



The Federation of  
Islamic Associations  
of New Zealand (Inc.)  
اتحاد الجمعيات الإسلامية النيوزيلندية

SINCE 1979

# COMMENTARY

Minister Andrew Little's Speech on  
Intelligence and Security in our  
Changing World

A Muslim Community  
Perspective on National Security

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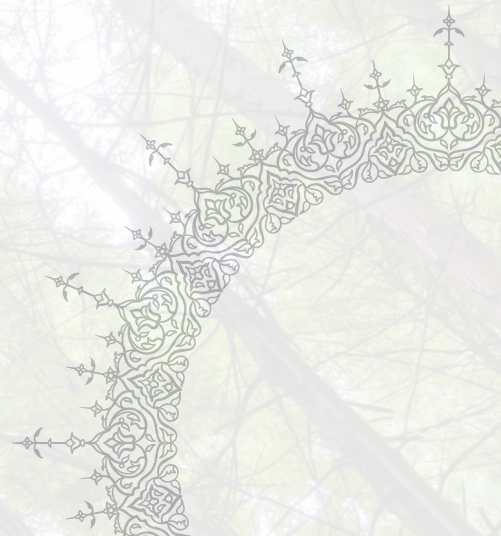




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The Royal Commission promoted an agenda for greater involvement of civil society in Aotearoa New Zealand's intelligence and security narrative.

Hon. Andrew Little, Minister Responsible for the New Zealand Security Intelligence Service (the NZSIS) and the Government Communications Security Bureau (the GCSB) and the Lead Coordination Minister for the Government's Response to the Royal Commission's Report into the Terrorist Attack on the Christchurch Mosques, recently started this public conversation with his speech to the Victoria University of Wellington Centre for Strategic Studies.

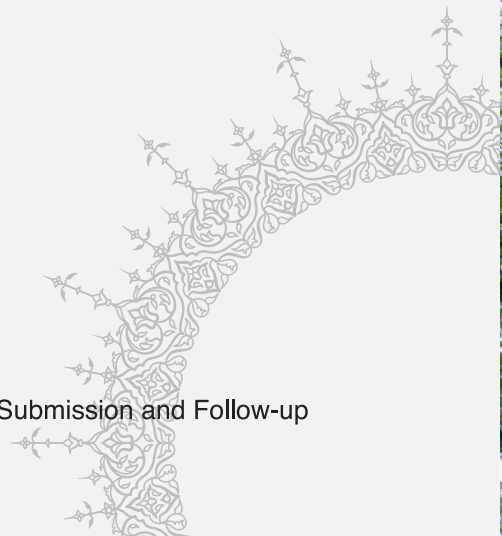
December 2021

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The Federation of Islamic Associations of New Zealand (FIANZ), as the umbrella national Muslim organisation recognises the need for such civil society engagement on national intelligence and security policies and practices. This is the first part of a three-part contribution to the national conversation.

# Introduction

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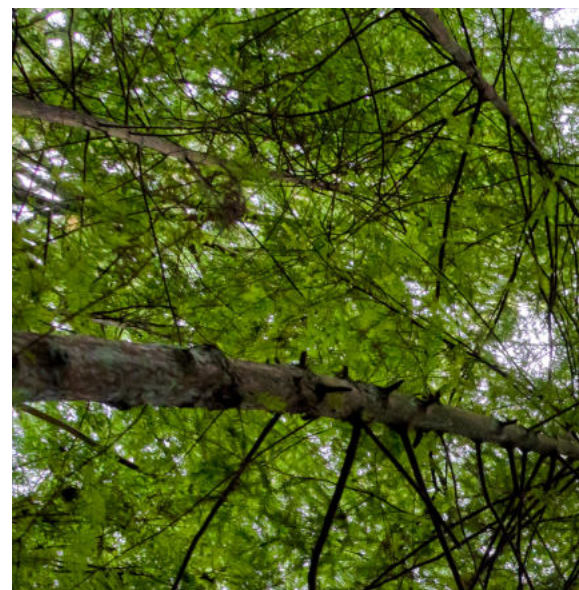
It has been quite noticeable that civil society organisations have been remarkably silent on analysing Andrew Little's recent keynote address on Aotearoa New Zealand's Changing Intelligence and Security landscape.

Part of the reticence may be ascribed to Minister Little's intellectual prowess, not seen in Parliament since the days of David Lange, and the other part being his Nadia Comăneci-style delicate and sensitive socio-political manoeuvring after the Royal Commission of Inquiry Report (RCOIR). His address unequivocally laid bare the global tectonic shifts and the national fault lines impacting our internal and international security threats. The palliative care he has proposed in the post-March 15 scenario, is a nexus between social cohesion and national security initiatives. This presents a significant challenge and a paradigmatic shift to our geo-strategic approach to both Intelligence and Security. Minister Little also duly acknowledges that this approach has its nascence in the RCOIR. The agenda for change is both *unique* in its public-faced approach to security and *untried* within the machinery of government. His speech was an encouragement and a mandate for civil society to critically evaluate the new approach. In the final instance, Minister Little recognises that this may be his social cohesion and security legacy, not unlike Lange's nuclear-free legacy from the 1980's.



**Hon Andrew Little**

Lead Coordinating Minister for the Government's Response to the Royal Commission's Report into the Terrorist Attack on the Christchurch Mosques



# Missing the Mark

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For all its diplomatic speak, Little’s national security korero is problematic at a number of levels. He has glossed over the fundamental problem identified by the Royal Commission. The existing national security infrastructure lacked both strategic coherency and systemic integration.<sup>1</sup>

The RCOIR noted the absence of national security strategy<sup>2</sup> compounded with a fragmented security management system<sup>3</sup> which aggravated resilience at both community and infrastructure levels.<sup>4</sup> To address these issues, the Commissioners Sir William Young and Jacqui Canine recommended a new approach of establishing a supra-coordinating agency embedded with a public facing national security strategy. The problem is that none of the existing agencies may have any interest in such an additional layer and some have embarked on their own alignment of strategic initiatives post-March 15. For instance, the DPMC with its 103 staff<sup>5</sup> in the National Security Group (NSG) has taken on the mantle to lead and steward Aotearoa New Zealand’s security and intelligence sector<sup>6</sup> as well as “coordinate and collaborate on national significant issues”.<sup>7</sup> The NZSIS on the other hand, already has layers of oversight with the Commissioners of Intelligence

Warrants, the Inspector-General of Intelligence and Security, the Intelligence and Security Committee and others<sup>8</sup>. So an additional supra-agency would tax already stretched intelligence capability and resources.

