

**Fifty Years *Bundesnachrichtendienst*
Retrospective – Perspectives
1956 - 2006
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Attachment: Selected Publications on Secret Intelligence

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I. Introduction

Today the German Foreign Intelligence Agency – Bundesnachrichtendienst (BND) - and the Federal Office for the Protection of the Constitution - Bundesamt für Verfassungsschutz (BfV) – as well as the corresponding offices within the Federal States of the Federal Republic of Germany are accepted as indispensable institutions of the Federal Republic of Germany. They are more or less respected within Germany and beyond – with a few niches of resentment, suspicion and distrust mostly among the vintage generation of the sixties (1968) and protagonists of unrestricted protection of the personal sphere and the dignity of the human being according to Article 1 of the Basic Law (official name for the German Constitution) – even in a critical situation for the internal and external security of the country and of its citizens as a result of international terrorism.

This concern is a serious one which must be taken into account when shaping the tools of secret intelligence organisations for effective early warning systems against international terrorism that operates under cover within civil societies around the world and across state boundaries – also within Germany. The answer to the apparent dilemma between the citizen's guaranteed privacy and freedom on the one hand and the requirements to be met in order to ensure internal and external security on the other hand does not lie in abstaining from the use of means and tools of secret intelligence in this confrontation. The answer rather has to be found by way of a meaningful parliamentary control of the secret intelligence organizations and their operations and on the basis of a genuinely independent judiciary system – also for the administrative dimension of state activities – a branch of the judiciary in Germany that does not exist in most other states.

All through my professional life in German diplomacy, the Ministry of Defence, in international institutions (OSCE) and in within the German Secret Foreign Intelligence Agency - almost 50 years of public service - I acted with the consideration in mind that I have to be able - without bad feelings and concerns - to report to Parliamentary Committees in the open and under certain circumstances behind closed doors. I would rather accept a conflict with the government than with Parliament or the courts.

The Bundesnachrichtendienst has not always enjoyed such a public respect as is the case today – even at a time when questions are raised about operations in Iraq prior and during the second Iraq war. May be the subjective perception of citizens about threats to his own security concerns him more in the light of international border crossing terrorism than under the conditions of the Cold War.

For decades the Federal Government – with the exception of Federal Chancellor Helmut Schmidt – opposed the idea of transferring the BND Headquarters from Pullach to the Federal Capital Bonn. Today the BND Evaluation Department with about one thousand staff members is located in very suitable quarters in Berlin and other departments are to follow. Specialists from the Evaluation Department are invited to report not only within structures of the Government but also to Parliamentary Committees, a practice that was rather an exception in the past.

May be the construction of new headquarters in Berlin will be delayed, but there is no objection on the grounds of principles or prejudice as was the case for decades in Bonn - an anomaly, which can be explained only by the political climate prevailing – prior to unification in 1990 - in the Federal Republic of Germany that means in post war, in post-Hitler Germany.

Federal Chancellor Schmidt gave up pushing through the transfer of parts of BND to Bonn in the seventies when the Government ran into fierce opposition from a large and vocal group from within the BND staff. Even today a rather unholy alliance against the complete transfer of the BND from the site at Pullach to Berlin was forged between parts of the staff and parts of the Bavarian government – for reasons not related to the issue of how best to support the needs of the government in the dimension of internal and external security of the country.

II. Perspectives for the Time to come

Today we can register political and psychological acceptance of the secret intelligence structures and their work as indispensable for the decision making process of Government on matters of external and internal security. This remarkable change of the political climate, the political culture of Germany reflects the undeniable fact that should never have been put into question seriously, namely the fact that the Federal Government and all their institutions and organs have to take into consideration - when preparing and taking decisions on external and internal security in the widest sense of the word - the assessment of the international situation in question and its implications for security and international developments as presented by the Federal German Foreign Intelligence Agency and by the Bundesamt für Verfassungsschutz on internal security respectively. That was, however not the case: Helmut Schmidt, the same Chancellor who wanted to transfer the Evaluation Department to the vicinity of the site of the government – Bonn – stated publicly that – in order to be well informed - he could as well read “Neue Zürcher Zeitung” – instead of BND- reports. Why would he belittle publicly the endeavours of thousands of collaborators of BND? He knew better, but he only reflected public sentiment and did not feel obliged to defend state institutions looked at with defiance and neglect by the public and the media.

What a contrast to the realities:

The BND constitutes one of the very few intelligence structures around the world, if not the only one that is responsible for the assessment of all international matters of concern to the Government and its institutions – military in nature or non-military. The BND does not only serve the Federal Chancellor and her /his staff, but all Ministries and other institutions entitled to receive such reports in the area of their responsibilities. In these days even tactical reconnaissance for the Armed forces deployed in politically insecure and unstable environments is going to be transferred to BND. This is a logical decision in light of the fact that forces are confronted with threats to their security of a different nature than under conditions of military conflict and combat in the traditional sense.

