
Bilateral consequences of compromised intelligence operations, 1985-2020

An assessment of explanatory factors

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All errors are of course the responsibility of the author alone.

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Executive Summary

It is a staple of screenwriters and novelists, subject of stock news footage, and a spectre haunting the dreams of ambassadors: a spy, unmasked, probably handcuffed, bundled between burly thugs; riots outside embassies with flags and effigies alight; newspaper headlines blaring outrage; and the chilling words *persona non grata*. Another intelligence operation compromised, and a carefully crafted diplomatic relationship ruined. To what extent, however, are these fears borne out?

This report systematically analyses the impact of 174 historical cases of compromised intelligence operations from 1985 to 2020 and their real-world impact on diplomatic relations. It reveals that the bilateral consequences for states caught in these exposures have actually been much less serious than might have been expected.

Catastrophic consequences, where the operation's compromise drastically changed a bilateral diplomatic relationship, were not present. Critical consequences, involving major damage and pervasive deterioration of a relationship, appeared in only 10 cases. Significant consequences, with moderate but recoverable impacts, only occurred in 16 cases. All other cases demonstrated minor or negligible consequences for the exposed state.

What is also clear is that certain identifiable factors at play in these cases have more significant explanatory utility as to outcomes than certain other factors.

Factors Influencing Diplomatic Outcomes:

1. The **nature of the compromised operation** (namely, its egregiousness) correlated strongly with consequence. Operations characterised by violence (whether intentional or unintentional) and material damage (including cyber effects), involving covert influence/interference, or personally impacting national leaders, correlated particularly strongly with negative bilateral outcomes.
2. Less closely correlating but still noteworthy was where the target of the foreign intelligence operation was **historically and/or culturally predisposed to be relatively sensitive** - to the protagonist or to intelligence operations themselves.
3. **Pre-existing relations** were also influential. Spying on allies was risky, although not as risky as might be supposed. At the other end of the spectrum, surprisingly, transgressing on adversaries proved less damaging than doing so to neutrals.
4. **Protagonists' responses** played an important and counter-intuitive role in the consequence. A strategy of unrepentance proved safer than vociferous denial.
5. **Timing** was more ambiguous. Compromise at politically or diplomatically inopportune moments could prove problematic. But on some occasions that inopportune also generated mutual incentives to downplay incidents. On other occasions it was difficult to separate out the influence of timing over consequence from the circumstances of timing precipitating the activity itself (eg heightened tensions might exacerbate fall-out, those tensions might also be the reason for the intelligence operation).

Less Influential Factors:

1. While the degree to which the compromise was accorded **publicity** correlated tightly with consequences, publicity was almost always a function of consequence, rather than *vice versa*.
2. The **power dynamic** between protagonist and target had significantly less explanatory power.

These findings can aid intelligence agencies, and the policymakers and envoys they serve, in sharpening approaches to risk assessment and management. For example, the findings on timing reinforce the value of a continuous assessment approach to long-term operations, rather than ‘setting and forgetting’ after initial risk assessment. The findings also have value for intelligence studies as a discipline, reinforcing the central importance of understanding intelligence as a dynamic international competition on the part of sovereign states for information and action advantages.

Note on Timeline

The original research project was conducted during the 2019-2020 academic year at Harvard University, analyzing cases up to and including April 2020. Completion of the project was delayed by several factors, including the COVID-19 pandemic. I have since tested the original conclusions against six new cases of compromised intelligence operations after 2020, applying the same assessment framework, and compared the conclusions reached to the hypothesis first developed in 2020 - see Appendix A.. The results confirm the initial findings regarding factors with greater or lesser explanatory utility in understanding the bilateral consequences of compromised intelligence operations.

Risks of Compromised Intelligence Operations

When intelligence operations are compromised and appear all over the news, it is easy to assume they will have profound negative impacts on relations between the countries involved. For instance, the twelve months following June 2013 were certainly an *annus horribilis* for the US and its closest intelligence allies, battered on an almost daily basis by the disclosures made by former National Security Agency (NSA) contractor Edward Snowden. The Snowden disclosures were an ambassador's nightmare come to life. Relationships soured with diplomatic partners from Berlin to Brasilia, as revelations of intelligence operations seemed to convulse the globe.

Intelligence professionals – and the policy makers and envoys they serve – are, indeed, preoccupied by the possible bilateral relations consequences of compromised operations, which may include sanctions, expulsions, or other adverse diplomatic actions intended to send a message to the perpetrating state. These consequences, whether related to one's adversary, interlocutor or ally, are at the heart of intelligence planning and risk assessment in capitals across the world.

Illustrating the concern, the following risk assessment matrix (or something very similar) would be a fixture in agency boardrooms and ministerial suites, referenced as operational risks are thrashed out in the pursuit of national interests and priorities.

Figure 1: Typical Intelligence Operations Risk Framework

	Negligible “Negligible damage to national interests”	Minor “Limited, containable and recoverable damage to national interests”	Significant “Moderate but recoverable damage to national interests”	Critical “Major damage to national interests”	Catastrophic “Extensive, long-term damage to national interests”
Almost certain	LOW	MODERATE	HIGH	EXTREME	EXTREME
Likely	LOW	MODERATE	HIGH	HIGH	EXTREME
Possible	LOW	MODERATE	MODERATE	HIGH	EXTREME
Unlikely	LOW	LOW	MODERATE	MODERATE	HIGH

Yet, for all the preoccupation of practitioners, and the centrality of the concept of compromise to cultural and historical understandings of intelligence, this question of risk and consequence has been largely ignored by intelligence studies to date.

One needs to delve back to 1976 for Herbert Scoville's *Foreign Affairs* piece ‘Is espionage necessary for our security?’ for a seminal examination of the risks to policy interests arising from intelligence compromise. Writing at the height of the post-Church Committee hysteria about US intelligence, Scoville canvassed myriad injuries done to US foreign policy by revelations of failed assassinations and over-zealous counter-intelligence. Amusingly, from our perspective post-2013, Scoville carved out from his concerns signals intelligence (SIGINT) operations, arguing that their risk profile contrasted favourably with the “political liabilities” of their human intelligence (HUMINT) counterparts.¹ Yet even in this full-throated critique, Scoville was unable to specify what the actual international political risks flowing from intelligence operations might be, or even link to specific examples (beyond reference to covert action in Chile).

¹ Scoville 1976, p.484

It is unsurprising that more general accounts of intelligence have therefore also failed to grapple with the question of consequence. Walter Laqueur's esteemed and popular *The Uses and Limits of Intelligence*,² for example, referred only to the budgetary costs of intelligence operations and agencies.

I argue that this gap reflects the outsider's non-recognition of the fundamentally competitive nature of intelligence. Typically, this phenomenon is dismissed as the juvenility of 'spy v spy,' when it is actually fundamental to understanding what intelligence is and is not. Intelligence is a competitive activity between sovereign states in their clandestine pursuits of information (and covert pursuit of action) to provide decision advantage over each other. At the core of that dynamic is the constant juggling of reward and risk.

Understanding this critically important part of the intelligence world is not trivial. Members of the public interested in international affairs should be aware of the informed attention paid by officials, acting in their names, to the risks inherent in the conduct of intelligence.

Understanding the Problem

How can one approach a topic for which the academic literature is so limited? And most importantly, how should one properly assess the actual relationship between intelligence compromise and resulting bilateral relations consequences? Are the intuitions used commonly by practitioners and policymakers valid: beware enraging the powerful; spying on allies is worse than spying on enemies; minimise publicity; avoid antagonising responses when caught; and the 'worse' the act itself, the 'worse' the consequence?

To answer these questions I chose to canvass a broad sample of cases of intelligence compromise – reflecting differing types, consequences, places, and actors – stretching from 1985, the infamous 'Year of the Spy' (in which numerous espionage events unfolded publicly in the US, the Soviet Union and elsewhere), until April 2020.

In doing so I was conscious of two critically important caveats:

- These cases risk sample bias, because outside of classified discussions it is simply not possible to identify and analyse cases that have not been publicised. Importantly, publicity is not necessarily typical of compromised intelligence operations, which are very often dealt with behind closed doors between nations or even consciously ignored by the target of the activity (beyond actions directly aimed at perpetrators). Authoritarian states are particularly disinclined to air their dirty linen – fearing that the 'success' of catching a spy will not make up for the loss of face in suffering one.
- This is not, nor does this pretend to be, an exhaustive or exclusive catalogue of cases between 1985 and 2020. This is a sample, intended to inform a heuristic understanding.

In short, I outlined the circumstances of each case; its protagonist and target; and categorised each using set scales for:

- Relative power between target and protagonist.
- Pre-existing relationship between the parties.
- Degree of publicity concerning the case.

² Laqueur 1995. Laqueur himself wryly acknowledged the particular dangers of the outsider opining on intelligence matters, quoting the old Spanish proverb: "It is not the same to talk of bulls as to be in the bull ring" (p. xxii), while going on to make the case for just such an impartial, external observation.

- Nature (egregiousness) of the intelligence operation itself. Namely the transcending of run of the mill information collection into covert interference or violence. Or the infringement of some other norm – for instance by using the birth records of a disabled or deceased child for the purposes of assumed identity.
- Timing, in the context of other national or bilateral events/developments.
- The response of the protagonist to the compromise of their apparent operation.
- Particular pre-dispositions or sensitivities of the target with respect to the protagonist or to intelligence operations themselves. For example, the sensitivity of a politician of East German background to being the subject of surveillance or of a Latin American public to perceived aggression by the United States.
- Finally, the scale of consequence – for which I constructed the following indicative framework (based on the typical risk assessment framework cited at Figure 1).³

Figure 2: Indicative Framework for Bilateral Relations Consequence

	<i>Expulsions and diplomatic manoeuvring</i>	<i>Protests and rhetoric</i>	<i>Sanctions</i>	<i>Containment</i>	<i>Recovery</i>
Negligible	None	None	None	Yes	Yes
Minor ("Limited, containable, recoverable")	Few, generally those directly involved in espionage (or as agency proxy)	Perfunctory protest	Small in scope and effect	Yes – stays within 'intelligence box'	Snaps back to <i>status quo ante</i> . Not prolonged and typically measured in days/weeks.
Significant ("Moderate but recoverable")	Expulsions beyond those directly involved.	More than just perfunctory. Expressions of injury and anger.	Significant in scope and effect. Typically imposed on specific groups and individuals.	Some escape from 'intel box' into other facets of relationship.	Doesn't snap back. But does find its way back more gradually. Typically measured in months.
Critical ("Major damage")	Observable changes in diplomatic positions (typically temporarily but with effect). Expulsions measured in scores/hundreds, and facilities closed.	Intense, vitriolic	Directly impacting national interests. Materially calculable economic impacts. Retaliation against persons as individuals such as a protagonist's citizens (eg spurious arrests).	Permeates broadly across policy areas. Often blowback organisationally and personally for protagonists (eg to Ministers, Agency Heads).	Not recoverable for years.

