

Defining National Security



DEPARTMENT of the
PRIME MINISTER and CABINET

Te Tari o Te Pirimia me Te Komiti Matua

The agencies' role in protecting New Zealand

The New Zealand Intelligence and Security Bill 2016

FACTSHEET NO. 3

The protection of New Zealand's national security is a core objective of our security and intelligence agencies. But what exactly is 'national security'?

It's a difficult concept to define as it needs to be able to respond to different threats which may evolve or emerge over time.

How is national security defined in the Bill?

The Bill adopts the definition of national security proposed in the First Independent Review of Intelligence and Security in New Zealand:

National security means the protection against –

- threats, or potential threats, to New Zealand's status as a free and democratic society from unlawful acts or foreign interference
- imminent threats to the life and safety of New Zealanders overseas
- threats, or potential threats, that may cause serious harm to the safety or quality of life of the New Zealand population

- unlawful acts, or acts of foreign interference, that may cause serious damage to New Zealand's economic security or international relations
- threats, or potential threats, that may cause serious harm to the safety of a population of another country as a result of unlawful acts by a New Zealander that are ideologically, religiously, or politically motivated
- threats, or potential threats, to international security.

Officials and Parliamentary Counsel have advised this definition has a number of shortcomings – its scope is unclear and it is unnecessarily complex.

An alternative approach

It is important the Bill is clear about national security, as the agencies must show it is in the interests of national security before they can target New Zealanders. One alternative approach that was put forward by officials would be to avoid defining national security in legislation and instead list clearly the types of activities and threats that are covered.

Under this approach, a warrant to target New Zealanders would require that:

- 1) The proposed activity is necessary to contribute to the protection of national security. National security would not be formally defined, allowing it to be adaptive to an ever-changing security environment. Instead, it would be determined by Attorney-General and Commissioner of Intelligence Warrants;

- 2) The proposed activity is necessary for the collection of intelligence relating to one or more of the following activities in New Zealand or overseas:

- a) Terrorism or violent extremism;
- b) Espionage or other foreign intelligence activity;
- c) Sabotage;
- d) Proliferation of weapons of mass destruction (chemical, biological, radiological, or nuclear weapons);
- e) Activities which may be relevant to serious crime and involve:
 - i) the movement of money, goods or people;
 - ii) the use or transfer of intellectual property;
 - iii) the improper use of an information infrastructure;
 - iv) damage to New Zealand's international relations or economic security;
- f) Threats to, or interference with, information (including communications) or information infrastructure of importance to the Government of New Zealand;
- g) Threats to international security;
- h) Threats to New Zealand government operations in New Zealand or abroad;
- i) Threats to New Zealand's sovereignty, including its territorial or border integrity and system of government; and
- j) Threats to the life or safety of New Zealanders.

For more information on this approach see Cabinet Paper 4.