The structure of the BND, including the legal definition of its task within the Law on the BND are perfectly fitted to meet the requirements according to a perception of security concerns which embraces a wide range of issues - from military defence to internal security, from state run military threats to belligerent activities of non-state actors, from environmental issues possibly causing catastrophes to mankind or regions of the world to religious conflict as a source for bloody clashes endangering regional or global stability and peace.

2. A similar situation prevails on the internal side of security. On the basis of strict separation between intelligence structures and law enforcement agencies early warning oriented secret intelligence work by the Bundesamt für Verfassungsschutz (BfV) and the regional offices run by the Federal States is accepted also within Germany, because intelligence organization do not have any authority of arresting anyone also not temporarily and because eave-dropping is under strict parliamentary and juridical control.

Secret Intelligence Agencies do depend on the readiness to cooperate of persons, agents who agreed in all freedom to enter into such a relationship. The suspicion of the use of the means of torture by intelligence organizations has no legal basis what so ever in Germany – due to the separation between secret intelligence and police or other law enforcement agencies. But also for law enforcement agencies torture does not constitute a legitimate means to obtain information from arrested persons or persons in prison. Information obtained by way of torture has no validity in court.

Torture was and is used for political suppression; it was and is used to obtain confessions for submission to courts. It compromised secret intelligence organisations because of the lack of public control of intelligence operations.

And indeed, we do subscribe to the doctrine that forced cooperation (torture) does not generate reliable information. In addition, the product – the assessment of a situation - enjoys a higher degree of acceptance if it is not put into doubt because of unreliable informants, unreliable because of the involvement of torture in the process of gaining access to much needed information.

I do not ignore the state of public and legal debate of these issues. Would torture not be a legitimate means for obtaining information that could save the life of many persons? I think in an emergency situation it may be done and later on – in court a judgement has to be passed whether the violation of the law would be healed because of the prevention of a catastrophe or alike, that means under the legal clause of mitigating circumstances. A general exception of the rule would however make torture a probate means of interrogation. Also, interrogation of persons who were exposed to torture by intelligence representatives of other countries should be prohibited.

3. The widely spread public acceptance of secret intelligence today - not only by the government but also by parliament and the public – reflects recognition of the fact that secret intelligence based assessments constitute indispensable elements for a serious and comprehensive preparation of decisions engaging the prestige of the government, the life of soldiers and other personal and for the accomplishment of a mission. In addition it is justified to state that - **over time - a comprehensive system of Parliamentary controls was established by law in Germany that includes:**

- **protection of personal data,**
- **framework conditions and regulations for the sharing of personal data among German state institutions,**
- **consideration of the budgets and their implementation by special Parliamentary bodies established by law and overall control of the Government and the agencies' activities by the Parliamentary control body – and eventually**
- **Parliamentary control for the lifting of restrictions on the protection of privacy in the field of mail, telephone and personal sphere (apartment).**

In addition, administrative acts, also those of the intelligence agencies are subject to scrutiny by administrative courts as part of the independent judiciary.

The European Human Rights Court considers the German parliamentary control system of the Secret Intelligence structures to be a model for others. Undoubtedly, the existence of administrative courts to review administrative decisions adds bones to the credibility of the existing control system. It remains the question, whether an intelligence structure that

operates under such framework conditions is still in a position to accomplish their tasks. The East German Internal Security Ministry which included as a department Foreign Intelligence (Markus Wolff) was an agency for political suppression, applying torture of course and using secret intelligence structures for the exercise of control and denunciation. Their agents could recruit a sizeable number of people in the West, may be more than we could recruit in the East of Germany – but their assessments were dictated by the ideology of the state and therefore worthless, not by the realities they were supposed to report.

I think – agencies can be effective even under such framework conditions as are in force and use in the Federal Republic of Germany, however financial allocations to the agencies are insufficient at this juncture.

Acceptance of the agencies and the assessment of their performance by government, parliament and public tend to be rather favourable in these days. Efficiency on internal security matters which is closely interwoven with international security as it is facing international terrorism has improved as a result of the establishment of the “Counter Terrorism Centre” (Gemeinsames Terrorismus Analyse-Zentrum – GTAZ) composed of all agencies concerned. In fact almost 40 agencies are working at this centre. Its headquarters are located in Berlin-Treptow – with two wings – namely one for the law enforcement agencies in one of the wings of the building and another wing for the intelligence assessment structures. There is a joint assessment centre available and functioning. However, the Centre assumes also some tasks in operations.

In my opinion “early warning” of immanent threats should be feasible in principle – provided that there are sufficient funds for an effective and comprehensive professional compilation of material and for an integrated assessment and provided that there is also in existence a satisfactory degree of international, of European cooperation in the first instance. Such an international cooperation does exist primarily on a bilateral basis. That is not sufficient in many respects. International structures do exist, however their degree of efficiency is rather limited.

