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New Zealand's Response To The Threat Of Terrorism Since “9-11” 2001

A thesis presented in partial fulfilment of the requirements for the
degree of Master of Philosophy in Defence and Strategic
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Abstract

This thesis discusses New Zealand (NZ) government responses to the threat of terrorism since the terrorist attacks on icons of power within the United States of America (USA) on 11 September 2001. The thesis describes the preventative methods and practices adopted by NZ government agencies towards protecting NZ borders against terrorists and surreptitious attempts to violate border rules and regulations. Methods of border control reflect the government's assessment of the risks of "international terrorism" against New Zealanders' well-being and environment. The study is based on qualitative research drawing on a range of sources including newspaper articles, journals, submissions to the NZ Terrorism (Bombings and Financing) Bill, interviews with defence and security experts, ministerial reports, Hansard, and relevant texts on terrorism. Findings highlight the challenging perceptions of new-age terrorism, the wide-ranging terrorist targets vital to the well-being of nations, the silent and merciless lethality of biological terrorism, the growing NZ involvement in counterterrorism, and issues surrounding state security versus human rights.

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Acronyms

ABC	Australian Broadcasting Corporation
ANZUS	Australia New Zealand United States Alliance
APEC	Asia Pacific Economic Committee
ATIU	Anti-Terrorism Intelligence Unit
AVSec	Aviation Security Services
BBC	British Broadcasting Corporation
CAA	Civil Aviation Authority
CCL	Council for Civil Liberties
CEO	Chief Executive Officer
CIA	Central Intelligence Agency
CNN	Cable News Network
CTTF	Counter Terrorism Task Force
DGSE	Director Generale de la Surveillance Exterieur
DOC	Department of Conservation
EAB	External Assessment Bureau
EDRC	Exotic Disease Response Centre
EU	European Union
FBI	Federal Bureau of Investigation
FIDA	<i>Front Islamique du Djihad Arme</i>
FIS	<i>Front Islamique du Salut</i>
FMD	Foot and Mouth Disease
FORT	Field Operations Response Team
GCSB	Government Communications Security Bureau
GDP	Government Domestic Product
GIA	<i>Group Islamique Arme</i>
HIV-AIDS	Human Immunodeficiency Virus – Acquired Immune Deficiency Syndrome
HMNAS	Her Majesty's Navy Australian Service
HMNS	Her Majesty's Navy Service
IAFLOHP	The Islamic Army for the liberation of Holy Places
IRA	Irish Republican Army
ISAF	International Security Air Force
JI	<i>Jamaah Islamiyah</i>
MAF	Ministry of Agriculture and Forestry
MOF	Ministry of Fisheries
MOH	Ministry of Health
MOT	Ministry of Transport
MWU	Meat Worker's Union
NBC	National Broadcasting Corporation
NBR	National Business Review
NFP	Nuclear-Free Pacific
NIF	National Islamic Front
NRC	National Response Centre

NSATS	National Student Administration and Teaching Support
NZ	New Zealand
NZDF	New Zealand Defence Force
NZEZ	New Zealand Economic Zone
NZFIA	New Zealand Federation of Islamic Associations
NZGDP	New Zealand Gross Domestic Product
NZIS	New Zealand Immigration Service
NZSAS	New Zealand Special Air Service
NZSIS	New Zealand Special Investigation Service
NZUN	New Zealand United Nations
NZVC	New Zealand Victoria Cross
OECD	Organisation for Economic Cooperation and Development
OEF	Operation Enduring Freedom
PLO	Palestinian Liberation Organisation
PM	Prime Minister
RNZAF	Royal New Zealand Air Force
RSAA	Refugee Status Appeal Authority
SIS	Special Investigation Service
SRC	Security Risk Certificate
UK	United Kingdom
UN	United Nations
UN	United Nations
UNICO	United Nations International Crisis Organisation
UNMOVIC	United Nations Monitoring Verification and Inspection Commission
UNWHO	United Nations World Health Organisation
US	United States
USINDO	United States Indonesia Organisation
US Navy	United States Navy
USOSAC	United States Overseas Security Advisory Council
WMD	Weapons of Mass Destruction

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Chapter 1: Introduction

Borrowing from the United States (US) Army definition of *terrorism*, Chomsky defines this activity as “the calculated use of violence or the threat of violence to attain political or religious ideological goals through intimidation, coercion or instilling fear”.¹ Therefore, *terrorism* refers to the actions of a highly motivated group of people, infrequently at governmental level, well-organized and clandestine in nature, which aims to threaten or use random acts of violence in order to shock, distress and hopefully paralyze the group’s *enemy*. The enemy is usually a state or government which has acted or is acting in a way that the group abhors. Halliday perceives terrorism as *conceptually* deriving from the 1794 French Revolution where terrorist tactics were largely adopted by governments against their own populous.² Although the use of terror in different forms has existed as a political tool throughout history, the twentieth century brought great changes in its application. While terrorism is not a widespread philosophy amongst all politically-active groups or movements, it remains a minority philosophy or tactic.

Unfortunately, terrorism has indeed become a deadly weapon in the arsenal of political movements stretching from the extreme right to the extreme left. Technological advances such as air transportation and travel, small but highly-lethal weapons, compact electrically-detonated explosives and weapons like the “SA-7 surface-to-air missile used”

¹ Noam Chomsky, *9/11*. New York: Seven Stories Press, 2001, p. 16.

² Fred Halliday, *Two Hours That Shook The World. September 11, 2001: Causes And Consequences*, London: Saqi Books, 2002, p. 72.

in November 2002 in Kenya,³ have provided terrorists with a mobility and lethality that their predecessors could never have foreseen. Advanced communications, based on telephone networks, satellites, and the internet, have permitted individuals, widely spread across the globe, to co-ordinate their activities whilst still enjoying a high degree of anonymity and autonomy.⁴

Terrorism is used by individuals or groups attempting to destabilize or overthrow existing political institutions. The word was popularized by commentators during the period following World War Two when Jewish Zionist “freedom-fighters” used terrorist attacks against British forces as a means of forcing the British to withdraw from their mandated territory Palestine.⁵ Naturally, these Zionists did not see themselves as terrorists, merely as warriors trying to claim sovereignty over their land. Ironically, today Israelis label Palestinians who use the same methods in their own desperate struggle for freedom, as terrorists. This present study shows how perceptions of terrorism are subjectively applied, *especially* after the events of 9/11.

The anti-colonial movements of the 1930s and particularly the 1940s and 1950s saw Third World peoples using the philosophy and methods of terrorism in their attempts to escape the shackles of colonial oppression. These conflicts, particularly between Ireland

³ Michael A. Jakub, ‘National Combating Terrorism Research And Development Program’. US Department Of State. Office Of The Coordinator For Counterterrorism. 29 September 2003. Retrieved 30 May 2007 from <http://www.state.gov/s/ct/rls/rm/2003/24658.htm>.

⁴ Marshall S. Billingslea, ‘Military Matters: Combating Terrorism Through Technology’, *Nato Review*, Autumn 2004. Retrieved 30 May 2007 from <http://www.nato.int/docu/review/2004/Issue3/english/military.html>.

⁵ Harvey W. Kushner, *Encyclopedia Of Terrorism*, London: Sage Publications, 2003, p. 180.

and the United Kingdom (UK); Algeria and France; and Vietnam and France/US, caused, and continue to cause, great suffering among combatants, civilians and survivors.⁶

Groups opposing other groups in an intrastate conflict, e.g. a civil-war scenario, have also used terrorism. Revolutionary forces have proven themselves willing to threaten or use shock violence against their own, established governments, as can be observed in Malaysia, Indonesia, the Philippines, Iran, Nicaragua, El Salvador,⁷ and Argentina.⁸ Terrorists know that any threat or act of violence is certain to attract mass-media coverage, bringing fear and tension through terrorist demands, grievances, actions and political-goal explanations to a vast audience in millions of homes.

Today, the victims of terrorism are frequently uninvolved civilians. However, many terrorists do not consider civilian victims innocent because these victims, probably, support the hated regime. These innocents fall prey to random attacks or, when they merely stumble into terrorist attacks against governments, or in the case of the US, federal institutions or important locations. The present international terrorism trend is driven by passion and described by Harmon as “the rise of the religiously motivated gunman”.⁹

Western attitudes towards terrorism changed dramatically, at least in the minds of politicians and decision-makers, after 11 September 2001 (9/11). During the eastern seaboard breakfast rush-hour two hijacked airliners, American Airlines Flight 11 and

⁶ Halliday, *Two Hours That Shook The World*, 2002, p. 84.

⁷ Noam Chomsky, *Pirates And Emperors, Old And New: International Terrorism In The Real World*, London: Pluto Press, 2002, p. 129.

⁸ Halliday, *Two Hours That Shook The World*, 2002, p. 83.

⁹ Christopher C. Harmon, *Terrorism Today*, London: Frank Cass, 2000, p. 27.

United Airlines Flight 175, both flying from Boston, crashed into the Trade Centre twin towers buildings in New York. Even before the towers collapsed in a horrifying scene of devastation, broadcasted live to over a billion people worldwide, President George W. Bush, speaking in Sarasota, Florida, reported that the US had suffered an “apparent terrorist attack”. Fifteen minutes later a third hijacked aircraft, American Airlines Flight 77, crashed into the Pentagon, the seat of US military power, destroying a large section of the building. However, the attacks did not end there. Within half-an-hour of the Pentagon strike United Airlines Flight 93, also hijacked, crashed in Somerset County, Pennsylvania, southeast of Pittsburgh.

On 9/11, President Bush made public statements of gravity and significance that he may not have understood. He declared that the US was “at war” and that, wherever in the world the attackers were, they would be caught and punished. Sovereign borders would not protect them. Further, any government or state authority that had sponsored, or was now supporting or harbouring these terrorists would be an enemy of the US and would suffer the direst consequences. Polarising the world in a single sentence paraphrased clumsily from the *Bible*,¹⁰ Bush then stated emphatically that any nation “not with us” in the fight against terrorism “is against us”. The US, he concluded in a statement no less resonant than Roosevelt’s Day of “Infamy” speech on 7 December 1941,¹¹ “was now at war”, not a war against a particular nation, culture or people, but an unspecified but

¹⁰ Alexander Jones, ed. *The Jerusalem Bible With Abridged Introductions And Notes*, Mark 9:40, London: Darton, Longman & Todd, 1968.

¹¹ Richard Hofstadter, ed. *Great Issues In American History: From Reconstruction To The Present Day, 1864-1969*, New York: Vintage Books, 1969, p. 409.

clearly deadly serious *War on Terrorism*.¹² Bush repeatedly appealed to the international community for support. Despite the overwhelming global condemnation of the terrorist attacks from almost all member states of the United Nations (UN), Bush wanted unambiguous statements of support from nations as he prepared to prosecute his global war on terrorism.

Traditional allies of the US, including the UK and Australia, responded immediately in joining the war. Other nations, including NZ, which strongly condemns terrorism, wanted to form a clear picture and weigh up all issues of international law, ethics and morality, before making the decision to join with, or remain outside the conflict. The NZ government and people have remained neither apathetic nor unconcerned about the terror attacks of 9/11. But that does not mean that NZ has accepted Bush's clarion call-to-arms with uniform enthusiasm.

The present study reflects, firstly, on the pre-September 11, 2001, situation and acts of internal and international terrorism within New Zealand (NZ) to demonstrate, with examples, the reaction of the NZ government to terrorist threats including border control, and increased security changes made as an attempt to directly respond to the 11 September 2001 (9/11) terrorist attack on the US.¹³ This study attempts to make sense of the NZ response to the US declared *War on Terrorism*. It describes and explains how the

¹² Ronald F. Levant, Laura Barbannel & Patrick H. DeLeon, 'Psychology's Response To Terrorism'. In *Understanding Terrorism: Psychosocial Roots, Consequences And Interventions*, Fathali M. Moghadam & Anthony J. Marsella, eds. Washington, D.C.: American Psychological Association, 2004, p. 265.

¹³ NZ Ministry Of Foreign Affairs & Trade. 'Security: NZ And The Campaign Against Terrorism: The International Dimension – Operation Enduring Freedom'. Retrieved 4 April 2007 from <http://www.mfat.govt.nz/Foreign-Relations/1-Global-Issues/Security/Campaign-against-Ter>.

events of 9/11 have shaped or influenced NZ political and public attitudes and responses to the so-called *New Age of Terrorism* the world is purportedly experiencing. To do this, the study traces the course of the Labour-led NZ government's enforcement of existing defence and security legislation, as well as moves to strengthen relevant sections of legislation and introduce new and seemingly more powerful acts giving security agencies more freedom, authority and power to protect NZ citizens against terrorism. Public submissions on such moves, media, public attitudes and government mindsets reflected in terrorism policies, are examined to create a context explaining what government has done and to provide reference points for any subsequent effectiveness of its actions.

The study rests on a foundation of sources ranging from newspaper articles; public submissions to the relevant select committees on the Terrorism (Bombings and Financing) Bill; interviews with key defence personnel and security experts; communication with members of Foreign Affairs and Trade Commissioners; other primary and secondary sources; Hansard reports on the terrorism debate in Parliament; and NZ domestic and global security concerns, particularly in the area of biosecurity. The study is presented in six parts: 1. Introduction, 2. New Zealand and Terrorism before 9/11, 3. New Zealand Confronts Security Issues after 9/11, 4. The 2002 Bali Bombings, 5. Immigration, National Security and Human Rights, 6. Biological Terrorism and Biological Security, and 7. Conclusion.

Chapter 2: New Zealand And Terrorism: Early Years

This part of the thesis reviews the NZ experience of and response to terrorism prior to the '9/11' terrorist attacks in the US in 2001.

Regardless of the length of the border and the expanse of international waters surrounding the archipelago, NZ citizens have generally considered the nation *safe* from invasion. After the Japanese invasion of South-East Asia in December 1941, it was believed that an invasion of Australia was a distinct possibility. People were inclined to believe that NZ was in equal or immediate jeopardy, and thus waged war in the Pacific as an ally of nations already attacked (the US) or likely to be attacked. The last seriously-considered likely invasion, occurred in the mid-twentieth century with the *reds-under-the-bed* scare of international communist expansion, a fear enhanced by the Korean War (1950-1953) and used to political advantage by the then Prime Minister of Australia, R. G. Menzies,¹⁴ who, in 1949, held a referendum urging Australians to make communism illegal.¹⁵

NZ involvement with war has involved service personnel going elsewhere to fight with few *home* forces raised for national defence. This feeling of relative safety doubtless stems from NZ's geographical distance from any likely belligerents, as well as from the

¹⁴ John Ross, ed. 'Menzies Moves To Outlaw Communists', *Chronicle Of The 20th Century*, 27 April 1950, Victoria: Chronicle Australia Pty, 1990, p. 706.

¹⁵ John Ross, ed., "'Red" Issue Dominates Federal Election', *Chronicle, Of The 20th Century*, 10 November 1949, p. 697.

secure feeling that, while there are certain roles to play in the world, those roles are not likely to cause animosity in others.

These attitudes may hold true, but that is not to say that NZ authorities have ignored other national threats. The NZ Defence Force (NZDF), for instance, is tasked with surveillance and protection of the NZ Exclusive Economic Zone (NZEZ). Likewise, police, customs, the Ministry of Agriculture and Forestry Quarantine Service, as dominant border control agencies, alongside the NZDF, take seriously a range of other threats including illegal laundering of money, drug trafficking, contraband, biosecurity breaches and so forth.

However, terrorism, a major scourge overseas for five decades, has received relatively little *official* importance until comparatively recent times. Perhaps NZ's first taste of such activities came in October 1975, when four members of an extremist Hindu religious group, Ananda Marga, went on trial for a series of criminal charges including conspiracy to bomb the Indian High Commission in Wellington. They were duly convicted and imprisoned.¹⁶

This case, and a few minor but similar ones in following years, hardly caused the NZ government to significantly modify its policies concerning treason and seditious offences under the Crimes Act 1961,¹⁷ although rising Maori radicalism and suspected fanaticism during the 1970s prompted greater surveillance of individuals. Several religious cults, in particular the Kingdom of God Community (commonly known as *The God Squad*), Waipara, North Canterbury, experienced police raids and public suspicion because of

¹⁶ Michael Parker, *SIS: The New Zealand Security Intelligence Service*, Palmerston North: The Dunmore Press, 1979, p. 183.

¹⁷ *Crimes Act 1961: Revised 1999*, Wellington: Buttersworth, 1999, pp. 46-47.

their extremism. The South African Springbok Rugby Tour of NZ during the winter of 1981 dramatically divided society.¹⁸ Despite the NZ Police establishing crowd-control forces, officialdom appeared little worried about threats or acts of surreptitious terror-style violence by politically motivated groups. Riotous anti-tour crowds became and remained the prime focus for police and other security agencies.

On 18 November 1982, Neil Roberts, a 22-year-old Punk anarchist, exploded a gelignite bomb in the armoured foyer of the Wanganui Police Computer building. Roberts died instantly and the computer, undamaged, continued to record and process information. Prime Minister (PM) Muldoon did express on television his concern that the attack might indicate “an anarchist conspiracy”. However, the police quickly established the nihilistic nature of the attack. Far from being part of an organized movement of any kind, Roberts suffered bouts of depression as well as anxiety about what he called the “state’s excessive authority”. Roberts’ desperation and his annoyance at what he called “society’s complacency” was actually evident on a Wanganui toilet wall, where he had spray-painted the slogan, WE HAVE MAINTAINED A SILENCE CLOSELY RESEMBLING STUPIDITY, followed by the traditional punk-era anarchist slogan.¹⁹

While other anarchists and counter-culture youths may have delighted in the near-success of Roberts’ desperate act, the media nor the wider public, much less government, saw it as an act of terrorism demanding enhanced security measures to protect institutions and infrastructure. For example, the national electricity grid remained, as it does to this day,

¹⁸ Trevor Richards, *Dancing On Our Bones: New Zealand, South Africa, Rugby and Racism*, Wellington: Bridget Williams Books, 1999, pp. 213, 222-223.

¹⁹ *Manawatu Evening Standard*, 18 November 1982.

almost entirely above ground and unprotected. The government did not hire more security guards, and viewers in the public gallery of Parliament could still get within striking distance of the nation's leaders with very little difficulty. The Wanganui event brought few changes in terms of threat prevention, except for a heightened awareness of safety concerning the Wanganui computer building.²⁰

Expanding Terrorist Acts

The mid-1980s proved dramatic: public opinion and growing fears increased as more acts of terrorism were enacted. On 27 March 1984 a suitcase-enclosed bomb exploded in the Wellington Trades Hall foyer, killing caretaker Ernie Abbott. The caretaker investigated the suitcase after it had remained unclaimed for eight hours. The police doubted Abbott was the intended target as he did not seem an obvious choice, given the list of high-ranking union members attending a national executive meeting in the Capital. The venue for the meeting was changed to the new headquarters and not the usual Trades Hall venue. It is speculated that the person/s who planted the bomb were not aware the meeting venue had been changed.

The police looked closely at the *wildcat* transport strike that had recently paralysed Wellington. Perhaps the perpetrators were politically motivated. In any event, the bombing gave police a significant forensic problem. Nine months were spent gathering three thousand exhibits and reconstruction of the relatively unsophisticated bomb, made from gelignite and a fuel/oil mixture.

²⁰ Parker, *SIS*, 1979, p. 46.

The police described the Trades Hall bombing as the work of a politically-motivated individual with either a military or civilian background with expertise in explosives. Police profiles included that of a single bomber, at liberty to concoct such a device that could kill or maim. The police expressed particular interest in established political groups and carried out investigations into left and right wing extremists.²¹ The Nationalist Workers' Party secretary and editor of their pamphlet *Attack*, which advocated the views of the white worker, allegedly referred to communists as "rats" within the union movement and called for sacking "the rats out of the unions". There was speculation an Australian National Action group may have been involved given the wave of "terrorist bombings" and a separate arson attack on the headquarters of the Sydney-based "international socialists" within days of the Trades' Hall bombing.²²

The New Zealand Herald: Urban Terrorism

The *New Zealand Herald* described the Trades Hall bombing as "urban terrorism", thus reinforcing a notion that the attack was in all probability "anti-union". This view was shared by the high-profile President of the Auckland Trades Council, Bill Anderson, who described the bombing as *terrorism* during a telephone interview on 25 April 2003.²³ In its editorial, the *Herald* called for increased national security against home-grown violence.

²¹ Vernon Wright, 'Bombs Part Of Living In 1984: Explosive Violence And The killing Of Ernie Abbott', *NZ Listener*, 4 August 1984, p. 19.

²² Vernon Wright, *NZ Listener*, 4 August 1984, p. 43.

²³ Bill Anderson. Telephone interview, 25 April 2003.

PM Muldoon described the Trades Hall bomber as a “deranged extremist,” while Labour leader David Lange, with no evidence, described the attack as a reaction of “hatred” for the National Government. Federation of Labour President W J Knox, and Wellington Trades’ Council President P J (Pat) Kelly fervently believed that the bombing was a “despicable attack on the trade union movement”.²⁴ Firm evidence to support this claim has never emerged.

