agency.

Data sourced from a satellite link was collected in order to advance New Zealand capitalism's mercenary interests across the region. The GCSB labelled the system, "full take."

However, according to Inspector General of Intelligence and Security Cheryl Gwyn, who conducted the inquiry, there was no evidence of the spy agency acting "unlawfully."

Under NZ law, the GCSB acts as the "external" spy organisation. Before a widely opposed amendment in 2013, it was barred from spying on NZ citizens and residents. The "internal" spy agency, the Security Intelligence Service, had that role.

Gwyn's report, released on July 4, followed complaints from individuals and the Green Party in 2015 that when the GCSB carried out "broad sweep" mass surveillance in the Pacific, it intercepted the communications of New Zealanders.

The report's legitimisation of the GCSB's activities, on the narrow basis that it was deemed "legal" in relation to NZ citizens, is an absurd travesty. It confirms the analysis of the WSWS that the sham inquiry's purpose was to contain damage to the government and wider political establishment from revelations of the GCSB's anti-democratic activities at home and across the region.

The allegations date back to revelations by US whistleblower Edward Snowden, made public in 2015. Documents released by investigative journalist Nicky Hager showed the GCSB was engaged in wholesale spying on New Zealand's Pacific neighbours. According to Hager, the GCSB passed the information directly to the US National Security Agency (NSA).

The GCSB still records virtually all telephone calls, emails and other Internet data in the region and shares it with the other members of the Five Eyes alliance, the spy agencies of the US, Canada, Britain and Australia.

Leaked NSA documents showed how the GCSB and NSA tapped the Southern Cross undersea cable, which carries Internet traffic between New Zealand and the rest of the world. The GCSB spies on Asian countries, including China. The documents showed that the NSA highly values the intelligence gathered by the GCSB on its behalf, including in "areas and countries ... difficult for the US to access." The GCSB also provides intelligence to the NZ Defence Force's Afghanistan operations in which NZ troops have been accused of committing war crimes.

At the time of the original allegations, former GCSB director Bruce Ferguson admitted mass surveillance was conducted on Pacific countries, but said information "inadvertently" collected on New Zealanders was not used.

Gwyn found that the GCSB undertook signals intelligence gathering in the South Pacific during 2009–2015, including the collection of satellite communications. She found that the mass collection of data effectively meant everything channelled through certain satellites was indiscriminately 'hoovered' up by the GCSB.

Nevertheless, Gwyn claimed "full take" collection contrasted with storage of "selected" data, which had been filtered by reference to selectors, like telephone numbers.

While some South Pacific countries now rely on undersea cables, network connections to many outer islands are still provided by satellite, Gwyn said. It was

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also possible to intercept domestic communications if they were over a satellite link in a domestic network.

Yet Gwyn claimed that the GCSB had "necessary procedures" in place to cover its collection, including to recognise the citizenship rights of residents in the NZ territories of the Cook Islands, Niue and Tokelau.

Until 2013, the GCSB did not seek warrant authorisation for intelligence collection through foreign partners. Gwyn admitted that because the agency shares intelligence with Five Eyes partner agencies, complainants' communications were possibly shared, along with other collected information.

However, Gwyn's press release declared it "unlikely" that this occurred, given the "targeted" nature of intelligence sharing and "safeguards" against unauthorised access to New Zealanders' communications.

No credence can be given to these assurances. The spy agencies operate in secret and no one has been held accountable for their repeated breaches of basic democratic rights. Gwyn said she would make no recommendations as a result of her inquiry "due to the lack of any adverse finding in relation to the complaints."

She added that her report was primarily concerned with GCSB activity under the 2003 legislation, which was "superseded" by the Intelligence and Security Act 2017 and a "revised suite of Bureau policies." The law was changed in 2013 and 2017 to legalise previously unlawful surveillance methods and broaden the powers of both the GCSB and the SIS to spy on the population.

Recent "inquiries" into the activities of both agencies are part of a damage limitation campaign after widespread outrage following the Snowden revelations. Along with the GCSB's unlawful spying for the police and the FBI on NZ resident Internet entrepreneur Kim Dotcom, the revelations shattered claims the agencies were protecting New Zealanders from terrorist threats.

Far from being an independent "watchdog," Gwyn was appointed in 2014 by the then-National Party government, which was confident of her essential reliability. Having spent some years in an anti-Marxist Pabloite group in the 1980s, Gwyn later pursued a career in the state apparatus, working as deputy solicitor-general during the 1999–2008 Labour government.

Gwyn's appointment paralleled that of SIS head Rebecca Kitteridge, who had joined anti-apartheid protests in the early 1980s. The fact that secret service agencies were now headed by women with "radical" credentials was hailed as a "cultural shake-up" in media reports, aimed at portraying their activities as "open" and benign.

Gwyn recently took this charade a step further. In April, she established an 11-member "Reference Group," consisting of journalists, lawyers, academics and security experts, purportedly to help ensure the intelligence agencies "act lawfully and properly" and keep them "in touch" with legal, social and security developments in New Zealand and overseas.

Significantly, the group includes figures such as Hager and *New Zealand Herald* journalist David Fisher, who have been critical of the spy agencies' activities in the past.

This is a further attempt to put a gloss on reactionary state institutions whose role is to advance New Zealand's neo-colonial interests in the Pacific and elsewhere, while contributing to US imperialism's operations, in particular the drive to prepare for war against China.

The secret spying operations, hostile to the interests and basic rights of the working class within New Zealand and across the Pacific, will intensify in the coming period, as working class opposition grows to the war preparations and the accompanying deepening attacks on living and working conditions.

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