Furthermore, the burning question remains very much in my mind: Do we have decision making centres in case of emergency that are sufficiently well established and experienced?

III. Reflections on a Retrospective of the BND 1956 - 2006

The retrospective, however, reveals to the observer a series of very difficult phases for the development of secret intelligence structures in post-war Germany – in this instance the Bundesnachrichtendienst, a history that is linked in-separately to the origins and the development of its predecessor - the post war Gehlen structure.

It is difficult to choose the key problem areas for such a retrospective from among the controversial and complicated history of Organisation Gehlen und the forty years of the Cold War, in the context of which Organization Gehlen and then the BND were the main provider for the Government of intelligence based information and analysis of

- the Soviet Union,
- the military and the ideological threat to Germany, including the exposed situation of Berlin in particular and to the West in general,
- the Soviet control of the satellite region and

- the ways and means in which the Soviet Union pursued the ideological and political penetration of our countries.

Of course, within the Federal Republic of Germany the tracing of such undermining activities mostly initiated by the GDR was to be followed and reported by the internal security Agency – the Bundesamt für Verfassungsschutz (BfV) and its parallel structures under the control of the Federal States.

It fell upon the Bundesnachrichtendienst to seek and report on the internal development of the GDR, its communist leadership and the suppressive system of the State Security Ministry, the economy, on dissidents and the political climate among the population., not to speak of the DGR and Warsaw Pact endeavours to seek and obtain access to modern technology in the military and the non-military sector.

Above all being in charge of military and non-military intelligence it fell upon the BND to contribute – in parallel to the intelligence services of our Allies - to contribute to the military assessment and further development of the Soviet Bock military potential, the political intentions of Moscow, shifting as they always could do, and to ensure - in cooperation with others – that the Alliance would obtain at least eight days of **early warning for an incumbent military attack - across Germany, across the European continent. Under such conditions NATO forces could be reinforced and could reach their defensive positions on the East West Divide.**

Additional efforts had to be undertaken to obtain access to Soviet weaponry.

Other areas for intelligence gathering were of course international terrorism with varying facets in Europe and in the Near and Middle East, the proliferation of weapons of mass destruction (such as the Libyan efforts to build a chemical weapons factory near Rabta in the eighties by way of secret cooperation with a German machine tool manufacturer) as well as the spread of missile technology into the third world.

A constant component of intelligence gathering concerned developments in the Third World because of Soviet and Chinese penetration efforts, the flow of their weaponry into the Third World, threats to merchant marines and the flow of oil and other commodities to our economies that were dependent on uninterrupted supplies.

The BND was reluctant to engage in disinformation campaigns and psychological warfare.

In conclusion the order books from the government in Germany for the BND and in other countries for their respective intelligence services were enormous. The services depended on close cooperation – not so much in operations, which was almost impossible - but in sharing information and the threat assessment in the short, medium and long term perspective.

Let me now focus on two aspects of the remarkable history of the BND from its inception in the immediate post-war period to its significant role in contemporary Germany

(1) Reflections on the Establishment of the BND in 1956

(2) On Success Stories and Failures 1956-2006

(1) Reflections on the Establishment of the BND in 1956

1. The Hitler regime collapsed as a result of a war initiated in Berlin expecting quick and decisive military and political victory in a war regional in nature, but in reality Hitler unleashed the Second World War, a war of strategic dimension that lasted of almost six years but could not be won by Germany, a war that ended with total defeat of the German armed forces and a devastating destruction of the urban civilization and the industrial basis of the country, dislocating ten if not more millions of Germans from their homeland in the East of the country moving them to the centre and mostly to the West of the country thus adding additional strains on the exhausted social fabric of the country. The genocide *Endlösung* for the Jewish population in Europe and the subjugation of the population in neighbouring European countries in particular in Poland and in East Europe, meaning to say the Soviet Union disgraced the nation at large.

Intelligence agencies from victorious countries and of their allies swarmed out in defeated Germany and recruited German experts from within the prisoner of war camps and outside for a variety of purposes, also from structures that had been under the direct command of Heinrich Himmler and the organizations controlled by him. There was no central Germany government. On the regional and local level administrative structures were established headed either by German communist emigrants in Moscow or by trusted communists in Central Germany and in the Western parts of the country by trusted persons enjoying a certain prestige in their region and with the occupation forces such as Mayor Petersen in Hamburg, Mayor Adenauer in Cologne and Hoegner as a kind of Prime Minister in Bavaria. The Western countries were advised by German citizens who - during the Hitler years - turned into political refugees or who were forced to leave Germany and were living in the West during the years of the Hitler regime.

2. On May 12, 1945, that means four days after the end of the war in Europe, the British Prime Minister Winston Churchill who was known not to be particular taken by Germans sent a letter to Harry Truman - the new US President - warning of terrible things happening in Central and East Europe and urging the US President to swiftly bring about a Trilateral Summit in Germany with Soviet Leader Joseph Stalin. Churchill sensed a new confrontation emerging shortly after World War II.