For Minister Little, the commitment to establish a National Intelligence and Security Agency (NISA), will need to overcome the triumvirate constraints of budgetary resource, the security ground claimed by other agencies and the unmet expectations of civil society having a direct voice in determining national security strategies. It is no surprise that this agency was not part of his conversation. It has now been well over two years since March 15 and a year since the Prime Minister agreed in principle to all the Recommendations, hence Minister Little also has the added pressure of time. As such, his speech was also partly aimed at placating critics of the slow uptake on NISA.

<sup>1</sup> <https://dpmc.govt.nz/sites/default/files/2021-10/dpmc-annual-report-2021.pdf>

<sup>2</sup> <https://dpmc.govt.nz/sites/default/files/2021-10/dpmc-annual-report-2021.pdf> Clause 24

<sup>3</sup> <https://dpmc.govt.nz/sites/default/files/2021-10/dpmc-annual-report-2021.pdf> Clause 25

<sup>4</sup> <https://dpmc.govt.nz/sites/default/files/2021-10/dpmc-annual-report-2021.pdf> Clause 26

<sup>5</sup> <https://dpmc.govt.nz/sites/default/files/2021-10/dpmc-annual-report-2021.pdf>

<sup>6</sup> <https://dpmc.govt.nz/sites/default/files/2020-12/strategic-intentions-2020-21-to-2023-24.pdf>

<sup>7</sup> <https://dpmc.govt.nz/sites/default/files/2020-12/strategic-intentions-2020-21-to-2023-24.pdf>

<sup>8</sup> <https://www.nzsis.govt.nz/about-us/oversight/>

# Right on The Mark

To his credit however, Minister Little has started the public-faced conversation by reframing the national security paradigm from the entrenched “all hazards – all risks” approach<sup>9</sup> to also now include “the national interest and wellbeing<sup>10</sup>”. In this respect for the first time, the Government has qualified the national security narrative of the RCOIR in specific terms. For Minister Little, this includes *social cohesion and wellbeing* as primary considerations of national interest. This may sound obvious, however the national security narrative of DPMC has not included ‘national interests’ in the narrative for a number of years. The current considerations include “state and armed conflict, transnational organised crime, cyber security incidents, natural hazards, biosecurity events and pandemics”.<sup>11</sup> It has been all about being in both proactive and reactive modes.<sup>12</sup> Absent from the baseline reason for having a national security policy was any discussions on safeguarding the national interest.


The last time DPMC referred to national interest in the context of national security was under Kibblewhite in 2016.<sup>13</sup> He clearly spelled out that that Government “has a responsibility to protect national security and advance national interests.”<sup>14</sup> Since then not a single Annual Report and not even the national security principles discuss the national interest.<sup>15</sup> As such, Minister Little has listened to the community, particularly after the 33 national hui and has re-established this important connection between social cohesion and well-being with national security. Whilst he has maintained the 7 key objectives under the “all hazards–all risks” approach, he has added a new framework to include social cohesion and wellbeing as an essential part of the national interest. Civil society can easily relate to and agree with this qualification. As Minister Little clearly states, promoting our national interests underpins our national security.<sup>16</sup>

Little has listened to the community, particularly after the 33 national hui.



<sup>9</sup> <https://dpmc.govt.nz/our-programmes/national-security-and-intelligence/national-security/new-zealands-national-security>  
<sup>10</sup> <https://www.beehive.govt.nz/speech/intelligence-and-security-our-changing-world-speech-victoria-university-wellington-centre>  
<sup>11</sup> <https://www.christchurchcall.com/advisory-network.html>  
<sup>12</sup> <https://christchurchattack.royalcommission.nz/the-report/part-2-context/overview-of-the-national-security-system-intelligence-function-and-the-counter-terrorism-effort/>  
<sup>13</sup> <https://dpmc.govt.nz/sites/default/files/2017-03/dpmc-annual-report-2016.pdf>  
<sup>14</sup> <https://dpmc.govt.nz/sites/default/files/2017-03/dpmc-annual-report-2016.pdf>  
<sup>15</sup> It is not that the notion of national interest has been ignored totally. It has been given primacy in a number of different context. For instance, a national interest analysis (NIA) is conducted in the context of international treaties and conventions as well as trade deals. However the focus is often to note the implications of ensuring that the Crown will be able to continue to meet its obligations to Māori, including under the Treaty of Waitangi. Another area is the assessment of overseas investments to ensure NZ national interest is protected.  
<sup>16</sup> <https://www.beehive.govt.nz/speech/intelligence-and-security-our-changing-world-speech-victoria-university-wellington-centre>





The rhetoric of the past, that national security systems including the work of the intelligence services were aimed at preventing terrorism, was no longer credible after the events of March 15. The community viewed such statements as hollow and disingenuous and Minister Little listened during his 33 hui all over Aotearoa NZ. Moreover, the Royal Commission findings, that the security system was broken and misdirected given that no one had any information that such right-wing terrorism could occur, has led many in the community to distrust and condemn the national security infrastructure. Worse still for the victims of the March 15 terror attacks, was that no one took responsibility for the national security failure. There were no resignations and no blame accepted, unlike the Cave Creek disaster where lives were also lost.

Minister Little understood such genuine sentiments and concerns, hence his realignment of national security with that of social cohesion and wellbeing. This is both strategically important for restoring credibility and functionally practical to ensure the machinery of Government is effectively coordinated. For Minister Little, the haze of secrecy surrounding our intelligence agencies, for which he has received much criticism, can now be cleared with a public-facing and transformative national security approach which puts social cohesion and wellbeing at the centre of the national interest. This is political realism and re-setting the purpose of the machinery of national security. For the community, this approach is very palatable, given they can now have a direct say in national security priorities.

This is both strategically important for restoring credibility and functionally practical to ensure the machinery of Government is effectively coordinated.

# Diplomatic Optics

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In a different context, his address had another key motive. His deliberate tread on the foreign policy domain of Minister Nanaia Mahuta was diplomatic placidity par excellence. It was designed to placate the Five Eyes partners after Minister Mahuta's pragmatic stand on the "China issue" by prioritising Aotearoa's own national economic interest.



Her statement that "New Zealand has been very clear, not to invoke the Five Eyes as the first point of contact

on messaging out on a range of issues that really exist out of the remit of the Five Eyes," was a watershed moment in our foreign policy similar to the anti-nuclear policy of yesteryear. The latter seminal moment in the 1980's caused havoc with our existing diplomatic and security ties. It also resulted in NZ not only being ousted out of ANZUS in 1986, but the US Congress downgrading our relationship from ally to friend by way of the Broomfield Act.<sup>17</sup> Minister Little's astute lawyer-like focus on case history, has made him realise the risk of similar diplomatic and intelligence sharing faux pas developing over the China issue with our traditional partners. The announcement of Aukus, a new alliance between Australia, the UK and the USA *without* NZ, was a diplomatic déjà vu nightmare.