Despite the claims of persecution against the union movement, the Police National Bomb Data Centre of the National Bureau of Criminal Intelligence noted that explosive incidents were not uncommon during 1984, with no fewer than thirty large or small random explosions, many assumed to be by the work of children with no political motives.²⁵ Due to its low workload, the National Bomb Data Centre functioned only on a part-time basis throughout the 1980s and 1990s.²⁶

Sinking Of The *Rainbow Warrior*: A “Sordid Act Of International State-Backed Terrorism”²⁷

The 10 July 1985 sinking of the Greenpeace flagship *Rainbow Warrior* in Auckland, by French saboteurs is perhaps the most widely-known terrorist event in NZ history, and an enduring stain on government diplomacy between France and NZ. The political backlash

²⁴ *NZ Herald*, 28 March 1984, p. 1.

²⁵ *NZ Listener*, 4 August 1984.

²⁶ Assistant Police Commissioner Jon White. Telephone interview, 2 September 2003.

²⁷ Michael Szabo, ‘The Bombing Of The Warrior’. In *Making Waves: The Story Of Greenpeace New Zealand*, Auckland: Reed Publishing, 1991. Retrieved 12 September 2003 from <http://archive.greenpeace.org/comms/rw/pkcant.html>.

from NZ opposition to French nuclear testing at Moruroa Atoll, with protesters including parliamentarians Brian Neeson and Chris Carter sailing to the Atoll aboard *HMNS Tui*, provided the *short-fuse* needed to sink the *Rainbow Warrior*.²⁸

The *Rainbow Warrior*, supposedly safely berthed at Auckland's Marsden Wharf, gave police and security agencies no reason to provide additional surveillance or unique protective measures. The *Rainbow Warrior* sank as a result of two mine blasts holing the hull and killing Fernando Pereira, a thirty-three-year-old Portuguese photographer and crew member. An investigation carried out by navy divers confirmed the ship was deliberately sabotaged. This prompted the NZ Police to initiate massive and unprecedented homicide and sabotage investigations including the appointment of three NZ detectives, Bert Whyte, Mick Hall and Cushla Watson, to continue investigations in France over a 10-week period.²⁹

The police investigation report included the technology of the bombs used. Nothing was known about the type of bombs or their dimensions and weight. However, police evidence mounted with relative swiftness and the arrest of French secret agents. Captain Dominique Prieur and Major Alain Mafart, posing as a married couple on holiday. A series of clumsy errors made their arrest inevitable. For example, during the agents' time in police custody, they made a phone call to Paris providing evidence for phone tracers. Prieur and Mafart phoned the France Ministry of Defence. NZ Police soon realised that

²⁸ Claudia Pond Eyley, *Protest At Moruroa: First-Hand Accounts From The New Zealand-based Flotilla*, Auckland: Tandem Press, 1997, p. 103.

²⁹ Robin Morgan and Brian Whitaker, eds. *Rainbow Warrior: The French Attempt To Sink Greenpeace*, London: Arrow Books, 1986, pp. 256-268.

the Director Generale de la Surveillance Exterieur (DGSE) was involved in the attempt to sink the *Rainbow Warrior*.³⁰ Initially, France denied this, but later recanted.

Reports of the supposed terrorist bombing reverberated round the world. Greenpeace workers certainly believed they were targets of terrorism. This high-profile, non-governmental, public-funded organization initiated security checks for letter bombs at its London office, and in Paris tenants in the same building with Greenpeace, fearing for their safety as a result of retaliation, tried to pressure Greenpeace to vacate the building. Prime Minister David Lange held an urgent meeting with little-known NZ Terrorism Committee and described the bombing as a “sordid act of international state-backed terrorism.”³¹

At the same time, the NZ French Embassy increased its security expecting a backlash from Greenpeace supporters. This was not surprising. New Zealanders were outraged by the incident: explosives used to destroy a ship anchored in Waitemata Harbour in peacetime.

Perhaps the NZ Government anti-nuclear stance and the Greenpeace-planned campaign, centered on Moruroa Atoll, had left the French believing they had no other coercive option: sinking the ship would have allowed the French nuclear-testing program to continue. All evidence points to France having acted to protect what it perceived as its national security and foreign policy goals, including remaining a competitive nuclear

³⁰ Richard Shears and Isobelle Gidley, *The Rainbow Warrior Affair*, Sydney: Unwin Paperbacks, 1985.

³¹ ‘Former New Zealand PM Lange Dies’, Australian Broadcasting Corporation. Retrieved 21 August 2007 from <http://www.abc.net.au/cgi-bin/common/printfriendly.pl?http://www.abc.net.au/news/newsi>.

power. Vice-Admiral Pierre Lacoste, Head of French Intelligence, believed French nuclear testing was too important to be held back by environmental protesters whom he considered puppets of Russian agents.³² He had to resign.

It is uncertain that NZ commitment to the 1984 Nuclear-Free Pacific (NFP) ban, which effectively excluded nuclear-armed and propelled ships from NZ waters, was a direct cause of the French Government's part in the *Rainbow Warrior* affair. Logic suggests that it was at least a contributing factor.

During and after this dramatic 1985 event, NZ experienced an international campaign of political intimidation threatening its foreign policies in security, overseas trade and international relations. Economic trade in primary products with France suffered³³ and PM Lange accused France of imposing trade barriers because of the imprisonment of agents Alain Mafart and Dominique Prieur. France vetoed NZ butter imports to the European markets. This may have been instrumental in persuading Lange to consider a repatriation deal with France. In UN-led talks between Lange and the European Trade Commission's Foreign Trade Minister, Willy de Clercq, the Canadian PM Trudeau acted as mediator.³⁴

Further, as a close ally of the US, NZ prospects in lucrative trading with Iran, Libya and other Arab nations were put under threat as a result of a US-led trade boycott; Libya was considered a supporter of international terrorism. Essentially, NZ interests in the Middle

³² Robin Morgan and Brian Whitaker, *Rainbow Warrior*, 1986, p. 286.

³³ 'French Ban Hinders NZ Exporters', *NZ Herald*, 21 February 1986, p. 1.

³⁴ *NZ Herald*, 5 April 1986, p. 1.

East included one of its largest export markets in primary products. Iran, for instance, equated to one-third of NZ mutton exports.³⁵ Additionally, meat and dairy products and agricultural machinery had enormous trading potential with Libya. In 1984 Libya had signed an \$8,000,000 dairy deal boosting NZ economic prospects and overseas funds.³⁶

Finally, the NZ anti-nuclear policy, including a nuclear-free policy (NFP), was seen by some as an assault on the ANZUS Treaty partners Australia and the US. Hence, NZ *slipped* out of the ANZUS Treaty, although not with a formal three-way rescinding of the Treaty itself. The US retaliated with a boycott of intelligence material, which reportedly impacted significantly on NZ security strengths.³⁷ Given the secretive nature of intelligence gathering and dissemination, there was no way of establishing the precise extent of that security loss. Estimates are speculative at best. Without superpower backing many NZ citizens, but certainly not all, felt forced into a corner. Like the Falkland Islanders in 1982, who could NZ call upon if threatened with invasion? The fact that NZ was not caught in a dispute over sovereignty, as the Falklands were, failed to register in the minds of some pundits such as Sir Richard Webb and pro-nuclear-free advocate, Major James Taia (Retired), who believed that NZ geographical isolation was no longer a significant source of protection.³⁸

US President Reagan, unwilling to sever all relationships with NZ, asked NZ to support the US-trade boycott of Libya, a sponsor of "international terrorism." Following

³⁵ *NZ Herald*, 3 April 1986, p. 3.

³⁶ 'Sanctions On Libya Could Endanger Sales To Iran', *NZ Herald*, 11 January 1986, p. 1.

³⁷ William, T. Tow, 'The ANZUS Alliance And United States Security Interests'. In *ANZUS In Crisis: Alliance Management In International Affairs*, Jacob Bercovitch, ed., London: Macmillan, 1988, p. 62.

³⁸ *NZ Herald*, 21 March 1986, p. 4.

discussions with the US Ambassador to NZ, PM Lange declared national abhorrence of “state-sponsored terrorism”. Sensing US meddling in NZ’s external trading with the Middle East, the Meat Workers’ Union (MWU) strongly resisted these moves, believing that NZ politics were *kow-towing* to the US and thus compromising NZ trade. The MWU, worried about NZ losing lucrative Iranian and other Middle-Eastern contracts, urged the government to ignore the US trade-boycott of Libya. The MWU were not optimistic that the US-promised compensation packages were sufficient to replace the loss of even a single trading deal with the Middle East.

A related security issue for NZ arose over Libya’s support of New Caledonia’s sovereignty movement, which at that time advocated full and immediate independence from France.³⁹ Although NZ relations with France had barely recovered from the *Rainbow Warrior* incident and the consequent fallout, Libyan leader, Colonel Muammar al-Qadhafi’s, actions created further complications for NZ. The anti-imperialist, pro-Muslim, and pro-African Qadhafi was openly defiant about Libya’s role as a sponsor of terrorism. Hating what he considered the insufferable yoke of US, Western and Zionist forces, Qadhafi encouraged and provided for the training of freedom-fighters from multi struggle, political groups including the Palestinian Liberation Organisation (PLO), black and indigenous US militants, Northern Ireland’s Irish Republican Army (IRA), and the Kurd’s political endeavours towards self-determination.⁴⁰ To the US government, such activities were terrorist and evil.

³⁹ *NZ Herald*, 21 March 1986, p. 2.

⁴⁰ Tim Niblock, ‘The Foreign Policy Process’. In *The Foreign Policies Of Middle East States*, Raymond Hinnebusch and Ehteshami Anoushiravan, eds., London: Lynne Rienner, 2002, p. 219.

However, threats of terrorism in or against NZ interests, both direct and indirect, remained of far less importance to NZ under both the Labour and National governments, to the extent that the NZ GDP allocation to anti-terror agencies was almost nil. In the US and other major Western or at least capitalistic nations, fear of terrorism was rising steadily and significantly, while NZ appeared to remain relatively uninterested in terrorism. This changed a little, but probably not as much as publicly perceived, six months before the 2000 Sydney Olympic Games in Sydney.

In August 2000, Henderson police Detective Inspector Craig Turley and his team were originally investigating claims of illegal immigrants entering NZ through an Auckland-based people-smuggling scheme. Among those illegal immigrants discovered were Middle Eastern nationals. These police investigations prompted a widely-reported security scare that a suspected terrorist cell had been found. A group of illegal Afghani immigrants was isolated and became the centre of attention in a security probe.

Under code-name *Operation Amid* police, during house raids, seized 7,000 documents including correspondence, letters, photographs, travel documents and maps. During the search of a house in Hendon Avenue, Mt Albert, belonging to Mohammed Omar Ahimadzi, police found a twenty-year-old map of Sydney. It had a marked anti-surveillance route leading to the Sydney nuclear reactor as well as an escape route. The police also located a notebook at another house, which purportedly outlined details of a NZ response in the event of a terrorist attack. This notebook held information on the

command structure named *Operation Lawman*, a regular multi-agency counter-terrorist exercise from the 1980s in preparation for the 1990 Commonwealth Games in Auckland.

A police search also found evidence of satellite telephone communications between the immigrants and a warring, anti-Taliban faction in Afghanistan. Police investigated the apparent, undisclosed military backgrounds of two former Afghanis, who, in turn, were presented by media pundits from the *New Zealand Herald* and *Otago Daily Times* as probable terrorists without the slightest *solid* evidence.⁴¹

Somewhat embarrassingly, police reported the possibility that a group of former Afghani fighters, who slipped through immigration while claiming asylum, may have formed a sleeper or active terrorist cell. Two Afghani men, identified as Abdul Maasud and Mohammed Ismail, were arrested after police surveillance from 2000. Initially arrested on fraud charges, Judge McElrea told the court that “allegations take on a somewhat different light in view of September 11”. The Afghani men were placed in confinement at Paremoremo prison.⁴²

During a routine court hearing on 27 September 2001, two weeks after 9/11, the court case involving both men turned into a national media *circus*. In light of 9/11, McElrea initiated the furore by expressing his profound concern that the men might renege on bail conditions. “The allegation is that both people hold the rank of commander in certain

⁴¹ ‘Olympic “Bomb Plot” Foiled’, BBC News, 26 August 2000. Retrieved 12 June 2007 from <http://newsvote.bcc.co.uk/1/hi/world/asia-pacific/896660.stm>.

⁴² *NZ Herald*, 27 May 2002, p. A15.

armed forces and disguised that fact on admission to NZ. These are allegations of a very serious nature”.⁴³

Perhaps McElrea had exercised inadequate caution in making these bold and possibly prejudicial statements and subsequently imposing a total news blackout while clearing the courtroom during the hearing on the grounds of national security. Either coincidence or not, this particular case coincided with a US enquiry. Saxby Chamblis, a government official of the US House of Representative’s sub-committee on terrorism investigating the 9/11 attacks, reviewed sixty-four countries with terrorist cells and links to Osama bin Laden; NZ was among those countries listed.

PM Clark, Minister of New Zealand Security and Intelligence Service (NZSIS), chose to ignore debate on intelligence matters, denying there were terrorist cells in NZ, responding: “I sleep easily in my bed”. At the same time she acknowledged the US strategic objective was designed to flush out Osama bin Laden’s supporters of terrorism who were actively financing his terrorist activities against the West. The police seemed to endorse Clark’s view when Inspector Turley read an affidavit which stated that Maasud and Ismail were *not* security risks to either NZ or countries overseas. The diplomatic representative in Australia for Afghanistan’s anti-Taliban Northern Alliance, Mahmoud Saikal, also confirmed in the media that the two alliance members were fighting *against* terrorism.⁴⁴

⁴³“Olympic ‘Bomb Plot’ Foiled”, BBC News, 26 August 2000. Retrieved 12 June 2007 from <http://newsvote.bbc.co.uk/1/hi/world/asia-pacific/896660.stm>.

⁴⁴ *Evening Post*, 25 September 2001.

Despite the supporting evidence in their defence, both men remained in Paremoremo prison until, at a later date and without much media attention, the charges against them were dropped. The men have since expressed serious resentment at their unjust treatment at the hands of a Western nation gripped by 9/11 fever.⁴⁵

The NZ view may suggest otherwise. The two Afghans had committed an offence and presented false information. Police actions (routine) were based on security concerns in light of that information. The police van transporting the Afghans to Paremoremo was trailed by a police Eagle helicopter as a precautionary security measure under orders from Corrections Chief Executive, Mark Byers.

Unexpected criticism of those methods used to transfer men to Paremoremo came from Corrections Minister Robson indicating poor communication within his own ministry. Reports that the police and SIS agents had “swooped” on men suspected to be linked to the terrorist attacks of 9/11 were denied by PM Clark and Police Commissioner Robson. However, the Commissioner did not rule out the possibility that there could be a terrorist cell in NZ.

Robson and the District Commander for Counties-Manakau, Superintendent Cox, reported the possibility of “potential overlaps” concerning the immigration case involving Maasud and Ismail and the terrorist attack of 9/11.⁴⁶ Immigration Minister Dalziel

⁴⁵ *NZ Herald*, 27 May 2002, p. A15.

⁴⁶ *Evening Post*, 1 October 2001.

reportedly denied any knowledge of the Maasud and Ismail case, thereby leaving the fate of both men within the jurisdiction of the police.

In either confusion or irrationality resultant from unfolding events surrounding the arrest of the Afghanis, the confidentiality clause concerning court orders was breached by Corrections Minister Robson who carelessly provided the *New Zealand Herald* with the identities of Maasud and Ismail despite Judge Lance's suppression order. Similar irrational actions by ACT party leader Richard Prebble, in using Parliamentary privilege to provide details of the detainees court files and the Summary of Facts, proved premature as it was later revealed that Prebble's information was incorrect and based only on police interim reports at that time.

African Bombings Impair USA Interests (1998 – 2000)

On 7 August 1998, a car bomb detonated in Nairobi at approximately 10:35pm NZ time, followed a few minutes later by bomb blasts in Dar es Saalam, the capital of Tanzania. These bombings of US Embassies were described as a well-planned campaign. For instance, the timing of the bombings coincided with the busiest time of the day and during a time when both centres were crowded. The official report of the blast from the Kenyan police confirmed twenty dead with approximately eighty assumed dead, and more than a thousand people presumed injured in the blast.

The police were of the view the bomb was targeted at the US Embassy.⁴⁷ The French and US Embassies, located within close proximity, were affected. The impact of the blast had penetrated the centre of the recently modified and reinforced US Embassy as far into the building as the Ambassador's office. At least five were killed with approximately 54 hospitalized as a result of their injuries.

Based on intelligence advice received by the US government, Osama bin Laden, a wealthy Saudi millionaire, was presumed to be the sponsor of the attacks. Prior to the US missile strikes on Afghanistan targets, bin Laden denied responsibility for the African bombings as reported through the "Pakistani English-language *Daily News*".⁴⁸ Islamic leaders protested any likelihood of Muslim involvement in the bombings and demanded proof claiming the allegations were predetermined and, therefore, prejudicial.

Mohammad Farouk Adams, a prominent Muslim leader in Kenya, believed Muslims were deliberately being targeted as responsible for the bombings. Mullah Mohammad Omar of Kandahar also reported in *The Pakistani News* the unlikelihood of bin Laden's involvement.⁴⁹ Members of a group calling themselves *The Islamic Army for the Liberation of Holy Places* claimed responsibility for the African bombings, thus eliminating Osama bin Laden as a suspect or sponsor.⁵⁰

However, the denials proved to be unavailing in the decision to act with pre-emptive strikes on the country assumedly supporting bin Laden's campaign of terror. In

⁴⁷ 'US Embassies Bombed', *Dominion*, 22 August 1998.

⁴⁸ 'US Hits Sites Suspected In Embassy Bombings', *Otago Daily Times*. Retrieved 30 September 2003 from <http://www.odt.co.nz/cgi-bin/search-display-story-online-new?date+22august1998&obj>.

⁴⁹ 'Muslims Demand Evidence On Embassy Bombs', *NZ Herald*, 15-16 August 1998, p. B3.

⁵⁰ 'Islamic Group Threatens West With More Attacks', *Dominion*, 10 August 1998.

accordance with President Clinton's orders, US cruise missiles were launched on alleged terrorist camps in Afghanistan as well as an alleged chemical weapons plant in Sudan. President Clinton ordered the attacks anticipating they would pre-empt more planned terrorist attacks against the US.⁵¹

NZ Condemns Terrorist Attack In Africa

The bombings of the US Embassies in the African capitals of Nairobi and Dar es Saalam shocked the NZ Foreign Minister McKinnon who expressed the views of all in his condemnation of terrorism as "an indiscriminate killer of innocent people". In response to the US swift retaliation to the African bombings, McKinnon supported the US missile attacks on Sudan and Afghanistan in the firm belief that "countries have the right to defend themselves and their citizens against terrorism". He wrongfully stated that the "intelligence" gleaned regarding the African bombings was "very good".⁵² Essentially, there was no conclusive proof that the al-Shifa Pharmaceutical Factory in Khartoum was manufacturing chemical weapons. Also of interest: since 1989 the National Islamic Front (NIF) Sudan Government had failed to garner US support; instead the US ceased diplomatic relations and imposed economic sanctions on a country considered by the US to be a state sponsor of international terrorism. These anomalies may have served to highlight the ill-conceived and reactive actions of US President Clinton immediately following the African bombings.⁵³

⁵¹ *Otago Daily Times*, 22 August 1998.

⁵² *Ibid.*

⁵³ Michael Barletta, 'Chemical Weapons In The Sudan: Allegations And Evidence', *The Nonproliferation Review*, 1998, p. 115. Retrieved 12 August 2005 from, <http://cns.miis.edu/>.

On 25 September 1998, McKinnon addressed the Fifty-third Session of the UN General Assembly's Terrorism and War Crimes Tribunals. He forcefully supported the implementation of a statute which would give the International Criminal Court jurisdiction to combat atrocities against humanity. With regards to the "recent tragic events in Nairobi and Dar es Salaam" McKinnon maintained that these terrorist attacks gave reason for the "unequivocal" battle against terrorism, and strongly supported an international-community effort to ensure there were no safe havens for terrorist groups. Further, McKinnon supported the "fundamental objective" of all members of the UN General Assembly's continued commitment to the network of anti-terrorist instruments.⁵⁴

Two years later, on 12 October 2000, while anchored in the Port of Aden in Yemen, the destroyer *USS Cole* was attacked by two suicide bombers with devastating results. The reaction from the US was immediate. The bombing caused disbelief and shock. President Clinton called it a "despicable act" and vowed to catch whoever was responsible. The news filtered through that suicide bombers, in a small inflatable Zodiac, had blasted a hole in the side of the *USS Cole* while the inflatable was understood to be assisting the ship to berth at the Yemen port. The hole created by the bomb blast measured 6x12 metres. US sailors immediately set to work in an effort to prevent the destroyer from sinking⁵⁵. Six US sailors were believed killed in the blast and several sailors were reported to be injured. Navy staff investigators, FBI federal agents, and medical personnel were sent to Aden to investigate the bomb damage and to assist with the

⁵⁴ Ministry Of Foreign Affairs & Trade, *Record*. Vol. 7. No. 4. September 1998, p. 24.