3. A few months earlier Major General Reinhard Gehlen, the then Head of Army Intelligence for the Eastern front within the structure of the High Command of the Ground Forces (Oberkommando des Heeres) seized the preparations for the establishment of the so-called "Alpen Festung/Alpine Fortress" in the Southern most parts of Germany to transfer the intelligence available of Soviet forces and the operational networks under his control to hidden places in the Alpine region counting on the emergence of political and military confrontation of the Western countries with the Soviet Union and assuming the emergence of urgent needs of the US and other Western forces for more intimate knowledge of the Soviet forces and a need for intelligence networks in Central and East Europe. Also, of course, he wanted to prevent the access of the Soviet forces to these documents and the human intelligence networks.

Not only was he right in the geopolitical analysis regarding the emergence of an East-West confrontation with a risk of war, but also with regard to an emerging need for intelligence networks on the part of the US forces in Germany, in order to gain an up to date picture of the Soviet forces in Eastern and Central Europe. This interest was also shown on the part of the

Central Intelligence Agency (CIA) created in 1947 which took over control of the “Organisation Gehlen”. It is a question for in depth analysis to answer the question for how long the US forces in fact depended on the reports of Organisation Gehlen for their assessment of the Soviet forces and on the intelligence network maintained by the Organisation Gehlen in Central and East Europe. It is a question whether not the interests for this particular dimension of the cooperation with the Gehlen headquarters was superseded at some juncture by a strategic interest to prepare for the inclusion of Germany into the military and economic reconstruction of those parts of Europe not occupied by or otherwise under control of the Soviet Union. I tend to consider this perspective of considerable weight in the emerging post WW II policy of the US in Europe. Indeed, the Gehlen organisation was the rallying point for high ranking German officers – from the former General Staff and outside this formation, such as General Heusinger, General Hinrichs to name only a few. The headquarter of Organisation Gehlen turned into a meeting place of high ranking German military officers with US High ranking officers involving informal exchanges about the politico-military situation in Europe and the future role of German Forces in this strategically exposed part of Europe. In my judgement the impact of these informal exchanges can hardly be overrated.

The US partner did not mind that General Gehlen insisted on his in-house-responsibility for the operations, for counter intelligence and the organizational aspects of the structure. The US partners did not mind early contacts with the emerging new German political leadership in the emerging Federal Republic of Germany, notably with Chancellor Adenauer and his Chief of Staff of the Chancellor’s Office, State Secretary Globke, and with the leader of the Social Democrats, Kurt Schumacher laying the groundwork for the transformation of the organisation into an official German intelligence organisation in due course. There were some rivalling quasi secret intelligence circles but none enjoyed the confidence and support of Washington – in spite of misgiving because of lax counter-intelligence.

4. Formal transfer to the German Government of the US financed but German controlled organisation was decided in 1955 after entering into force of the Treaty between the Federal Republic and the Three Western Powers, the accession of the Federal Republic of Germany to WEU and to NATO. German responsibility for the external security of the Federal Republic was returned to Germany. BND started operating on April 1, 1956. The very fact that the Government assumed political and administrative, also financial responsibility under the control of the Federal Chancellery and the political and professional steering of the work of the Organisation Gehlen re-named Bundesnachrichtendienst (BND), but not re-organising it as a new governmental structure raises at the same time raises a number of questions:

- Why did the Government not initiate a reconstruction of the organisation according to existing German regulations for the establishment of such governmental structures (Bundesoberbehörde) under the immediate control of a Federal Ministry, in this case of the Bundeskanzleramt. In not initiating this process, which requires a legislative act of Parliament, the legal nature of this federal agency remained undecided until 1990. It meant that this agency was structured the way it used to be as an informal agency of the CIA and turned with this format into a government agency on the basis of an organizational decree by the Chancellor’s office subject to adjustment at any given moment.
- Already at an earlier stage the Bundesamt für Verfassungsschutz (BfV) was established in Cologne by way of a legislative act of the Bundestag, accepting among others the clear and distinct decision of the Allied Powers to separate intelligence

structures strictly from law enforcing structures – police structures – in order to dissociate this secret internal intelligence structure from any connotation with the institutions of Secret Police and Intelligence in Hitler Germany. The early establishment of a secret internal intelligence organisation was urgently needed to secure the country against ongoing clandestine communist operations, which lead also to the controversial prohibition of the KPD (Kommunistische Partei Deutschlands), which was supported politically and financially by the SED (Sozialistische Einheitspartei) in the GDR (Deutsche Demokratische Republik).