³ Note, consequence relates here wholly to bilateral relations. It does not include damage done to the compromised party's intelligence capabilities, for example. Consequence is also specific to the relationship, not the totality of a nation's interests (e.g., compromise of Operation SATANIC was of critical consequence to France's relationship with New Zealand, but that relationship may not have kept President Mitterand awake at night). I would also note that some instances will include indicators across different consequences – the overall consequence categorisation is a subjective assessment of the whole.

Catastrophic	<ul style="list-style-type: none"> • Transformative – e.g., in alliance changes, institutional changes, realignments (“you were my ally, now you’re my adversary”). For erstwhile adversaries can mean that target devotes greater efforts/high priority to measures targeting the protagonist (including their regime). • Can manifest as state-on-state violence (even war) • Long-term (effects roll on past 5 or more years) • Pervades most elements of the relationship
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The Case File

The case file, which can be found in Appendix B, includes 176 separate cases of the compromise of intelligence operations, featuring 28 different countries as protagonists.⁴

Figure 3: Case file overall summary

Snowden disclosures-specific 11 cases	Ghana 1 case	Netherlands 1 case	South Korea 2 cases
Australia 6 cases	Greece 1 case	North Korea 7 cases	Taiwan 3 cases
China 53 cases (29 against USA, 24 against others)	India 2 cases	Norway 1 case	UK 10 cases
Cuba 5 cases	Indonesia 1 case	Pakistan 4 cases	USA 18 cases
Ecuador 1 case	Iran 2 cases	Philippines 3 cases	
El Salvador 1 case	Israel 8 cases	Russia 23 cases (8 against USA, 15 against others)	
France 3 cases	Japan 4 cases	Saudi Arabia 1 case	
Germany 1 case	Jordan 1 case	South Africa 1 case	

Case Selection

The cases included in this study are those that reflect the conduct of foreign intelligence activities targeting a foreign country. Typically, these involve the clandestine collection of information otherwise denied to the protagonist. In addition, I have included related instances of domestic counter-intelligence targeting another

⁴ Two cases included in the case file have been subsequently excluded from most of the following analysis. The allegation that Nelson Mandela was involved with MI6 is excluded on the basis that the resulting odium was directed not at the UK but at the person making the allegation. More substantively, the program of assassinations of Iranian nuclear scientists has been excluded because it was impossible to accurately assess the consequence of the activity – which could have been regarded with equal merit as negligible (because of the limited change to the existing hostile relationship between Iran and Israel) or as critical or worse given the allegation that it had inspired retaliatory terrorist activity (unsuccessfully) by Iranian agents in East Africa.

country (for example, by effecting defections of foreign officials). Some, though not all, economic espionage cases were included, with selection hinging on there being an important state-on-state dimension.⁵

Perhaps more controversially, the case file also includes acts of violence, sabotage, and interference/influence by intelligence agencies in pursuit of policy objectives. This inclusion sets this exercise apart from many intelligence studies analyses in the Anglo-American tradition.⁶ This decision is deliberate, to avoid the trap of limiting our analysis to the familiar and ignoring much of the work of intelligence agencies globally.⁷

There were several criteria for exclusion. The focus is on state-on-state relations; no cases involve spying for non-state actors. Furthermore, Cold War era US-Soviet cases were excluded. I have not included incidents involving international organisations rather than sovereign states.⁸ Instances are also excluded when it is unclear whether the action was directly linked to intelligence agencies or to other arms of government (for example, the murder of Jamal Khashoggi), or where the revelations did not involve foreign intelligence (such as the Wikileaks publication of diplomatic communications and defence holdings). There are also minimal instances involving the unfortunate contemporary practice of some states in laying transparently questionable espionage charges against foreign nationals to exact leverage over other states. These are only included when the facts are sufficiently ambiguous as to leave the door open to genuine espionage having been involved.

The date of inclusion reflects the date of revelation, not necessarily the date of the activity. So, for example, it includes revelations in the 1990s of historical Russian espionage in Israel in the 1970s.

Finally, some cases are mirror images; both the 'blow' and the 'parry' are included. For example, the Larry Wu Tai Chin case inside the CIA was propelled by the defection of Yu Zhensan from China to the USA.

Before engaging with individual cases, it is noteworthy just how prevalent espionage and other intelligence operations evidently are in international affairs. This is, after all, only a non-exhaustive sample of just those cases which have entered the public realm.

Analysing Consequences

Remarkably, the consequences of these compromised operations proved much more limited than might have been imagined. Figure 4 shows the key findings of consequences divided into categories. Not one of the cases is categorised as 'catastrophic' in consequence, and only 10 are categorised as 'critical'. Adding in the 16 'significant' cases (aggregation of 'critical' and 'significant' is used throughout this analysis to identify meaningful consequences) reveals that only 15% of the cases rose above 'minor' consequence. This suggests at the very outset that much of the fear of the damage that might be done to a country's bilateral relations, as a consequence of their intelligence operations, is misplaced.

⁵ Those seeking more should consult the extraordinary catalogue of Chinese economic espionage cases included in Mattis & Brazil 2019, chapter 4.

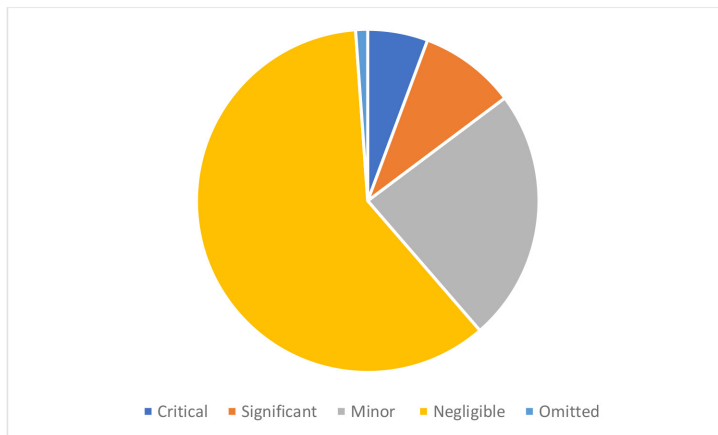
⁶ Aldrich & Kasuku 2012 very effectively make the point about an over-emphasis in modern intelligence studies on Anglo-American experiences and practices.

⁷ In doing so I have abided by the insight that 'intelligence operations are what intelligence operators do', rather than what we might wish they do – or don't. See Stempel 2007 for a survey of the connections between intelligence, covert action and diplomacy, including specifically in a US context.

⁸ Examples of exclusions: Clare Short's 2004 revelation of GCHQ targeting of UN Secretary-General Kofi Annan; Richard Tomlinson's allegation that CIA and MI6 conducted disinformation campaign about UN Secretary-General Boutros-Boutros Ghali; Snowden's disclosures concerning certain coverage of UN systems; Snowden's disclosures concerning coverage of the IAEA; and Katharine Gun's allegation about GCHQ bugging of the UN.

The findings also suggest that ‘catastrophic damage’, while so prominent on risk tables, is almost unheard of in this context. The few instances in the last 120 years which might be assessed in this fashion include the sponsorship by Serbian intelligence of those who perpetrated the assassination of Archduke Franz Ferdinand in 1914, perhaps the CIA-MI6⁹ sponsorship of the 1953 coup in Iran (if the consequences are evaluated in terms of the revolution of 1979); and perhaps the shooting down of Gary Powers’ U2 spy flight in 1960 given its impact on Soviet-US relations for the following decade¹⁰.

Figure 4: Summary of Case file Consequences



In analysing consequences, it must be acknowledged that consequences for relations between the involved state parties are not the totality of concerns that a sovereign actor might have when considering the risk of undertaking intelligence operations. The 2013 experience, for example, indicates that other international consequences can be relevant – including impact on specific policy objectives (such as the US Government’s internet freedom agenda), domestic political concerns or business costs, and the diminution of international trust more broadly.¹¹ This study focuses specifically on the consequences for bilateral relations.

Analysing Consequences by Intelligence Type

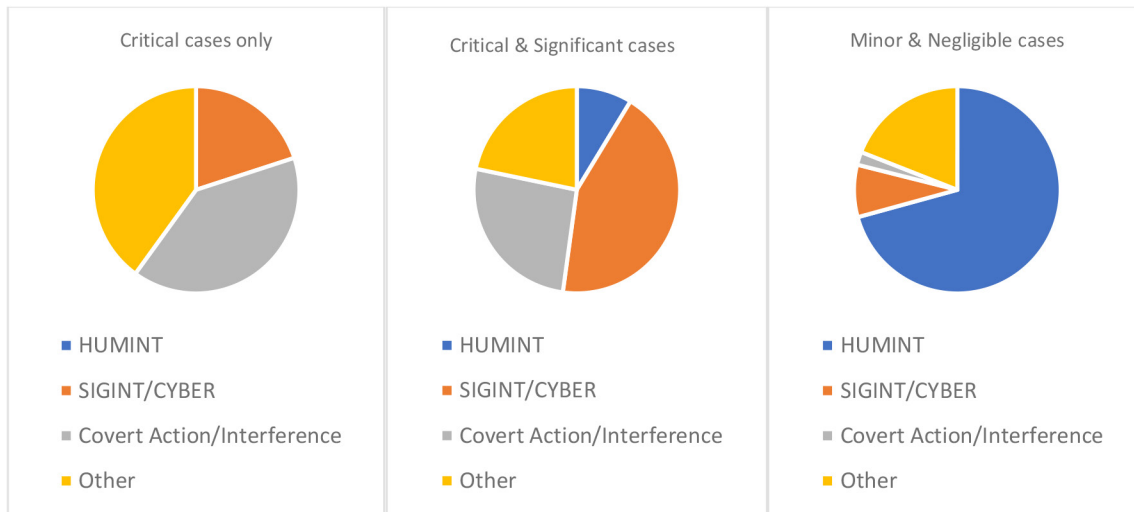
Intelligence operations have different risk profiles that matter for this analysis. Figure 5 categorises the cases by type of intelligence activity: the conduct of HUMINT collection; SIGINT and cyber activity; covert action and/or interference; and ‘other’ (including joint operations and types of technical operation enabled by HUMINT). Just 9% of the critical and significant cases were orthodox HUMINT (and none of the critical cases) – compared to 43% of those cases involving SIGINT/Cyber and 26% involving Covert Action/Interference. This finding is tempered by the fact that few SIGINT/Cyber cases of minor or negligible consequence are likely to receive any public attention – and for this reason the figures overstate the ‘danger’ associated with SIGINT/Cyber *vis* HUMINT. The type of intelligence activity itself is not likely to be definitive for consequence. For example, a third of the covert action/interference cases identified resulted only in negligible or minor consequences (albeit compared with over 98% of identified instances of HUMINT).

⁹ Throughout this paper I refer to MI6 rather than the formal British Secret Intelligence Service (SIS) to reflect the more common usage in the publicly available source materials.

¹⁰ Although of course the downing of Powers was only the most publicised of such shoot-down incidents.