⁵⁵ *NZ Herald*, 14 October 2001, p. A1.

wounded. US Vice-president Al Gore and George W. Bush, presidential candidates at that time, were adamantly united in the view that there would be repercussions and retribution by the US if it was determined that the fatal blast to the *USS Cole* was a terrorist operation.

In response to the suicide bombing attack on the *USS Cole*, NZ Foreign Affairs Minister Goff acknowledged that the Middle East violence was the worst it had been for a decade and warned of “more acts of terrorism worldwide”.⁵⁶ The Chief of Naval Staff, Rear Admiral McHaffie, sent a letter of condolence to the US Navy. He firmly believed the deaths of sailors who served on the *USS Cole* was the selfless commitment sailors made while “promoting and protecting those values both our countries hold as fundamental to our way of life”.⁵⁷

During 2001, NZ made steady progress in preparation for an active role in countering terrorism. As the true nature of terrorism is relatively unknown, the NZ government faced the prospect of an active military contribution of lasting duration in an international fight against a campaign of terrorism perceived as international in character. Hence, as a UN Resolution required members to accommodate anti-terrorism laws in legislation, NZ was obliged to fulfill that requirement.

In April 2001, the Terrorist Action Group was formed composed of the Prime Minister, Deputy Prime Minister, Attorney-General, CEO government officials, Foreign Affairs

⁵⁶ Ministry Of Foreign Affairs And Trade, *Record*, vol. 9, no. 3, 2000, p. 96.

⁵⁷ Admiral McHaffie, ‘Letter Of Condolences To US Navy’. Retrieved 25 May 2003 from www.navy.mil.nz/nzn/article_id=5798.

Minister, defence personnel, Police Commissioner and police. When asked for his views on security for NZ concerning terrorist attacks, SIS Director Woods acknowledged there was no direct threat but at the same time he was not convinced it would never happen. The main threat to NZ was viewed as the risk of terrorists infiltrating through immigration and people-smuggling in by sea. Other areas of concern to NZ security were air travel, technological advancement in communications via computer internet and cell-phones, any attempts to procure weapons and explosives, and the possible recruitment of NZ citizens including prison inmates by terrorist agencies.⁵⁸ That view changed immediately after the terrorist attack of 9/11.

⁵⁸ *Otago Daily Times*, 28 April 2001.

Chapter 3: New Zealand Confronts Security Issues

The 9/11 attack on the World Trade Centre was not the first terrorist attempt to destroy that American icon. The first attempt, 1993, involved a truck parked with 1,100 pounds of explosives which detonated in the basement car-park. The blast left a crater measuring 22 feet wide and a depth equivalence of a five-storey building. The official report of fatalities confirmed six dead with approximately 1100 injured. Repairs to the towers took one month and cost \$300 million. Ramzi Yousef, identified as the master-mind behind the attack, was arrested and convicted in 1998. Sheik Omar Abdel Rahman was also arrested for his role in the attack and convicted with a further nine terrorists.

9/11 began a new phase in the NZ consciousness on security issues. It left an indelible feeling of vulnerability among many NZ citizens. It was reported through media, that people responded with messages to the US Embassy in Wellington with expressions of sympathy, shock, disbelief and condemnation of the terrorists.⁵⁹ The realization of the attack to the NZ psyche was immediate and sudden. NZ could not remain in isolation from the international community while deadly forms of terrorism shook the foundations of the inward-looking view of the world from peaceful and near-idyllic NZ. The US and its allies (including NZ) condemned the destruction of New York's iconic edifices as an anathema to humanity.

⁵⁹ *NZ Herald*, 13 September 2001, p. A6.

At the time of the 9/11, attack PM Clark was in transit to Europe to attend a meeting with other world leaders to discuss progressive governance.⁶⁰ In her absence, Tim Anderton, Acting PM, addressed the nation. In his ministerial statement on 12 September 2001, a time-line difference of 24 hours, and immediately following the graphic details of CNN television news coverage, he reiterated the unprecedented horror of terrorism against the US. Anderton addressed the immediate concern that NZ citizens might be among victims, gave assurances that government agencies were monitoring and assessing any possible effects of the attacks on NZ.⁶¹ NZ National Deputy leader Hon. Bill English expressed the hope no NZ passengers were on the ill-fated hijacked aircraft.⁶²

At the same time the government began action on a number of measures introduced to strengthen internal security, especially at airports. Such action included the immediate screening of domestic and international travellers at main airport locations in NZ, under the control of the Aviation security services, civil aviation, police and military personnel. International airlines operating out of NZ were advised by civil aviation to exercise special precautions and the police strengthened security arrangements for embassies and consulates throughout NZ. In anticipation of public enquiries about the location of friends or relatives in the US, the Ministry of Foreign Affairs and Trade's toll-free number provided a constant flow of updated information on NZ citizens either visiting residing in the US. NZ Foreign Affairs also created a website and posted information.⁶³

⁶⁰ *Otago Daily Times*, 13 September 2001.

⁶¹ 'Ministerial Statement – Terrorist Attacks, United States'. *Hansard*, 12 September 2001, p. 11614.

⁶² New Zealand Parliamentary Debates, Wellington: *Hansard*, New Zealand Government, 12 September 2001, p. 11616.

⁶³ *NZ Herald*, 13 September 2001, p. A7.

Territorial authorities were also instantly alerted. Mayor Fletcher of Auckland City convened a meeting with the Auckland Regional Authority, Regional civil defence, business and community leaders, infrastructure agencies, police, airlines and the airport authority. The Mayor kept the lines of communication open and ensured the media were informed with reassurance that every precaution was being taken to ensure a similar disaster would not happen in Auckland. Fletcher assured the public that every agency was on “high alert”.⁶⁴

NZ citizens also played their part in the emergency by extending hospitality and assistance to stranded travellers using the twenty-four hour helpline. Catholic Archbishop Thomas Cardinal Williams and other religious leaders expressed their condemnation of the attacks. Dr Anwar Ghani of the Islamic Federation declared the attack “un-Islamic” and against the teachings of the Koran. Religious services were held in Auckland’s Cathedrals and Aotea Square. The Federation of Islamic Associations, mindful of a racial backlash, advised the NZ Afghan community to remain calm and keep a “low profile” by avoiding drawing attention to any activity. Of particular concern to the Association’s communications officer, Abdullah Drury, were the distinguishable features of turbans and beards as visible ethnic aesthetics of a Middle-Eastern nature and especially Afghanis. Hence there were expectations of potentially anti-Muslim violence.⁶⁵

In Wellington, security was strengthened around the US Embassy using armed guards. NZ citizens joined with US citizens in sharing their grief. In acts of sympathy for US

⁶⁴ *NZ Herald*, 13 September 2001, p. A7.

⁶⁵ *Ibid.*

citizens, messages and flowers were placed at the US Embassy's gates. The US Charge d'Affaires, Phillip Wall, expressed his gratitude and affirmed the bonds of friendship between the US and NZ, and sent a message of caution for US citizens living in NZ.

A comment expressed by a NZ woman who placed flowers at the US Embassy's gate in sympathy may have reflected a general feeling of helplessness by most in NZ when she said, "You can't do anything useful, so you do something that's vaguely relevant". Another message placed at the Embassy's gate summed up NZ feelings of compassion for the US, with the words, "Our hearts go out to the US and its citizens".⁶⁶

Terrorism Under Fire In NZ Parliament

In the Parliamentary Debating Chamber all political parties made extravagant statements along the lines of "the world will never be the same again." They clearly meant that the security environment had changed dramatically in the crumbling towers and billowing dust and debris. All opposition leaders expressed disbelief and condemnation. National's Deputy-Leader English also maintained that the world was forever different, as did Donald of the Green Party, who, nonetheless, stated his belief that any aggressive responses would be counterproductive. Only legal, non-military and UN approved solutions should be sought. In a speech about NZ security, Deputy PM Jim Anderton explained the additional safety measures, including the strengthening of airport security. NZ flights to the US would be cancelled because of risk. NZ government offices in Washington and New York were, along with all other embassies, instructed to take care and prepare to help nationals in trouble. Anderton then called for a pledge from all

⁶⁶ *NZ Herald*, 13 September 2001, p. A7.

members of parliament to extend moral support and a sense of solidarity to other democratic countries trying to free the world of the “devastating scourge of terrorism”.⁶⁷

Although some leaders agreed that parliament should adjourn for the day in respect for the US and the attack victims, ACT leader Prebble disagreed. In a poignant speech he described the political attitude of our “forefathers” when Hitler invaded Poland and how parliament remained open regardless of the dire circumstances. He saw these historic actions as an example for us all and, therefore, neither “will we close for a terrorist.” Prebble called the attack a blow “against democracy” and asked the government for assurances that NZ was safe from terrorism.⁶⁸ Prebble also made gauche statements about the “terrorist” breaches of security made by protestors against the 1981 Springbok Rugby tour as well as the phasing-out, of the RNZAF air-combat wing, which he believed could possibly provide a safety-net to NZ security. Prebble also insisted that intelligence agencies and Waihopai were valuable weapons against terrorism and that neither should be abandoned in the government’s restructuring plans.⁶⁹ Other MPs reflected on the possible reasons for the terrorist attacks, relating them to unrelenting conflicts and highly sensitive international relations between countries of diverse politics, religions and cultures.

⁶⁷ Jim Anderton, ‘Terrorist Attacks In US’, Ministerial Statement 12/9/2001, Retrieved 3 May 2002 from <http://www.beehive.govt.nz/ViewDocument.cfm?DocumentID=11771>.

⁶⁸ *NZ Herald*, 13 September 2001, p. A7.

⁶⁹ *Ibid.*

Labour backbencher, Luamanuvao Winnie Laban, believed poverty and despair were contributing factors. In her speech Laban said:

Clearly there are some people who do not have a place in this world who have struck a blow aimed at the heart of America. In the next few days we will look at our security and reflect on our place in the world. The best way to ensure security is to have good relationships with our neighbours and our friends. Nations do not exist alone. Even the strongest nations are vulnerable as today's tragedy shows us.⁷⁰

Laban also reminded MPs of smouldering social and political problems among South Pacific islands including Bougainville, the Solomon Islands, Fiji and Vanuatu.

NZ Border Controls

While CNN, NBC, ABC and BBC television news reports were constantly re-broadcasting the 9/11 terrorist attacks and international responses, NZ officials focused on less dramatic possibilities than aircraft pirates toppling buildings. In terms of concerns regarding border control in the protection of NZ's vital organic industries, the government encouraged focus on planning security strategies to counter any harmful biological organisms or chemicals either deliberately or inadvertently introduced into NZ. Deputy PM Anderton announced that heightened security at airports included bio-security measures introduced under the Protect NZ Program established in 2000 at a cost

⁷⁰ *Hansard*, 2001, p. 11643.

of \$3million as a consequence of the foot-and-mouth disease (FMD) then rampant in Europe.⁷¹

A spokesperson for Agriculture and Bio-security MP Sutton confirmed biological security measures were being constantly monitored with a special focus on threats to NZ herds. Essentially, exotic pests and diseases could reduce NZ living standards by 25% with an estimated cost in billions of dollars removed from the GDP.⁷² An outbreak of anthrax, botulism or FMD, to name the most serious threats to the NZ beef and sheep industries, would devastate the NZ economy. The National President of Federated Farmers, St Clair, shared this concern and warned that “the economy would grind to a halt if bioterrorists struck”.⁷³

NZ increased security measures also included closer attention from the NZSIS, NZDF and the police, to the US and Israeli Embassies in Wellington, as well as those of other nations, and NZ interests including diplomatic missions and information centres. The perceived connection between the US and Israel was not unique to NZ. Worldwide, friendly nations strengthened security of US and Israeli diplomatic, political, cultural and trade centres. In Islamic or Muslim countries hostility towards Israel outstripped that towards the US.

⁷¹ M.Cullen, ‘The Estimates Of Appropriations For The Government Of New Zealand’. *Budget 2003, For Year Ending 30 June 2004*, vol. 1. Wellington: New Zealand Government, 2003, p. 35.

⁷² *NZ Herald*, 13 September 2001.

⁷³ *Ibid.*

Given the immediate concerns for airport security, the Aviation Security Services (Avsec) participated in three Ministry of Transport (MOT) reviews in the weeks immediately following 9/11. The outcome of those reviews include practical suggestions to screen baggage and passengers on aircraft containing more than ninety passenger seats. Other security measures initiated by the NZ Government involved the police and over 250 personnel working together to assist in strengthening security at airports. Authorities immediately suspended passenger and cargo flights destined for the US, a suspension lasting 48 hours. Avsec devoted intensive concentration to checking passengers on overseas flights in large or crowded aircraft. Clearly, NZ was in a better situation to act immediately in securing airports given the small size and the low volume of traffic to and fro compared to larger countries with a higher density of cargo, passengers air traffic.

Despite media coverage of defence staff at airports immediately following 9/11, intensive research of NZ Government records failed to produce any information regarding defence spending on this despite its contribution towards strengthening security with defence personnel at airports. As reflected by the Avsec annual report, given the terrorism emergency that existed, Avsec had seconded defence staff and were, therefore, deemed responsible for costs incurred as a result of the security operations at airports nationwide.⁷⁴ According to the Civil Aviation Authority's Annual Report for 2001/2002, Avsec initiated emergency measures including the training of NZDF Personnel from the army and navy to assist in screening passengers, baggage and freight at airports. This

⁷⁴ Civil Aviation Authority of New Zealand, *Annual Report, Year Ending June 30, 2002*, Wellington: Civil Aviation Authority Of New Zealand, 2002, p. 12.

ended on 21 December 2001.⁷⁵ The Civil Aviation Authority (CAA) concluded this was an interim security measure introduced until Avsec had recruits for training. Consequently, human resources required to cope with screening resulted in staff increases from 168 in 2001 to 364 by June 2002.⁷⁶

Avsec additional staffing resources entailed recruitment. There was a 57% staff increase: this increase boosted Avsec staff statistics from 206 to 323 excluding the seconded defence personnel.⁷⁷ The recruits and the extra major capital investment on the purchase of equipment for screening passengers and cargo were required to meet post 9/11 security measures. A previously planned security initiative prior to 9/11 included several explosive-detector dogs. The number of dogs recruited was increased and immediately employed as a result of 9/11.⁷⁸ NZDF personnel made a significant contribution in overcoming the deficit in numbers. These skills and experience were necessary to protect NZ interests and “economic well-being” as central facets of concern to the NZ government.⁷⁹

During customs and security checks at departure and arrival points, security scrutineers recovered an array of guns, knives, and gas cylinders. However, it cannot be concluded that the weapons found were more numerous than those normally taken secretly onboard, or that passengers attempted to smuggle them because of fear for onboard safety in the surreal period of anxiety following 9/11. The results relayed to the Parliamentary select

⁷⁵ CAA *Annual Report*, p. 13.

⁷⁶ CAA *Annual Report*, p. 12.

⁷⁷ CAA *Annual Report*, p. 48.

⁷⁸ CAA *Annual Report*, p. 1.

⁷⁹ *Dominion*, 1 October 2001.

committee for airport security by Mark Everitt, General Manager of Avsec, were positive, particularly his observation of the patience and willing cooperation from passengers at airport checkpoints.⁸⁰ With respect to airport security, Everitt advised the Select Committee that previous security reviews on the safety and threat of smaller aircraft did not need modification. Everitt did not elaborate on the 90-seat aircraft focal point with regard to strengthened security measures. Christchurch-based aviation analyst Les Bloxham believed the limit set by Government authorities was possibly linked to long-distance travel and the “explosive potential” imminent in high volumes of fuel on board larger planes. This makes sense, although the secretive nature of Everitt’s sources precludes certainty.

The report by Williamson, Avsec manager of corporate services, reflected a decrease in passengers travelling within the North Island and a slight increase within the South Island. Overall statistics revealed a 2.6% decrease, with a 4.6% decrease in flights out of Auckland and Hamilton. The report did not say whether the decrease originated in fluctuation and variations of travelling passengers in various seasons or from nervousness following the 9/11 attacks. The economics of running the airlines centred on security issues prompted by the cancellation of \$US750 million war and terrorism insurance cover from Avsec. In September 2001 the loss of that cover influenced a decision by Avsec to exclude regional airports providing services for planes with a low seating capacity from the high level of security risk applied to international airports.⁸¹ In March 2002 the security risk assessments of Avsec and the CAA, commissioned by the government and

⁸⁰ CAA *Annual Report*, p. 7.

⁸¹ *Ibid.*

carried out by Marsh Risk Consultants, proved valuable raising the combined Avsec/CAA war and terrorism insurance cover by \$US200 million. In addition the government agreed to provide an interim amount of \$US150 million.

The government also set up a security network to counter terrorism. Security initiatives aided by government funding of \$3.5 million provided for the creation of a police terrorism investigation and intelligence group with police personnel appointed to positions in London and Washington and increasing numbers to the existing police liaison offices in Australia. An existing Wellington-based Army Bomb Squad gained \$370,000 to respond to chemical and biological terrorist attacks.⁸²

Following 9/11, in October 2002 the NZ Government passed the Terrorism (Bombings and Financing) Act 2002, and budgeted an extra \$30 million to increase security against terrorist threats.⁸³ Security recipient organisations to benefit from the \$30 million budget included the Government Communications Security Bureau (GCSB), External Assessment Bureau (EAB) and NZSIS. The key counterterrorism initiatives included the police Anti-terrorism Intelligence Unit (ATIU) and increased funding for Customs Services border control with 28 additional police recruits to increase existing police numbers at airports. The Minister for Customs, Anderton, believed the extra funding for border control would allow for closer working relationships with other departments and overseas agencies in efforts to monitor movements and transportation of cargo and people with possible links to terrorism. He believed that NZ should join the international

⁸² New Zealand Defence Force, *2003/2004 Output Plan For Year Ending 30 June 2004*, Wellington: NZDF, p. S3-61.

⁸³ Tracy Watkins, 'Too Close For Comfort', *Dominion Post*, 15 October 2002.

community in its fight against terrorism and that NZ participation would reduce any international concern that NZ was soft on terrorism and could, as a consequence, offer a haven to terrorists.

PM Clark believed the extra funding would strengthen vital areas of intelligence including the Waihopai satellite base. Scheduled to meet with US President Bush in March 2002, Clark believed the international security environment demanded NZ commitment towards efforts to combat terrorism and that NZ should not be seen a “soft touch” or haven for terrorists to launder money.⁸⁴ For the Green Party and a small group of Alliance activists, government anti-terrorism measures designed to intercept bank accounts and use listening devices to tap phones were unacceptable. Green Party MP Keith Locke indicated he was not convinced these agencies would be more efficient with the extra funding considering their poor record in identifying or preventing threats to national security. Regardless, a National Business Review (NBR) Compaq poll revealed most New Zealanders, including Alliance voters, supported the government with a 93% majority for mandatory tightening of airport security and screening of hand luggage on domestic flights. The poll also showed that Anderton had widespread Alliance confidence and support for government involvement in Afghanistan and improved international security measures. Commenting on economics and tourism, Foreign Affairs Minister Goff believed terrorism was a major threat to NZ and its citizens. He considered 9/11 responsible for the reduction of tourists visiting NZ and consequently the negative effect on the economy.⁸⁵

⁸⁴ *Dominion*, 31 January 2002.

⁸⁵ *Dominion*, 23 November 2001.

Due to border control at airports, a "Bin Laden Tax" and other security charges were introduced. Air New Zealand (ANZ) added a "war-risk insurance" levy for aviation insurance as well as a \$2.15 CAA fee to passengers. To justify the increases to passengers ANZ spokesman Hill stated the trend to increase security fees was worldwide. On a return Qantas flight from Wellington to Sydney, for example, passengers paid a terrorist tax of \$15.80 as a consequence of 9/11.

NZ Defence Policy

9/11 proved to be a turning point for the NZ Government concerning foreign policy on defence. Since the Vietnam War, the NZDF was mainly involved in peacekeeping operations. Given that NZ is a peace-loving nation there is a low tolerance towards warfare; this philosophy is reflected in government policies on defence issues. However, 9/11 altered the political landscape for all Western democracies including NZ. Essentially, NZ was forced to change tactics because of the unpredictability of terrorist attacks. The anti-terrorism campaign sweeping Western democracies began to shape NZ foreign and defence policy and thus to affect the NZ way of life.

At first, in the 9/11 aftermath and under media pressure, the NZ government denied military involvement in a US-led coalition retaliatory strike against Afghanistan. On two separate occasions a German news source and US Military Chief reported that elite NZSAS troops were specializing in reconnaissance and counterterrorism missions. PM

Clark later confirmed NZ had committed special forces to the US-led international coalition forces soon after the terrorist attack of 9/11.⁸⁶

Until recently, the NZDF overseas missions were mainly under the mantle of the UN and mandated as observers, peacekeeping operations and technical expertise in engineering and dismantling landmines. NZDF advisors and personnel in operations and logistics were deployed to scattered locations mandated under ongoing UN arrangements.⁸⁷

In lieu of 9/11 and the NZ government not requiring Parliamentary approval to send troops to Afghanistan, the consensus in Parliament was overwhelmingly in favour of the elite-SAS personnel inclusion in counterterrorism operations in Afghanistan. The official vote was 120 in favour with seven against from mainly National, New Zealand First, ACT and United Futures.⁸⁸ Hence, Afghanistan was perhaps to serve as the benchmark for NZ government change to a more aggressive NZDF policy concerning NZ's peacekeeping status quo. Meanwhile, political views on the legal and moral considerations regarding NZSAS actions differed. An amendment to the resolution to send troops to Afghanistan made by National included the words "and totally supports the approach taken by the US and the UN." The Green Party, contrary to the US-led pro-military stance in Afghanistan, opposed NZ military involvement. The right-wing consensus vote reflected NZ First Party leader Peters' perception that the US-led bombing in Afghanistan was not terrorism and reflects a NZ counterterrorism stance which is hypocritical with regard to the government's open advocacy of human rights and peaceful resolution of

⁸⁶ *Dominion*, 28 September 2001.

