

NSA affair creates tensions between Berlin and Washington

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Tensions have been growing between Berlin and Washington and within the German ruling coalition since it became known at the end of April that the German foreign intelligence service (BND) had spied on European politicians, businesses and individuals for the American National Security Agency (NSA). In particular, the demand of the Bundestag (parliamentary) NSA committee of inquiry for the list of so-called selectors--the phone numbers, names and keywords by which digital communications were searched--has led to fierce conflicts.

According to a report in the *Bild* newspaper, Director of National Intelligence James Clapper threatened to restrict cooperation with the German secret services, or completely discontinue it, because confidential US documents had been leaked to the media by the parliamentary committee of inquiry. The paper quoted an American intelligence official as saying, "What the German government is organizing is more dangerous than the Snowden revelations."

Two years ago, whistleblower Edward Snowden exposed the close cooperation between the BND and NSA under the code name "eikonal". Since then, numerous other details have been made public.

After the terrorist attacks of September 11, 2001, the BND tapped into a major telecoms hub in Frankfurt and passed the data through a direct fibre optic cable to Pullach and Bad Aibling in Bavaria. There, digital communications from all over the world were searched by the BND using keywords (selectors) provided by the NSA, and then supplied the data back to the NSA.

There are supposed to be lists with a total of 800,000 selectors. Those affected include not only terrorist suspects, but also European politicians, institutions and companies, including ones in Germany. Among others spied upon were the aerospace and defence company EADS (Airbus Group), its wholly owned subsidiary

Airbus Helicopters and Siemens. Via the Frankfurt network node, the NSA and the BND are able to monitor a large portion of the world's population, including Germans.

This cooperation between the BND and NSA was established in April 2002 under SPD Chancellor Gerhard Schröder and the then Chancellery Minister and present Foreign Minister Frank-Walter Steinmeier. The BND took over a US monitoring station in Bad Aibling, and in exchange filtered the digital data flow for the NSA.

In the Bundestag investigative committee, not only the opposition Left Party and the Greens, but also the SPD, which is part of the government, are now demanding access to the list of selectors. According to *Bild am Sonntag*, SPD General Secretary Yasmin Fahimi posed an ultimatum to the Chancellor and loudly demanded "that the chancellor's office finally provides clarity about how the Bundestag can examine the list of selectors by the parliamentary session next week".

Vice Chancellor and Economy Minister Sigmar Gabriel also called for greater self-confidence. He demanded that the list of selectors be presented to the parliamentary inquiry committee for consideration without US consent, so that it can determine whether more industrial enterprises were affected by the spying. "No Congress and no Senate in the United States would let itself be refused this right to information," he said. The German parliament should be "at least as confident. We are neither immature nor order takers."

"What we are experiencing now is an affair, a secret service scandal, which is capable of rendering a very severe concussion," Gabriel added. He tried to draw the Chancellor into the affair, claiming she had assured him there was no industrial espionage beyond what was previously known. Should this turn out to be false, this would place a heavy "burden on the trust of government action," he threatened.

Most editorials suggest that Gabriel, who is also SPD chairman, has played up the issue on tactical grounds. The SPD has not yet succeeded in rising above its current 25 percent support in opinion polls. However, the SPD is not seeking a break in relations with Washington.

It is striking that Frank-Walter Steinmeier--who as a former head of the chancellery and long-time foreign minister is deeply involved in the affair--is holding back. In the *Welt am Sonntag*, SPD parliamentary leader Thomas Oppermann promised, "We cannot and will not end cooperation with the American services. The world has not become more secure in recent years. We thank the Americans for important information."

On the "Berlin Direct" programme of broadcaster ZDF, even Gabriel declared that the functioning of the intelligence services was in the "national interest".

Chancellor Merkel has kept a low profile, but stressed, "The fitness for purpose of the intelligence services can only be achieved in cooperation with other services. This includes the NSA." She will only make the selector lists available to the committee of inquiry when the NSA gives its permission.

Testifying before the parliamentary committee of inquiry, the president of the Federal Intelligence Service, Gerhard Schindler, defended the cooperation with the NSA. He said that Germany was dependent on the American service and not vice versa. The NSA did not threaten Germany's security but protected it.

Schindler warned that the sustainability of the BND was at stake if more details came to light. "First partner services in Europe review the cooperation with the BND," he said. "The first meetings without the BND" had already occurred at the European level. "The signals we hear are anything but positive."

Schindler also claimed that the clarification of European objectives--i.e. spying on EU partners--was not contrary to German law. This was immediately contradicted by chancellery chief Peter Altmaier (CDU), responsible for the secret services. Whether the BND should monitor European targets was not a matter of opinion, and "was to be answered by those who are called to serve", he wrote on Twitter.

However, there are also those who regard the conflict with the NSA as an opportunity to emancipate the German secret services from those of the US. The taking on of more "German responsibility in the world" and the "end of military restraint", which the Federal President Joachim Gauck and members of the federal government have advocated for a long time, not only demands a

stronger army but also more powerful intelligence services. The corresponding demands are being raised in both the ruling parties and in the opposition.

This view is most clearly expressed by Left Party leader Gregor Gysi. He accused the BND of "treason", a term that the nationalist right uses mostly as a rallying cry against internationalists and socialists. "It's about treason. It's about intelligence activity, possibly against German interests, against German companies, at least companies with German participation, against friendly politicians", Gysi said on *Deutschlandfunk*.

The SPD is working on a law that will restructure the BND. It should only collect and pass on data that meet its own task profile. "We need a fundamental new beginning in communications intelligence abroad", said Christian Flisek, the SPD representative in the NSA committee of inquiry.

The German government also wants to strengthen the BND. Since it became known that the NSA had intercepted the private mobile phone of the German Chancellor, she has repeatedly called for a return to an "equal footing" with the Americans. However, this is difficult.

In 2013, the budget of all American intelligence agencies, with 107,000 employees, amounted to \$52.6 billion (at that time about 40 billion euros), many times the nearly 800 million euros allotted to the German secret services in the same year, with a total of about 7,000 employees. The daily *Die Welt* names a sum of 496 million euros for the BND, 206 million for the Secret Service and 72 million for the Military Counterintelligence Service.

There is no doubt that the government will massively increase these amounts, as well as funding for the armed forces, at the expense of already reduced social spending.



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