¹¹ These additional costs are detailed in Kehl *et al* 2014.

Figure 5 (a, b & c): Consequences by Intelligence Type



The overall low level of consequence likely reflects the persistent degree of tolerance for foreign intelligence operations exhibited by the USA – but also Russia, China and the UK. The ‘gentlemen’s agreements’ which may have once guided much interaction between US and Russian intelligence agencies¹², for example, can also be seen between the USA and France during the 1990s economic espionage escapades, and Russia and China (eg the Danilov and Macheksport cases). Although such agreements do not always hold – for example in the aftermath of the 2001 arrest of FBI agent Robert Hanssen, who proved to be working for Russian intelligence.

Cases of Critical and Significant Consequence

Figures 6 and 7 below lay out the 26 cases in which consequences were categorised as critical or significant, respectively. What do these cases have in common?

Figure 6: Cases of Critical Consequence

	<i>Target was...</i>	<i>Pre-existing relationship</i>	<i>Publicity</i>	<i>Nature</i>	<i>Timing</i>	<i>Protagonist's response</i>	<i>Pre-disposition of target</i>
1985: Sinking of Rainbow Warrior in NZ (Op SATANIC) (France)	Less Powerful	Friendly	Very Public	More Egregious	Notable	Denial	More Sensitive
1997: Assassination attempt in Amman (Israel)	Less Powerful	Neutral	Very Public	More Egregious	Not Notable	Denial (followed by Apology)	Neutral
2002: Historical kidnapping of Japanese citizens (North Korea)	More Powerful	Complicated	Very Public	More Egregious	Not Notable	Denial (followed by Apology – of sorts)	Less Sensitive

¹² I am indebted to former senior CIA officer Paul Kolbe for this observation.

2004: Procurement of NZ passports (Israel)	Less Powerful	Neutral	Public	Neutral	Not Notable	Neutral	More Sensitive
2011: Raymond Davis incident in Pakistan (USA)	Less Powerful	Complicated	Very Public	More Egregious	Notable	Denial	More Sensitive
2013: 'Witness K' alleged operation against East Timor (Australia)	Less Powerful	Friendly	Very Public	Neutral	Not Notable	Denial (followed by Neutral)	More Sensitive
2013: Snowden/Surveillance of Indonesian President's communications (Australia)	Less Powerful	Complicated	Very Public	More Egregious	Notable	Unrepentant (followed by Apology)	More Sensitive
2013: Snowden/Surveillance of German Chancellor's communications (USA)	Less Powerful	Allied	Very Public	More Egregious	Notable	Neutral (followed by Apology)	More Sensitive
2016: Interference in US election (Russia)	More Powerful	Complicated	Very Public	More Egregious	Notable	Denial	Less Sensitive
2018: Attempted assassination of Sergei Skripal (Russia)	Less Powerful	Complicated	Very Public	More Egregious	Not Notable	Denial	Less Sensitive

Figure 7: Cases of Significant Consequence

	Target was...	Pre-existing relationship	Publicity	Nature	Timing	Protagonist's response	Pre-disposition of target
1985: Jonathan Pollard case (Israel)	More Powerful	Allied	Very Public	Neutral	Not Notable	Denial (followed by Apology – of sorts)	Less Sensitive
1992: Defection of Vasili Mitrokhin (UK)	More Powerful	Complicated	Very Public	More Egregious	Not Notable	Unrepentant	Neutral
2001: Robert Hanssen case (Russia)	More Powerful	Complicated	Very Public	More Egregious	Notable	Denial	Less Sensitive
2006: Assassination of Alexander Litvinenko (Russia)	As Powerful	Complicated	Very Public	More Egregious	Not Notable	Denial	Less Sensitive
2007: Cyber attack on Estonia (Russia)	Less Powerful	Adverse	Public	More Egregious	Not Notable	Denial	Neutral
2010: Assassination in Dubai (and use of foreign passports) (Israel)	Varied	Varied	Very Public	More Egregious	Not Notable	Denial (followed by Unrepentant)	Varied
2013: Snowden/ STATEROOM capability revealed (Australia)	Varied	Varied	Public	Less Egregious	Notable	Neutral (tending to Unrepentant)	Varied
2013: Snowden/ Spying on EU facilities (US)	Less Powerful	Allied	Very Public	More Egregious	Notable	Neutral	More Sensitive

2013: Snowden/ Spying on Brazil (including President's commu- nications) (USA)	Less Powerful	Friendly	Very Public	More Egregious	Notable	Neutral	More Sensitive
2013: Snowden/ Spying on Brazil (including President's commu- nications) (Canada)	As Powerful	Friendly	Very Public	More Egregious	Notable	Neutral	More Sensitive
2013: Snowden/ Spying at G8 and G20 fora (US, UK, Canada)	Varied	Varied	Public	Neutral	Notable	Neutral	Varied
2014: Unit 61398 indicted in USA (China)	More Powerful	Complicated	Very Public	Neutral	Notable	Denial	Less Sensitive
2014: Sony Pictures hack (North Korea)	More Powerful	Adverse	Very Public	Less Egregious	Not Notable	Denial	Less Sensitive
2015: Hacking of US Office of Personnel Management (China)	More Powerful	Complicated	Very Public	Neutral	Not Notable	Denial	Less Sensitive
2017: Wannacry cyber attack (North Korea)	More Powerful	Adverse	Very Public	More Egregious	Not Notable	Denial	Less Sensitive
2018: Jiangsu State Security Department indicted in USA (China)	More Powerful	Complicated	Public	Neutral	Notable	Denial	Less Sensitive

First, these cases involve a small coterie of countries as protagonists:

- 4 cases – USA, Russia, Israel
- 3 cases – North Korea, Australia, China
- 2 cases – UK, Canada
- 1 case – France

All these protagonists have well established and active foreign intelligence programs (or are associated with a multinational program, in the case of Canada).

Most cases (17 of the 26) involved acts of violence (intended or unintended) and/or destruction (including in the cyber realm), or the targeting of the personal communications of foreign leaders. Four others might be termed intelligence ‘coups’ involving espionage of such a scale and effect as to alarm any target (ie Pollard, Mitrokhin, Hanssen, and OPM). Two specifically involved Israeli covert procurement of friendly foreign passports for other intelligence purposes.

Otherwise, common threads seem more ambiguous. There does seem a clear correlation with publicity – of the 26 cases all but five were deemed ‘very public’. So too with the egregiousness of the act – all but 9 were ‘more egregious’. Other factors, viewed from this perspective, vary considerably.

The Snowden Disclosures

The cases arising from Edward Snowden's disclosures deserve a specific focus, given their prominence (7 of the 26 critical or significant cases).¹³

As buffeting as the 2013 northern summer was, along with the winter that followed, even some contemporary observers were sceptical about the longer-term implications for US relationships – especially where outrage was somewhat less sincere. This was perhaps best expressed by former French Foreign Minister Bernard Kouchner:

*"Let's be honest, we eavesdrop too. Everyone is listening to everyone else. But we don't have the same means as the United States, which makes us jealous."*¹⁴

Or Robert Jervis' observation that:

*"...the changes [to US bilateral relations] will be even less because there was little that the United States was doing that was really unusual, something that foreign leaders knew despite the domestic political incentives that led them to express outrage".*¹⁵

We see also some very interesting and farsighted approaches by target countries as diverse as Mexico and India, both of whom ultimately muted their responses, despite US surveillance of the newly elected Mexican President Enrique Peña Nieto being characteristic of the same circumstances which drove outrage in Berlin and Brasilia.

Nonetheless, the prominence of the 'Snowden cases' amongst those with the most meaningful consequences does suggest that the phenomenon of 2013-14, compared to one-off compromises, is more than the sum of its parts. This may in turn reflect changing societal perceptions regarding privacy and communications (see conclusion below).¹⁶

Common explanatory factors evaluated

As noted above, the case file includes categorisations of the following factors for each case¹⁷ of intelligence operations compromise:

- Nature (egregiousness) of the intelligence operation itself.
- Particular pre-dispositions or sensitivities of the target with respect to the protagonist or to intelligence operations themselves.
- Pre-existing relationship between the parties.
- The response of the protagonist.
- Timing, in the context of other national or bilateral events/developments.

¹³ While noting the impact of the Snowden-related cases on our ultimate findings (given this prominence) it is worth observing that just 6.25% of all cases examined related to Snowden.

¹⁴ Quoted in Fisher 2013

¹⁵ Jervis 2014, p. 800

¹⁶ Sanchis 2014

¹⁷ Please note that where factors have been categorised as 'varied' (ie when they affected different targets countries, differently) they have been excluded from the aggregate data analysis.

- Degree of publicity concerning the case.
- Relative power between target and protagonist.

The following observations are based on analysis of the aggregate data for each factor.

Nature of the Operation: Significant explanatory power

The particular nature of the operation – its egregiousness from the perspective of the target – correlates strongly with consequence. Typically, more egregious intelligence operations have been those which involved violence or loss (including unintentionally – as in the death caused by the French Operation SATANIC in New Zealand), or impacted national leaders or democratic institutions (as in Russian interference with US elections). They have also involved particular transgressions of societal norms (such as the use of the identities of deceased children or the profoundly disabled).

80% of cases with critical consequence involved ‘more egregious’ operations (reducing to 65% when including significant cases also) – compared to only 9% of less consequential cases.

One methodological limitation: there is a certain retrospective dimension to this categorisation, as an observer may be somewhat more likely to assess a case as ‘more egregious’ if the consequences were profound.

The Snowden disclosures included a number of well-known instances of espionage seen as ‘more egregious’ (at least in the eyes of the target states) – and of grave consequence – for having infringed the persons of leaders like President Yudhoyono, Chancellor Merkel and President Rousseff. However, it is worth remembering the counter-example of Mexican President Enrique Peña Nieto, where Mexico’s response to alleged surveillance was more muted.