To add to his concerns, prominent voices overseas translated Mahuta's statement as NZ pursuing its own self-interest and ignoring the concerns of its partners. As one analysis noted, NZ's approach to the Five Eyes was limited to a practical intelligence-sharing agreement and not a wide berth foreign policy coordination mechanism.<sup>18</sup> The prestigious and influential Australian Institute of International Affairs in a recent article, castigated NZ's position as 'perfidious'. Whilst it may bring some solace to Australians, our traditional rival on the sports field and ally in the battlefield, it considered NZ to be in the 'doghouse' of Five Eyes diplomacy.

Whether it was the international pressure or domestic concerns, Minister Little's keynote address was also aimed to hurriedly reassure our Five Eyes partners. He highlighted that our NZSIS and GSCB still valued the signals intelligence cooperation with the Five-Eyes. The reference to our NZSIS and GCSB aiding our partners in disrupting overseas terrorist attack planning was added value aimed at garnering diplomatic kudos.

<sup>17</sup> <https://nzhistory.govt.nz/politics/nuclear-free-new-zealand/nuclear-free-zone>

<sup>18</sup> <https://www.internationalaffairs.org.au/australianoutlook/perfidious-aotearoa-new-zealands-five-eyes-problem/>

# An Eye on the Five Eyes

By stressing the potential value of the Five Eyes' signal intelligence cooperation, Minister Little scrimped on some inconvenient truths. What is also problematic is that if Minister Little used the same metrics that he recently used to close the Waihopai spy domes, then the Five Eyes signal intelligence partnership would also be over.

The radomes at Waihopai had provided less than 0.5 per cent of the intelligence used in reports by the GCSB in the past year.<sup>19</sup> This was enough of a reason for Minister Little to mothball the domes, and yet conveniently ignore that the Five Eyes provided zero intelligence to prevent the largest massacre of innocent civilians in recent times in Aotearoa NZ. The GCSB received 7,526 intelligence reports from

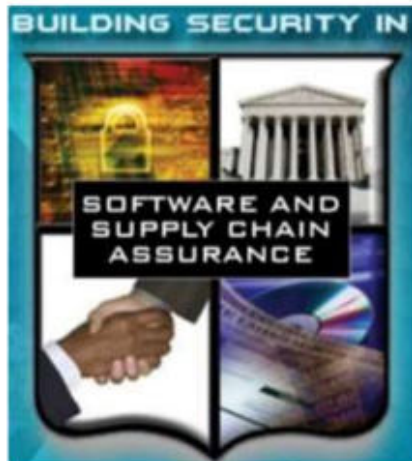
international partners about terrorism and violent extremism in the quarter prior to March 15, but not a single one related to right wing extremism. NZ gained no value whatsoever from the partnership, despite the palpable evidence collected by our partners of the rising right-wing extremism in their respective countries. A simple case of ignoring inconvenient truths and applying double standards.

DOUBLE STANDARDS		
Net empirical value of intelligence	Domes at Waihopai provided less than .05% of intelligence used in GCSB reports  <b>Negligible actionable intelligence</b>	GCSB received 7,526 intelligence reports from international partners about terrorism and violent extremism in the quarter prior to March 15, but not a single one related to right wing extremism.  <b>No actionable intelligence</b>
	↓	↓
Outcome	Closure of Waihopai domes	Strengthen the Five Eyes partnership

What is also problematic is that if Minister Little used the same metrics that he recently used to close the Waihopai spy domes, then the Five Eyes signal intelligence partnership would also be over.

<sup>19</sup> <https://www.stuff.co.nz/national/politics/126952320/waihopai-spy-domes-to-be-dismantled-due-to-irrelevance>

In his address, Minister Little focuses on Five Eyes as a multilateral agreement for signals intelligence cooperation, yet it's mission creep has a very long tail . The following are just two examples.



**Five Eyes (FVEY) Defence CIO Forum<sup>20</sup>**, which amongst other work also includes the Supply Chain Assurance Working Group (SCAWG) aiming to achieve a common approach to protection of cyber supply chains across the FVEY as a trading block, using common standards. As such, Aotearoa NZ is increasingly being integrated into the “supplier Organisation Assurance Approach”. Does this assurance also extend to Aotearoa NZ rejecting Huawei under intense pressure from the Five Eyes? Does this mean Aotearoa NZ’s cyber purchases are now to an extent determined by Five Eyes own priorities? Such questions have yet to be addressed as part of the security conversation that Minister Little has initiated.



<sup>20</sup> [https://csrc.nist.gov/CSRC/media/Presentations/Five-Eyes-Supply-Chain-Assurance-Working-Group/images-media/Day\\_1\\_PM\\_1\\_Five\\_Eyes.pdf](https://csrc.nist.gov/CSRC/media/Presentations/Five-Eyes-Supply-Chain-Assurance-Working-Group/images-media/Day_1_PM_1_Five_Eyes.pdf)

**Five Eyes Law Enforcement Group (FELEG)**, is currently Chaired by the Australian Federal Police. It plays a crucial role “impacting serious threats that undermine international and domestic security, financial stability and democracy”. The sharing also includes operational resources and intelligence of the FBI.<sup>21</sup> It is simply astounding that that despite the FBI giving ample warning of the rise of right wing extremism, Aotearoa NZ was left out of the loop. Consider the extent of right wing extreme terrorism in the USA from 2007 to 2017 and yet the FBI left Aotearoa NZ intelligence services out of the loop of information.<sup>22</sup>



Right Wing Terrorist Attacks in USA 2007-2017.  
( Source:Centre for Strategic and International Studies )

The USA was looking after its own back yard with no warnings to Aotearoa NZ of the increasing risk of “far-right extremism and white supremacy”<sup>23</sup> terrorism. Ironically in March 2019, the US enacted the Domestic Terrorism Prevention Act,<sup>24</sup> whilst our intelligence authorities were kept completely in the dark and we suffered the terror attack the same month. Serious questions need to be asked of the value of being part of Five Eyes when such serious threats of right wing extremism are ignored and only Muslims appeared to be targeted?. The right wing terror pandemic was ignored by the Five Eyes FELEG, with Aotearoa NZ suffering the most as a result.

"Despite rise of right-wing terrorism internationally, NZ was left out of the intelligence loop. As the evidence shows NZ was mostly following the Five Eyes lead on Islamophobia. March 15 was a wakeup call on the folly of this intelligence servitude.