⁸⁷ NZDF, *2003/2004 Output Plan*, pp, S3-96 to S3-97.

⁸⁸ *Evening Post*, 4 October 2001.

conflicts for all people. In a cautious approach to the task, Minister of Defence Goff reminded MPs of the dangers ahead for the SAS personnel as they faced “huge risk” in action.⁸⁹

In efforts to stymie the increasing solidarity between democratic nations against terrorism, the Taliban ambassador to Pakistan, Abdul Salam Zaef, was reported in the media as warning that those countries supporting the US-led military operation in Afghanistan would be targets of a holy war (jihad). The recently formed Terrorism Crisis Committee, responsible for NZ domestic and external security, was not slow in checking the authenticity of the threat. To reassure the NZ public there was no threat concerning a backlash act of terrorism, police spokesman Neilson gave assurance that Osama bin Laden’s sympathizers in NZ were unlikely to commit crimes and “enforce the jihad”.⁹⁰

Paraphrased, an official paper on the government’s defence policy advocated the NZDF Task Force ARIKI joining the US-led coalition force as part of Operation Enduring Freedom (OEF) towards countering trans-national terrorism. As a result, NZSAS troops were part of the military contingent sent to Afghanistan.⁹¹ During December 2001, in accordance with the UN Security Council Resolution 1373, a UK-led International Security Assistance Force (ISAF) deployed to Afghanistan included a small number of NZDF personnel. The nature of the deployment mission was to provide security for the election of a government, fully-representative of the Afghanistan people.

⁸⁹ *Evening Post*, 4 October 2001.

⁹⁰ *Dominion*, 3 November 2001.

⁹¹ NZDF, 2003/2004 *Output Plan*, p. S3-98.

In November 2002, a small group of NZDF personnel, including specialists in communications and medical health, were subsequently deployed to Iraq as part of a UN-Monitoring and Inspection team in accordance with the UN Monitoring, Verification and Inspection Commission (UNMOVIC) under the UN Security Council Resolution 1441 to complete the disarmament process. The NZ government also approved the deployment of an ANZAC frigate to the Arabian Sea and Straits of Hormuz in December 2002, Orion aircraft to the Arabian Gulf in 2003, and C-130 Hercules aircraft as transport carriers within Afghanistan.⁹² A significant event in 2004 was a citation award by US President Bush to the NZSAS in recognition of their contribution to the Afghanistan operation.

ANZUS And Regional Security

The new security-consciousness government also resurrected other security issues in Parliament, including the contentious ANZUS Treaty and the current NZ position as a signatory to that treaty, a topic of great concern for the NZ Green Party. Prior to 1984, ANZUS provided NZ with a sense of stability. However, this trilateral defence arrangement began to falter when the Labour government of the mid-to late 1980s adopted increasingly stronger platforms on the issue of nuclear testing, weapons and nuclear propulsion in the South Pacific as a result of France's nuclear testing on Moruroa atoll in the Pacific Ocean. The banning of US nuclear powered ships from NZ ports further eroded the ANZUS pact when the USS Buchanan was denied berthing in a NZ port in 1985.

⁹²NZDF, *2003/2004 Output Plan*, S3-98.

After 9/11, ACT Leader Prebble advocated a NZ return to a full role in ANZUS as the terrorist “deeds of great evil” were bigger threats than NZ could cope with alone. Prebble cited the SAS involvement in Afghanistan as proof that “strength in numbers” and shared responsibility between democratic countries had merit. Prebble gained an unexpected ally in the NZ Auditor-General who perceived disadvantages for the NZDF in 2001. In reference to ANZUS, the Auditor-General believed NZDF personnel safety could not be guaranteed in overseas “hotspots” such as East Timor due to the lack of international intelligence that was, in all probability, a legacy of the NZ anti-nuclear policy.⁹³

On 2 June 2005, the government reported on the redeployment of fifty SAS troops to Afghanistan for a period of 180 days to prevent Taliban and Al Qaeda groups with likely intentions of using violence to disrupt the national campaign to elect a new government in September. This served as good reason for the government decision to ensure an ongoing contribution to the campaign against terror in Afghanistan. Possible Al Qaeda terrorist influence over the elections was reason for the international coalition force, mandated by the UN Security Council, and ensuring the elections would proceed unhampered by terrorists.⁹⁴ NZ Minister of Defence Burton was reported as saying the redeployment of the SAS troops was the NZ contribution to the US-led war on terrorism in Afghanistan. Despite the fact there existed US “policy restrictions” of intelligence and Defence guarantees concerning NZ and the ANZUS Treaty. The US Ambassador to NZ, Swindells, viewed the military cooperation between the two countries was that of mutual “interests” and that “the charter was included in the US deployment’s \$7.3 million

⁹³ *Dominion*, 31 January 2002.

⁹⁴ ‘SAS To Be Redeployed In Afghanistan’, *NZ Herald*, 1 June 2005.

budget.”⁹⁵ On completion of his ambassadorship, Swindells included in his speech that NZ needed to reflect on full commitment to the Afghanistan crisis.

The NZDF operational focus is currently Afghanistan and the OEF campaign against terrorism. The Government’s decision in 2005 for a “third anti-terrorist” deployment of SAS troops to Afghanistan was endorsed by National MP Carter with Green Party MP Locke condemning NZDF involvement in Afghanistan. When approached by media, the Afghanistan ambassador to NZ, Mahmoud Saikal, remained low key with the reassuring response that his “government had been consulted on the deployment.”⁹⁶

On 14 June 2005, the NZDF *Army News* reported:

AFGHANISTAN BOUND

Around fifty SAS troops have left for their third anti-terrorist mission, joining Operation Ariki in Afghanistan. Two C17 Globemasters left from Whenuapai air base after picking up troops and equipment, which included new Pinzgauer six-wheel-drive vehicles. The NZDF contracted with the United States Air Force for military aircraft to transport both personnel and equipment to Afghanistan.

SAS personnel will specialize in the planning and execution of long-range reconnaissance and direct action missions inside Afghanistan. They will operate with other special forces from countries contributing to coalition forces. They will also help with security around the Afghan elections in September.

⁹⁵ *Dominion*, 2 June 2005.

⁹⁶ *Ibid.*

This latest deployment underlines the New Zealand commitment to support the building and reconstruction of Afghanistan and the international campaign against terrorism. The SAS commitment boosts numbers deployed on these missions to around 190.

Operation Ariki includes 122 personnel in the Bamian provincial reconstruction team and 18 others in planning, liason, support and training roles at seven other locations.⁹⁷

Increasing NZ Involvement In Counterterrorism

In the relentless US quest to eradicate the scourge of terrorism, in 2003 President Bush announced a \$US5.4 billion allocation of anti-terrorism funding for the Pacific Region. On 20 October 2003, terrorism was placed on the agenda for the APEC Summit in Thailand. Although APEC members preferred to discuss the free-trade agenda they were compelled to give time to anti-terrorism as President Bush raised the issue of terrorism and the likelihood of the infiltration of terrorists coinciding with the APEC summit. PM Clark was not averse to President Bush's discussion on anti-terrorism. Hence, Free-trade talks were delayed as counterterrorism proposals were discussed. These included descriptions of easily launched, shoulder-fired anti-aircraft missiles allegedly smuggled into Bangkok by Al Qaeda operatives.

The versatile one-man operated missiles also provide quick mobility and high impact destructivity of brick and mortar. This is especially so in urban areas, as the Chechan

⁹⁷ *The Army News*, Issue 333, 14 June 2005, Wellington: NZDF, p.1.

urban guerrillas proved during the Russo-Chechan War in the city of Grozny in 1995, which saw the Russian army, with all its artillery, defeated by a small band of Chechan nationalist freedom-fighters, or the Russian equivalent of terrorists, using shoulder-fired missiles that propelled over buildings to hit targets, unlike the limitations in movement experienced by the Russian army with large cumbersome tanks better assigned to unrestricted space for manoeuvring.

Security measures were strengthened in Asia Pacific Economic Committee (APEC) forums throughout Bangkok. The twenty-one APEC members present, including PM Clark, agreed to review their counterterrorism strategies and co-ordinate with the "United Nations, G8 nations and the Organisation for Economic Cooperation Development (OECD)".⁹⁸

On 19 May 2004, the *Dominion Post* reported on the government's \$14.8 million bid for intelligence and security in response to 9/11. An increase of 35 police (28 officers and seven civilians) for national security was effected and the establishment of an anti-fraud team and a Police Liason Pacific Post designated for Fiji. Minister for Foreign Affairs Goff believed the police stationed in Suva would allow for sufficient security within the region including Bougainville and the Solomon Islands.⁹⁹

In the interests of external security and overseas trade, NZ foreign policy since 9/11 reveals a dramatic swivel away from twentieth-century bilateralism to multilateralism in

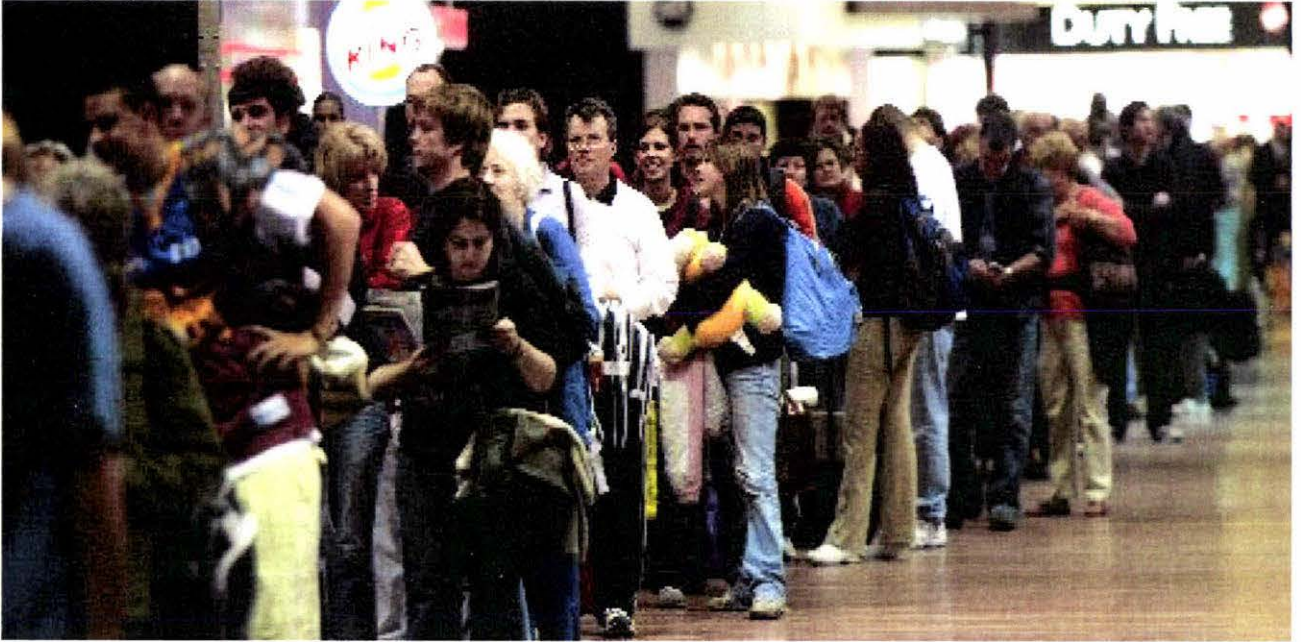
⁹⁸ *Dominion*, 20 October 2003.

⁹⁹ *Dominion*, 19 May 2004, p. A11.

2004/5. In April 2005, Minister Goff's speech to the NZUN Association and the Institute of International Affairs, reflected the complexity of the politics influencing this newfound focus and participation in world politics. These included structures of power in finance, security, knowledge and production previously alluded to by Halliday, sighting the international political economist the late Susan Strange, who believed in the political influences of these power structures in a "contemporary world".¹⁰⁰

¹⁰⁰ Halliday, *Two Hours That Shook The World*, 2002, p. 183.

Photographs



1. Post 9/11, long queues during tough new screening procedures at Auckland International Airport. (Source: *NZ Herald* photograph by Glen Jeffrey, 12 August 2006)



2. Metal detector procedures introduced post 9/11. Picture at Manukau District Court. (Source: *NZ Herald* photograph by Glenn Jeffrey, 3 January 2003)



3. Algerian Ahmed Zaoui's appearance in Auckland High Court. 1 December 2003.
(Source: *NZ Herald* photograph by Paul Estcourt, 3 December 2003)



4. Amnesty International chairperson Suzanne Blower caged in support for Ahmed Zaoui's human rights. (Source: *NZ Herald* photograph by Richard Robinson, 17 November 2003)



5. Afghanistan, 24 May 2004, Provincial Reconstruction Team disposes of captured weapons. (Source: Photograph supplied by the NZ Defence Force, Wellington)



6. Afghanistan, July 2005, Kiwi Team One vehicles on patrol. (Source: NZ Defence Force Wellington)



7. New Zealand SAS Victoria Cross winner, Corporal “Willy” Bill Apiata (Source: Retrieved 5 July 2007 from <http://www.scoop.co.nz/stories/PA0707/sooo14.htm>.)



8. New Zealand SAS Counter Terrorist Tactical Assault Group members, from NZTC Channel 3 documentary, 2007. (Retrieved 11 August 2007 from http://en.wikipedia.org/wiki/Special_Air_Services_of_New_Zealand.)

Chapter 4: Bali Bombings – 2002

This chapter looks at the 2002 Bali bombings and NZ's response to them. It looks at the subsequent trial of the perpetrators, in order to explain who these terrorists were and what they said the reasons or motives were for these acts of indiscriminate violence. With regard to the NZ response to the bombings, the chapter looks at the immediate forms of emergency assistance provided to Bali and to NZ citizens involved, and also larger issues that have arisen for NZ as a consequence of these terrorist attacks, such as concern about the sharing of intelligence information and apparently growing threat of political instability in Indonesia.

An archipelago, renowned for its tropical beauty, Indonesia's dream-like paradise, Bali, was shattered when Islamist extremists bombed and transformed the Kuta Beach resort into a nightmare of chaos and human tragedy. On the evening of 12 October 2002, at approximately 11:30pm, bombs blasted the Sari Club and Irish Paddy's Bar, both situated in a popular holiday promenade of night clubs, bars, shops and holiday accommodation. Fire razed the two night clubs filled with mostly young international holiday-makers and local Balinese. An estimated 202 people who were either missing or reduced to either charred remains or ash, died from the bomb blasts and smoke inhalation or fire. Many survivors were left maimed with disfiguring burns and other injuries. The Bali bombings also took the lives of three NZ holiday-makers Mark Parker, Jared Gane and Jamie Wellington.¹⁰¹

¹⁰¹ *Dominion*, 9 November 2002.

During initial investigations, Indonesian police believed the bomb at Paddy's pub was probably ignited by an alleged suicide bomber carrying approximately one kilogram of C4 military grade plastic explosive. The bomb at Sari's club contained a lethal mix of 50-150 kilograms of fertilizer and ammonium nitrate. The lethality of the combined explosive ingredients were felt several kilometres from the centre of the target area, with flames that raced through adjoining buildings and vehicles parked nearby.¹⁰² Because the building materials were highly inflammable they added to the rapid spread of fire, claiming any humans in its path. A third bomb exploded near its intended target of the US Consulate but there were no reported casualties among US staff or damage to the building.¹⁰³

Terrorist Bombing Campaign Is Revealed

Police quickly established the Bali holiday resort had been attacked by terrorists including the possibility of *two* suicide bombers. Hotels within the vicinity of the bomb site were immediately evacuated as news of the attack spread throughout Indonesia and overseas. Initially, the Afghanistan-based Al Qaeda terrorist organisation was blamed for the bombings.¹⁰⁴ Despite perceived reports of "overwhelming" condemnation from the international community Al Qaeda's previous claims of responsibility for the bombings of "nightclubs and whore houses in Indonesia" suggested otherwise.¹⁰⁵ Barton suggests

¹⁰²Peter Symonds, 'Unanswered Questions In Bali Bombing Investigations', *World Socialist*. Retrieved 20 August 2007 from http://www.wsws.org/articles/2002/nov2002/bali-n11_pnrshtml.

¹⁰³ 'Blast In Indonesia Kills Over 180'. Retrieved 4 April 2003 from <http://www.rediff.com/news/2002/oct/13bali.htm>.

¹⁰⁴ *Dominion*, 15 October 2002.

¹⁰⁵ *Dominion*, 9 November 2002.

that Al Qaeda may have been indirectly responsible for the Bali bombings on the basis that the bombers were fundamentally inspired by Al Qaeda's known support of Islamic extremism against Western society. Barton also claims Indonesian extremists had trained in Pakistan.¹⁰⁶

However, several weeks following the Bali bombings, a joint US and Indonesian (USINDO) conference was held in Washington DC as efforts were made to seek answers concerning Bali. One of the issues discussed included means by which the terrorists had funded their bombing campaign. (The idea that Al Qaeda organized and funded the terror campaign was very soon dismissed). In the report summary of the USINDO conference, TEMPO newsmagazine chief editor, Bambang Harymurti, showed "evidence that Samudra and his friends had robbed a gold shop in August" which provided the means "to finance their terrorist act".¹⁰⁷

As word of the bombings spread worldwide, the NZ government was among other Western countries in advising their nationals to leave Bali as further bombings were, possibly, imminent.¹⁰⁸ Reports confirmed that most of the victims killed were foreign nationals from Western countries. Nationality and age demographic information indicated the planners intelligence had provided them with accurate insights into the nature of the target and bombing site. That is, foreigners were the intended targets of the bombings.

¹⁰⁶ Greg Barton, *Indonesia's Struggle: Jemaah Islamiyah And The Soul Of Islam*, Sydney: University Of New South Wales Press, 2004, p.33.

¹⁰⁷ USINDO, 'Impact Of The Bali Bombings'. US-Indonesia Society Conference, 26 November 2002. Retrieved 9 March 2004 from <http://www.usindo.org/Briefs/impact%20of%20the%20Bali%20Bombings.htm>.

These factors were cause for police to consider the terrorists were a group of Islamic-fundamentalist Indonesians. Subsequently, this suspicion led to Indonesian police arrests of members of a group calling themselves Jemaah Islamiyah.

As confessions from suspects later revealed, the US-led coalition invasion of Iraq was, in part, given as the reason for the Bali carnage. Also, the confessions of the terrorist group, once captured and interrogated in court, revealed hatred for western patriots as a factor. Hence the euphoric reaction from the Islamist extremists as they appeared in court after their arrests in front of the media. The lack of remorse as the bombers confessed their crimes in an ideal milieu of cameras and microphones suggests the bombers anticipated media coverage as an ideal cheap channel of communication to vent hatred of the Western world. The Muslim cleric, Abu Bakar Ba'asyir, was alleged to be the organiser of the bombings as well as the *religious* source for inciting young men to plan and carry out the deed.¹⁰⁹

NZ Involvement In International Security Cooperation

As the full extent of the disaster unfolded, police, international investigators, diplomats and media sought to unravel, record and explain the reasons for and extent of international terrorism. The Bali bombings refuelled issues of security and civil rights. The biggest investors in the Iraqi war, the UK and the US, criticised Megawati Sukarnoputri's Indonesian government for lack of constructive evidence towards countering terrorism. Though the Indonesian government had engaged in repatriation of

¹⁰⁹ Barton, *Indonesia's Struggle*, 2004, p. 33.

foreign nationals and victims of the Bali bombings, international intelligence cooperation, and international aid assistance without government interference, the US was not convinced they were committed to counterterrorism. This served as a basis for a lukewarm response from US President Bush and British PM Blair and overall Western belief that the Islamic-led Indonesian government lacked commitment in supporting counterterrorism. Hence, President Bush and PM Blair offered only moderate support and condolences to the Indonesian government and a business-as-usual, trade embargo threat which was intended to encourage the Indonesian government to relent their position of non-cooperation and galvanise support alongside other countries in attempts to counter terrorism.¹¹⁰

In a press statement, President Bush claimed the Bali bombings were conducted by a network involved in an international campaign “designed to create terror and chaos.”¹¹¹ Through Secretary of State Powell, the US government was quick to remind the Indonesians that the Bali incident proved the indiscriminate nature of terrorist groups and the devastation they can inflict on a peaceful society. Powell emphasized to the Indonesian government that they had a moral responsibility to the international community in the fight against international terrorism. To further complicate cooperation with the West, Indonesia, did not have UN sponsored anti-terrorism legislation at the time of the bombings.¹¹²

¹¹⁰ ‘Bush And Blair Offer Help’, *Sydney Morning Herald*, 14 October 2002. Retrieved 25 September 2003 from <http://www.Smh.com.au/articles/2002/10/14/1034222724822.html>.