- The establishment of the Bundesnachrichtendienst was closely linked with German re-armament - a decision in political terms also highly controversial in Germany at the time. I presume the Government did not wish to complicate the domestic political situation that was more than cool and reserved about German military re- armament and it therefore abstained from introducing the issue of the establishment of the new German Secret Foreign Intelligence organization into the public debate but settled the issue swiftly by governmental decree and some governmental regulations regarding the control of the organization by the Chancellor's office. For the same reason, and I guess also for infrastructural shortcomings in and around Bonn the government had no intention to transfer the institution from Pullach to Bonn. Incidentally, General Gehlen was never in favour of such a transfer, which I think was a mistake on his part. In a way, the BND was a one-man-show in Bonn – President BND Reinhold Gehlen. He was anxious to avoid too close a cooperation of other leading members of the structure with Bonn. Therefore he was in favour of keeping the agency at a distance from Bonn also in terms of geography. May be, also the German Chancellor and his aides wanted to control the flow of information from the BND to the German Government and their structure through the Chancellor's office only. Therefore the Chancellor may have been as well in favour of keeping the institution where it was located – at Pullach. As was pointed out in an article of the historian journalist Blasius published in Frankfurter Allgemeine Zeitung (February 21, 2006), until now no historical research has been undertaken and published to establish the facts what happened in 1955/1956 for what reasons in connection with the transfer of political control over Organisation Gehlen from the United States to the German Government and its establishment as the Bundesnachrichtendienst (BND) - a German administrative entity under the Chancellor's Office control.
- Years later, in reaction to complaints from within the structure a review was organized and lead to some improvements of the internal structure and the control of the institution by "Bonn". Years later rules for the cooperation of the intelligence community with other German institutions were put into effect – a legal basis was adopted by Parliament only in December 1990.
- The apparent reluctance of the Government – at the political level as well as the apparatus, except for the armed forces - of Parliament and of public opinion to adopt a constructive positively inclined attitude towards the BND could be explained in various ways:
 - the alleged association of many staff members of BND/Organisation Gehlen with the criminal intelligence structures of the Hitler regime; a state secretary of the Chancellor's office suggested in 1988 that I should not participate in a German-Israel-US conference in New York, "because the BND would be considered the successor organisation of the Reichssicherheitshauptamt (RSHA) - not Abwehr of the

Wehrmacht, but as successor organization to a criminal organisation". This attitude lead to a mental distance of many politicians, officials and others regarding the BND which would manifest itself in an attitude of distance in all cases of mishap or failures occurred on the part of the BND or for that matter the BfV. (The state secretary overlooked the close links between BND and the Israeli Secret Intelligence Organizations – for decades). Of course, I protested vehemently against such associations but the fact remained that such association was alive in the mind set of a leading high official in the Chancellors Office. His reaction reveals the state of mind of a broad section of public opinion. Still today, the military intelligence structure of the Reichswehr and of the early days of the Wehrmacht - the ABWEHR - enjoys considerable prestige with informed people – as distinct from Himmler's criminal intelligence and police organisations.

- The fact that the Federal Government transformed the Organisation Gehlen into a German administrative Structure without major organizational readjustments and reforms lead to the emergence of prejudice and suspicion, namely
 - that the BND continued to be under US influence,
 - that former officers of the RSHA and other criminal institutions of the Hitler regime were still working at the organization without having been processed through a Personal Recruiting Board of the German government – as had been the case for the recruitment of personnel for the Federal ministries established late in the forties and early in the fifties and,
 - that poor performance and apparent deficiencies of the BND work were compensated by a growing dependence on US inputs into the reports of the BND to the Federal Government.
 - Simultaneously the infiltration of the BND by Soviet and GDR agents reduced the prestige of the BND (Fall Felfe) and the confidence into the capacity of President Gehlen to ensure effective counterespionage - a concern already uttered by the US Military Counter Espionage organisation in the late forties and in the early fifties. The issue was raised with Chancellor Adenauer on the occasion of his first visit to Washington in the spring of 1953. The issue of GDR mules within the BND remained on the agenda – beyond the end of the division of the country. And there are still rumours circulating within BND to the effect that one or two GDR agents among the BND staff have not been identified and revealed yet.
 - A number of recruiting practices kept discomfort and distrust alive for quite some time, such as personal from comprised structures of the Hitler regime, recruiting of family members, which actually facilitated security checks, hampered by the division of Germany and Soviet control of the communist regime in East Germany. As else where there was also some resentment because of the recruiting of members from nobility. Later on discomfort grew because of political party oriented personnel networks being established within the structure or brought in from outside.

President Gehlen retired – I guess – as a disappointed man. His closest military collaborator – already at Fremde Heere Ost – General Gerhard Wessel succeeded him. General Wessel had spent some years with the Bundeswehr and as German Military Representative with the NATO Military Committee in Washington D.C. He had to cede control of the administrative structure to a confident of the Federal Government – a high functionary of the Hamburg Land Government and Social democrat. The Social Democrats – although Kurt Schumacher had very actively supported the transformation of the Organisation Gehlen into a German

administration - took a more critical attitude towards the reports and suspected also continuation of such spying on German politicians, which actually had taken place until the establishment of the Federal Republic of Germany and - may be - also afterwards to some extent. Files from earlier years revealed and confirmed this fact and the suspicion survived for quite some time in the mind set of Social Democrats.