<sup>21</sup> <https://www.fbi.gov/news/stories/fbi-hosts-meeting-of-international-law-enforcement-group>

<sup>22</sup> <https://www.csis.org/analysis/rise-far-right-extremism-united-states>

<sup>23</sup> <https://www.congress.gov/116/bills/s894/BILLS-116s894is.xml>

<sup>24</sup> <https://www.congress.gov/116/bills/s894/BILLS-116s894is.xml>

<sup>25</sup> <https://www.nzherald.co.nz/nz/gcsb-had-no-idea-spy-gear-was-still-targeting-kim-dotcom/P55O2VGPHPIZVLQXSUNKVLLBIM/>

<sup>26</sup> <https://www.stuff.co.nz/national/300190188/spy-partners-focus-dictated-lack-of-far-right-intelligence-gcsb-boss-says>

The evidence of Aotearoa NZ benefiting from the intelligence sharing is not flattering. Putting aside the Kim Dotcom debacle of the US National Security Agency spying on a NZ resident in NZ by way of the GCSB and in the process violating NZ laws<sup>25</sup>, there are far more grievous issues. As a prominent journalist reported, the Five Eyes “spy partners” focus dictated our lack of far right intelligence. This was his news report after listening to the GCSB’s Director-General’s comments in Parliament.<sup>26</sup> Simply put, and as the Royal Commission clearly outlined, our security infrastructure was focussed on the Five Eye’s priority of the securitisation of Islam at the expense of the geo-political reality of extreme far right terrorism. When it came to anticipating the March 15 terrorism, the contribution of the Five Eye partnership was a dismal failure.

Snowden’s revelation highlights that the US perhaps gains more benefit than does Aotearoa NZ. The US National Security Agency document reveals that that our GCSB “continues to be especially helpful in its ability to provide NSA ready access to areas and countries that are difficult for the United States to access”.<sup>27</sup> There was no such help from the Five Eyes when it came to information on the growing risk of right wing terrorism prior to March 15. Added to this are the various reports of NZ using its diplomatic reach in the South Pacific to benefit the Five Eyes, particularly the US National Security Agency. As secret documents revealed, intercepted data collected at the Waihopai site was being shared through an NSA surveillance system called XKEYSCORE in 2015<sup>28</sup>. As Helen Clarke noted, NZ is lacking in independence within the Five Eyes intelligence alliance and we have been “drawn in a lot closer” to the US-led spy network.<sup>29</sup> Whilst time and events have moved on, the legacy of distrust has remained as Minister Little has noted in his speech.

<sup>27</sup> <https://www.nbr.co.nz/opinion/do-we-benefit-five-eyes>

<sup>28</sup> <https://pmc.aut.ac.nz/pacific-media-watch/region-nz-spies-pacific-neighbours-secret-five-eyes-global-surveillance-9147>

<sup>29</sup> <https://www.rnz.co.nz/news/in-depth/418642/nz-s-independence-from-five-eyes-has-slipped-helen-clark>

# Clearing The Fog

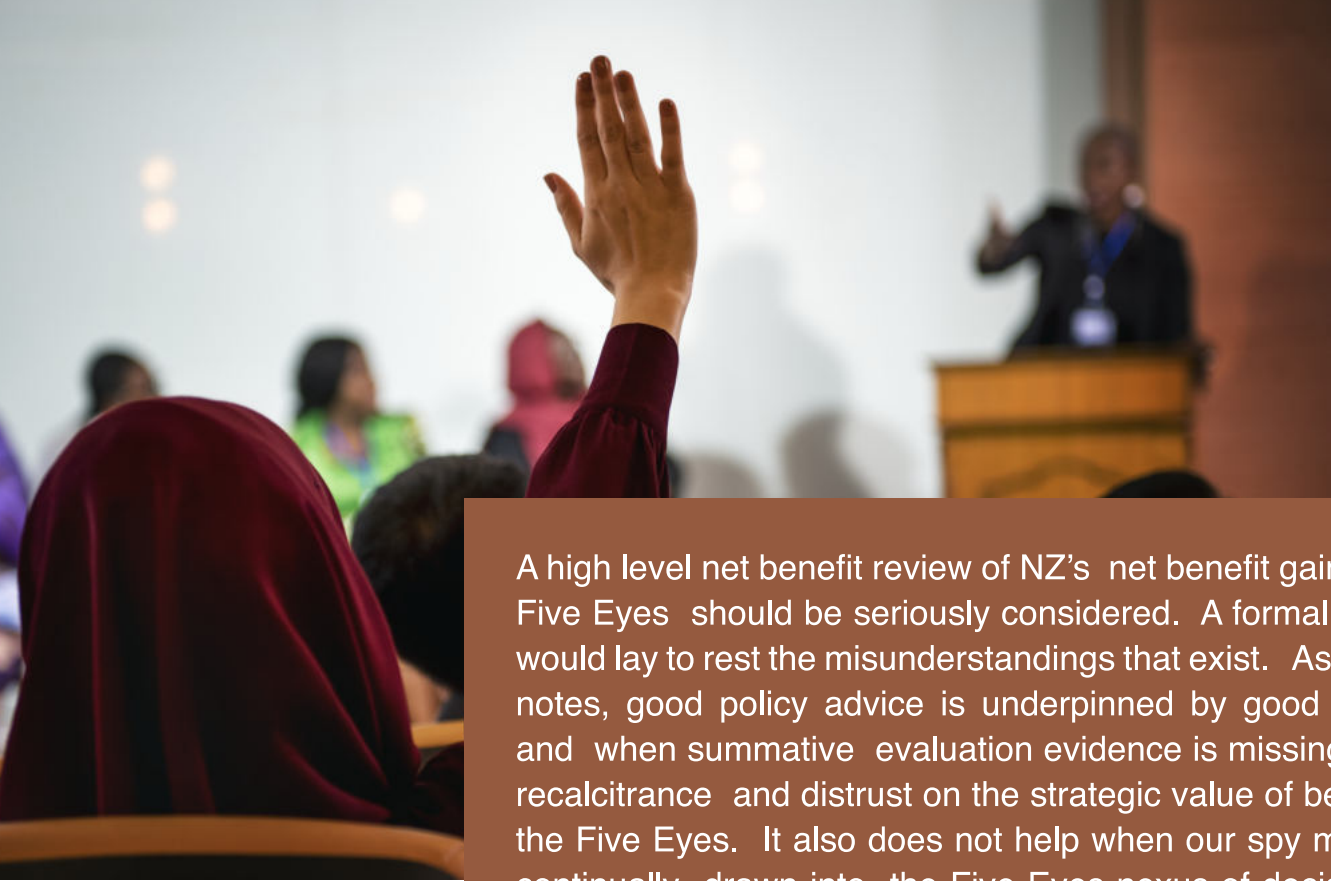
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As part of the new social cohesion and national security nexus that Minister Little is proposing, it would have been both *realpolitik* and a transformative gesture of transparency, if Minister Little had announced an evaluation of NZ's involvement in the Five Eyes. This is long overdue and warranted.