Figure 8(a, b & c): Cases % by nature of the operation

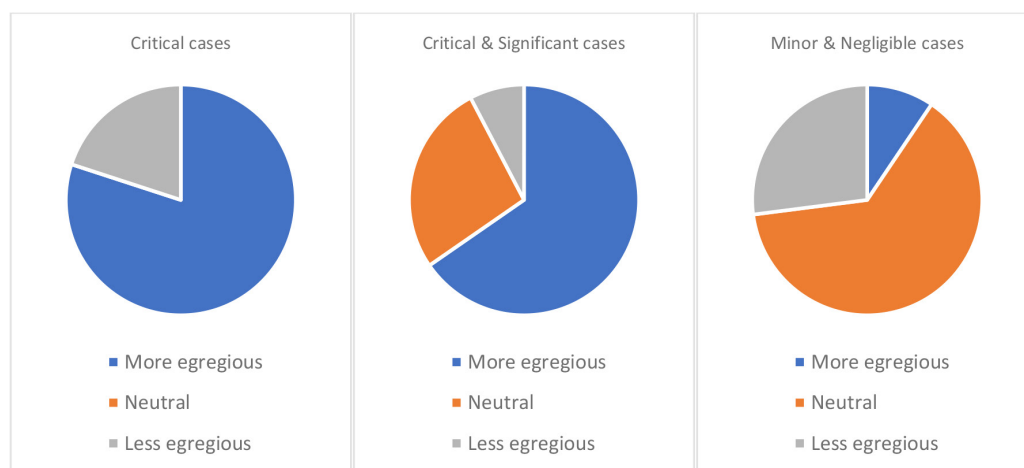
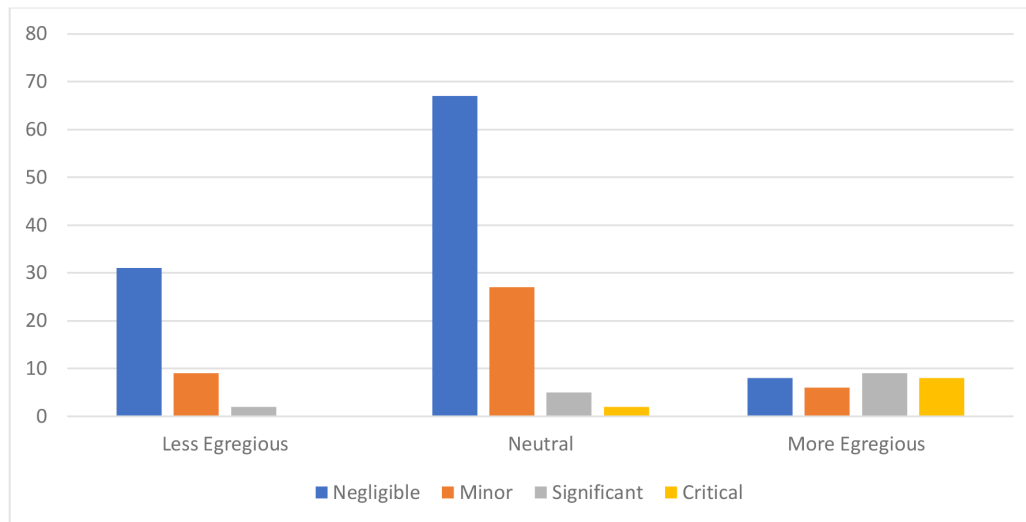


Figure 8(d): Consequences by nature of operation



Pre-Disposition of Target: Some explanatory power

Where a target of an intelligence operation is pre-disposed to view with sensitivity either the operation's particular protagonist or perhaps intelligence activity itself, this can exacerbate the bilateral consequences of the operation being compromised.

So, for example, there was a heightened reaction of Latin American governments – otherwise pre-disposed to view the US as a regional 'hegemon' and sometimes 'bully' – when allegedly targeted by US SIGINT operations revealed in the Snowden disclosures.

The results can also reflect unique historical and cultural perspectives of the targets themselves. This was particularly evident in the Snowden-inspired case of alleged NSA operations against Germany and Chancellor Merkel. To quote former Director of National Intelligence Jim Clapper:

*"So, for [Merkel], the Stasi wasn't a mythical bogeyman. She had grown up under its oppression, and for that reason, I believe she never [emphasis in original] trusted intelligence organizations – hers or anyone else's. She didn't know and didn't want to know what her intelligence services were doing, and the reports from Der Spiegel that said the BND was helping NSA spy on her and on German citizens recalled the real-life experiences of her childhood and young adult life all too well. Even worse, her experiences and biases were not – and are not – outliers among German politicians."*¹⁸

In the data a pre-disposition to sensitivity was particularly apparent in the critically consequential cases – 60% of such cases featured 'more sensitive' dispositions, compared to 21% of cases with minor or negligible consequences.

¹⁸ Clapper 2018, pp. 257-8. See also Borger 2013 and Krieger 2014, p. 801, as well as Fisher 2013: "there's something different about heads of state".

Figure 9(a, b & c): Cases % by pre-disposed sensitivity of target

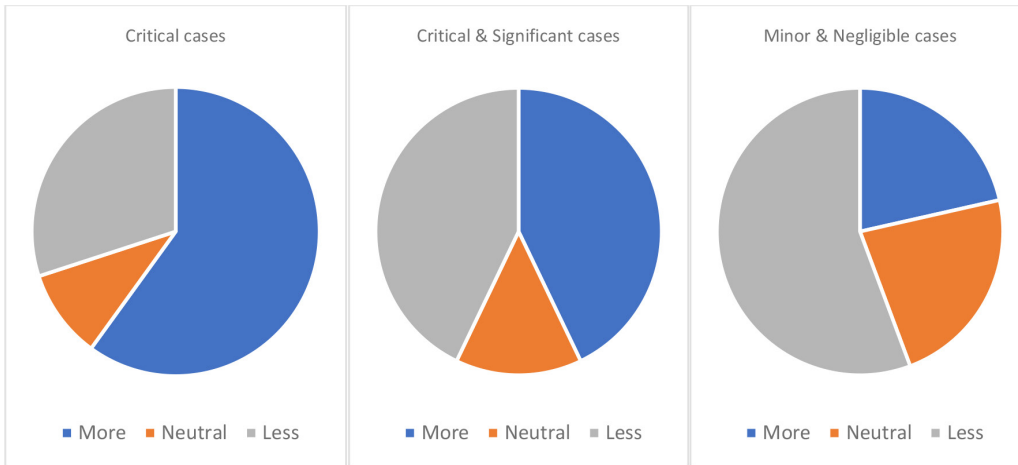
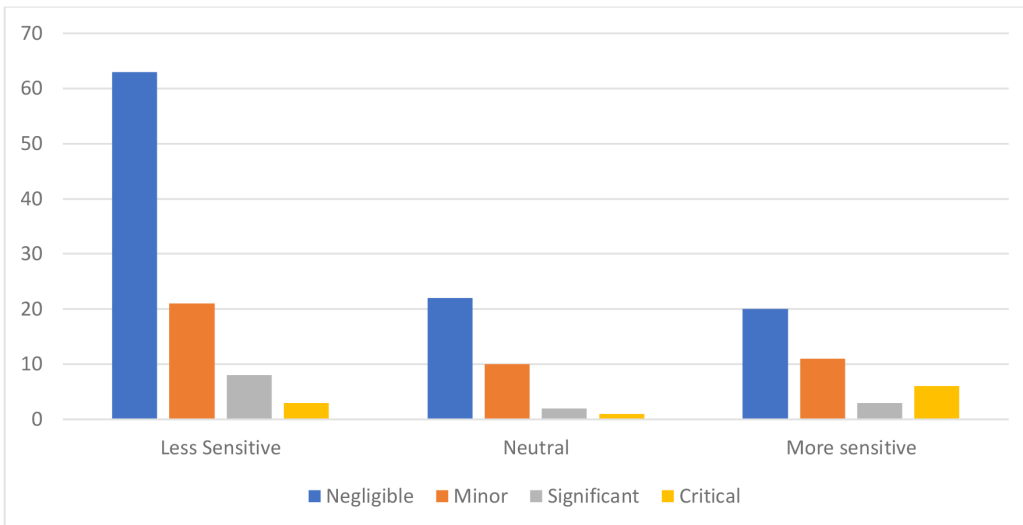


Figure 9(d): Consequences by pre-disposition of target



Pre-Existing Relationship: Some explanatory power

Surely the pre-existing relationship between protagonist and target should be able to explain differing consequences? Surely spying on friends and allies, for instance, would have greater consequences than doing the same to a neutral?¹⁹

The cases instead suggest that relations might not be as influential as we imagine, and cannot explain all outcomes. Why, for example, was the Pollard affair so much more consequential for US-Israel relations than the later Kadish affair between the same two parties?

Nonetheless, the data does suggest that this factor has explanatory power. Of the critically consequential

¹⁹ For an interesting discussion of the methodological issues involved in understanding spying on allies in an historical context, see Alexander 1998, p. 9.

cases, 27% involved a previously allied or friendly relationship – rising to 33% when also including significantly consequential cases. In addition, 20% of the negligible or minor consequence cases involved friends/allies. However, as an effective control group, neutrals featured in these cases 18%, 10% and 22% respectively.

Importantly, 18.9% of cases involving allies/friends resulted in a consequence rating of critical or significant – rising to 21.4% if considering allies alone; compared to 6.4% involving neutrals. This suggests that spying on allies, while by no means certain to produce critical or significant consequences if compromised, is unsurprisingly more dangerous for bilateral relations than spying on neutrals – despite examples of muted reactions such as Operation SOCIALIST (alleged GCHQ operation in Belgium).

Adversarial relations are particularly interesting - 12.5% of the cases involving adversaries resulted in critical/significant consequences, increasing to 16.5% when also incorporating cases with ‘complicated’ pre-existing relations. The limited degree to which such relations can deteriorate further is evident in the particular cases involving India-Pakistan and Israel-Iran, for example.

Figure 10(a, b & c): Cases % by pre-existing relationship

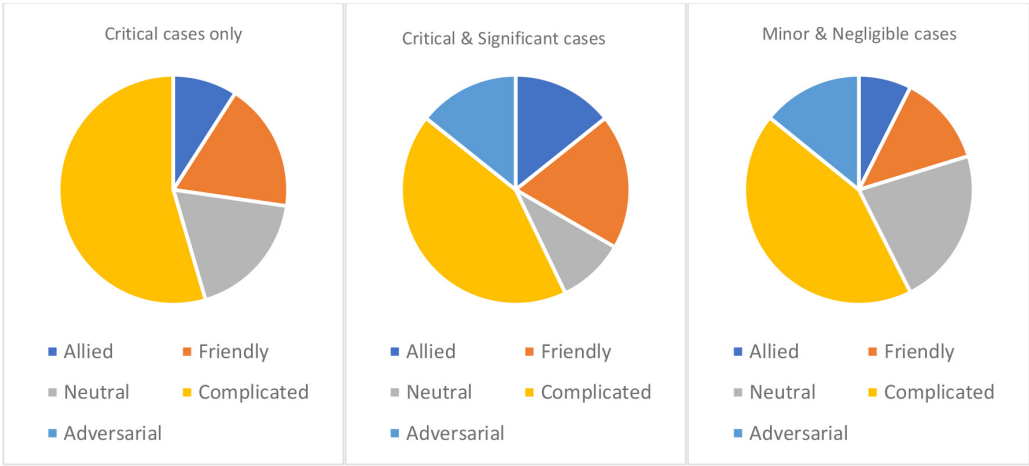
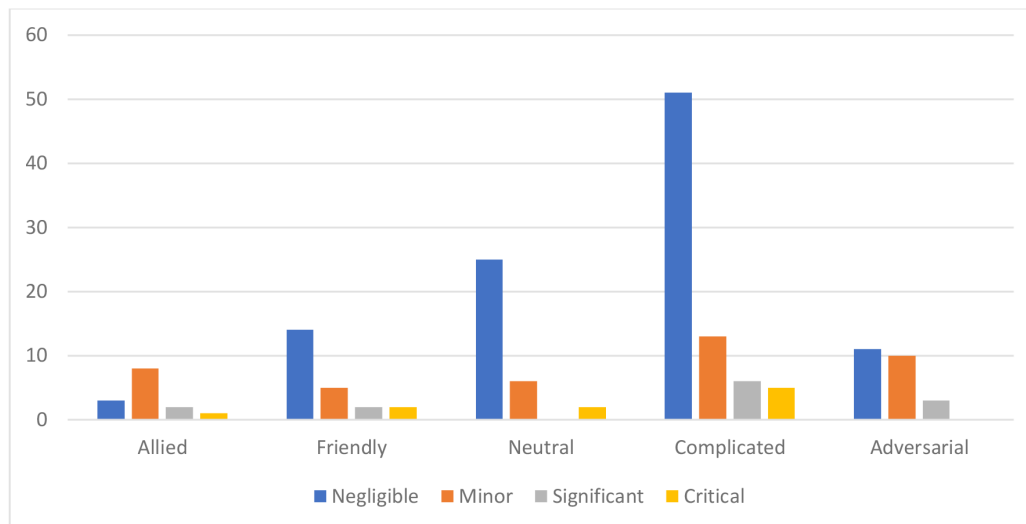


