

The consequences of the spy scandal in Germany

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On 3 July, the Attorney General of Germany issued an arrest warrant for a 31-year-old German citizen on charges of working for foreign intelligence services. The suspect is an employee of the Federal Intelligence Service (BND). He has allegedly forwarded classified BND documents to the CIA on his own initiative (around 200 documents for the price of approximately 25,000 euros). On 9 July, the German media reported another similar case: an employee of the Federal Ministry of Defence is suspected of collaboration with the CIA; he has not, however, been arrested. The German government asked the representative of the intelligence services at the US embassy to leave Germany the following day in connection with the two cases (he has not been formally declared as *persona non grata* though). The government's decision has been backed by representatives of all political parties. However, the government's spokesman has confirmed that Germany is still ready to continue intelligence co-operation with the USA. Besides strong criticism of US activity from representatives of the German government and the Bundestag, these two cases have provoked massive interest from the German media, which soon publicised both cases with great detail.

Commentary

- The publicity given to these two cases coupled with the request for a CIA representative to leave the country (which is unprecedented in NATO member states) is not a coincidence. The recent scandal needs to be viewed in the context of last year's scandal concerning the activity of the US National Security Agency (NSA) in Germany – the tapping of Chancellor Angela Merkel's phone and data capturing on a massive scale. Germany has wanted to change the legal base of intelligence co-operation with the USA after the scandal and to introduce regulations regarding the sharing of intelligence data and to impose a ban on mutual eavesdropping. However, the USA has been unwilling to make any changes so far. The recent scandal is thus an element of the German government's pressure on the USA to curb political and economic espionage in Germany and to agree to change the rules of intelligence co-operation.
- The scandal has also revealed Germany's desire to become less dependent on the USA in the intelligence sector in spite of the close co-operation between the two countries' intelligence services. The scandal will lead to stronger support from the German public and parliament to allocate more funds to develop the technical capabilities of the

German secret services (especially IT technologies). According to media reports, the BND is working on a programme aimed at developing technical capabilities. The programme will have consumed 300 million euros by 2020 and will enable, for example, the surveillance of online social media platforms (outside Germany). Germany's counterintelligence also wants its technical capabilities improved at home. As a consequence of the spy scandal the members of the parliamentary commission supervising the secret services are likely to step back from their previous reluctance to allocate additional funds for such programmes.

- The publicity given to this scandal in tandem with the strong rhetoric used by German politicians with regard to the USA may also have side effects, such as a lasting confidence crisis and an increasing reluctance from the German public and political elite to the EU's and Germany's relations with the USA becoming more extensive. This will also make German public opinion more critical about the US foreign and security policy (such as strengthening the US military presence in Central Europe) and trans-Atlantic co-operation (such as negotiations of the Transatlantic Trade and Investment Partnership).