The baseline reliance on the Five Eyes partnership by successive Governments may have more to do with gaining respect amongst equals and being part of an exclusive 'club' of intelligence elitists sharing common liberal and Western centric values. The public faced approach to national security, which Minister Little and the Royal Commission has proposed, should be driven by evidence not by historical Cold War ties of yesteryear. The community needs to know what tangible gains towards NZ security do we receive from being part of the Five Eyes. The seven intelligence successes outlined by Minister Little, have no mention of any Five Eyes involvement. This needs to be clarified. The Prime Minister is correct when she recently announced that NZ should be open to other alliances<sup>30</sup>. However, there is a small but significant clarification. She is aware that NZ no longer has alliance status with the USA after the nuclear ship issue. The Broomfield Act passed by the US Congress *downgraded* NZ from 'ally' to 'friend'.



<sup>30</sup> <https://www.usnews.com/news/world/articles/2021-11-26/new-zealand-pm-ardern-backs-five-eyes-open-to-other-alliances>



**"As the DPMC notes, good policy advice is underpinned by good evidence and when summative evaluation evidence is missing it fosters recalcitrance and distrust on the strategic value of being part of the Five Eyes."**

A high level net benefit review of NZ's net benefit gain as part of Five Eyes should be seriously considered. A formal evaluation would lay to rest the misunderstandings that exist. As the DPMC notes, good policy advice is underpinned by good evidence<sup>31</sup> and when summative evaluation evidence is missing it fosters recalcitrance and distrust on the strategic value of being part of the Five Eyes. It also does not help when our spy masters are continually drawn into the Five Eyes nexus of decisions. New Zealand being led into a costly war in Iraq, albeit in a training role, when no weapons of mass destruction were found, can be attributed to "flawed intelligence" as the seven-year inquiry by the UK Government's Chilcot Report concluded." Huawei being abandoned by the GCSB was a political decision and not a technical one.

The Five Eyes saga of failures continues till the present. The failure of the US intelligence agencies and the Five Eyes partners to recognise the swift defeat of the Afghan Army is a complete fiasco.<sup>32</sup> What was supposed to take up to three months according to the intelligence alliance happened literally over 30 hours, a glaring public faced testament of the ignominy of defeat. The Al-Jazeera news network managed to give a more accurate prediction of Kabul falling within 24 hours, than did the entire \$8 billion intelligence industry of our Five Eyes partners. It left our Government with little or no time to evacuate our local supporters and was an embarrassment for NZ. It damaged NZ's image of a caring and humanitarian country, when we could not evacuate our local friends in time. In this context, Minister Little's comment of 'perceived failures' of our intelligence needs to be subject to stricter scrutiny for accuracy and scope. His perception may need to be guided by civil society input rather than the public service PR machine.

<sup>31</sup> <https://dpmc.govt.nz/our-programmes/policy-project/policy-advice-themes/evidence-and-evaluation>

<sup>32</sup> <https://johnmenadue.com/five-eyes-intelligence-failure-in-afghanistan-or-something-worse/>



# Changing Perspective - Then and Now

Minister Little also raised the vexed issue of mass surveillance. In his paper Minister Little noted the contradiction evident within the community against “know everything about everyone” mass surveillance by intelligence agencies before March 15 and expected the opposite after the Christchurch terrorism.<sup>33</sup>

Minister Little seems to have forgotten what he said on the same issue earlier when in Opposition. It was Andrew Little as the leader of the Labour Party in 2015, who castigated then Prime Minister John Key for refusing to rule out whether GCSB was undertaking mass surveillance.

Earlier PM Key had approved the use of the Speargun internet cable-tapping system and then cancelled it in 2013.<sup>34</sup> It was Minister Little who raised the issue, *"I think the public are entitled to know if our state agencies, security agencies, are either doing mass surveillance, whether or not it's lawful and if it's not lawful to know that as well."*<sup>35</sup> Yet he is pointing out an apparent anomalous view in the community who are now asking the same question.

*"I think the public are entitled to know if our state agencies, security agencies, are either doing mass surveillance, whether or not it's lawful and if it's not lawful to know that as well."*

Andrew Little , 2015

On the other side, it was the Royal Commission which noted that despite warnings by the Muslim community about right wing extremism, the NZSIS was not focussed on the emerging threat. As such, the apparent contradiction noted by Minister Little , does have a basis in fact. It is perhaps Minister Little who is being anomalous as noted in the table below.

Then and Now	Andrew Little as Opposition Leader	Andrew Little as Minister
	Wants Transparency	Accepts Secrecy
<b>ON SECRECY</b>	"Labour would push for greater transparency when the intelligence agencies are reviewed" <sup>36</sup>	"The efforts required must generally be carried out in secret" <sup>37</sup> (2021)
	Asking Questions of System	Trust the System
<b>ON MASS SURVEILLANCE</b>	"I think the public are entitled to know if our state agencies, security agencies, are doing mass surveillance, <sup>38</sup> "	"You've got to trust the system, and the checks and balances of the (intelligence) agencies". <sup>39</sup> (2017)

<sup>33</sup> <https://www.beehive.govt.nz/speech/intelligence-and-security-our-changing-world-speech-victoria-university-wellington-centre>

<sup>34</sup> <https://www.nzherald.co.nz/nz/gcsb-minister-andrew-little-on-mass-surveillance-and-our-spies-obeying-the-law/l6AUJ7BCSEHHW4XJ42HSYNLIHQ/>

<sup>35</sup> <https://www.rnz.co.nz/news/political/268159/pm-refuses-to-rule-out-mass-surveillance>

<sup>36</sup> <https://www.rnz.co.nz/news/political/268159/pm-refuses-to-rule-out-mass-surveillance>

<sup>37</sup> <https://www.beehive.govt.nz/speech/intelligence-and-security-our-changing-world-speech-victoria-university-wellington-centre>

<sup>38</sup> <https://www.rnz.co.nz/news/political/268159/pm-refuses-to-rule-out-mass-surveillance>

<sup>39</sup> <https://www.nzherald.co.nz/nz/gcsb-minister-andrew-little-on-mass-surveillance-and-our-spies-obeying-the-law/l6AUJ7BCSEHHW4XJ42HSYNLIHQ/>

## ON SECRECY

At issue is that the community needs to have assurance that the intelligence community has refocused its priorities on ensuring that community concerns override that of the Five Eyes. This is precisely why the Royal Commission has urged for a public facing NISA.