¹¹¹ *Dominion*, 15 October 2002.

¹¹² *Washington Post*, 16 October 2002.

NZ – A Clarion Call For International Justice

The NZ government condemned the Bali bombings as “barbaric” and PM Clark called for justice. In a rallying call for retribution the PM said the perpetrators should be “hunted down” and punished accordingly, thereby supporting the Indonesian government in the desire to apprehend those guilty. NZ citizens joined in the condemnation. In the aftermath of the Indonesia attack, the NZ government began to consider more intensive security to thwart terrorism within the Asia-Pacific Region. PM Clark acknowledged intelligence and security as key components necessary to counter acts of terrorism and reinforced a 9/11 promise of government support to fight terrorism.¹¹³

NZ Offers Diplomatic Help, Emergency Support And Medical Team Assistance

The NZ contribution to the Australian-led emergency and repatriation of Australians after Bali included a medical team transported aboard an RNZAF Hercules. The aircraft was also involved in emergency transit flights carrying survivors and victims with severe burns and injuries to various hospitals around Australia. NZ hospitals and medical and surgical specialists were also made available to the Australian-led relief effort. In a ministerial statement, PM Clark acknowledged offers of help from NZ citizens (including the business community) and “their readiness to assist” in Bali’s disaster-relief operations.¹¹⁴

¹¹³ *Hansard*, 15 October 2002, p. 1352.

¹¹⁴ *Ibid.*

PM Clark also expressed condolences to the Indonesian government and expressions of condemnation of the Bali bombings as she drew attention to the suffering inflicted on the survivors and families from other countries as well as NZ. PM Clark proposed this Motion in the House of Representatives:

That this House express its condemnation of the cold-blooded and indiscriminate terrorist bombing that took place in Bali on the 12 October 2002, extend its deepest and heartfelt sympathy to the families, friends, and communities of all those killed, missing or injured in this brutal attack, and commit itself to continue to support work to counter the threat of international terrorism.¹¹⁵

Members of Parliament shared PM Clarke's belief and confidence that NZ counterterrorism efforts were shared by other countries united in a desire to fight for "freedom and democracy".¹¹⁶

NZ Diplomatic Corp Engage In Repatriation Of Citizens And Identification Of NZ Victims

Meanwhile, in Indonesia, Consuls from two NZ Embassies, Kevin Kay and Nigel Allardyce, and Defence Attache Colonel Alan Goodwin and staff in Jakarta and Kuala Lumpur, arrived in Bali fully aware their task would be a despairing one: they would be expected to assist in identifying NZ victims and survivors for repatriation. Sensitive to the enormous task placed on the NZ contingency of diplomats and staff, Allardyce

¹¹⁵ *Hansard*, 15 October 2002, p. 1357.

¹¹⁶ *Ibid.*

lamented the prospect of human loss and the trauma and grief for families everywhere: "What we're doing is a small part of what will be a legacy of tragedy and misery for many, many families and many countries".¹¹⁷

NZ newspaper headlines read, "Too close for comfort" and "Terrorism has reached NZ doorstep".¹¹⁸ This concept of NZ being at risk simply because of sharing the same Indonesian neighbourhood as Australia is misleading. However, given that NZ and Australia are bonded in a military partnership and historical cultural relationships which stem from colonial days when settlers from Great Britain colonized both countries, reinforced by sporting ties, trade relations, integration through marriage and immigration, it is perhaps not surprising that politicians and some of the NZ public were frightened by the illusion of geographical proximity with terrorist attacks in Indonesia.

There is however, connotations for the potential for internal terrorism in NZ. NZ has a vastly different history, and its bicultural nature has set it apart from other nations plagued with internal political strife. The bicultural NZ society is composed of two dominant Maori and English Anglo-Saxon cultures fully integrated but with some uniquely cultural and territorial features of history, language, customs, spiritual and holistic values. Unique to NZ is the 1840 Treaty of Waitangi which provides a forum for peaceful resolutions between the two cultures concerning past land disputes. Therefore, on issues of fundamental internal security, NZ is no more at risk from terrorism within its borders after 9/11 and the Bali Bombings than it ever was. Regardless, the political,

¹¹⁷ *Dominion*, 17 October 2002.

¹¹⁸ 'Terrorism Has Reached NZ Doorstep – Opposition'. *Dominion*, 15 October 2002.

religious or ideological differences that spur terrorism internationally are relevant to NZ security objectives to include opposing terrorism wherever it may occur, regionally and internationally.

Concerns That US May Have Withheld Intelligence Unfounded

Initially, an issue emerged when it was suggested that the US *may* have withheld information pertaining to the Bali bombing which *may* have warned NZ, Australia and other nations that there *may* have been an increased risk of a terrorist attack there. PM Clark and Australian PM Howard said they had not received any pre-information pertaining to the Bali bombings, that neither the NZSIS nor Australian intelligence community had received any intelligence concerning a possible terrorist attack in Bali, and neither government had any reason to expect such an event. The US had not warned its own citizens of any increased risk of terrorist attacks either. This further reinforces the unpredictable nature of most terrorist attacks. Apparently, for the US, as well as NZ and Australia, the Bali bombings were unexpected.

Bali Bombings Significant Act Of Terrorism Against Western Interests

The US government immediately arranged a conference with the Indonesian government (USINDO) in efforts to find the terrorists responsible for the Bali incident. During the USINDO conference Sarwono Kusumaatmadja, a commentator on Indonesian politics, compared the Bali bombings to the 9/11 attack with its significance in a high number of

Western nationals killed or injured. This was a view also shared by Indonesia's Chief of Police, General Dai'I Bachtiar, who believed the bombings were the "worse act of terrorism in Indonesian history".¹¹⁹ Both deemed that the Bali bombings were a Pacific-located 9/11. This is misleading however, as Indonesia has a history of political violence and terror campaigns against ordinary Indonesians. During the Suharto dictatorship (1967-1988) political purges led to the deaths of millions of Indonesian communists, communist sympathizers, and Chinese-Indonesians. Since then, there has been the genocidal repression in East Timor, and ongoing insurgencies in West Papua and Aceh. In fact, since its creation in the aftermath of World War II, Indonesia has always been marked by severe internal disorder and has one of the very worst human rights records in the world.

Whilst there existed a smouldering anti-West feelings amongst the more radical elements of Indonesian Islamic Society, the confusion arising from the bombings led some Indonesians to suspect the US Central Intelligence Agency (CIA) was responsible. CIA involvement was dismissed after Indonesians witnessed the Islamist extremists confessions over the airways and television networks as convincing evidence that the Bali terror was instigated by fellow Indonesians.¹²⁰ Police had arrested suspects and members of a little-known Jemaah Islamiyah group for questioning.

Of particular interest to the police was an alleged key-suspect and master-mind Imam Samudra, a 33-year-old Muslim and university graduate in engineering who was arrested

¹¹⁹ USINDO, 'Impact of the Bali Bombings', 2002. Retrieved 9 March 2004 from <http://www.usindo.org/Briefs/impact%20%20the%20Bali%20Bombings.htm>.

¹²⁰ Ibid.

in Java attempting to board a ferry at a sea-port after the bombings. Another key-suspect and accomplice with Samudra was 41-year-old mechanic Amrozi bin Nurhasyim who admitted supplying the vehicle and chemicals which were used to make the vehicle-bomb. Approximately 30 people were arrested to stand trial. During their trial, Ali Ghufron and Nurhasyim appeared defiant of the authority of the court to pass the death sentence on them.¹²¹ Nurhasyim, in particular, was shown on international television and in newspapers, smiling jubilantly during his arrest and trial and was labelled the “smiling bomber”. When questioned about his allegiance to the Jemaah Islamiyah group he denied any association; the “smiling bomber” probably sought to protect his Islamist extremist comrades-in-arms.¹²²

12 May 2003 marked the commencement date for the Bali bombers’ trial. Samudra and his Islamic-extremist comrades admitted their part in planning the terror campaign. To them, Bali represented negative aspects of Western culture including prostitution, drug trafficking and a steady influx of foreigners. In a country with an estimated 95% Indonesian-Muslim population, the Islamist extremists demonstrate there was growing Indonesian resentment against an affluent and socially *depraved* tourist industry running amuck at the expense of the Muslim faith.¹²³

¹²¹ ‘Ambrozi: Bali’s ‘Smiling Bomber’. Cable News Network. Retrieved 21 August 2007 from <http://cnn.worldnews.printthis.clickability.com/pt/cpt?action=cpt&title=CNN.com+-+Amr>.

¹²² ‘Bali Bomber Sentenced To Die’. Cable News Network. Retrieved 21 August 2007 from <http://cnn.worldnews.printthis.clickability.com/pt/cpt?action=cpt&title=CNN.com+-+Bali>.

¹²³ Patrick Lindsay, *Back From The Dead: Peter Hughes’ Story Of Hope And Survival After Bali*. Australia: Random House, 2003, pp. 28-29.

Depravity In Western Society As Motive For Indonesian Islamist Extremists

In particular, the role of Muslim women in Islamic society compared to women in Western society, is perceived by the West as gender-repressive and socially cumbersome. Muslim theology underpins Islamic society and provides the driving-force for violent reactions where there are instances that are deemed to contradict Islamic Shari'a (law).¹²⁴ However, a contradiction in the religiously motivated violent outbursts by Islamic extremists, particularly the Bali bombers, is revealed by Javate de Dios¹²⁵ and Donna Hughes who expose the evil of prostitution in countries where Islamic fundamentalists are renowned for slave trafficking and the oppression of women. Despite a ban on prostitution, Hughes cites statistics of 71,281 prostitutes in Indonesia and of that number 60,000 are teenagers.¹²⁶

The dehumanization of the prostitution industry, illicit drugs and criminal activity are all aspects of Western capitalism that the Islamist extremists have sought to vent their violent protest against the presence of western nationals in Bali, as they proudly shout to the world "God is Great" and the Indonesian judges sentencing them echo in unison, "God is Great". This was not overlooked in the West, where the empathy of the judges towards the bombers was noted: All but one of the judges were sympathetic toward the "radical Islamists".¹²⁷

¹²⁴ Hannah Beech, 'A Call To Prayer'. *NZ Listener*, 5 March 2007, p. 34.

¹²⁵ Javate de Dios, 'Confronting Trafficking And Prostitution In Asia – The Struggle For Survival And Dignity'. In *Making The Harm Visible: Global Sexploitation Of Women And Girls. Speaking Out And Providing Services*, Donna Hughes And Claire Roche, eds. New York: The Coalition Against Trafficking In Women, 1999. Retrieved 8 May 2004 from <http://www.uri.edu/artsci/wms/hughes/mhvasia.htm>.

¹²⁶ Donna M. Hughes, 'Sex Slave Jihad', *FrontPageMagazine.com*, 27 January 2004.

¹²⁷ Barton, *Indonesia's Struggle*, 2004, p. 24.

The actions of the Bali Islamist extremists provide a blue-print for the West to perceive Muslim beliefs that Islam is an Army of God, that Western *depravity* observed in Western women's behaviour is evil and ostensibly offensive to God. "Good women are obedient. They guard their unseen parts because God has guarded them".¹²⁸ Western society's attitudes regarding the human rights of women are at one end of the spectrum and the moralistic Islamic extremists are at the opposite end of the spectrum, promoting themselves as the universal barometer of morality.

Political Instability In Indonesia

Regarding Indonesian political instability, in 2002 Australian Foreign Affairs, Defence and Trade Minister Sherlock believed that since the Bali bombings Islamic political factions at both ends of the spectrum with conservatives and Islamic extremists had emerged, and warned that internal security issues for Indonesia may see a return of its "security forces" which are renowned for reprehensible human rights abuses against Indonesians.¹²⁹ In retrospect, the US-led trade embargo threat in the aftermath of the 2002 Bali terrorist attack had little political influence in persuading the Indonesian government to unequivocally support Western counterterrorism. This is evident with Cleric Abu Bakar Ba'asyir's early release from prison in 2006, a possible indication to the international community that the Indonesian government may not be entirely convinced US-led counter terrorism is in the interests of state security. The prolonged

¹²⁸ N. J. Dawood, *The Koran: With A Parallel Arabic Text*. London: Penguin Books, 1995, p. 83.

¹²⁹ Stephen Sherlock, 'The Bali Bombing: What It Means For Indonesia', *Current Issues Brief Index 4 2002-03*, Foreign Affairs, Defence and Trade Group, Canberra: Parliament of Australia. Retrieved 18 August 2007 from <http://www.aph.gov.au/library/pubs/CIB/2002-03cib04.htm>.

US-led war in Iraq and the initial US-led OEF counterinsurgency campaign in Afghanistan may also be factors influencing Indonesia's leniency towards Ba'asyir and the Bali bombers.

Cleric Abu Bakar Ba'asyir's reduced prison sentence signifies to the world Indonesia's equivocal approach towards Islamic terrorism. The highly public display of the Indonesian court sentencing of the Bali bombers suggests the government, through the courts, had compromised their anti-terrorism stance and did not fully support the Western counterterrorism campaign. Ironically, the Islamic extremists were convicted under UN anti-terrorism laws because there were no anti-terrorism laws in Indonesia's legislation.¹³⁰ It would seem that with the release of Ba'asyir in 2006 for his alleged involvement in the 2002 Bali attack, the US-trade embargo had failed in its objective to force the Indonesian government to prove its commitment to countering terrorism with severe sentencing of the bombers through the state's justice system.¹³¹ Ba'asyir had served only a 20-month jail sentence for conspiracy to commit the bomb attack which killed 202 foreign nationals. Hence, possible genuine attempts by the Indonesian government to support the West in the fight against countering terrorism "dissipated" on the release of Ba'asyir from prison.¹³²

Despite the UN International Crisis Organisation's (UNICO) reporting that Indonesian police had introduced tighter security measures, marked by the detaining of approximately 200 Jemaah Islamijah (JI) members since the 2002 Bali bombing, and the

¹³⁰ Barton, *Indonesia's Struggles*, 2004, p. 23.

¹³¹ Chris Holm, 'Deadly Dates', *NZ Listener*, 9 September 2006, p. 23.

¹³² *NZ Herald*, 16 June 2006.

assumption that Indonesian police pressure has forced terrorists to adopt smaller bomb campaigns, Ba'asyir's release is a significant contradiction and signifies that Indonesians are not convinced that the best future for Indonesia is Western democracy.

Predictably the NZ, Australian and US governments responded adversely to the report of Ba'asyir's release from prison. PM Clark expressed concern that the Indonesian government had shown scant regard for governments whose foreign nationals were victims of the Bali bombings. US Embassy spokesman Max Kwak and Australian Foreign Minister Alexander Downer expressed their countries' disappointment at Ba'asyir's release, describing him as a man "who believes in the jihadist principles".¹³³ Parallel to these concerns was the reduction of sentences by four months of twelve of the Islamic extremists convicted for the Bali bombings and the release from prison of one of the extremists, Puryanto. Bali's Kerobokan Prison chief, Ilham Dyaya, told Reuters' news agency that the Bali bombers were entitled to remission on the grounds of good behaviour. However, the August 2006 death penalties for key planners of the 2002 Bali Bombings, Amrozi, Gufron and Imam Samudra, remain pending.¹³⁴

Indonesia's Independence Day Is A Precursor For Bombing Campaigns Against Western Interests

The NZ government may consider the wisdom of concerns on regional security regarding violent events occurring within Indonesia, particularly the pattern established by the Bali

¹³³ *NZ Herald*, 16 June 2006.

¹³⁴ 'Indonesia Cuts Bali Prison Terms'. BBC News. Retrieved 11 August 2006 from <http://newsvote.bbc.co.uk/mpapps/pagetools/print/news.bbc.co.uk/1/hi/world/asia-pacific/4>.

bombings in 2002 and the bomb attacks on the Marriott Hotel in 2003 and Australian Embassy in 2005. If there is an annual bomb campaign pattern emerging, as suggested by Jones,¹³⁵ the timing of the attacks occur after the Indonesian July “Art Festival and August Independence Day”. The greatest influx of tourists to Indonesia is during the latter part of the year, for example between August and November and before the “monsoon weather between December and March”.¹³⁶ The attacks may therefore depend a great deal on the weather seasons and especially the height of the tourist trade. Though the economic impact of Islamic sectarian discontent on Indonesian society does not make headlines, overall, the underlying religious-motivated conflicts marked by seasonal Indonesian bombing campaigns, notably since 2002, have impacted on the economy: During 2006, “foreign direct investment fell 46%”.¹³⁷

Bearing in mind the timing of the current terrorist bombing campaigns in Indonesia, according to Jones, financing for the attacks appears to be secured by an alleged “pro-terror faction” operating under the leadership of Malaysian terror financier, recruiter and attack planner Noordin Moh Top. Since his release, Ba’asyir is reported to be an influence trying to mold Jemaah Islamiyah into a non-violent political group, but he still supports the right for International Muslim countries to respond with jihad when attacked.¹³⁸ Hence, the strengths of the Indonesian Islamic radicals, including networking locally and internationally, fearless commitment to the Islamic cause, capacity to

¹³⁵ Chris Holm, ‘Deadly Dates’, *NZ Listener*, 9 September 2006.

¹³⁶ Indonesian Embassy staff member. Telephone inquiry, 19 April 2007.

¹³⁷ Hannah Beech, ‘A Call To Prayer’, *NZ Listener*, 5 March 2007, p. 38.

¹³⁸ Chris Holm, ‘Deadly Dates’, *NZ Listener*, 9 September 2006.

mobilize mob violence and “military and party-political support”, provide the ingredients required for Islamic militants to develop a political power base.¹³⁹

¹³⁹ Barton, *Indonesia's Struggle*, 2004, pp. 85-86.

Chapter 5: Immigration, National Security And Human Rights

Since 9/11 and the 2002 Bali bombings, NZ has exhibited a heightened sensitivity to terrorism manifested in increased governmental concerns about “domestic security” and border control. In particular, immigration policies and practices, as they relate to terrorism, have been a major political issue. This chapter describes how the Labour government, NZ Immigration, and NZ SIS have responded to the new perceived threat of terrorism, and how this has led to human rights violations and issues.¹⁴⁰

In recent times, NZ Members of Parliament (MPs) have engaged in vigorous debates involving possible breaches of border security. Of particular concern to NZ First leader, Peters, is NZ’s “open door immigration policy”. In October 2002 Peters raised the issue of border control weaknesses in immigration mainly regarding refugees and asylum-seekers, and called for investigation procedures which would guarantee verification of genuine claims for special entry into NZ and subsequently prevent terrorists from manipulating the immigration system to gain entry.¹⁴¹ Perhaps the people-smuggling case on the outer fringes of Auckland in 2000 and the furore created by individuals such as Algerian national Ahmed Zaoui, giving false statements to gain entry in the same period are reasons to consider the concerns raised by Peters. In the past, Peters has been criticised by his MP colleagues and the NZ public for using *Race* as a platform to bolster his votes as a means of retaining his seat in parliament. However, in more recent times

¹⁴⁰ K. B. Brady, *Managing Threats To Domestic Security*. Report of the Controller and Auditor-General. Wellington: Audit Office, 2002, p. 7.

¹⁴¹ *Hansard*, 15 October 2002, p. 1354.

immigration incidents raised by Peters have provided serious issues of concern for the government and NZ. Since 9/11 Terrorism has become a major concern to New Zealanders, and there has been a fear or perception that immigration may provide a gateway for terrorists to gain surreptitious entry.

While the tendency for mainstream societies and governments to criticize foreign cultural practices is underpinned by fear and a desire to preserve the comforts of the status quo, Halliday argues that rising anti-migrant racism during the 1980s in Western European countries may have arisen as a result of intolerance towards Muslims.¹⁴² There is evidence that shows Islamic fundamentalism became a growing threat to world peace as Islamic extremists crossed borders and committed acts of terrorism, and the UK and other European countries experienced growing outrage by Muslim protestors such as those who took exception to Rushdie's book *The Satanic Verses*, demanding its withdrawal from the retail market. In 1989 and 1994 the French government banned the wearing of veils by Muslim schoolgirls. During the 1995 presidential elections, France's right-wing political party fuelled anti-Arab racism by lobbying for the repatriation of three million North African immigrants. Unlike Western democracies in Europe, the US, Australia and Canada with similar sentiments towards Arabs and Muslims, by virtue of geographical isolation the majority of NZ citizens remained relatively out of touch with anti-migrant racial issues in the Northern Hemisphere.¹⁴³

¹⁴² Halliday, *Two Hours that Shook the World*, 2002, p. 111.

¹⁴³ Ibid.