Figure 10(d): Consequences by pre-existing relationship



Protagonist's Response: Counter-intuitive findings

A protagonist's initial response can also play a part in de-escalating (or alternatively escalating) the bilateral consequences of a compromise. The classic neutral response of 'neither confirm nor deny' featured in just 22% of critically consequential cases (27% when critical and significant) – compared to 49% of less consequential cases. Denial seems like a particularly dangerous strategy for an accused protagonist: such a response features in 68% of critically and significantly consequential cases, and only in 41% of less consequential cases.

Surprisingly, a strategy of unrepentance seems less hazardous than vociferous denial. In 8% of less consequential cases the protagonist chose to brazen out the offence.

Perhaps the most ham-fisted protagonist response was North Korea's 2002 less-than-apologetic attempt to address decades-old rumours about the kidnapping of Japanese citizens by Pyongyang's intelligence agencies. In another example of being dragged along by media reporting (and resulting opinion) the admission ended up compelling Tokyo into a series of robust sanctions against the Hermit Kingdom.

Underlining the broader point about the implicit acceptance of intelligence operations in world politics, there was only a single instance in the case file of a protagonist leading with an apology (rather than being ultimately compelled to offer one) and that involved allegations of US spying against Japan.

Figure 11(a, b & c): Cases % by response of protagonist

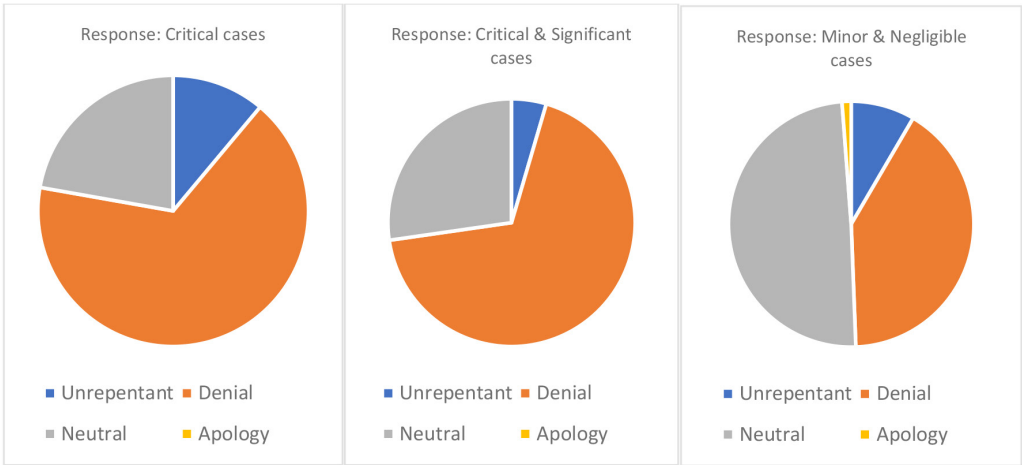
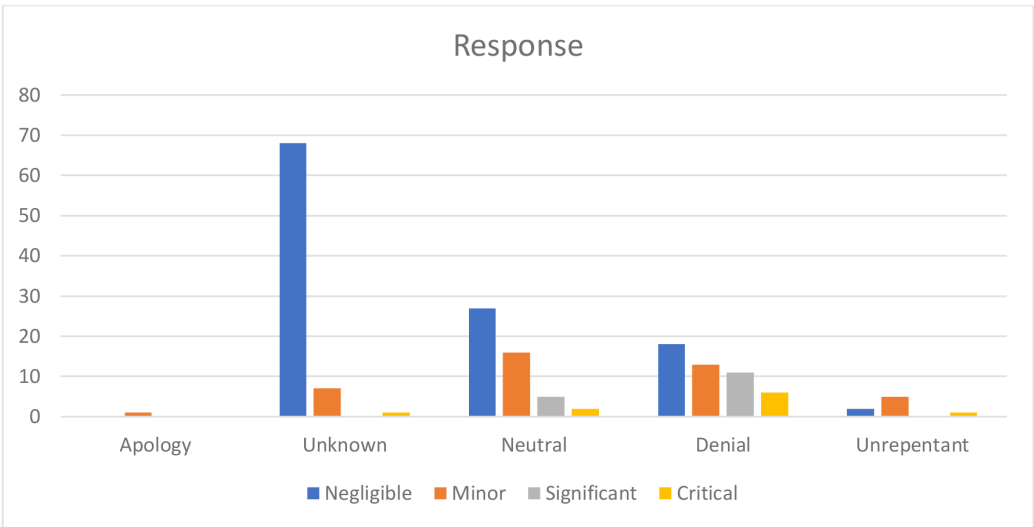


Figure 11(d): Consequences by response of protagonist



Timing: More ambiguity

Timing was notable in 52% of significant and critical cases, although it was absent in 83% of less consequential cases. There were also cases in which it was apparent that circumstances of timing might generate mutual incentives to mute consequences (as in 2007 when the German Chancellor was visiting Beijing) or circumstances simply drowned out consequences (as with Montes' arrest in 2001 for spying for Cuba in the midst of US response to 9/11.)

Even in cases where timing seemed to exacerbate consequences it was difficult to distinguish the influence from the precipitation of the activity itself. For instance, in the worsened bilateral relations that affected the consequences of a 'hack and release' by Russia of a senior US official's phone calls in 2014 amidst crisis in Ukraine but also encouraged the mounting of the Russian operation itself.

Figure 12(a, b & c): Cases % by timing

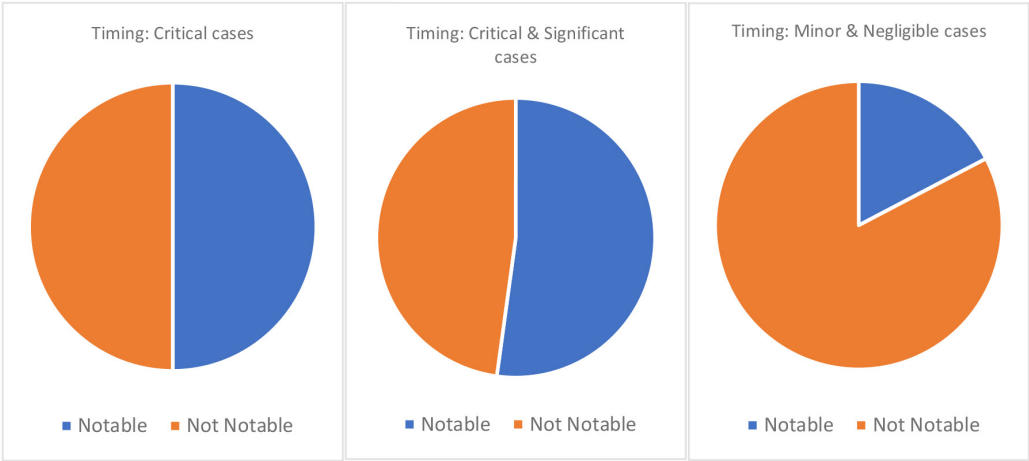
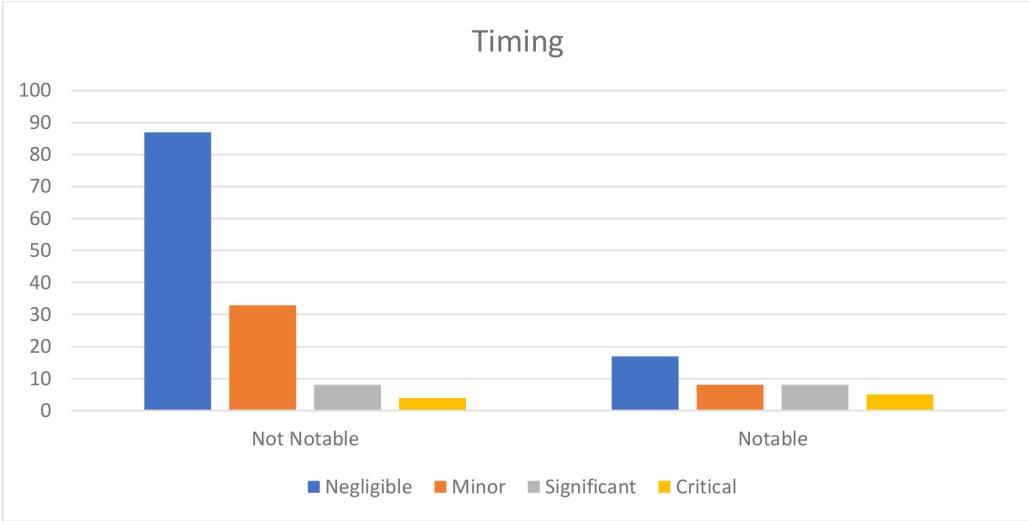


Figure 12(d): Consequences by timing



Publicity: A dependent variable

The data suggests a very strong correlation between the level of publicity and consequence. 83% of critical or significant cases featured a ‘very public’ level of publicity, compared to 10% of the cases with negligible or minor consequences. However, it turns out that publicity follows consequence more than vice versa; it is a dependent variable rather than an explanatory one.

The principal distinction made between ‘public’ and very public’ in this instance is the persistence of media coverage and public discussion, beyond the initial revelation, as well as a broadened range of outlets for publicity, including internationally.

There are isolated cases where publicity did help to drive reluctant target governments towards a more robust response to protagonists. For example, the coercive Chinese cultivation of a Japanese code clerk in Shanghai in 2004, which drove the clerk to suicide, was ignored by the Japanese Government until revealed in the

Japanese media – at which point it was compelled to take actions that raised the bilateral consequence to minor. Overall, however, publicity appears to have been driven by consequence rather than the other way around.