To its credit the NZSIS have had a massive public-face transformation post- March 15 with;

- the inception of a Muslim Reference Group,
- attending cultural orientation programmes at Mosques,
- an open door policy to community meetings and
- genuinely responding to community questions.

This heralds a new era of transparency under Director General Kitteridge and as the Minister responsible, Minister Little can also claim credit for this new approach

Secrecy should not, however, be based solely on harm to international relations but also require that such harms be balanced against the public interest in disclosure.

Source: Norwegian Parliamentary Oversight Committee on Intelligence and Security Services

# The Social Cohesion Lens on National Security

Social cohesion is a complex construct and is not readily discussed in the context of national security. Diverse viewpoints and a plethora of definitions with overlapping concepts is problematic, particularly for policymakers aiming to provide an aligned consensus for specific programmes, or regulations or legislation.

As a structurally corrective process, as envisaged by the Royal Commission, it empowers a value dimension which aims at reducing inequities and inequalities, socio-economic marginalisation and disparities. As a proactive programme process, as also envisaged by the Royal Commission, it fosters stronger inter-community relations, meaningful communication modes and access to opportunities. At a functional level, the importance of a social cohesion nexus with national security was well recognised by the Royal Commission. As an emphatic summation note, the Commissioners stated that “fundamental to New Zealand’s future wellbeing and security is social cohesion.”<sup>40</sup>

*Fundamental to New Zealand’s future wellbeing and security is social cohesion.*  
*- Royal Commission*

The Royal Commission also noted the axiomatic problem of the social cohesion and national security nexus at a functional level. For instance reference was made to the Department of Internal Affairs report which identified social cohesions’ “awkward fit” with counter terrorism at a community functional level.<sup>41</sup> The Council of Europe in their report on Security Through Social Cohesion, also noted such functional problems in that “cases could arise in which the wider frameworks clash with citizens’ demands”.<sup>42</sup> The solution, according to the Social Cohesion Development Division of the Council of Europe, lay in a combination **political will** and **support with resources** that the communities need.<sup>43</sup>

<sup>40</sup> <https://christchurchattack.royalcommission.nz/the-report/findings-and-recommendations/end-note/>

<sup>41</sup> <https://christchurchattack.royalcommission.nz/the-report/part-9-social-cohesion-and-embracing-diversity/leadership-and-oversight-in-building-social-cohesion/>

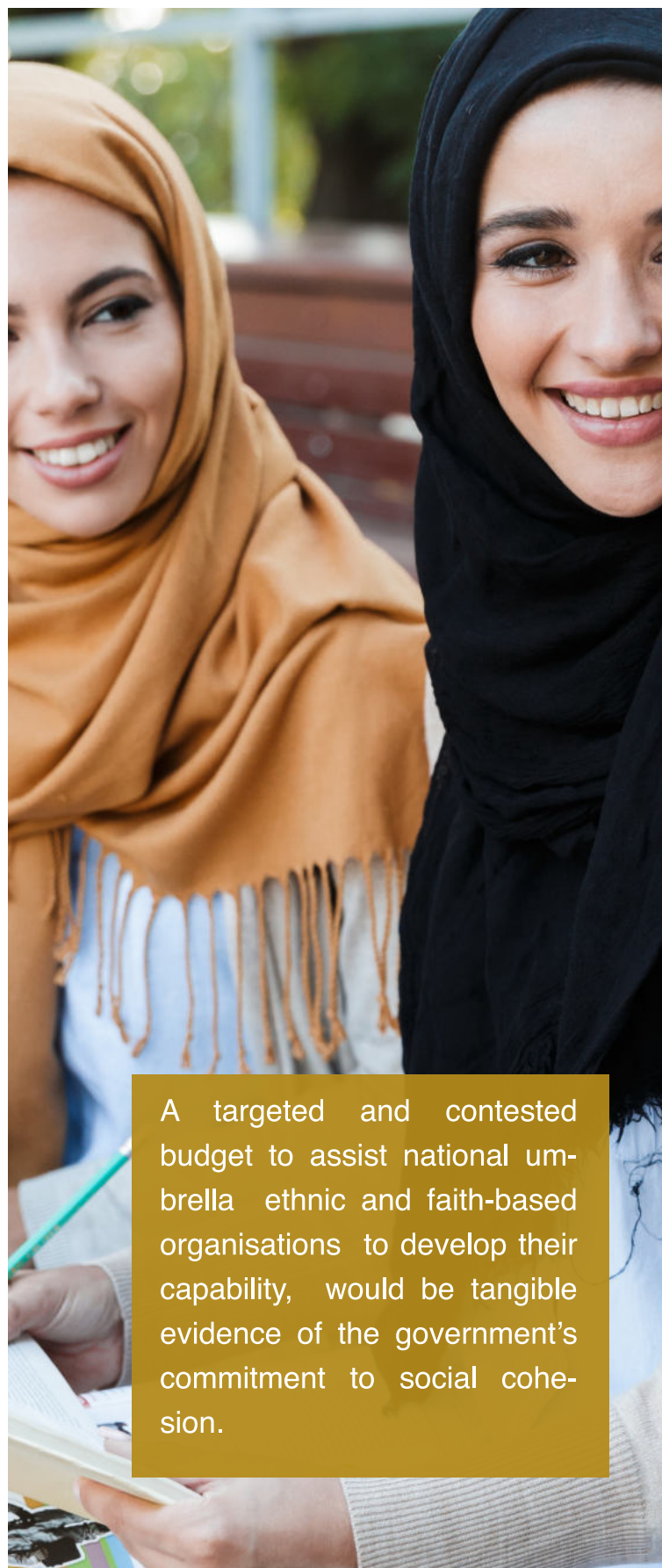
<sup>42</sup> [https://www.coe.int/t/dg3/socialpolicies/socialcohesiondev/source/Trends/Trends-10\\_en.pdf](https://www.coe.int/t/dg3/socialpolicies/socialcohesiondev/source/Trends/Trends-10_en.pdf)

<sup>43</sup> [https://www.coe.int/t/dg3/socialpolicies/socialcohesiondev/source/Trends/Trends-10\\_en.pdf](https://www.coe.int/t/dg3/socialpolicies/socialcohesiondev/source/Trends/Trends-10_en.pdf)

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This is also precisely what the Royal Commission advocated in the NZ context. Political leadership and public sector leadership is pivotal in the social cohesion process. In this context, Minister Little's advocacy and support along with the DPMC-led machinery of Government have been very forthright in engaging with the community. The 33 hui, led by Ministers Little and Radhakrishnan and the army of senior public sector officials, are an obvious testament to the political will and public sector commitment. However, what has been missing is the adequate resourcing of the community sector.