Even after placing persons from the executive or parliamentary branch of the Federal Republic of Germany into the chair of the President and in other high ranking positions the prejudice of the political elites in Bonn remained unabated towards the BND and its personnel as well as towards their reports. BND representatives at many German Embassies in friendly countries were also looked at by other Embassy officials – as a rule – as functionaries who would spy against them or send reports contradicting the Embassy’s assessment of the country. The Embassy in Washington D.C. used to be an exception to the prevailing prejudice.

Also, of course for reasons mainly due to the distant location of the BND headquarters from Bonn reports usually reached Bonn “after the event”. Only after introducing secure digital reporting – which was available for decades in the co-operation with the Ministry of Defence – the reporting turned in general into a meaningful input into the governmental machine of decision making at all levels. The apparatus of BND was not sufficiently knowledgeable of the governmental set-up. Not being an integral part of the working network of the governmental structures in Bonn, BND representatives were considered as outsiders and strangers, not-trust worthy persons. For fear of disadvantages in their careers the BND staff members were sometimes submissive in their direct dealings with the apparatus in Bonn. During my time in office (1985-1990), for a number of practical reasons, BND collaborators were invited to participate in intra-departmental conferences on issues of a broad spectrum – from illegal weapon exports to cases of abduction of Germans abroad. Eventually they also participated in internal ministerial conferences on the assessment of developments in the Soviet Union and East Europe.

At all times, they participated actually at NATO headquarters in conferences on the economic situation in the Soviet block countries, indirectly also on the military issues and on counter-espionage, including Soviet block front organizations.

(2) On Success Stories and Failures 1956 – 2006

1. It is difficult to define success and failure in the life of a secret foreign intelligence agency. To have recruited a knowledgeable person within the decision making apparatus of an opposing country is to be seen as a success – but is he a double agent, which was a case with a BND agent in the neighbourhood of Walter Ulbricht. Will the disclosure of such a mule in the centre of power in the end turn out to be a boomerang as was the case with Guillaume as spy for Markus Wolf in the immediate vicinity of Chancellor Willy Brandt. It was, as he conceded later on his greatest blunder. I had talks with “our man” in Moscow after he had been successfully withdrawn from his posting in Moscow – a success, but a loss in terms of access. I considered it a success, when I decided to terminate immediately an operation after the loss of several agents in the initial phase of an operation or the prevention of successful flight of an MSF agent within BND – but it was as well a failure since the agent could work successfully for Markus Wolf over a long period of time.

2. Having said this let me identify areas, where the BND in my judgement had been doing rather well:

- BND offered a fair and reliable amount of intelligence for the assessment of Soviet and Soviet block Forces, in particular regarding the elaboration of an early warning system for Soviet military operations against NATO protected territory. This was always top priority for the BND – in close cooperation with the German Armed forces. As reported on the occasion of an earlier session of the International association of Intelligence History, the BND warned the USA in 1962 about the upcoming deployment of Soviet missiles to Cuba. And Soviet sources confirmed this reporting, as we now know.
- BND reported early about the transfer of construction material into East –Berlin prior to the erection of the “wall” on August 13, 1961 without however detected the GDR decision to erect this wall on the sector boundaries separating the centre of the city. BND also reported early about the Warsaw Pact preparations for the invasion of Czechoslovakia in September 1968, emphasizing the viewpoint according to which such military operations would not include operations across the East-West divide in Europe.
- BND managed to establish SIGINT installations with considerable capacities, partly in cooperation with other countries as well as deciphering capabilities of impressive capabilities. BND deciphered the report of the Libyan Embassy in East-Berlin regarding the “successful” implementation of the bomb attack on the Discotheque La Belle in Berlin (West) in the late eighties,

just to provide you with a small detail in this long lasting battle against terrorism and abductions.

- BND was good in most cases on internal GDR developments due
 - to access to some of the internal communication systems - at least the communication system from district party structures to the centre,
 - ample human intelligence and mail control as well as clandestine opinion polls (since 1985) and
 - thanks to experts leaving the GDR for good on economics and other sectors of the country

Access to the Central Committee and the Politburo was insufficient, but improving considerably during the GDR agony (for instance the procuring of the Mielke-speech on the failure of the GDR Summer 1989).

- Regarding the critical economic and financial situation of the GDR is has to emphasized that this field was a continuing feature in the reporting. Up the late eighties the Soviet Union in the end provided monetary settlements that saved the day but not the country. But in 1989 the Soviet Union discontinued this practice. On two occasions, the Federal Republic had granted a fall back credit, but rejected early 1990 the GDR request to provide financial support for the GDR budget. The German Government was aware of the delicate situation of the GDR in economic terms but hesitated - for understandable reasons - to make it public. In 1969, the Government

had started using GDR statistics in their report on the state of Germany delivered to the Bundestag. Therefore over time the impression of a fast growing modern industrialized GDR made its way into the media, the bureaucracies and publics of the world – except for NATO, where intelligence experts gathered once every year to review the economic situation of the Soviet block countries. And the picture turned bleaker and bleaker every year for almost each one of the countries in East Europe.

