

## Germany: counterintelligence designates the AfD as an extremist party

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On 2 May, the Federal Office for the Protection of the Constitution (BfV) officially designated the Alternative for Germany (AfD) as a far-right extremist party, following a four-year review process. In its statement, the BfV highlighted the party's prevailing 'ethnic-ancestry-based understanding of the nation, which is incompatible with the free democratic basic order'. Officials emphasised that the AfD 'aims to exclude certain population groups from equal participation in society', and to discriminate against them. The BfV argues that the party does not consider, for example, German citizens of origin in countries with Muslim traditions to be equal members of the ethnically defined German nation. The agency asserts that this incites agitation against specific individuals or groups, devalues them, and fosters irrational fear and hostility towards them.

Counterintelligence uses a three-tier classification system to assess extremism within organisations: observation, suspicion, and confirmed designation as 'definitely extremist'. This highest level enables the use of extended operational measures, including wiretapping, monitoring correspondence, and deploying undercover informants.

The AfD announced that it would appeal the BfV's decision in court, arguing that it was politically motivated. The party received backing from members of the US administration, including Vice President J.D. Vance and Secretary of State Marco Rubio. The US Secretary of State wrote: 'Germany just gave its spy agency new powers to surveil the opposition. That's not democracy – it's tyranny in disguise'. Germany's Foreign Ministry rejected the accusation, emphasising the democratic nature of the procedures and stating that 'we have learnt from our history that right-wing extremism needs to be stopped'.

The BfV's unprecedented decision marks the final stage of a process, ongoing since February 2021, to recognise the AfD as an extremist party. It is expected to reinforce the political ostracism of the party and intensify public debate regarding a potential ban on its activities. However, many of the party's supporters are likely to perceive the decision as evidence of an oppressive establishment targeting the AfD, likely broadening its support base.

### Commentary

- **The AfD's designation as an extremist force is unprecedented in the history of the Federal Republic of Germany.** Until now, such an assessment had never been applied to the largest opposition party, which is currently enjoying the highest level of support in the

polls. In the past, organisations and individuals classified as extremist by the BfV included the neo-Nazi NPD, which only enjoyed regional support, and several politicians, including some from Die Linke. It had also previously designated regional branches of the AfD in Saxony, Saxony-Anhalt, and Thuringia, as well as the party's youth organisation, Junge Alternative, which was dissolved in March 2025.

- **The counterintelligence service's decision is expected to intensify the debate over whether to ban the AfD.** According to a survey conducted by the INSA polling company on 4 May, 48% of Germans support outlawing the party, while 37% oppose it. However, most leading politicians from the CDU/CSU–SPD coalition remain sceptical about such a move. Their caution stems from the belief that a ban could backfire by mobilising voters who would see the AfD as a victim of collusion among mainstream parties. It could also push members of the party into operating outside the public sphere, making it harder for the BfV to continue infiltrating the organisation. In recent years, two attempts were made to ban the openly neo-Nazi NPD, both of which failed. Only the Bundestag, Bundesrat, or the federal government can initiate proceedings before the Federal Constitutional Court to prohibit a political party. The most recent attempt to do so against the AfD, launched in January 2025, did not gain majority support in the Bundestag.
- **A direct consequence of the counterintelligence service's assessment will be increased ostracism of the AfD on the German political scene and the effective exclusion of its representatives** (such as committee chairs or the Bundestag's deputy speaker) **from elected bodies within the Bundestag.** Individual members of the party who hold positions in public service (e.g. police officers or teachers) may also face consequences. Authorities of several federal states have announced their intention to examine whether such individuals can be removed from their posts. A reduction in public funding for the party is another likely scenario. In January 2024, similar proceedings against the NPD proved successful. Following the BfV's decision, the AfD's affiliated Erasmus Foundation, chaired by Erika Steinbach, also faces the risk of losing state funding.
- **Despite implementing a series of measures, the AfD was unable to avoid counterintelligence surveillance.** As early as 2018, the party established a task force to counter potential monitoring by the BfV. One of its main jobs was to legally challenge the agency's decisions. However, German courts sided with the BfV on two occasions, permitting the escalation of surveillance measures (first in a March 2022 ruling by the Administrative Court in Cologne and again in May 2024 by the Higher Administrative Court of North Rhine-Westphalia). Additionally, the AfD introduced a language code aimed at limiting statements that the BfV might deem unconstitutional. It also launched a campaign, including on social media, seeking to undermine the agency's actions as politically motivated.
- **The BfV is facing cross-party criticism for not releasing the approximately 1,100-page report that underpins its decision regarding the AfD.** Its officials have cited the need to protect sources and argued that withholding such documents is standard procedure in similar cases. The new government, led by Friedrich Merz, will decide whether to declassify parts of the file. Further controversy surrounds the timing of the announcement, which was made by Interior Minister Nancy Faeser, who oversees the BfV, merely days before the change in government. According to media reports, the

document had been completed months earlier, but its release was delayed due to the snap Bundestag election, in an effort to avoid accusations of political bias. This controversy is expected to intensify the debate over the need to strengthen judicial and parliamentary oversight of the BfV's operations, rather than relying solely on government control.