Heightened NZ Sensitivity To Terrorism

The impact of 9/11, followed by the Islamist terrorist bombing in Bali in 2002 and the Australian government's rejection of the Norwegian freighter *Tampa* with Afghani asylum seekers onboard, challenged the way NZ perceived the world with regards to a new enlightenment on security. The televised incident of the Australian government's refusal to allow the *Tampa* asylum seekers entry, prompted the NZ government to act. Honouring NZ's commitment to human rights and advocacy, the government accepted 139 *Tampa* asylum-seekers. Ironically, the group had been in NZ less than a week when two Afghani teenagers were separated from the main *Tampa* group and placed on remand in Mt Eden prison. When challenged, the NZ Immigration Service (NZIS) Manager, Sullivan, responsible for refugee services at the time, explained she was acting on Immigration Minister Dalziel's instructions. The legal counsel for the teenagers, David Ryken, criticized the NZIS for failing to provide the boys with reasons for their arrest. Though willing to hear Ryken's complaint against the methods used to confine the teenagers at Mt Eden Prison, Dalziel declined any discussion on details of the confinement.¹⁴⁴

Current trends of uncertainty by the NZ government concerning international security have had some influence towards officially strengthening the organisation of NZSIS with transparent policies and thus raising public interest in domestic security. This can be seen in amendments to various Acts of Parliament concerning security issues and "international terrorism" relevant to this thesis. In fact, in 1977 terrorism was included in

¹⁴⁴ *Evening Post*, 1 October, 2001.

NZ law and thus “redefined” the NZSIS Act accordingly.¹⁴⁵ The NZSIS Act was further amended in 1999 to include functions on immigration and citizenship. While the NZ government restricts foreigners entry, it continues to allow our closest pacific neighbours entry to NZ through our major airports in increasing numbers. This Pacific migration to NZ is in part a reflection of the special relationship they have with New Zealanders in terms of kinship ties to families living here.

With regards to our domestic security, New Zealanders have enjoyed relative calm. The 1985 bombing of Greenpeace ship *Rainbow Warrior* in Auckland’s Waitemate harbour, followed by the arrests of two French spies convicted for their key roles in the bombing campaign, remains the only covert act of terrorism in peace-time NZ. Despite the *Rainbow Warrior* affair, New Zealanders continued to feel security-safe, believing our remote Pacific island was “located far away from most of the world’s troublespots”.¹⁴⁶ However, 9/11 and the Bali bombings in 2002 shifted the kiwi mindset to international events and the increasing assurances of the unlikelihood of NZ being attacked by terrorists. In essence, the Bali bombings significantly changed our position as passive observer and we accepted alongside our allies the challenging co-security responsibilities to counter escalating acts of terrorism from obscure and emerging political groups. Since 2001 our government’s foreign policy, external affairs and defence have changed as terrorism remains an ongoing threat against governments and human populations.

¹⁴⁵ Parker, *SIS*, 2002, p. 9.

¹⁴⁶ *Ibid.*

Terrorism Phenomenon Impacts On Planning And Organizing NZ-Held International Events, Travel Plans, And Holiday Destinations

In light of terrorism phenomenon and the pressure that stemmed from the politically-led and disruptive influence of frequent acts of terror attacks overseas, the NZ government introduced and formulated legal statutes in accordance with the UN Security Council's Resolution 1373-8.¹⁴⁷ At the same time some New Zealanders were experiencing feelings of insecurity concerning international travel, with holiday destinations planned with a cautious approach and considered on the basis of news media and warnings publicized by foreign affairs and other government agencies, such as the following issued by the NZSIS in October 2002: 'Terrorism puts heat on SIS to expand'

The SIS warns that though the threat of terrorism is low, events such as a visit by an overseas dignitary or a big international gathering could be seen by overseas terrorists as "providing the opportunity to do something spectacular to capture world-wide publicity."¹⁴⁸

This fear was evident at national social and sporting events held within NZ. The media raised the potential for security risks especially at public events involving American interests and investment as indicated in the America's Cup Campaign, a golf tournament featuring golfing celebrity Tiger Woods, and the glamour occasion on opening night of the film *Lord of the Rings*.

¹⁴⁷ K. B. Brady, *Managing Threats to Domestic Security*, 2003, p. 27.

¹⁴⁸ *Dominion*, 10 October 2002.

Though the NZ government had invested financial capital into upgrading security at our borders, the new anti-terrorism statutes providing the mechanism to control unlawful entries across our borders were un-tested and potentially problematic in terms of interpretation of the law. Terrorism is an unfamiliar phenomena to the NZ system and way of life, and as a consequence confusion emerged concerning key areas of border control, the judiciary, court justice and immigration.

Immigration And SIS Policies In Practice Provide A Forum For Apparent Autocratic Violation Of Human Rights

The realization in the importance of security becomes apparent as human rights issues are flouted (it seems) beyond the law concerning cases involving political asylum applicants. The likely explanation is the information sharing between the NZSIS and NZIS and the intelligence autonomy the services share in a pivotal role concerning deportation decisions.¹⁴⁹ The fact that immigration represents a major border or gateway to NZ, increases the chances for controversial decisions and criticism of the Immigration Service's actions and more so with new terrorism laws entrenched in NZ legislation. However, the lack of professionalism, discretion and restraint while apprehending offenders has sometimes been unnecessarily harsh as depicted in the following few examples.

In 2002, a story reported on Television One New Zealand, (TVNZONE) involving the deportation practice used by NZIS officers against a young Sri Lankan woman

¹⁴⁹ K. B. Brady, *Managing Threats to Domestic Security*, 2003, p. 26.

demonstrated a shameful disregard for her dignity and privacy. It was shameful in the sense that she was physically restrained in a wheelchair, and judging by her drowsy and limp physical appearance may have been given medication to subdue her. The actions of the NZIS officers may have been inappropriate, but clearly the media's actions were also guilty of violating her right to privacy in the sense that media attention and publicity may have compromised the woman's safety after returning to Sri Lanka. There are no supporting agencies for monitoring her welfare once she is inside the borders of her country of origin, regardless of assurances given by the Sri Lankan authorities.

Though civil rights groups including the NZ Muslim community have challenged Parliament through government agencies for ignoring human rights, needless to say the NZ government continues to observe and consider seriously threats to domestic security. In particular, the NZIS's decisions regarding applications for refugee status reflects elements of unfairness and unprofessionalism as the following case involving an immigration application submitted in Singapore suggests. On 1 August 1995, 34-year-old Mr Asad Abdullahi's application was declined and he was refused a flight to New Zealand from Singapore, despite being granted an entry permit to NZ.¹⁵⁰ The NZIS's decision was made on the strength of an official's explanation that Mr Abdullahi was an unsuitable candidate for a visa to enter New Zealand based on his colour coordinated

¹⁵⁰ U.S. Department of State, 'Patterns of Global Terrorism', Washington, D.C.: Office of the Coordinator for Counterterrorism, 1995. "A series of terrorist incidents in France in 1995 appeared to be the work of Algerian extremists. In July a cofounder of the Algerian opposition group Islamic Salvation Front (FIS), Abdelbaki Sahraoui, was murdered in Paris. Suspicion focused on another Algerian opposition group, the Armed Islamic Group (GIA), which had earlier put Sahraoui on a "death list" for his supposed conciliatory posture toward the Algerian Government". Retrieved 21 August 2007 from http://www.fas.org/irp/threat/terror_95/tereur.htm.

“sky blue suit and yellow socks.”¹⁵¹ In effect, the absurdity of reasons given for the decision reflected narrow-mindedness and bias within the immigration service. Also, the issue highlights a lack of staff supervision and a management lethargy reflected in the appalling attitude from staff in judging Mr Abdullahi’s dress attire as a style unbefitting his qualifications as a university trained microbiologist. The NZ Immigration Department were made accountable for the indiscretion, with a favourable outcome for Mr Abdullahi who was awarded \$180,000 in compensation and a formal apology from the Immigration Department.

Nonetheless, there still apparently remains a lack of protocol concerning immigration officials and their approach to enforcing the law. It was several years after the Abdullahi case when a *Dominion Post* article dated 6 July 2002 reported the Miami arrest of a NZ citizen, Mohammad Saffi, visiting the US. The reported details of the arrest pertained to the role of the NZ secret service in association with US federal agents.¹⁵² While it was reported that Mr Saffi was on a visitor’s visa to the US with the intention of attending a “flight school course,”¹⁵³ the NZ Ministry of Foreign Affairs advised the US that Mr Saffi’s plans to attend a course of study while in the United States on a tourist visa was illegal. Presumably, his Arab name and the fact that he failed to disclose on his visitor’s visa his intention to enroll for a flight course were the signposts for security concerns. However, the suggestion that Saffi’s efforts to conceal the detailed intentions to travel to the US, was dismissed by NZ Immigration lawyers with the view that failure to include

¹⁵¹ *NZ Listener*, 20-26 March, p. 22.

¹⁵² *Dominion*, 6 July 2002.

¹⁵³ *Ibid.*

all travel itinerary details on a visitor's visa was a "minor technicality rarely enforced."¹⁵⁴ The Council for Civil Liberties and the NZ Federation for Islamic Associations also criticised the NZ government for breaching human rights and the NZ Bill of Rights in allowing the secret service to liaise with United States secret service in "providing information that was prejudicial to a citizen's right to travel."¹⁵⁵ At the time, it was reported that a factor of Mr Saffi's arrest was his close relationship as stepson to the Iraqi dictator President Saddam Hussein.

The NZ Intelligence service's actions may have seemed underhanded, however this is a two-pronged argument in the interest of security and a compromise of basic human rights. Firstly, as a consequence of 9/11, the NZ Intelligence Service provided US Officials with information concerning Mr Saffi. The US considered the information concerning Mr Saffi's family ties to be of special interest and his reasons for visiting the US on a visitor's permit. The second argument is the message to New Zealanders in this example concerning the absence of basic human rights protection for a NZ citizen from the NZ government.

In 2003, a deportation case involving an overstayer was televised as the police physically attempted to deport asylum-seeker and overstayer 27-year-old Somalian national Mr Abidkarim Ali Haji who had been working in NZ for approximately five years. Police apprehended Mr Haji and forcibly escorted him to Auckland Airport, destined for a one-way flight to his native Somalia. A High Court decision stopped the deportation action

¹⁵⁴ *Dominion*, 6 July 2002.

¹⁵⁵ *Ibid.*

and Mr Haji was subsequently imprisoned in an Auckland Central Remand cell while awaiting the verdict on his application for political asylum in New Zealand.¹⁵⁶

On 4 December 2002, Algerian national Mr Ahmed Zaoui arrived in NZ via Auckland's Mangere International Airport and surrendered counterfeit identification documents to the Immigration authorities. Zaoui's application for refugee status should have been processed by Immigration and the procedure for granting refugee status followed through without complication. Yet, while being interviewed by an Immigration officer, security issues began to emerge surrounding Zaoui and his identity. His request for political asylum and refugee status were declined and he was imprisoned pending deportation.

Withstanding financial cost to the NZ taxpayer, perhaps this is the most highly-profiled failed immigration test case suffered by a NZ government confronted by inexperience, naivety and arrogance from government ministry officials to office clerks. The Zaoui case involved a routine application for refugee status in accordance with the UN-charter concerning refugees. The circumstances of Zaoui's arrival in NZ was the first Immigration case tested under NZ's new counterterrorism laws.

Key aspects of this case are Zaoui's application for refugee status including confinement in prison without trial, and the Refugee Status Appeals Authority's (RSAA) 1 August 2003 decision overruling the NZIS refugee status officer's decision to decline Zaoui's application. Underpinning these aspects of Zaoui's ordeal in NZ were long delays in court appearances and hearings involving legal counsel matters, and his alleged

¹⁵⁶ 'Somalian Overstayer to Appear in Court', TVNZ. Retrieved 18 August 2007 from <http://tvnz.co.nz/view/page/423466/618635>.

involvement in wrong doing overseas from intelligence collated by the NZSIS. Further, Zaoui was assigned new counsels at his request to replace previous counsels for his defence. Despite the obstacles he endured while in confinement there was no indication that his plea for political asylum would be rejected.

On 27 March 2003, the NZSIS issued Zaoui with a Security Risk Certificate (SRC) under the NZSIS Act 1969, qualifying him for immediate deportation under Section 72 of the Immigration Act. Relevant to Zaoui's presence being a security threat to NZ is section C of the NZSIS Act, which defines security as follows:

“The protection of New Zealand from activities within or relating to New Zealand that –

- (i) Are influenced by an foreign organization or any foreign person;
- (ii) Are clandestine or deceptive, or threaten the safety of any person; and
- (iii) Impact adversely on New Zealand's international well-being”.

The concerns raised by Zaoui's counsel were disregard for his human rights and an explanation and airing of classified information held by the NZSIS. The classification also restricted defence counsels' requests to use the SRC as evidence in defended trials for the purpose of nullifying the principles of state security. The timing of the issuing of the SRC is significant, as the RSAA's investigations were not affected as the decision in favour of Zaoui's application for Refugee Status has shown. Consequently, this situation resulted in prolonged legal arguments between counsels, the judiciary and the government. In fact, Zaoui's situation of being held in solitary confinement did not change throughout the period regardless of the decision granting him refugee status in August 2003.

Ahmed Zaoui was the first individual to be tested under NZ's anti-terrorism laws and there were no precedents in New Zealand case law concerning his case. Issued by the NZSIS on the basis of information garnered mainly from Algeria and France, the SRC for the purpose of deportation had its first airing on Zaoui. The RSAA's decision to grant Zaoui refugee status was based on lack of evidence to support claims that he was a terrorist and the fact that NZ had not suffered a terrorist attack or threat from him. Support for Zaoui was forthcoming when the Refugee Status Appeal Authority's 214-page decision concluded that there was insufficient evidence that he was a terrorist. The Decision concluded that:

"In particular, we find:

- (a) No serious reasons for considering he is a member, let alone a leader, of the GIA¹⁵⁷ or the FIDA¹⁵⁸ indeed any armed group;
- (b) No serious reasons for considering he has committed or participated in or directed any act of terrorism, violence or other criminal conduct;
- (c) The appellant has only ever been a member of the FIS.¹⁵⁹ The FIS is a political organisation. It cannot be said to be an organisation principally directed to a limited, purpose, of which mere membership alone would be enough to bring the appellant within the exclusion provisions of Article IF. There is no probative evidence that, as a senior member of the FIS leadership in exile, he participated in or directed or encouraged violence.

The evidence points clearly to the appellant's FIS activities having been

¹⁵⁷ *Group Islamique Arme.*

¹⁵⁸ *Front Islamique du Dyihad Arme.*

¹⁵⁹ *Front Islamique du Salut.*

in furtherance of its political goals.¹⁶⁰

The RSAA regarded the NZSIS's information as being of poor quality, despite that the Algerian government claimed that Zaoui was a member of a terrorist group or "Algerian-armed group" and that Belgium, France and Switzerland similarly agreed Zaoui had been either associated with or had taken part in acts of terrorism. On this basis the RSAA further determined that the NZSIS's quality of information was "superficial and to the extent that it reflects the official biases of the Algerian regime, contentious".¹⁶¹

This opinion and information provided by Zaoui's counsel concluded that Zaoui would lose his life should he be returned to Algeria, and therefore he was granted refugee status.¹⁶² While the NZSIS were acting on the premise that they were protecting the security of NZ, apparently they got it wrong. Nonetheless, the SRC remains and serves as a reminder that Zaoui could still be deported at any given moment at the discretion of the Minister of Immigration.

NZ State Security Versus Human Rights

The Westminster legal model promotes and reinforces a system shaping our society and the way we think. So far our *model* legal system concerning the Zaoui case has proven to be a very costly and time consuming process. Perhaps in the current global political environment of terrorism, our legal system is at fault or contains a number of flaws. To

¹⁶⁰ E. M. Aiken, et.al., 'Refugee Appeal No. 74540', Refugee Status Appeals Authority New Zealand Decision, 1 August 2003, p. 214.

¹⁶¹ Amnesty International Aotearoa New Zealand, *Freedom Letter*, Auckland, September-October 2003.

¹⁶² E. M. Aiken, et.al., 'Refugee Appeal No. 74540', 2003, p. 214.

date, the Zaoui case is like a mirror revealing the imperfections of human nature as those involved in the case endeavour to use the law to advantage, thus proving our laws no longer provide a satisfactory forum or status quo of truth and fairness. The chronology of events and actions by the government, NZSIS, judiciary and Zaoui's legal team since December 2002 have been summarized here to clarify the relationship between the two key issues of national security and individual human rights. Media coverage of the Zaoui case has heightened awareness of Immigration issues regarding security. However, the media has provided a transparent view of how decisions are made at government levels, overwhelmingly evident with the separate resignations of Ms Leanne Dalziel as Minister of Immigration and the former SIS Inspector-General and retired judge Lawrence Greig as a result of the Zaoui case. Though the Court of Appeal's decision vindicated Zaoui and paved the way for his freedom, there remains the issue of security and a question of the reliability of NZ's Intelligence community.

After 9/11 the US put out a call to all Middle Eastern nations to provide lists of Al Qaeda operatives in their midst. This gave these states, particularly countries like Algeria, Egypt and Morocco, opportunity to add legitimate political opponents such as Ahmed Zaoui as well as bona fide terrorists to their respective lists, the better to silence them in the general round up.¹⁶³

On 17 March 2004, the *Dominion Post* reported that SIS chief Richard Woods had expressed concerns regarding three applications for citizenship lodged with Internal

¹⁶³ Paul G. Buchanan, 'An Issue Of Trust: Notes On The Revamping Of Foreign Intelligence-Gathering In Aotearoa'. *Conferenz*. Retrieved 21 August 2007 from http://www.conferenz.co.nz/2004/library/b/buchanan_paul.htm.

Affairs. The SIS recommended the three applicants be refused citizenship. This was based on the free access between Australian and NZ borders, including easy access to the US for NZ Passport holders. Suspicions of opportunities to “plan terrorism overseas” or to “lie low” by the three applicants reflects a perception of terrorism by agencies close to the government in an advisory role. Green Party spokesperson Keith Locke questioned the SIS Director’s claims that the three applicants were indeed a security risk and referred to a case where the SIS rejected a Sikh national’s application for citizenship unsuccessfully. Mr Lock questioned the SIS’s ability for fairness regarding the Zaoui case, and recommended NZ’s security would be better served by the NZ Police.¹⁶⁴ The NZ government’s conclusion of non-action against him may be respite for Zaoui while he recovers from the emotional turmoil towards freedom in NZ, yet on the basis of uncertainty and restraints on freedom for the individual there is no respite. NZ’s self-image as a supposed heartland of human rights for the individual is blurred by it’s legal processes, particularly as evidenced in the highly publicized Zaoui case.

¹⁶⁴ *Dominion*, 17 March 2004.

Chapter 6: Biological, Chemical And Nuclear Terrorism

And Bio-security In New Zealand

This chapter addresses biological, chemical and nuclear terrorism, but focuses on the main potential threat to NZ which is biological terrorism using infectious diseases (such as Foot and Mouth (FMD) smallpox and anthrax Bacterium *Bacillus anthracis*.¹⁶⁵ A consideration for NZ's bio-security is the bubonic plague bacillus *Yersinia pestis* commonly known as the black plague or black death which earns a mention alongside anthrax and smallpox given its nature to be aerosolized or transferred by vectors, i.e., (usually) the rat flea *Xenopsylla cheopis*¹⁶⁶ and animals, hence its ability to endure eradication attempts.¹⁶⁷ Given that the threat of poisonous chemicals (such as cyanide and nuclear contaminant) are minimal, the focus on biological terrorism is recognized as having the greatest potential threat to the NZ economy. The chapter is presented in two parts, beginning with a brief review of relevant terrorism hoaxes, threats, and scares in NZ since 9/11, and finishing with a discussion of the concurrent emergence of the government's new National Biosecurity Policy.

The unpredicted 9/11 terror attacks reminded us that any terrorist group likely to use bioterrorism tactics within our borders would pose serious consequences to our way of

¹⁶⁵ Kenneth Todar, *Bacillus anthracis and anthrax*, Wisconsin: University of Wisconsin-Madison Department of Bacteriology, 2005, p. 1, 6 & 8. Retrieved 14 February 2008 from <http://www.textbookofbacteriology.net/Anthrax.html>.

¹⁶⁶ Demetres Valenzas, *CBRNE – Plague*, Manchester: Manchester Memorial Hospital, Eastern Connecticut Health Network, eMedicine, 2007, p. 4. Retrieved 14 February 2007 from <http://www.emedicine.com/emerg/topic428.htm>.

¹⁶⁷ Demetres Velendzas, 2007, p. 4. Retrieved 14 February 2007 from <http://www.emedicine.com/emerg/topic428.htm>.

life. Biological terrorism is not just deliberately introduced viruses or chemicals that float about searching for human hosts. NZ's livelihood and economic survival depends on the ability to trade with other countries. NZ's life-blood is primary produce and any infection such as FMD could wipe out vast numbers of herds throughout NZ and ruin the economy for several years. In effect NZ's economic wealth in primary produce accounts for 20% of the Gross Domestic Product (GDP) and is good reason for the NZ government's quick response to 9/11.