The BND reported on the GDR in the eighties - on the basis of Gallup type public opinion polls in the GDR - about the underlying determination and support for German unification among the population, although the dissidents were pleading for a second German state different from the GDR ideology but as a modern humanitarian second German state - as well as on the declining internal financial and economic situation. This reporting was received with a great deal of scepticism within the West German administration and also in Western capitals. But the reporting occurred in intervals of six months and gradually made its way into the political layers of government. I talked with the British Cabinet Secretary, the French Foreign Minister and the Security Advisor of the US President at the time.

- After German unification the public learned more about the suppressive and repressive East German system culminating in a Ministry for State Security that operated outside the legal system. Much of the “prestige” that Markus Wolf enjoyed during the Cold War as “the” German Spy Master” evaporated due to his role in the lawless internal security system.
- BND scored several times successfully on issues the export of dual purpose products – mostly machine tools - from Germany to countries of the third world on armaments (missile development; chemical weapons production such as Samara/Iraq and Rabta/Libya, as well as on issues related to information about acquisition attempts by the GDR “Kommerzielle Koordinierung” (Schalck-Golodkowski) of COCOM protected Western technology and hardware. The BND was good in obtaining Soviet military hardware through the Near East and through Soviet block countries.
- Even the German Parliament confirmed that the BND could not be blamed for the mishandling of its reports about German industrial participation in the building of a chemical weapons factory in Rabta/Libya, a site which had been discovered by BND specialists on commercially acquired satellite photos and German industrialized participation by human resources. The governmental mismanagement to the establishment of a working committee on export licenses for dual purpose goods and attempts of circumventing these regulations. The German secret intelligence community participated in this working committee.
- BND all source assessment concluded at an early stage that Gorbachev was seeking reconciliation with the West including genuine disarmament and the release of the satellites (in the case of Germany of course as a result of four power negotiations to be conducted with GDR and FRG participation) and membership in the Western club without abandoning the Soviet system however reforming it substantially. There was great reluctance on the part of our major allies to adopt this reading of the developing situation. The expectation was rather that the Soviet Union wanted to relax tensions in order to improve their economic and later on their military potential. But the Soviet Union had turned into black hole absorbing all energies it could reach without giving

new life, inspiration and perspective for the party and for the people. It had suffered devastating defeat in Afghanistan and was in command of a demoralised army in part des-functional.

3. What could I say about failures?

- How many attempts were undertaken to place agents into the inner circles of decision making centres of Soviet Block countries or of critical third world countries. Only rarely would you succeed. Severe and tragic losses occurred. Let us remember the “Red Admiral” within the GDR system who worked for the BND, but the rescue operation ended tragically. Baumann – hat was his family name – was given the death penalty. Years later his wife and their son were exchanged and established herself with her son in the Federal Republic of Germany. That is the fate of Secret intelligence organisation.
- But sometimes you manage to be successful, also for instance in penetrating the inner circle of terrorist organisations, which happened during my time as President of the BND among others in the case of an Arab terrorist group, incidentally in a joint operation with an intelligence organisation in the Arab world and in the case of a European terrorist group based in one of our neighbouring countries. On the other hand, the BND failed to identify the location where RAF members (Red Army Faction Terrorist group in West Germany) were given asylum in the GDR.
- But certainly, there would be agreement about the undeniable fact that the BND suffered serious setbacks in their efforts to identify and eliminate Soviet block agents within our own structure. The Soviet Union and in particular the GDR were capable of preparing Germans living in the GDR or communist sympathizers such as Gabriele Gast for recruitment by West German services. The former officer of RSHA Felde was recruited by the KGB and channelled into Organisation Gehlen – he was to be in charge of counter espionage. May be there are still GDR agents not yet identified who worked within the BND structures.
- A serious setback, a self-inflicted setback, thus a failure of management has to be recognized as the result of the unauthorized continuation of spy activities against German political parties after the establishment of the Federal Republic of Germany in 1949, even if it was undertaken because of the communist or Soviet block background of the foreign guest of a high ranking political party. Also, I presume, although I do not know it for sure, representatives of BND may have been involved in the so-called Spiegel-affair about the publication of NATO documents on a WINTEX-Staff Exercise involving the mock release of nuclear bombs over German territory – in 1962. Such operations on the internal German stage have to be seen against the background of the lack of working relationships and of reliable cooperative networks between Government and Secret Intelligence – due to differences of mentality and background, but also due to the geographical distance between Bonn and Pullach – a distance which was much larger in terms of mentality than in terms of actual than counted in mere kilometres.
- Another rather doubtful operation included the management of illegal export of weapons into some countries in crisis areas, which however had been authorized by the government