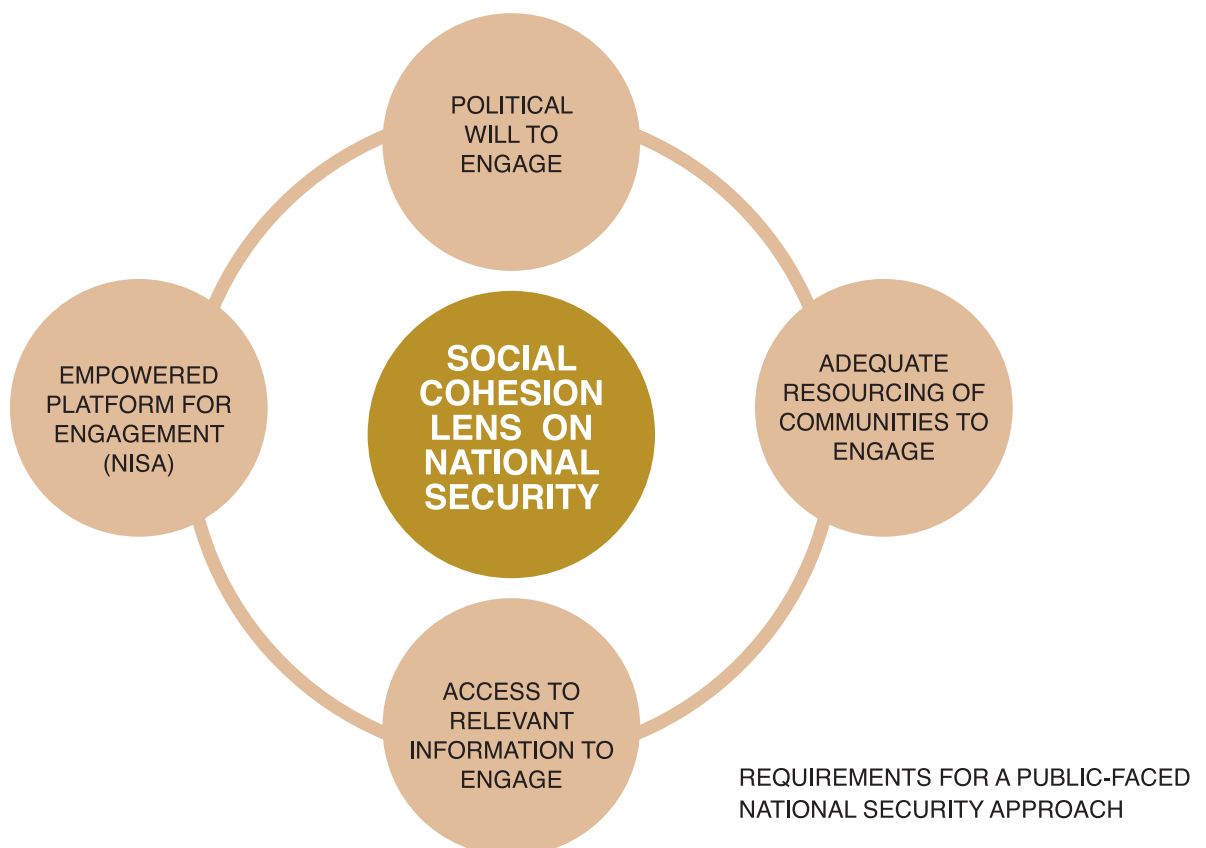
A key lesson learned, as the Royal Commission noted, was that the failure of the social cohesion programmes in the past was partly due to the lack of resources of local communities. As such, pragmatism dictates that a social cohesion lens on national security requires both political support and providing adequate resources to the community. Whilst the former has been evident, the latter has been absent. For Minister Little to be taken seriously and his advocacy for social cohesion to be credible, there has to be sufficient budget for local communities to participate. Ad hoc grants for a variety of social, cultural, and event promotion purposes through the Ministry for Ethnic Communities cannot substitute for planned capability support programmes for communities.



A targeted and contested budget to assist national umbrella ethnic and faith-based organisations to develop their capability, would be tangible evidence of the government's commitment to social cohesion.

Following on from the need for political will to meaningfully engage with the community and ensuring sufficient resources for the community to make meaningful input, the third peg for social cohesion in the national security context, is that of the **availability of relevant information** on strategic intelligence and security issues. Minister Little acknowledges the importance of “informed voices” and the need for public discourse on national security, however he avoids the whole issue of access to key information to make informed choices and input. Whilst on the one hand he accepts the importance of information for public discussion, on the other hand he states that “secrecy is an important element”<sup>44</sup>

when it comes to the information on the work of our intelligence agencies. No one would deny that “areas of operational focus and identities of sources must remain secret”<sup>45</sup> but Minister Little completely ignores the criticism of the Royal Commission that the intelligence agencies were prone to “over-classify information” as Secret COMINT and did not even share with partner public sector agencies. The problem was more fundamental than just classification, even strategic assessments were not widely shared and “were generally classified secret”.<sup>46</sup> It would also be important to see the outcome of the changes to the classification system of documents by the NZSIS.



<sup>44</sup> <https://www.beehive.govt.nz/speech/intelligence-and-security-our-changing-world-speech-victoria-university-wellington-centre>

<sup>45</sup> <https://www.beehive.govt.nz/speech/intelligence-and-security-our-changing-world-speech-victoria-university-wellington-centre>

<sup>46</sup> <https://christchurchattack.royalcommission.nz/the-report/part-8-assessing-the-counter-terrorism-effort/information-sharing/>

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There is also the vexed issue of disclosure of information received in confidence from foreign governments and services. This is often cited by the intelligence agencies for not disclosing very pertinent information impacting national security. However as the Norwegian Parliamentary Oversight Committee on Intelligence and Security Services noted as part of their report on making international intelligence cooperation accountable,

The Open Society Justice Initiative, who are focussed on national security and human rights, have recently promulgated a set of Global Principles on National Security and the Right to Information (“The Tshwane Principles”).<sup>47</sup>

*“The Tshwane Principles” and international intelligence cooperation information*

*Principle 4: Burden on Public Authority to Establish Legitimacy of Any Restriction*

*(a) The burden of demonstrating the legitimacy of any restriction rests with the public authority seeking to withhold information.*

*(c) In discharging this burden, it is not sufficient for a public authority simply to assert that there is a risk of harm; the authority is under a duty to provide specific, substantive reasons to support its assertions.*