Figure 13(a, b & c): Cases % by level of publicity

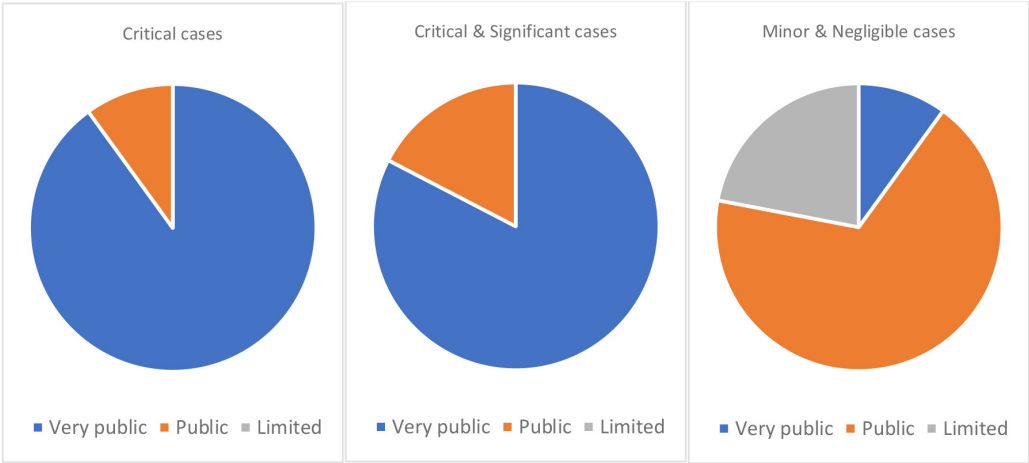
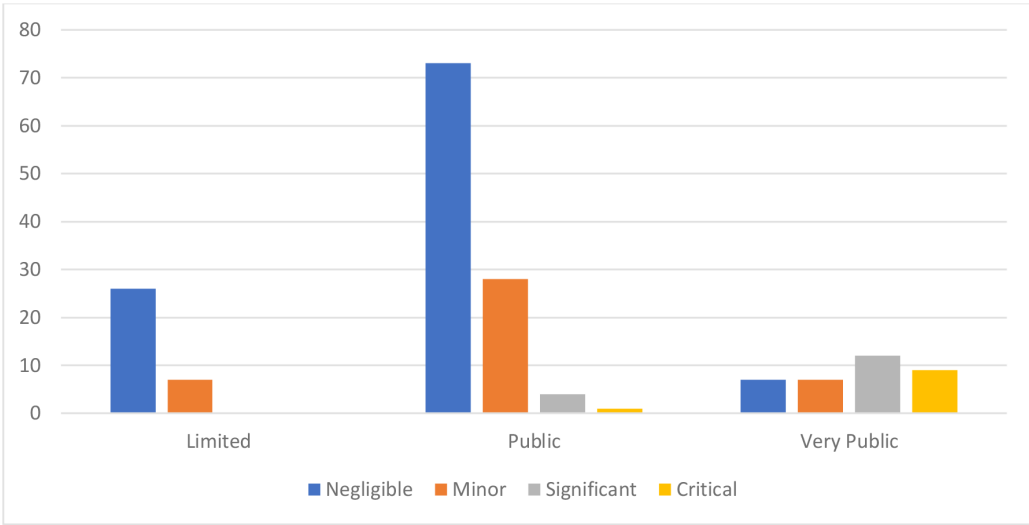


Figure 13(d): Consequences by level of publicity



Power Dynamic: A less significant factor

It seems obvious that the relative power of the parties should make a difference to consequence. Surely a more powerful target is better placed to swat a weaker protagonist? Or is a less powerful target more likely to be outraged by the bullying of a stronger protagonist? However, the evidence suggests that neither is necessarily the case.

Power is a much weaker explanatory factor than anticipated. While most critical cases (80%) involved a less powerful target, this is an n of only 10, and it falls to 55% when including cases of significant consequence.

Furthermore, cases involving parties of *similar* power resulted in significant or higher consequences 15% of the time – the same outcome as those involving a less powerful target (15.7%), and more than cases involving a more powerful target (10.3%).

Individual cases of negligible or minor consequence also suggest that weakness doesn't preclude states emerging unscathed from intelligence operations compromised while targeting the powerful. Although it is certainly true that protagonists benefitted from targeting the (more tolerant) USA in particular (as in cases where operations by Ecuador, El Salvador, Greece and others targeted US interests.).

Figure 14(a, b & c): Cases % by power dynamic

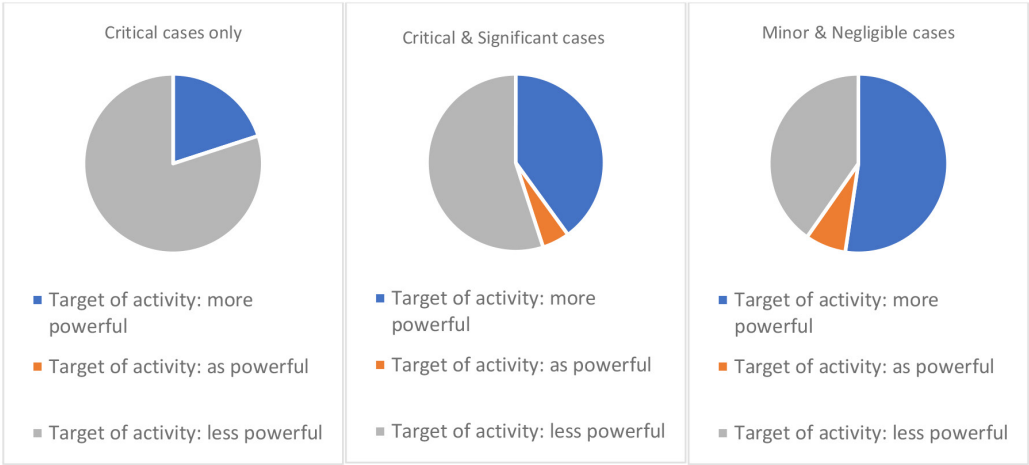
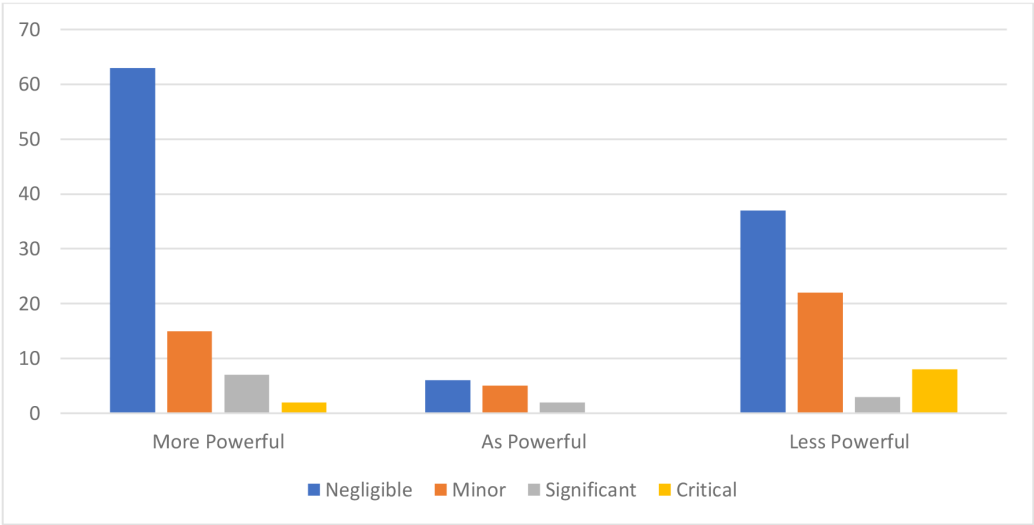


Figure 14(d): Consequences by power dynamics



Impacts Over Time

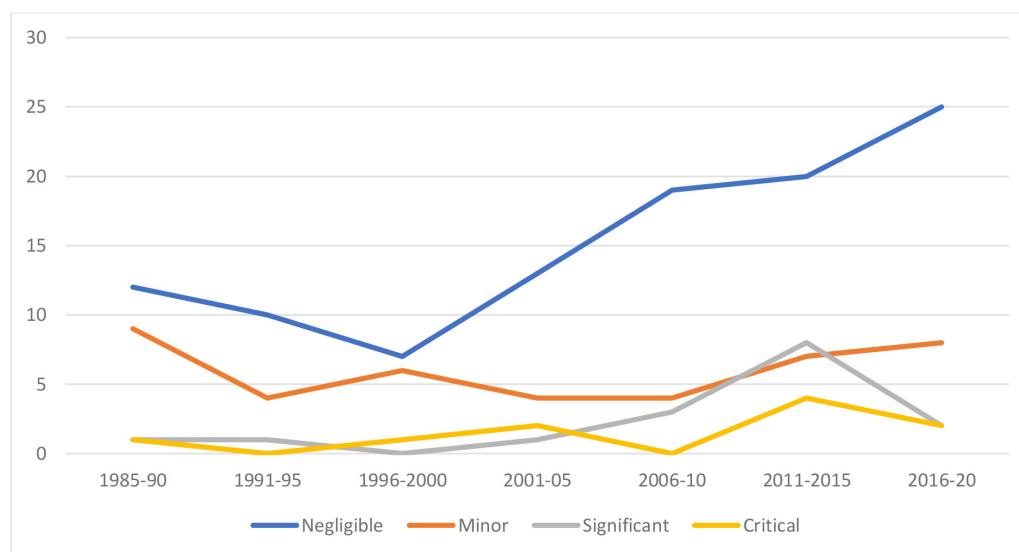
The case file affords an opportunity to consider the question of whether the consequences of compromise have changed over time. For instance, did the Snowden disclosures bring about a world less tolerant of intelligence operations or more resigned to them?

In fact, as figures 15(a), (b) and (c) show, there has been a considerable stability in the consequences of intelligence operations being compromised. The period 2011-15 appears to be an aberration (reflecting the particular influence of the Snowden cases), with consequences of compromise in the last five years returning to the levels more common to the preceding two decades.

How have target countries adjusted after being targeted? The aggregate data is less useful in considering the question of whether the experience of being the subject of others' intelligence operations sensitises a country or inures it.

