

Edward Snowden deserves shelter in Germany

The man who revealed that our US and UK allies are spying on us ought to be given refuge by an EU country



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‘Germany, as one of the countries targeted most by the NSA, should be among the first to offer him shelter. Angela Merkel should act.’ Photograph: Imago/Barcroft Media

Edward Snowden has done us all a great service. In the past two weeks Europeans have been made aware of massive data collection from their private and business communications by American and British security services. The extent of this surveillance has been staggering. We have also learned that the US is apparently spying on EU representations in Brussels, Washington and New York, and the embassies of European member states. These practices have nothing to do with the war on terror.

We can only speculate about the real motivation. What type of information is being extracted, and

what is being done with it? The European Commission is supposed to start negotiations with the US on a transatlantic free trade agreement. Should our delegations choose to meet at secret locations in future and prepare meetings using encrypted code, because otherwise the US National Security Agency will know their every move in advance? On top of that, German and other European businesses' secrets cannot be secure any more. For years the US has been accusing China of stealing intellectual property. Do we need to redirect our attention over industrial espionage?

If even a few of these revelations are true, our worst Orwellian nightmares have become reality. Already trust between the EU and the US, and between the EU and its member state Britain has been violated. Both governments need to react to these accusations, clarify the activities of their secret services and, if true, stop these programmes immediately. Surveillance without suspicion to this extent constitutes a violation of the right to privacy laid down, for instance, in the international covenant on civil and political rights.

In the UK the Tempora programme, which taps into fibre-optic cables, violates the EU data protection directives, which are binding law in Britain – notwithstanding the reservations and protocols concerning the opt-out of the UK in the Lisbon treaty. The directives clearly state that every infringement for the good of national security has to be "a necessary, appropriate and proportionate measure within a democratic society". The EU commission should consider treaty violation proceedings.

As the guardian of the treaties, the commission must act when it comes to such grave attacks on our shared values. Under the circumstances, negotiations on the transatlantic trade and investment partnership cannot and should not begin. First, the US needs to clarify whether it considers the EU a trade partner, or a hostile opponent in international trade wars that has to be spied on.

Above all, the messenger for all this should not be blamed. Snowden blew the whistle on activities that threaten the very freedom our democracies are built on. If ever a case demonstrated why we need the protection of whistleblowers, this is it. Snowden should not have to rely on a cynical human rights violator such as Vladimir Putin. He should be given shelter in an EU country. Germany, as one of the countries targeted most by the NSA's programmes, should be among the first to offer him refuge.

Despite the fact that Angela Merkel today denied him asylum, in German law, section 22 of the residence act allows the federal government to grant a residence permit on urgent humanitarian grounds. The government can do so in order to uphold the political interests of the country. According to the law, a request for extradition – which the US might then seek – can be denied because of the political character of the criminal offence the person in question is accused of. Our laws enable us to do so, and Chancellor Merkel should act accordingly.



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