*Principle 5: No Exemption for Any Public Authority*

*(b) Information may not be withheld on national security grounds simply on the basis that it was generated by, or shared with, a foreign state or inter-governmental body, or a particular public authority or unit within an authority.*

*Principle 9: Information that Legitimately May Be Withheld*

*(a) (v) Information concerning national security matters that was supplied by a foreign state or inter-governmental body with an express expectation of confidentiality; and other diplomatic communications insofar as they concern national security matters. It is good practice for such expectations to be recorded in writing.*

*Principle 10: Categories of Information with a High Presumption or Overriding Interest in Favor of Disclosure*

*Some categories of information are of particularly high public interest given their special significance to the process of democratic oversight and the rule of law. Accordingly, there is a very strong presumption, and in some cases an overriding imperative, that such information should be public and proactively disclosed.*

<sup>47</sup> [https://www.dcaf.ch/sites/default/files/publications/documents/MIICA\\_book-FINAL.pdf](https://www.dcaf.ch/sites/default/files/publications/documents/MIICA_book-FINAL.pdf)

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As part of the open discussion which Minister Little is advocating, it is necessary to revisit some of the assumptions taken for granted in keeping all intelligence information secret. Some information may have high value for legitimate civil society focus and discussion.

We are reminded of the promise in the first formal speech to Parliament as Prime Minister.

*“This government will foster a more open and democratic society. It will strengthen transparency around official information.”*

(Prime Minister Jacinda Ardern in 2017)

She promised the **most open and transparent New Zealand has seen.**

Another reminder is also necessary. The Royal Commission recommended a public-faced strategy with community and civil society and meaningful engagement with them on strategic intelligence and security issues.<sup>48</sup> Whilst a generic 367-word outline of NZ National Security Policy<sup>49</sup> and a scant 105-word National Cyber Policy by the DPMC is a start, far more in-depth information is required for any meaningful engagement with the community. The NZ's Countering Terrorism and Violent Extremism Strategy is a well written 26-page document which provides sufficient background information, is an example of the type of information required to inform civil society.

What is required is a central register of official documents related to national security, rather than different agencies providing piecemeal information at separate sites. The example below highlights that different agencies have their own perspective on the security environment, rather than an aligned All-Of-Government perspective. Community organisations, do not have the time and resources to search for the different and varied sources of such information. The Royal Commission espoused an All-of-Government approach and such a centralised register would be in keeping with this approach.

EXAMPLE OF DIFFERENT AGENCIES WITH WITH THEIR OWN TAKE ON "SECURITY ENVIRONMENT".			}	<p>'ALL OF GOVERNMENT' EFFICACY REQUIRES A COMMON AND ALIGNED APPROACH</p> <p>NOT</p> <p>PIECEMEAL SEPARATE APPROACHES BY AGENCIES</p>
AGENCY	FOCUS	SOURCE		
NZ Defence	Security Environment	<a href="https://www.defence.govt.nz/what-we-do/assessing-our-future-strategic-environment/">https://www.defence.govt.nz/what-we-do/assessing-our-future-strategic-environment/</a>		
NZSIS	Security Environment	<a href="https://www.nzsis.govt.nz/news/navigating-domestic-security-threats-in-a-world-of-uncertainty/">https://www.nzsis.govt.nz/news/navigating-domestic-security-threats-in-a-world-of-uncertainty/</a>		
NZ Police	Security Environment	<a href="https://www.police.govt.nz/about-us/programmes-and-initiatives/national-security-insights-consultation">https://www.police.govt.nz/about-us/programmes-and-initiatives/national-security-insights-consultation</a>		
MFAT	Security Environment	<a href="https://www.mfat.govt.nz/en/peace-rights-and-security/international-security/regional-security/?m=725762#search:U2VjdXJpdHkgRW52aXJvbm1lbnQ=">https://www.mfat.govt.nz/en/peace-rights-and-security/international-security/regional-security/?m=725762#search:U2VjdXJpdHkgRW52aXJvbm1lbnQ=</a>		
DPMC	Security Environment	<a href="https://dPMC.govt.nz/our-programmes/national-security-and-intelligence/new-zealands-national-security-system/national">https://dPMC.govt.nz/our-programmes/national-security-and-intelligence/new-zealands-national-security-system/national</a>		

<sup>48</sup> <https://christchurchattack.royalcommission.nz/the-report/findings-and-recommendations/chapter-2-recommendations-to-improve-new-zealands-counter-terrorism-effort/>

<sup>49</sup> <https://dPMC.govt.nz/our-business-units/national-security-group/national-security-policy>





With a baseline of political will, sufficient resourcing of communities and readily accessible information, the final peg for an effective social cohesion approach is the need for an empowering platform. Whilst media statements, papers at seminars, focussed hui and the like are all important empowering platforms, they do not provide the structured, on-going and outcome oriented engagement required for discussions on national security. The Royal Commission proposed an overarching National Intelligence and Security Agency ( NISA) which can “ lead the engagement with communities, civil society , local government and the private sector on strategic intelligence and security issues.”<sup>50</sup>

<sup>50</sup> <https://christchurchattack.royalcommission.nz/the-report/executive-summary-2/summary-of-recommendations/>

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The absence of any reference to NISA, when it was considered a pivotal need by the Royal Commission is a major oversight in Minister Little's speech. The Royal Commission had heard that the Muslim community had engaged with many Ministries over its concerns since 2013, including DIA, DPMC, OEC, MSD and others but none proved of any lasting value.

For genuine social cohesion, recognition of their value and contribution to national security is essential. NISA as an apex organisation would provide the empowerment which all communities require for positive social cohesion engagement. Whilst the Royal Commission was focussed particularly on countering terrorism and extremism, rather than the full breadth of scope of national security, it nevertheless recognised that NISA was strategically important for effective interagency national security policy coordination through civil society and public service engagement.

This would go a long way in restoring trust and confidence after the systemic dysfunctions highlighted by the Royal Commission.

# Our 5 Recommendations

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1. An independent review of the net benefit of Aotearoa New Zealand's participation in the Five Eyes intelligence-sharing arrangement .
2. A forum of the intelligence community ( machinery of government), the civil society, politicians and the fourth estate to discuss the benchmarks of national security secrecy.
3. An alignment of policies and programmes of all the relevant Ministries and agencies on national security.
4. A fund for national-level civil society organisations, inclusive of ethnic and faith based organisation, for their capacity and capability development to participate in and contribute to the national security korero.
5. A timeline for the inception of the National Intelligence and Security Agency with a clear understanding of its oversight and coordination framework and the role of civil society .





The Federation of  
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