There does appear to have been an effect in the UK when analysing the government's response to the 2006 Russian assassination of Litvinenko and the 2018 attempted Russian assassination of Skripal. So too, one could read into the heavier consequences of the Hanssen case the memories of Ames, Pitts, Nicholson, and others. The same is true of the more robust US response to Chinese espionage (especially cyber-espionage) since 2014, compared to the remarkable streak of muted responses to uncovered Chinese intelligence operations in the three decades beforehand. Although this could well also reflect grander strategic factors, it is worth also considering whether the cumulative effect of these instances may have had a broader deleterious effect on American public, commercial and elite perceptions of China and its rise.²⁰

Figure 15a: Instances of consequence 1985-2020



²⁰ For an account of that muted US response see Gartner 2015, pp. 139-44

Figure 15b: Consequence as % share of cases, 1985-2020

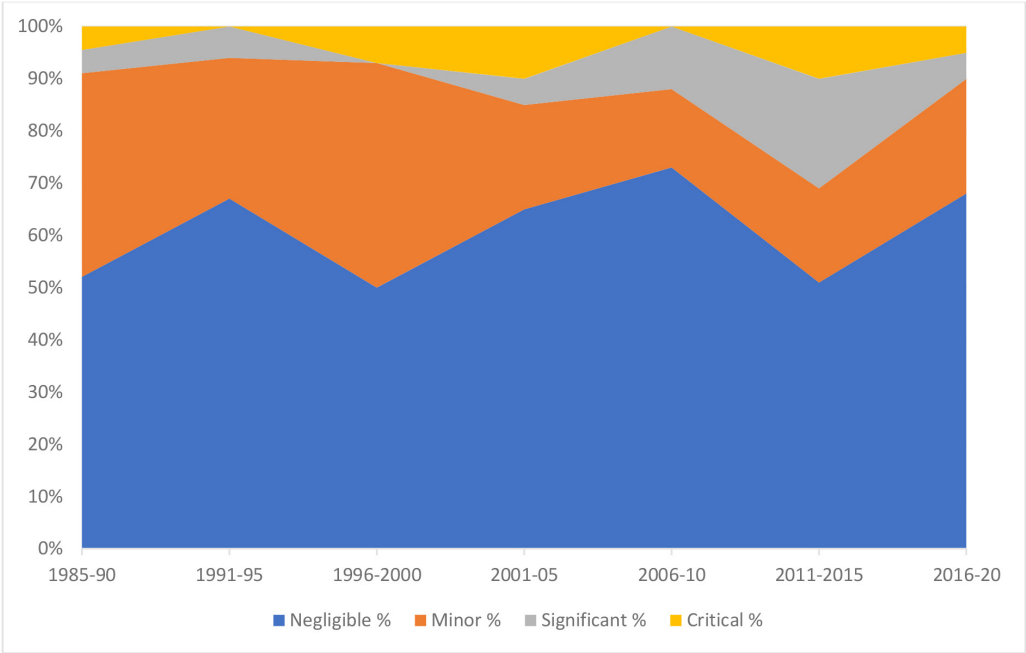
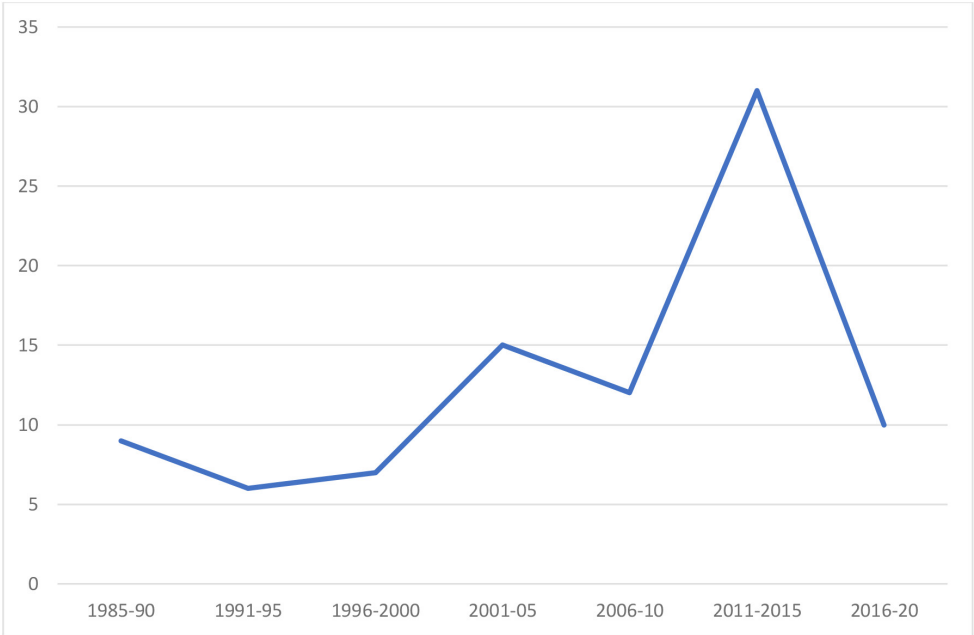


Figure 15c: Cases of Critical or Significant consequence 1985-2020 (as % of cases)



Conclusion and Policy Recommendations

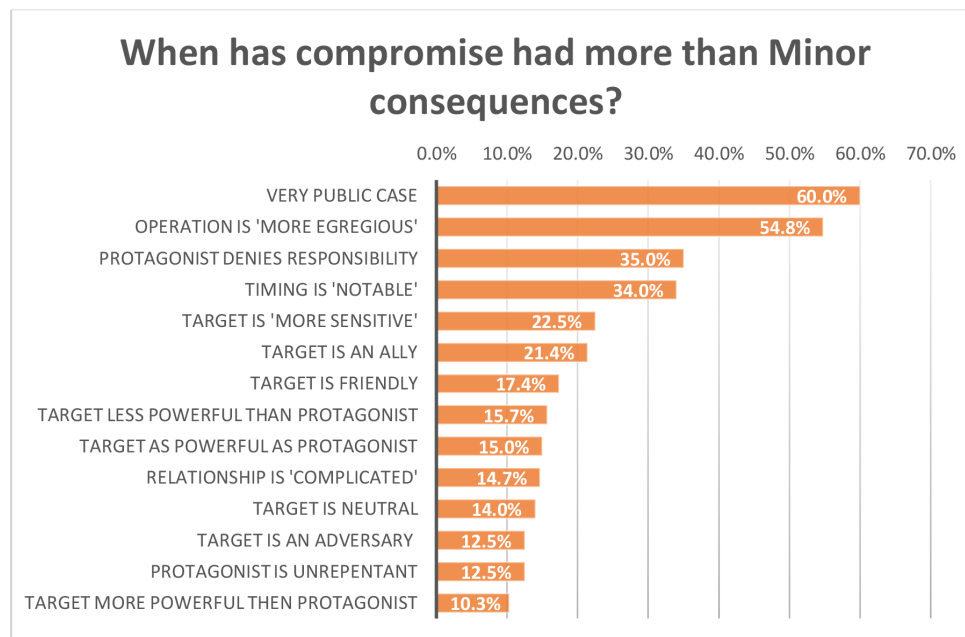
This analysis leaves us with several conclusions that have implications for intelligence professionals, scholars, and policymakers.

The critical finding of this study is that contrary to impressions, catastrophic bilateral consequences from intelligence operations are almost unheard of, and critical consequences are rare. In particular, the compromise of standard HUMINT operations presents little risk of serious bilateral consequences. Thus, governments can lean into the conduct of intelligence operations in world politics.

This does have limits. For example, Spanish political scientist Fernando Ntutumu Sanchis makes the important point that historical acceptance of espionage as a normal (if unacknowledged) part of international affairs is being disrupted by a perceived extension into individual lives, given the 21st century ubiquity of digital communications within whole societies as distinct from just between states.²¹ Furthermore, this form of ‘mass surveillance’ might have the strategic effect of shifting espionage from an unconscious tool for international peace (by eliminating dangers of surprise and by reducing the security dilemma) to “what might be an epoch of international relations instability”.²²

For intelligence practitioners, Figure 16 reveals the factors that lead to significant consequences.

Figure 16: Likelihood of more than Minor consequence, given specific circumstances



This analysis suggests that bilateral relations risk assessments used in intelligence operational planning should emphasise consideration of the nature of the operation (i.e. its ‘egregiousness’ if revealed to the target) with particular sensitivity to prospects for violence and loss, effects on national leaders, and broader norms (the ‘ickiness’ factor).

²¹ Sanchis 2014

²² Sanchis 2014

Even though timing is a somewhat ambiguous factor, prudent consideration should be given to prospective events which might accentuate consequences should the operation be compromised at that same time. In particular, this is a call to arms for a continual evaluation approach to such risk assessment. Efforts should be made to regularly review risk assessments to take into account prospective developments.

In addition, there is merit in considering the greater risk associated with activities directed against allies, while acknowledging that this is less important than the nature of the operation and its timing. Thoughtful planners should also put similar levels of consideration into any unique political or cultural dimensions of the target in the context of the particular operation.

By contrast, less emphasis should be given to power dynamics. And while no protagonist should welcome heightened publicity of their failure, such publicity is more a function of consequence than a contributor.

This study has been limited to the direct impact of a protagonist state's intelligence operations on its own bilateral relations with the target. In analysing the broader implications of intelligence revelations and scandals, it is important to consider the cascading consequences on the protagonist state's international reputation. Farrell and Finnermore have argued for the debilitating effect of the Snowden disclosures on the US's ability to deploy a foreign policy based on "hypocrisy".²³ Easley has similarly argued that compromises erode a broader international trust, affecting sovereign states indirectly (especially when their interests are invested in maintenance of such trust).²⁴ Specific operations may have further consequences in domains such as public health, as illustrated in the case of intelligence operations that have used international vaccination projects as operational cover.²⁵

This paper leaves open significant possibilities for further analysis. The findings herein, and conclusions drawn, can be tested against those other instances which have not been included but otherwise fit the definitions used. For example, what was the effect of CIA counter-terrorism renditions on certain bilateral relationships? Or the conduct of drone strikes by intelligence agencies?

Furthermore, there have been many more cases (and further developments in cases herein) since April 2020. (Please see Appendix A for a brief assessment of these cases, conducted after the formal conclusion of this Belfer Center-based research.) And from an historical perspective, might the study of cases from the early Cold War, where international relations were in relative flux, also prove useful in evaluating the findings?²⁶ There would also be utility in agencies testing the findings against publicly unrevealed, classified instances of compromised operations (whether they were poacher or gamekeeper in those instances). Another area for further study is the question of whether expectations matter: if a protagonist is regularly exposed does a version of the 'bigotry of low expectations' kick in on the part of those they transgress?

Finally, the findings of the paper reinforce that the fundamentally dynamic nature of intelligence should not be ignored, including in academic study. The study of intelligence is not about perennial debates on process versus product or yet another dissertation on 'politicisation'; it's a covert contest of capabilities and wills

²³ Farrell & Finnermore 2014

²⁴ Easley 2014

²⁵ See Chappell 2014 as example. There is also the somewhat niche phenomenon of possible potential effects accruing to a protagonist. Arguably the intelligence coup of Oleg Gordievsky bolstered the British image internationally (at least outside the Soviet Bloc). Within the context of the case file a similar argument could be made for positive effects also accruing to the UK from the Mitrokhin defection, and the counter-intelligence assistance thereby rendered to a wide variety of governments internationally who had been targets of Soviet activities.

²⁶ We are indebted to Dr. Calder Walton's observation here about the importance to Cold War developments of the Igor Gouzenko defection in Canada in September 1945.

