

# US government signals it will not sign no-spying agreement with Germany

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According to the *Süddeutsche Zeitung*, negotiations on a no-spying agreement between the United States and Germany look set to fail. The Obama administration is not willing to commit itself in writing to forgo its spying on German government officials and its extensive monitoring activities in Germany, the newspaper reported, citing an employee of the Federal Intelligence Service (BND) who is leading the negotiations with the US intelligence agencies.

“We’re getting nothing,” a member of the BND delegation reportedly said. BND president Gerhard Schindler wanted to waive an agreement under these circumstances.

“The Americans have lied to us,” said another senior official.

The US authorities are still providing no information about how long German chancellor Angela Merkel’s cell phone was tapped, and whether other leading German politicians were targeted. They are also refusing to grant German experts access to the US embassy on Pariser Platz in Berlin, where technical equipment to monitor mobile phones is suspected of being located.

Negotiations on an anti-spying agreement began in August last year, after whistleblower Edward Snowden revealed in June that US intelligence agencies were systematically monitoring the communications of virtually the entire European population. In October, Snowden also revealed that Merkel’s cell phone and those of other European government members were being tapped by US spy agencies.

At that time, Berlin played down the affair, as Snowden also revealed similar activities by German intelligence, which works closely with its US counterparts on surveillance matters.

The then-head of the chancellery, Ronald Pofalla

(Christian Democratic Union, CDU), claimed a few weeks after the revelations that the NSA “kept to the letter of the law” in Germany. He claimed that the accusation that there were “millions of violations of fundamental rights” was “off the table.”

In this context, there was the first talk of an agreement in which the United States and the Federal Republic of Germany would undertake not to mutually monitor each other. Pofalla claimed that Washington was ready to conclude such an agreement.

The opening of talks with the United States was used as a political ploy to try to appease the outrage over the NSA spying before the German elections last autumn. Sections of the ruling class were concerned about US political and economic espionage, moreover, fearing for their own economic interests. For these reasons, Berlin wanted to put intelligence cooperation on a more regulated basis, with an anti-spying agreement.

Washington was unwilling to give up its surveillance of the population and the government of Germany, however. At the end of October, Obama administration National Security Advisor Susan Rice declared the US would “not completely fulfill” the German demands.

In December, the *New York Times* reported there would be no comprehensive anti-spying agreement. The newspaper quoted a senior German official who had previously met with the national security advisor, who said: “Susan Rice was very clear to us. The US will not create a precedent.”

On Tuesday, the *Süddeutsche* reported that Washington did not want to sign such a deal because if they restricted monitoring in Germany, other NATO members would insist on similar exceptions.

The US government has not yet officially commented on the negotiations. The spokeswoman for the National Security Council in the White House, Caitlin Hayden,

said on Tuesday that the two countries wanted to expand their intelligence cooperation. The “detailed, close discussions about our intelligence cooperation in recent months have led to a better understanding of the requirements and concerns on both sides,” she said.

Initially, the German government also tried to downplay the American affront. “The talks are continuing,” Merkel said, according to participants at a meeting of the Christian Democratic parliamentary group.

Interior Minister Thomas de Maizière declined to take a position on the *Süddeutsche* report, repeatedly declaring, “The talks are ongoing and are confidential.”

However, criticisms of US actions could be heard coming from the government camp. The domestic affairs political expert of the Christian Democratic parliamentary group, Stephan Mayer, demanded that a possible rejection of the agreement should not remain without consequences. “Even if the US is close to us, we need to threaten them with economic sanctions,” Mayer said,

Specifically, he suggested that the Swift and Safe Harbour Agreements be renegotiated, which regulate the transfer of bank and air passenger data. “The threat should be made that no more government contracts be awarded to US companies,” Mayer demanded.

The leader of the Social Democratic Party parliamentary group, Thomas Oppermann, said, “A failure of the agreement was not acceptable.... In alliance with the US, we defend the common values of freedom, democracy and law. This is incompatible with spying on each other.”

Free Democratic Party vice chair Wolfgang Kubicki said he could only understand such behaviour by “one of the most important allies...as an intense form of diplomatic insult”.

The leader of the Green Party, Cem Özdemir, criticised the government, saying, “Like a deer caught in the headlights, the government looks on as huge quantities of data, industrial secrets and communications in the highest offices of state are spied upon.”

The Left Party applied for a debate in the Bundestag (parliament) on the NSA affair. Its interior affairs expert, January Korte, criticised the “submissive line” of the government, and called for a more aggressive stance toward the United States. Earlier, the Left Party

had called for a strengthening of the German secret services against the US.

The Ministry of Justice told the weekly *Die Zeit* that the investigations into the NSA scandal by the federal prosecutor were not yet completed. Theoretically, it would be possible to take out a criminal prosecution for the violations by the NSA in Germany.

The fact that the US government is carrying on its systematic monitoring of the population, businesses and government in Germany and Europe underscores that it is not about the “war on terror,” as Obama’s “Panel of Experts” claimed on Tuesday before Congress. The systematic surveillance by the secret services is directed against growing social opposition in the population. At the same time, the US is trying in this way to maintain its crumbling position as a world power.

This inevitably leads to growing conflicts between the great powers. In Germany, calls are growing to give the United States a taste of its own medicine.

A commentator on the *Tagesschau* evening news broadcast on Tuesday declared that Germany must, without sentimentality, recognise that Washington’s own interests are more important to it than German-American friendship. He advocated ending the embarrassing “wailing and howling and begging and compassion,” and instead forging “a united front of the main continental Europeans.” Even if this was still “far away,” Germany must begin to develop independence in matters of intelligence, he said.



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