- Also, in my judgement the BND failed to establish – with the exception in the cooperation with the Armed Forces – a reliable, meaning a safe electronic reporting system to the Chancellor’s office and to key Ministries. The working horse for the transport of BND reports to the Bonn establishment was the written report transported in pieces of luggage by car or train – to reach the customer – mostly after the event! In terms of statistics it did not make a difference – but in terms of effectiveness and reputation this outdated in-appropriate system of transmission was to be seen as self-inflicted wound, as an amputation. During my time, at least secret daily reports on important matters were transmitted by safe wire circulated with a limited number of recipients.
- BND reported prior to the Iraqi War – also to the allies – about information received from one Iraqi source about the existence of one mobile biological warfare laboratory. Since the report was not confirmed by other reliable reports it was passed on as an indication, but not as an established fact. US Secretary of State reported about the immediate ABC threat from Iraq by showing to the UN Security Council in session the drawings of the alleged site of the laboratory! The existence of such laboratories was never established beyond doubt and should therefore never have served as striking evidence for Iraqi ABC threat to the West.

IV. The BND in Transition

After the end of the cold war, like all other institutions also BND was restructured and put on a diet in financial terms – as a contribution to the so called and frequently quoted “peace dividend”, but

- the events on the Balkan after the break-up of Yugoslavia,
- the events on September 11, 2001, that means the emergence of the border crossing threat caused by Islamic terrorist fundamentalism and a world wide “fight against international terrorism”
- the growing concern about WMD (weapons of mass destruction) falling at some stage into the hands of terrorists or failed states

did change “everything” – also the underlying critical if not negative attitude towards secret intelligence activities as demonstrated so often by the public, the government and parliamentary bodies as well as by the media.

This scepticism gradually transformed itself into an understanding for the need of such state institutions in the world of today, into curiosity and into concern about a sufficient degree of professional and managerial efficiency of Secret Intelligence Organisations in Germany as elsewhere.

However the torture issue and the hiding of secretly detained persons cause growing concerns of the public and parliamentary bodies within the countries concerned directly and in the rest of the world. Confidence is fading regarding the rule of law in the countries concerned.

The International Convention on Torture forbids all sorts of use of force against detained persons – and still manipulation is taking place.

In the light of the alarming results of investigative reports of parliamentary bodies in the USA and Great Britain, which provided evidence on apparent shortcomings in connection with the twin tower attack and in connection with the Iraq war, serious doubts are indeed understandable with regard to the effectiveness in terms of internal and external security of secret intelligence organizations in a number of countries

V. Conclusions

1. The long shadows of the criminal secret security system of the Hitler regime partially damaged the courageous political and security oriented initiatives after World War II to secure the Western parts of Germany like other exposed parts of Western und Southern Europe from falling under Soviet domination. The establishment of secret intelligence networks involved recruiting of knowledgeable personal that had served in the armed German forces and security services during World War II.

2. This is viewed critically by temporary historians on both sides of the Atlantic. With exception of the inclusion of officers and representatives involved in war crimes and crimes against human mankind, I think such a critical attitude would be justifiable only if it had served the purpose of restoring the political foundations of a Neo-Hitlerite political system in Germany. Individual such cases may have occurred, but otherwise this practice had no tangible negative effects whatsoever.

3. For a long period of time the Bundeswehr – the Federal Armed Forces – and the BND – the Bundesnachrichtendienst – were merely tolerated by the German political establishment, the media and the public. The Bundesamt für Verfassungsschutz – BfV – was more often criticized for its lack of professionalism and alleged bias against the “Left” spectrum of the clandestine opposition to the Federal Republic of Germany and communist infiltration on the one hand and for its alleged compliance with unlawful right wing actions on the other hand than applauded for its accomplishments.

4. For reasons that need to be explored more deeply - to day there is broad understanding for the need of intelligence structures in order to achieve early warning of threats to the internal and external security of the country and for the need of international cooperation in these fields – in spite of the occurrence of flops and even major mistakes as happened in connection with September 11, 2001 and the second Iraq war. May be, this astonishing development can be explained - up to a degree - by the existence of a still not fully satisfactory, however well established parliamentary control system in Germany and of well established independent administrative courts.

5. The transformation of secret intelligence agencies – as also of armed forces – from the mental and structural dispositions of the cold war to a multi-polar world with the occurrence of regional wars, of civil wars and of non state actors, non-state promoted use of force by terrorist organisations operating in the dark, in secrecy require enormous efforts to enable these intelligence structures to perform their duties effectively. It involves the transformation of qualifications that need to be met by the personnel recruited or to be recruited and their management; it involves the tasking of operations, the modalities of assessment and reporting, of communication. None of the organisations in the North Atlantic region has yet accomplished what needs to be accomplished. We are still at the beginning of this transformation – think alone of the unquestionable need for closest cooperation among the

structures in Europe, which is but one of the indispensable components of an effective Early Warning System on international terrorism.

April 2006

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