Biological terrorism pertains to the use of infectious disease agents designed to kill innocent civilians. By definition the nature of biological terrorism may be described as a weaponised disease used to effectively and silently by-pass our immunity system and biological defense mechanisms to either kill or disable us. For example infectious diseases including bubonic plague, anthrax, smallpox,¹⁶⁸ and Creutzfeldt-Jacob — the human variant form of mad cow disease — are the more widely known and main infections concerning life threatening viruses and agents that have the proven potential to cause swift and widespread serious infections and fatalities worldwide.¹⁶⁹ Historically, the bubonic plague is responsible for 200 million human fatalities, and arguably responsible for triple pandemics worldwide with the third pandemic from the 19th Century an ongoing health problem for China. A message can be learned from our past concerning the ability of the disease to spread rapidly and undetected by transmission.¹⁷⁰

¹⁶⁸ Kate Etherington and Anna Cheifetz, eds., *Anatomica: The Complete Home Medical Reference*, Auckland: David Bateman, 2000, p. 655.

¹⁶⁹ Michael T. Osterholm and John Schwartz, *Living Terrors: What America Needs To Know To Survive The Coming Bioterrorist Catastrophe*, New York: Dell Publishing, 2000, p. 13.

¹⁷⁰ Demetres Valenzas, 2007, p. 4. Retrieved 14 February 2008 from <http://www.emedicine.com/emerg/topic428.html>.

In 1967 the UN World Health Organisation (UNWHO) “vaccination campaign launched worldwide” sought to eradicate smallpox which was responsible for two million deaths.¹⁷¹ Though cases of anthrax are rare in the Western world, the disease continues to exist in “Africa, Middle-East and Asia”.¹⁷² Hence, this chapter explores both NZ’s biological defence methods and fundamental protection mechanisms that have proven to be successful in safe-guarding our environment for approximately one-hundred years, and the current post 9/11 framework of biological security practices that have been developed and which may provide a similar defence and preventative mechanism against acts of biological terrorism (henceforth termed bio-terrorism).

Historically, NZ has taken for granted the value of security in terms of “quarantine control” formulated to protect our agriculture and horticulture.¹⁷³ Today, protection of our environment continues to enhance New Zealand’s cultural pursuits alongside our economic well-being as a nation.¹⁷⁴ In retrospect, perhaps the desires and subsequent actions of the nineteenth century conservationist Richard Henry (1865 – 1929) to save a NZ parrot – the Kokako – from extinction provided the blue-print for our concerns regarding conservation practices and methods.¹⁷⁵ An important historical event was NZ’s experience of a fatal infectious disease when the 1918 influenza pandemic killed hundreds of New Zealanders and plunged an unprepared government and its national emergency plans into a state-of-flux. The less-than-adequately developed and meagre

¹⁷¹ Etherington and Cheifetz, 2000, p. 655.

¹⁷² Ibid., p. 90.

¹⁷³ Ministry of Agriculture and Forestry spokesperson, Merv Alexander. Telephone Interview. 4 November 2004.

¹⁷⁴ K. B. Brady, *Managing Threats to Domestic Security*. Report of the Controller and Auditor-General, Wellington: Audit Office, 2003, p.16.

¹⁷⁵ ‘The Biosecurity Strategy For New Zealand’, Wellington: Tiakina Aotearoa:Protect New Zealand, August 2003.

national emergency services were mirrored by the urgency in which ordinary New Zealanders swiftly and unceremoniously buried the influenza victims in mass unmarked graves throughout the country.¹⁷⁶

Approximately one-hundred-years later, in the aftermath of 9/11, the NZ government reviewed and broadened all strategic planning in border control management and protection of our economic primary production by linking up government agencies. The government's plans included the implementation of a defence strategy to protect the public against terrorists with the potential to use (chemicals and) "infectious disease agents to kill unsuspecting citizens."¹⁷⁷ During this period the NZ public experienced a series of frightening episodes concerning hoax-incidents and false-alarms involving cyanide and anthrax.¹⁷⁸ These are described below and the responses they elicited. The lesson learned from these occurrences was that we lacked resources and planning in the event of a terrorist attack. Police swiftly responded to the various cases involving supposed anthrax powders surreptitiously mailed to newspapers, public services and recreational venues. However, though worthy of mention here, these apparent attempts to poison the environment and people were hoaxes and scares which were too small to effectively test police operational responses.

¹⁷⁶ NZ History, 'The 1918 Flu Pandemic: A Black Plague'. Ministry For Culture And Heritage. Retrieved 17 August 2007 from <http://www.nzhistory.net.nz/culture/1003>.

¹⁷⁷ Osterholm and Schwartz, *Living Terrors*, 2000, p. xviii.

¹⁷⁸ Etherington and Cheifetz, p. 90.

Anthrax Threats Lead To Smallpox Fears

NZ government security concerns revolve round the threat of Foot and Mouth Disease (FMD) and the devastating effects on our economy. Since 9/11 the FMD threat has shown a jittery government preoccupied with safeguarding the economy by injecting millions of dollars into border controls in efforts to keep the germs at bay. On 2 April 2002, an anthrax false-alarm occurred on board a Wellington-bound Air New Zealand 767 aircraft due to “a mysterious white substance” which was discovered by crew. The substance was subsequently found to be harmless talcum powder.¹⁷⁹ The opposition National Party expressed concern that, given that Prime Minister Helen Clark admitted she was unaware NZ was importing smallpox vaccines, the government might be ignoring the serious threat posed by biological terrorism. Despite Clark’s lack of concern considering the possibility of a national smallpox pandemic,¹⁸⁰ the Public Health Deputy director-general, Don Matheson, announced a decision to buy 10,000 doses of smallpox vaccine. Mr Matheson defended his decision as one of “principle” in anticipation of a “terrorist attack”, as one of New Zealand’s major trading partners and geographically closer than all other continents in the world, the Australian government, had also purchased 50,000 doses despite the disease having been wiped out two decades previously.¹⁸¹

¹⁷⁹ *Dominion*, 3 April, 2002.

¹⁸⁰ ‘New Zealand Readies For Smallpox’, TVNZ. Retrieved 18 August 2007 from <http://tvnz.co.nz/view/page/425822/156123>.

¹⁸¹ *Dominion*, 17 December 2002.

The fear of an incursion of smallpox put pressure on the NZ police, as indicated by Deputy Police Commissioner Neville Mathews who said that security had been strengthened in “key” areas. This was despite comments made by Prime Minister Helen Clark who was reported to have said, “No. I’m not particularly keen on having injections I don’t need to..so I won’t be volunteering to be first”.¹⁸² Regardless of the Prime Minister’s lack of concern the government’s strategic aims were indicated with publicized exercises. These proved to be timely as isolated cases of hoaxes and threats against public health emerged, as described below.

In November 2002, an anthrax simulation exercise was conducted by the Ministry of Agriculture and Forestry (MAF). The people involved included MAF contractors, NCDI, AgriQuality,ASURE NZ Limited, and Massey University. Private veterinary practitioners were included in these “exercises” as they are more than likely the first to encounter cases of anthrax in herds. In effect the November 2002 MAF *Management of Biosecurity Risks* report discussed the management of exotic pests and insects carried out by government agencies. A selection of case studies were audited regarding current practices in managing infestation. The areas highlighted by the audit included low staffing levels, poor caliber of expertise available and inadequate decision-making practices. The report and the anthrax simulation exercise tested the emergency response and the effectiveness in light of an accidental or pre-meditated attack against public health in NZ.¹⁸³

¹⁸² ‘NZ Imports Vaccine Amid Terrorist Fears’, BBC News. Retrieved 16 December 2002.
http://www.annova.com/news/story/sm_728396.html

¹⁸³ K. B. Brady, *Management of Biosecurity Risks*. Report of the Controller and Auditor-General, Wellington: Audit Office, November 2002, p. 99.

Hoax Cyanide Threat Tests Police Resources

Some months after the publication of the 2002 Report in March 2003, in a “demonstration of capability” a group calling themselves “September 11” mailed letters to the United States Embassy, the British and Australian High Commissions and our national newspaper, the *New Zealand Herald*. The group claimed they had a 25-kilogram stockpile of “weapons-grade” cyanide. This was later followed by the actions of an unidentified individual who left a black bag at the Health Ministry in Molesworth Street, Wellington. Extra precautions were taken by the police specialist search group and firefighters, and the bag was taken into the basement of the building for inspection. The building was evacuated by the police. It was quickly established the letters were laced with cyanide and contained threats to poison a town’s water-supply and gas buildings, and blow up other buildings. Wellington police Inspector Marty Grenfell reported that police resources and those of other supporting agencies would barely cope in a terror attack where chemical substances were used.¹⁸⁴

The *Dominion Post* published a copy of the error-ridden text, reproduced below. The threatening letters, two of which contained cyanide powder, were posted to the *New Zealand Herald*, the United States Embassy, and the Australia and the United Kingdom High Commissions:

TO THE AMBASSADORS OF AMERICA AUSTRALIA AND BRITISH

September 11 fights for rights of free Islamic people ofworld. Our purpose
is to challenge actions of the great satan America and resist its imperialist

¹⁸⁴ *Dominion*, 28 March 2003.

ambitions in the Islamic world. Faced with such force September 11 will fight jihad by attacking American interests with weapons we have. Stealth and sacrifice. Our operations at Tiger Woods event succeeded in closure of Israeli embassy. But the butcher of Beirut still walks free. Until justice is done sacrifice will continue for the innocent and guilty. America Australia and British will suffer because of foreign policies. September 11 waits at the Americas Cup for instructions if Iraq is attacked by the host of Satan all interests and their supporters will be attacked by September 11. September has stockpiled 25 kilo weapon grade cyanide and will use those against those interests wherever they are. We know where you are your homes and families.

Allah akhur

Ahd Allah September 11¹⁸⁵

New Zealand academics and Muslim community leaders dismissed the letter writer claiming to be a freedom fighter for Islam. They argued that the language used in the letter was incorrect as "Abd Allah September 11" did not make sense and Muslims cannot adopt the name "Allah". The police later concluded the letter did not indicate there was an active terrorist cell at work and was probably a hoax. Victoria University linguist Dr Laurie Bauer believed the letter was written by an English speaker pretending to be an Arab national and "by missing out the word 'the' occasionally, we'll all be fooled into thinking it's someone who can't write English."¹⁸⁶ Dr Tim Behrend, Auckland University lecturer in Applied Language Studies and Linguistics was also not

¹⁸⁵ *Dominion*, 20 October 2003.

¹⁸⁶ *Ibid.*

convinced the author of the letters was a foreigner with a poor grasp of the English language. He shared Dr Bauer's analysis of the letter's text and questioned the authenticity of the letters as "very transparent and like an incredibly bad effort," and was convinced the writer was "mischievous." Assistant Police Commissioner Jon White, in charge of the police counterterrorism unit, believed the "perpetrators" were not impossible to find, yet the group remains at large to this day.¹⁸⁷

A separate security issue of concern for the New Zealand police associated with the September 11 incident was the United States Embassy's failure to consult with the police in Wellington regarding the September 11 letter appearing on the international CNN media via a website belonging to the US State Department's Overseas Security Advisory Council (USOSAC). The reason given by the Americans for doing this was that USOSAC considered the September 11 incident "security-related information" of interest to Americans abroad. The NZ police expressed disappointment in the U.S. Embassy's lack of restraint in giving out information which was the responsibility of the police. Police were concerned that further publication of letters might increase chances of panic among a jittery public and believed this was a reason for keeping the contents of the letters within police circles. The police were understandably concerned especially with recent threats of terrorist acts which had heightened security concerns regarding large crowds attending national and international events. This had resulted in a special task

¹⁸⁷*Dominion*, 20 October 2003.

force being attached to the police to provide strengthened security for the America's Cup international yachting event at Auckland's Downtown Viaduct Basin.¹⁸⁸

Hoax Threat To Poison Reservoirs With Cyanide

The following is an account of a sequence of events in March 2003 regarding threats to poison reservoirs and attack significant buildings in other major city centres. Mayor Kerry Prendergast of Wellington reported that "We're checking all our reservoirs are locked and contacting all the people who are authorised to work on our water supply and asking them, if they're aware of any tampering to be in touch immediately either with us or the police."¹⁸⁹ The operations manager for the Wellington Regional Council, Dan Roberts, was liaising with the Ministry of Civil Defence and Emergency Management. The capital's City Council CEO, Garry Poole, was confident cyanide pollution through the water system was unlikely but gave assurances that they were prepared for any sabotage of the water supply. The Health Ministry deputy director of public health, Dr. Don Matheson, was satisfied with present security measures in place to protect the capital's water supply.¹⁹⁰

Other security measures taken were the hiring of Corporate Risks Consultants by Embassy Theatre proprietor Kerry Robins to monitor the building, and the Reading Cinemas manager John Henson said they were strengthening the existing security system

¹⁸⁸ John Braddock, 'New Zealand Police Criticise US Embassy Over Release Of Hoax Terror Letter', *World Socialist*. Retrieved 21 August 2007 from http://www.wsws.org/articles/2003/mar2003/nzea-03_prn.shtml.

¹⁸⁹ *Dominion*, 11 March 2003.

¹⁹⁰ *Ibid*.

in their nine-storey car park. Mr Henson reported that “Without giving anything away, we will be locking down certain parts of the building and keeping a closer eye on certain pieces of equipment.”¹⁹¹ The *New Zealand Herald* were also on the receiving end of letters containing cyanide and threats to poison food and drink.

During the cyanide hoax, Wellington City’s emergency systems were operational and prepared for a “worst case scenario.” The Tourism industry, District Health Board and territorial authorities were all braced for an emergency crisis greater than a previous cyanide hoax at the New Zealand Open Golf Tournament in January 2002. Wellington Hospital’s contingency plans from cyanide antidotes to decontamination showers to reduce the spread of chemicals and germs are reassuring but the full extent of exposure to anthrax seriously impairs the body’s organs, brain cells, and lungs as it starves the body of oxygen.¹⁹² Whereas potentially poisoned victims have a limited chance of survival, the hospital staff treating the symptoms of poisoned victims would be protected from contamination by wearing masks and protective garments.

White Powder (Anthrax) Scares “Rampant”

In April 2003, TVNZ reported that “white powder scares’ had become “rampant” in NZ.¹⁹³ Clearly, terrorism is a type of crime requiring the courts to make judicial decisions. On 4 April 2003, the *Dominion* reported that the Tauranga District Court

¹⁹¹ *Dominion*, 11 March 2003

¹⁹² *Ibid.*

¹⁹³ ‘White Powder Scares Rampant’, TVNZ One News, 4 April 2003. Retrieved 1 July 2007 from <http://tvnz.co.nz/view/page/423466/180542>.

inaccurately labeled a man a terrorist and ordered him to pay \$30,000 reparation after he pleaded guilty for swapping tobacco with white flour and threatening the Brookfield *New World* grocery store with an anthrax scare. Also in April, staff at Wellington's Thorndon *New World* supermarket were alerted to Thailand-packaged Sealord canned tuna containing a sinister white powder, and Blenheim's Redwoodtown *SuperValue* supermarket reported a white powder in a box of Sealord's tuna and police had the goods removed to Upper Hutt for testing. These incidents prompted precautionary measures by Sealord as the secretary Terry Horne reported that the company had stopped deliveries of tuna. He said the supply chain was being checked. Staff in Blenheim were under observation for symptoms indicating they suffered the effects of poisoning, but none occurred.¹⁹⁴

Chemical Contamination Scare At Massey University

On 7 April 2003, a biosecurity scare at Massey University in Palmerston North was responded to by firefighters, paramedics and police. Massey University's Constable Gina Findlay reported that people were possibly contaminated with a harmful powder substance. The National Student Administration and Teaching Support (NSATS) building was evacuated, including the sealing of all rooms, and those people believed to be contaminated were attended to for contamination. Later, Regional Facilities Manager Rob Green advised that the substance was dried Brasso—a generally used household cleaner used to polish tarnished brass and similar metal surfaces—which had more than likely

¹⁹⁴ *Dominion*, 4 April 2003.

been the same chemical found in a public mailbox in Tauranga in October 2005.¹⁹⁵ The likely cause was spillage on correspondence or a student's assignment to Massey University.

Terrorist Threat To Use Nuclear Contaminants During 2003 APEC Summit

In October 2003, NZ interests overseas were apparently at risk of threatened acts of terrorism, and security was strengthened at Australian embassies throughout Southeast Asia after a bioterrorist scare in Bangkok from a terrorist group threatening to bomb "Western Embassies" in the area with "nuclear chemicals".¹⁹⁶ During this emergency, Brad Tattersfield, spokesman for NZ's Ministry of Foreign Affairs and Trade, indicated NZ had not responded to the terrorist warning and were yet to make a decision on strengthening security at the NZ Embassy in Bangkok as well as relay a "Thailand travel warning" for either ex-patriot New Zealanders or those at home contemplating a holiday or visit to south-east Asia. This was despite the reported account of a terrorist apprehended by the Thailand police for "carrying 30kg of radioactive material" the previous week in Bangkok. It was reported the man was arrested with the radioactive material and intended to sell it to terrorists who were planning to use it to bomb Embassies during the October 2003 APEC summit. The plan was discovered during the arrest of a member of a terrorist group apprehended by police. A map of the Embassies of

¹⁹⁵ CHAFF, Massey University Student Association, 7 April 2003.

¹⁹⁶ *Dominion*, 16 June 2003.

Australia, United States, Britain, Israel and Singapore was sufficient reason for the arrest.¹⁹⁷

Reasons For Biosecurity Reviews

In November 2001, the Ministry of Agriculture and Forestry (MAF) carried out a review of government agencies and examined methods used for biosecurity surveillance. The outcome of that review in September 2002 set the benchmark for biosecurity strategy today.¹⁹⁸ Essentially, this review was ordered as a direct result of 9/11 and was cause for NZ government worries concerning the potential effects of terrorism on our economy. The underlying risk factor was the threat of bioterrorism and the detrimental effects it would have to our environment, particularly the deliberate introduction of crippling chemicals, insect infestations, and other infectious poisons and diseases including anthrax and smallpox.

Given that NZ is potentially at risk of being infected with foot and mouth disease (FMD) and anthrax, Tony St Clair, national President of Federated Farmers, and Richard Johnson, Chairman for Environment Canterbury, raised their concerns of a possible bioterrorist attack in the 9/11 aftermath. Subsequently the government reassured New Zealanders that counterterrorism strategies were currently being “devised”.¹⁹⁹ In January

¹⁹⁷ *Dominion*, 16 June 2003.

¹⁹⁸ K. B. Brady, *Management Of Biosecurity Risks*, 2002, p. 99.

¹⁹⁹ *Dominion*, 1 October 2001.

2002, Defence Minister Mark Burton announced that the formation of a chemical and biological weapons team was included in the government's counterterrorism strategies.²⁰⁰

The risk of foot and mouth disease infecting our herds is paramount to our economy and is the government's major concern regarding biosecurity. From an economic perspective, Foot and Mouth (FMD) is an infection that has the potential to seriously affects our herds. Any outbreak in NZ, unless managed efficiently and swift, could devastate our economy and drastically affect our ability to trade with other countries. It is estimated that the recovery time-frame from such an outbreak would be approximately three years and the heavily reduced earnings of our export primary products would take at least four-years to recover.

To counteract any likelihood of an FMD epidemic or similar outbreak, the MAF now conducts annual "exotic disease simulation exercises" to ensure an effective response in a real FMD emergency.²⁰¹ The benefits envisaged from these exercises include a methodical and structured response and knowledge-sharing towards a "team" ethos.

National Biosecurity Policy

The Biosecurity Council is part of a security defence framework which defines biological security as "the exclusion, eradication or effective management of risks posed by pests and disease to the economy, environment and human health". Together, the 2002

²⁰⁰ *Evening Post*, 30 January 2002.

²⁰¹ K. B. Brady, *Management Of Biosecurity Risks: Case Studies*. Report of the Controller and Auditor-General, November 2002. Wellington: Audit Office, p.143.

Biosecurity Council and the Agriculture and Forestry annual report for *Management of Biosecurity Risks* defines biological security as “a science in the protection and management of the environment and the pure sustainment of our biological eco-systems from harmful and debilitating effects posed by vectors carrying pests and diseases”.²⁰² FMD, calicivirus, bee-mite and other exotic pests are the more frightening infestations and infections that concern the NZ government. After nearly three years of work involving extensive consultation and involvement from the government agencies with responsibility for biosecurity, in August 2003 the Biosecurity Council released its Biosecurity Strategy:

The strategy contains 57 expectations about the performance of a future biosecurity system. While acknowledging that the NZ biosecurity system is world leading in its capability and performance, the strategy also notes many areas in which performance could be lifted. It also highlights where public and political expectations about the performance of the system have changed over the years, requiring changes in capabilities, resourcing and priorities within the system. Some key concerns across the system are inconsistencies in risk assessment and prioritization, fragmented leadership and governance, inadequate information collection, analysis and dissemination, weak strategic capability, failures to learn lessons from experience, and the need for better systems and processes.²⁰³

Hence in terms of educating and reassuring the NZ public, the recommendations gleaned from the Biosecurity’s strategic objectives appear to be showing positive results and

²⁰² K. B. Brady, *Management Of Biosecurity Risks*, 2002, p. 9.

²⁰³ New Zealand Biodiversity, *National Biosecurity Strategy*. Retrieved 20 August, 2007 from <http://www.biodiversity.govt.nz/land/nzbs/biosecurity/strategy.html>.

particularly in the field where televised programs on airport border control and coastal surveillance, are concerned. The government's intentions in centralising Biosecurity with MAF is based on reputation and systems already in place to cope with outbreaks of disease and infestations. The element of continuity regarding the ministry's history in managing NZ's flora and fauna also adds weight to the MAF's capacity to manage biosecurity nationally and regionally.²⁰⁴ The combined Ministry of Agriculture and Forestry (MAF), Department of Conservation (DOC), Ministry of Health (MoH) and Ministry of Fisheries (MoF), in consultation and secondment to other government departments and agencies such as Te Puni Kokiri and Ministry of Research, Science and Technology under the "Government's Biosecurity Programme" should be a formidable biosecurity force towards sharing responsibility towards management and eradication of disease and infestations.²⁰⁵

The 2002 MAF Biosecurity Risks Report

The Ministry of Agriculture and Forestry acknowledge in their 2002 Annual Report that "Foot and mouth disease (FMD) poses one of the most serious threats to NZ border security and would have a significant impact on the economy if there was an incursion of the disease here", whereas the incursions of other pests upon our forests, are not considered to be vitally devastating to our economy. We are reassured by our government that our herds are safe from FMD as a result of up-graded border control practices at

²⁰⁴New Zealand Biodiversity, *National Biosecurity Strategy*. Retrieved 20 August 2001 from <http://www.biodiversity.govt.nz/land/nzbs/biosecurity/strategy/html>.

²⁰⁵K. B. Brady, *Management Of Biosecurity Risks*, 2002, pp. 10-11.

airports and marine areas since 9/11. The new task force/s of scientists and civil defence are confident in controlling an FMD infection.²⁰⁶

In February 2001, the NZ Ministry of Agriculture and Forestry reacted to an outbreak of FMD in the United Kingdom. Trade destined for NZ such as dairy products and “live cloven-hoofed” herds and their by-products were postponed.²⁰⁷ MAF’s security measures included sending trained and skilled veterinarians and epidemiologists to the United Kingdom. In March 2001, when FMD spread to herds in France, despite criticism from the European Union (EU), NZ immediately placed the same trade restrictions on European herds and animal by-products including dairy products. NZ was soon vindicated for their decision when FMD was “subsequently detected in the Netherlands and Ireland”.²⁰⁸

Six months later the 9/11 terrorist attack on America tested our airport security and our national security agencies as the NZ government initially sought to come to terms with the devastating attack on the US and the effects it would have on NZ. Uppermost to government concerns were the effects to our economy as a nation resulting from a bioterrorist attack here including the incursions of potentially destructive pests and diseases, potentially able to devastate our environment and herds and pose a health risk to NZ citizens. These scenarios were a manifestation of the government’s awareness and subsequent demands for the Aviation Security Service, to act swiftly in strengthening border control with trained emergency response teams throughout the country.

²⁰⁶ K. B. Brady, *Management Of Biosecurity Risks: Case Studies*, 2002, p. 131.

²⁰⁷ *Ibid.*, p.136.

²⁰⁸ *Ibid.*, p. 40.

New Framework Of Teams Capable Of Protecting NZ's Economy

The newly-formed Exotic Disease Response Centre (EDRC) in conjunction with the Field Operations Response Team (FORT) under the auspices of the National Response Centre (NRC) based in Parliament's Beehive building all cohere to form a strategic operations network. This operational network is designed to protect the country's economic wealth and our primary industries.²⁰⁹ In particular, FMD is central to the biosecurity defence framework; a centre of gravity from which stems environmental, commercial, foreign trade, domestic and social aspects of NZ society, and the economy which sustains us as a nation.

On 21 January 2005, MP Jim Sutton reported a forecast concerning the "impact of a foot and mouth disease outbreak here as costing \$6 billion in GDP in the first year and about \$10 billion in GDP in the second year". The economic and fiscal concerns for healthy herds reached a pinnacle of FMD fear with the Labour-Progressive government's two-phase simulation test called *Exercise Taurus* occurring during March and April 2005. Afterwards, Sutton reported that the operation appraisal showed a need for increased numbers of human resources in the field of veterinary expertise "some of whom will need to be sourced from an international pool".²¹⁰ This raises an important issue. In November 2002, an anthrax simulation exercise was facilitated by the MAF. The people involved included MAF contractors, NCDI, AgriQuality, Asure NZ Limited, and Massey

²⁰⁹ Jim Sutton, 'MAF To Lead FMD Outbreak Simulation'. Retrieved 21 January 2005 from [Http://www.beehive.govt.nz/ViewDocument.aspx?DocumentID=22016](http://www.beehive.govt.nz/ViewDocument.aspx?DocumentID=22016).

²¹⁰ Jim Sutton, 'Foot And Mouth Disease Exercise Continues'. Retrieved 12 April 2005 from www.govt.govt.nz.

University. The fact that the inclusion of private veterinary practitioners in these exercises was discretionary rather than mandatory leaves the impression that they were inadequate attempts lacking commitment and on the dangerous path to failure in the event of a real situation. Also, the lack of mandatory FMD surveillance and inspection of animals raises the risk of undetected infection.²¹¹

On 11 May 2005, the FMD national emergency system was made operational to test New Zealand's biosecurity defences against an infection after Prime Minister Helen Clark received a letter claiming Waiheke Island in the Hauraki Gulf had been infected with FMD. The author of the letter demanded cash and changes to the income tax system and threatened to infect a second location if his demands were not met. MAF, police and industry leaders believed it to be a hoax. MAF biosecurity director Dr Barry O'Neil said:

We've considered the likelihood of a vial of foot-and-mouth disease virus being smuggled into New Zealand. We believe the likelihood of someone securing such a vial would be very unlikely. The chances of the individual then introducing that New Zealand in a way that the virus...would still be active is also very unlikely.²¹²

A second letter from the same author was received by the *Dominion Post* on 17 May 2005 which confirmed police suspicions that the letter to the Prime Minister was indeed a hoax. The second letter read:

This is to confirm that the present scare is a hoax — There is no live foot and mouth virus on the loose in NZ. There is no bank account in the name of Mr

²¹¹ K. B. Brady, *Management of Biosecurity Risks: Case Studies*, 2002, p. 144.

²¹² *Dominion*, 11 May 2005.

Ferguson.

The Waiheke Island FMD hoax cost the government and NZ taxpayers \$1 million dollars per day, over a period of seven days while the emergency was at its peak. Despite the winding down of operations, the police continued to search for the person responsible for the FMD hoax and the public was also urged to help police in finding the author of the letter. To date the police have been unsuccessful in apprehending the “terrorist”.

In terms of the effects of the hoax on the NZ economy, it was minimal considering the dairy industry accounts for 65% of NZ exports with an annual return of \$20 billion. It was reported that one country chose to close its borders to NZ during the FMD hoax, but Jim Sutton, through overseas trade delegates and officials, reassured overseas quarantine and officials there were no reasons to close their borders to NZ. For example NZ had an obligation to keep its trading partners informed of developments during the suspected FMD scare as well as set out the government’s defence system against such an attack.

The technology used to aid in the response to the FMD threat exercise was Massey University’s EpiCentre’s software programme *EpiMan* which was used in the United Kingdom (UK) during the national emergency 2001 FMD outbreak.²¹³ Massey University also helped develop a \$4 million update for a Swiss government program on par with the *EpiMan* software programme used during the UK outbreak. In terms of the defence systems used, the FMD crisis had shown that NZ was ready to respond to an

²¹³ The Massey University *EpiCentre* is located within the Institute of Veterinary, Animal and Biomedical Sciences and is the largest veterinary epidemiology training and research centre in Australasia. It offers expertise in understanding and control of disease in animal populations, transmission of disease from animals to humans, and hazards in food of animal origin.

incursion of an epidemic harmful to our animals and people. The concern with wind as a likely transporting carrier of FMD also does not appear to be beyond the capabilities of MAF's biosecurity defence mechanisms, and the National Centre for Disease Control in Wallaceville, Hutt Valley and Massey University's Epi-Centre in Palmerston North express confidence in being able to control an outbreak of FMD.

Chapter 7: Conclusion

The *Rainbow Warrior* bombing was the first act of international terrorism in NZ, and a potent reminder to all small countries that terrorism is the resort of a desperate enemy, in this case a state one. Post '9/11', NZ's involvement in counterterrorism has had both negative and positive results. On the negative side, in 1984 the US-trade embargo against Libya which the US government asked NZ to support by rescinding existing trade agreements with that country, produced a significant loss in overseas earnings. On the positive side, it has facilitated new opportunities to forge and reinforce trading and security partnerships with regional and global allies affected by terrorism. The recent media coverage of Minister of Defence Phil Goff shaking hands with Libyan President Gadhafi in 2007, signifying the end to the US-led trade embargo which severed the Libya-NZ trading relationship worth millions of dollars to NZ annually, is a positive development for NZ meat exporters and the country's economy.

Ironically though, the potential for trade with a Libya-NZ reunion and other prospective economic benefits with Arab states are seriously undermined by NZ's membership as a coalition partner alongside the US and UK in the current protracted 'anti-terrorism' wars in Iraq and Afghanistan, and NZ's involvement with the Indonesian government involved in regional conflicts in West Papua and Aceh and renowned for human rights abuses. Nonetheless, and regardless of the fact that both state and anti-state terrorism are major features of the political landscape of Indonesia and other countries in the Pacific, NZ has a major role in peace-keeping, diplomacy, and police assistance in the region.

Despite involvement in the Korean War and counterinsurgency in Malaya during the 1950s and Vietnam War in the 1960s, since World War Two, NZ has enjoyed relative peace and confidence in the belief that foreign enemies are not likely to threaten our easy-going way of life. Violent internal conflicts involving terrorism, and foreign terrorists attacking NZ, were viewed as unlikely possibilities. The 9/11 terrorist attacks on New York's twin towers and the Pentagon failed to shatter this belief or NZ's comfortable, idyllic life-style. However, things changed for NZ with the 2002 Bali bombings in Indonesia – a phenomenal terrorist attack closer to home in our geographical region. The unpredicted attack plunged Australia and NZ into regional crisis mode. These terrorist attacks occurred eleven months after 9/11, and Australia and NZ were shocked both by the geographical proximity and the fact that most of the victims were Western tourists, particularly Australians and three NZ nationals.²¹⁴

Essentially, for NZ the Bali experience will continue to serve as a reminder of the possibility and consequences of terrorist attacks in our region. Likewise for Australia, to the extent that since 2004 the Australian government has invested \$A68.4 million in developing a Transnational Crime Centre and Jakarta Centre for Law Enforcement Cooperation based in Indonesia. These centers are designed to help counter terrorism by providing training facilities for several countries, including NZ.²¹⁵

²¹⁴ Alan Atkinson, *Three Weeks In Bali: A Personal Account Of The Bali Bombing*, Sydney: ABC Books, 2002, p. 48.

²¹⁵ Greg Barton, *Indonesia's Struggle: Jemaah Islamiya And The Soul Of Islam*, Sydney: University Of NSW Press, 2004, p. 88.

Counterterrorism is not an entirely new concept for NZ, as prior to 9/11 the country was already in the process of developing and strengthening legislation on border security as well as responding to a UN request for a commitment from NZ concerning anti-terrorism laws. But 9/11, reinforced by the Bali bombings, certainly spurred NZ urgency for anti-terrorism laws and tougher measures for border control, especially in the areas of airport and border security. In terms of national security, the government concentrated on three major areas concerning security; the establishment of overseas posts in London and Washington, a new intelligence arm including a new assistant police commissioner with a special focus on security under the auspices of the Police Commissioner's Office, and a strengthened police presence at NZ airports. The government also instigated and funded reviews of a number of government departments including immigration, police, the Ministry of Agriculture and Fisheries, the Ministry of Health, and the Security Intelligence Services, among others, in its "assessment of regional and international security; the vulnerability zone in terms of security" concerning the south and west Pacific.²¹⁶

Since 9/11, pockets of terrorist attacks involving violence against civilians by Islamic extremists have occurred in nearly every region with significant Muslim populations – including India, Pakistan, Indonesia, the Philippines, Malaysia, Yemen, Iraq, Afghanistan, the UK, Spain and Russia. The NZ response to these terrorist acts has involved support and repatriation of NZ victims, development of anti-terrorism laws in NZ legislation, and the deployment of NZDF personnel, reconstruction teams and police assistance to regional and international destinations. And, of course, NZ has been a

²¹⁶ Assistant Police Commissioner Jon White. Personal interview. 2 May 2003.

formal partner in the US-led 'war on terrorism' with defense forces committed to both the reconstruction efforts in Al Basrah, Iraq and the war on the ground against the Taliban and Al Qaeda in Afghanistan.²¹⁷

Whilst it may appear that terrorist acts are occurring on a regular basis, this does not mean that terrorism is a random global phenomena or even a major threat. The focus of terrorist acts of violence is concentrated in Muslim countries and regions of the world. And while heavy coverage of terrorism in the Western media has massively raised public fears concerning terrorism, terrorism does not, in fact, appear as a major global human problem anywhere near as pressing as the threats posed to whole regions and large segments of the world's population by environmental destruction, resource depletion and worldwide poverty, hunger, and disease.

In April 2007, Dr Paul Buchanan, former Pentagon intelligence expert and political scientist at Auckland University, expressed his view that the threat of terrorism to NZ was insignificant, while Peter Cozens of the Centre for Strategic Studies expressed his belief that NZ is a likely target for terrorists.²¹⁸ These diverse and contradictory views regarding the risk of terrorist attacks tend to serve as a reminder that terrorism is relatively unpredictable and safe passage to and from any large public event such as a major international sporting tournament, cannot be either taken for granted or guaranteed.

²¹⁷ Colin Espiner, 'Bush Seeks Pacific War On Terror'. *Dominion*, 20 October 2003.

²¹⁸ *NZ Herald*, 4 April 2007, p. 48.

In distinction from NZ however, Australia has an undercurrent of racism which destabilises that continent. Glossed over racial and religious issues between white Australians and indigenous aboriginal people simmer, and become prevalent when aboriginal land issues come to the fore, and in January 2007 headlines in Australia featured Muslim Cleric, Sheikh Taj El-Din Al-Hilali encouraging martyrdom for Australian Muslims caught between their faith and aspects of secular Australian Western culture.²¹⁹ As Muslim Sunni Keysar Trad, founder and spokesperson for the Islamic Friendship Association of Australia Incorporated (IFAA) explained, the war in Iraq was making it difficult for Muslims to feel safe as they lived in “the shadow of terrorism”.²²⁰

Today, New Zealanders experience the effects of terrorism regularly, whether it is in the lives of ordinary New Zealanders or during diplomatic occasions by NZ government members. For example, in November 2006, Minister of Foreign Affairs Winston Peters, on behalf of the NZ government, complimented the work of the APEC Counterterrorism Task Force (CTTF) in the Asia-Pacific region. He also acknowledged that terrorism could threaten APEC’s food supply,²²¹ and announced that NZ had participated in a workshop on food supply in Bangkok and “chaired the working group that developed the multilateral framework that provides for their economies to join this initiative”.²²² And in January 2007, New Zealand journalist Matt Vance experienced antiterrorism measures at

²¹⁹ ‘Fury At Australian Cleric Comments’, BBC News. Retrieved 18 January 2007 from <http://news.bbc.co.uk/2/hi/asia-pacific/6273629.stm>.

²²⁰ ‘Muslims Regret Less Tolerant Australia’, IslamOnline.net. Retrieved 19 January 2007 from <http://www.islamonline.net/servlet/Satellite?c=1168265727478&pagename>.

²²¹ Ironically, larger threats like the APEC food supply are sometimes overshadowed by local border control issues.

²²² ‘NZ Statement On APEC’s Counterterrorism Work’. New Zealand Government Press Release. Retrieved 12 January 2007 from <http://www.scoop.co.nz/stories/PA0611/s00294.html>.

US border control when he was detained by over-zealous guards and led into a room full of Middle Eastern people waiting with “dossiers tucked under their arms proving innocence”.²²³ It is now clear that the fear of another terrorist attack like 9/11 has created a paranoid over-reaction by the West.

One thing that NZ’s participation in the US-led Operation Enduring Freedom (OED) in Afghanistan has achieved is a favourable outcome in valour and gallantry by New Zealand SAS soldiers. In June 2004, President Bush awarded a US presidential unit citation for bravery to the NZSAS in recognition of their contribution to the Afghanistan counterinsurgency campaign, and in March 2007 Corporal Bill (Willie) Apiata was awarded the Commonwealth’s highest military honour, the Victoria Cross (VC). Three other gallantry decorations were also awarded to three other NZSAS soldiers. It is likely that all of these gallantry decorations were awarded for the same battle in 2004 when NZSAS soldiers were wounded in a clash with Afghani insurgents.²²⁴

Without diminishing the significance of the VC awarded to Apiata for bravery under-fire, the four awards are significant in terms of lifting previously existing taboos protecting the identity of NZSAS soldiers and the traditional reputation the SAS holds as a shadow force. In this case, the background to the awards is unique in terms of the break from tradition which protects the identities of the SAS soldiers, the historical significance of

²²³ Matt Vance, ‘There And Back Again: From Canada To Florida In Two Days’, *NZ Listener*, 20 January 2007, p. 30.

²²⁴ ‘Special Air Service Of New Zealand’, from *Wikipedia*. Retrieved 11 August 2007 from http://en.wikipedia.org/wiki/Special_Air_Service_of_New_Zealand.

the Commonwealth VC award since World War II, unconventional nature of terrorism and the purpose for New Zealand deployment to Afghanistan.²²⁵

It seems fitting to draw attention to an important issue that has arisen in this thesis, namely that of state secrecy justified on the grounds of national security compromising human rights and particularly with regard to border control and domestic security issues, such as the treatment of Ahmed Zaoui as an example. On 7 July 2007, the *Dominion Post* outlined Zaoui's experiences in NZ after he petitioned for political asylum on arrival in NZ.²²⁶ Clearly, in this case as well as other selected cases under study in this thesis, the NZ anti-terrorism laws appear to have been misinterpreted by a judiciary thinking outside their realms of experience concerning acts of terrorism. As shown by the debacle of errors made by the judiciary, government senior officials and MPs since 9/11, the execution of the law regarding acts of terrorism have paradoxically fallen victim to an unclear definition of the act.

Hence the secrecy perspective in NZ for the sake of security hangs in the balance where the Zaoui case is concerned. The secret hearings judging Zaoui raise again the issue of human rights and the need for a transparent NZ judicial system.²²⁷ Regardless of international sharing of intelligence and NZ's membership to this exclusive intelligence network, NZ is responsible for the well-being of its citizens and the maintenance of New Zealanders' faith in the government to govern fairly and in the interests of its citizens.

²²⁵ 'History Echoes In SAS Man's War Heroics', *Manawatu Standard*, 7 July 2007, p. 6.

²²⁶ Kim Ruscoe, 'Zaoui Set To Face Secret Hearing: Truth On His Side In Long Battle' *Dominion*, 7 July 2007, p. 10.

²²⁷ *Dominion*, 7 July 2007, p. 10.

Since 9/11, two key areas of domestic and international security for NZ have been airport security and defence, which have reached a crucial stage in terms of NZ's perceptions toward managing security responsibilities relative to global peace. From a geographically remote island nation nearer to the Antarctic than troubled regions of the world, NZ is indeed being drawn into an international security web.

In October 2004, Avsec's General Manager Mark Everitt expressed his opposition to the idea of armed sky-marshals on international flights and especially foreign armed officers operating in "New Zealand terminals", arguing that aircraft requiring armed security should not be operating.²²⁸ Three years later in March 2007, Green Party MP Keith Locke expressed his fears regarding foreign-armed marshals on international flights, as proposed by the Aviation Security Bill currently in Parliament.²²⁹ In December 2005, the media reported an incident involving the use of a Taser to apprehend a man running through a British airport clutching a case. The man was innocent.²³⁰ However, within the same period Rigoberto Alpinar, an American citizen and airline passenger, was wrongfully shot and killed on board an American Airlines aircraft in Miami by two highly trained and experienced air-marshals. This tragic incident begs the question, does it really enhance security to carry firearms on commercial airlines in peacetime?²³¹ For

²²⁸ 'Ease Off Says Air Security Boss', *NZ Herald*. Retrieved 16 August 2007 from http://www.nzherald.co.nz/section/1/story.cfm?c_id=1&objectid=3600794.

²²⁹ Green Party, 'Shoot-Outs In Sky Possible, In Name Of Security'. *Scoop Independent News*. Retrieved 19 August 2007 from <http://www.scoop.co.nz/stories/print.html?path=PA0703/S00240.htm>.

²³⁰ Meredith Cohn, 'Experts Stand Behind Air Marshal In Miami Incident'. *The Baltimore Sun*. Retrieved 19 August 2007 from <http://archive.southcoasttoday.com/daily/12-05/12-09-05/a07wn633.htm>.

²³¹ Terrorists also do not need to smuggle a gun on-board an aircraft if their intelligence identifies air marshals beforehand.

example, the potential for chemical or bioterrorist attacks on board aircraft guarded by armed foreign or domestic air marshals represents a frightening and dangerous mix.²³²

²³² 'White House Backs Air Marshals' Actions: Marshals' Witnesses' Accounts Differ On Jet Bomb Threat Claim'. Cable News Network. Retrieved 19 August 2007 from <http://www.cnn.com/2005/us/12/08/airplane.gunshot/>.

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