(and risk calculations and appetites) between states carried out for decision (and action) advantage and as an expression of contest in itself.²⁷ This study reflects how states interact when the lights are off, with consequences that are not always what one would expect.

Notes

Appendix A: Analysis of cases since April 2020. 30

Appendix B: Case file of Compromised Intelligence Operations, 1985 - April 2020 (online)

Appendix C: Bibliography (online)

27 One of the very best examples of intelligences studies work that ‘gets this’ is Michael Warner’s concept of ‘perishability’ and the related drivers for secrecy in international security – see Warner 2012.

Appendix A: Analysis of cases since April 2020

Events over the past five years have confirmed the earlier observation that “it is noteworthy just how prevalent espionage and other intelligence operations ... are in international affairs”.²⁸ This is unsurprising given the value of intelligence advantage has been heightened by international tensions, including the outbreak of war in Europe, and the further exacerbation of competition in the Indo-Pacific region.

But if the level of espionage between nations has not declined, have instances of the compromise of intelligence operations since 2020 served to support or refute the conclusions drawn from the original case file?

To help answer this question I drew out six such instances, featuring a number of differing characteristics and apparently differing consequences for the bilateral relationships of the involved parties.

These new cases (with results to 2024) were as follows:

- Alleged recruitment of a prominent Bulgarian politician (Nikolai Malinov) to spy for Russia;
- Arrest and trial of a senior German intelligence officer (Carsten Linke), also alleged to be a Russian spy;
- The Chinese ‘spy balloon’ saga over North America in early February 2023;
- Alleged Indian assassination plots against Sikh separatists resident in Canada and the United States;
- Arrest of a US State Department contractor (Abraham Lemma) for spying for a foreign power (apparently Ethiopia); and,
- Arrest and trial of a former US Ambassador (Manuel Rocha) for being a career-long agent of Cuban intelligence.

I then applied the same assessment framework utilised against the original case file, with the following results:

²⁸ As an example see the length list of cyber espionage and attacks incidents compiled and updated by the Center for Strategic & International Studies – CSIS 2024.

<p>Case A – Nikolai Malinov case, 2019-ongoing²⁹</p> <p><i>Russia // Bulgaria</i></p> <p>A former Bulgarian parliamentarian, and head of the ‘Bulgarian National Movement of Russophiles’ was charged in 2019 with espionage and money laundering on behalf of Russia. As at February 2024 Malinov’s trial had yet to proceed (despite indications that it was to be in October 2021).³⁰ In the interim he received a public award from President Putin in November 2019 and was nominated as presidential candidate for the ‘Russophiles for the Revival of the Fatherland’ party. He has also been sanctioned by the US Treasury Department.³¹</p> <p>In November 2019 a Russian diplomat from the Sofia embassy was accused of espionage in specific reference to the Malinov case and expelled. In addition the Bulgarians banned Leonid Reshetnikov, a former Russian intelligence officer associated with the Malinov case, from entering Bulgaria for ten years.³²</p> <p>CONSEQUENCE FOR OFFENDER: MINOR (*noting the accumulated effect of this case, other cases, the onset of the Ukraine War and Russian hostility to Bulgarian government represents at least a SIGNIFICANT deterioration – featuring mass expulsions of diplomats between Sofia and Moscow, and the closures of consulate facilities)³³</p>	<i>Power Dynamic</i>	MORE POWERFUL
	<i>Relationship</i>	COMPLICATED Traditional close relationship but more recent breaches between Moscow and Sofia.
	<i>Publicity</i>	PUBLIC
	<i>Nature of Activity</i>	NEUTRAL Involves alleged interference in Bulgarian politics beyond just espionage.
	<i>Timing</i>	NOT NOTABLE
	<i>Response</i>	DENIAL/UNREPENTANT While the Russian embassy in Sofia refrained from comment at the time of Malinov’s charging ³⁴ , in June 2021 the Russian government accused the Bulgarians of using the Malinov case to attack people who “disagree with anti-Russian hysteria”. ³⁵ A month after Malinov’s charging he received an Order of Friendship award from Russia, presented personally by Putin, and Malinov was interviewed on Russian state television. ³⁶
	<i>Pre-disposition of target</i>	NEUTRAL

²⁹ Nikolov 2021; Nikolov 2023; Nikolov 2024; Radio Free Europe 2019; Reuters 2019; Reuters 2020; *The Sofia Globe* 2019; US Treasury 2023

³⁰ Nikolov 2024

³¹ US Treasury 2023

³² Radio Free Europe 2019

³³ Ahmatovic 2024; Al Jazeera 2022; Euronews 2022; Radio Free Europe 2022; Todorov 2024

³⁴ Reuters 2019

³⁵ Nikolov 2021

³⁶ Bedrov 2019

<p>Case B – Carsten Linke case 2022 - ongoing³⁷</p> <p><i>Russia // Germany</i></p> <p>Senior BND officer Carsten Linke was arrested in December 2022 on suspicion of passing German intelligence (including related to the Ukraine war) to Russia. An alleged accomplice (Arthur Eller) was also arrested and charged, with their alleged conspiracy dating back to early 2021). The pair's trial on treason charges commenced in December 2023.</p> <p>The BND head Bruno Kahl has made public comments describing the shock experienced by the organisation but also attempting to downplay the value of the intelligence allegedly stolen by Linke.³⁸</p> <p>No specific actions apparent by Germany in relation to the case, noting that the trial is not expected to conclude until at mid-2024.</p> <p>CONSEQUENCE FOR OFFENDER: NEGLIGIBLE (*noting that Germany had expelled 40 Russians in April 2022 prior to this arrest and trial, principally in response to Russia's invasion of Ukraine)</p>	<i>Power Dynamic</i>	MORE POWERFUL
	<i>Relationship</i>	COMPLICATED Given Germany's backing of Ukraine but also traditional German ambivalence towards Moscow (including as a result of the two country's economic relationship).
	<i>Publicity</i>	PUBLIC
	<i>Nature of Activity</i>	NEUTRAL While featuring what appears to be simply HUMINT collection, the assessment is elevated by the fact of the penetration of the leadership of BND (and potential embarrassment for German intelligence in the context of US and NATO equities). ³⁹
	<i>Timing</i>	NOTABLE Noting the ongoing war on Ukraine and recent history of Russian intelligence activities in Germany (which led the head of the BfV to warn in June 2023 of "aggressive Russian espionage operations" across Germany).
	<i>Response</i>	NEUTRAL Perhaps surprisingly given responses in other circumstances, the Russian embassy in Berlin (and Russian government more generally) has avoided public comment on the Linke case. ⁴⁰
	<i>Pre-disposition of target</i>	MORE SENSITIVE Following previous judgment made in relation to German predispositions.

³⁷ AP 2023-A; Chiappa 2023; Ertl 2023; Escritt 2023; Fürstenau 2023; Prothero 2023; Schuetze 2023' Solomon et al 2023

³⁸ Ertl 2023; Fürstenau 2023

³⁹ Prothero 2023

⁴⁰ Marsh & Murray 2022

<p>Case C – Chinese ‘spy balloon’ saga⁴¹</p> <p><i>China // USA</i></p> <p>Beginning 2 February (having first appeared on 28 January) until its shooting down by the USAF on 4 February 2023 a high altitude Chinese surveillance balloon was the subject of intense US Government and public interest as it transited across North America. The balloon and the equipment it carried was subsequently recovered by the US military. The degree to which the craft did or did not collect intelligence information remains disputed.⁴²</p> <p>The US Secretary of State cancelled his planned trip to Beijing. The US Government briefed international diplomats on the airship and China’s responsibility. The US House of Representatives unanimously passed a resolution condemning China.⁴³ It has been speculated that the cancellation of Blinken’s trip was made reluctantly by the Biden Administration, in response to legislative and public pressure.⁴⁴</p> <p>On 10 February the US sanctioned six Chinese firms believed to have contributed componentry for the balloon.⁴⁵</p> <p>CONSEQUENCE FOR OFFENDER: SIGNIFICANT</p>	<i>Power Dynamic</i>	AS POWERFUL
	<i>Relationship</i>	ADVERSE
	<i>Publicity</i>	VERY PUBLIC The ‘spy balloon’ story dominated US and international media in late January and early February 2023, with reporting continuing on for rest of the year.
	<i>Nature of Activity</i>	NEUTRAL Reflecting overt nature of the balloon saga and its novelty.
	<i>Timing</i>	NOTABLE Occurred immediately prior to planned visit by US Secretary of State to China, which would have been first since 2018.
	<i>Response</i>	DENIAL Initial Chinese comment, on 3 February, is that it “regrets the unintended entry of the airship into U.S. airspace” but claims it is a civilian research craft pushed off course and over North America by high winds. China would also condemn the shooting down of the balloon on 4 February filing an official complaint with US Government. ⁴⁶ On 13 February China returned fire, claiming extensive penetration of Chinese airspace by US spy craft. ⁴⁷ The Chinese foreign affairs spokesperson went so far as to mock the US for focussing on the balloon in question rather than a contemporaneous rail accident and chemical leak in Ohio. ⁴⁸ US officials claimed in September 2023 that the balloon saga had caused China to pause its aerial surveillance operations. ⁴⁹
	<i>Pre-disposition of target</i>	LESS SENSITIVE

41 Barnes 2023; Chotiner 2023; Feng & Schapitl 2023; Kube & Lee 2023-A, Kube & Lee 2023-B; Sacks 2023; US HoR Foreign Affairs Committee 2023; Yilek 2023

42 See Kube & Lee 2023-A, Kube & Lee 2023-B; Seyler & Haworth 2023; Yilek 2023

43 US HoR Foreign Affairs Committee 2023

44 Billings Gazette 2023

45 Feng & Schapitl 2023

46 Fujiyama 2023

47 Feng & Schapitl 2023

48 Asher 2023

49 Barnes 2023

<p>Case D – Indian assassination program targeting Sikh separatists 2023-ongoing⁵⁰</p> <p><i>India // Canada and USA</i></p> <p>On 18 June 2023 Sikh separatist Hardeep Singh Nijar was gunned down in British Columbia, Canada.</p> <p>In September 2023 Canada's Prime Minister Trudeau publicly accused the Indian Government of being responsible for Nijar's assassination.</p> <p>In November 2023 the US Justice Department charged Indian national Nikhil Gupta with orchestrating a 'murder for hire' plot targeting a Sikh separatist (and US citizen) based in New York City. Gupta was acting in response to directions from an Indian government official. That plot was foiled by US authorities. (The self-identified target of the plot was Gurpatwant Singh Pannun.) Gupta had been arrested in the Czech Republic and held there before extradition to the US in June 2024. Gupta has since been indicted along with Indian intelligence officer Vikash Yadav.⁵¹ Gupta has pleaded not guilty.</p> <p>Canada pointed to the US indictment (which suggested three assassinations being planned inside Canada) to bolster its demands for the Indian Government to be transparent about involvement in the killing of Nijar.⁵² In May 2024 three Indian nationals were arrested in Canada for involvement in the alleged plot.</p> <p>A further incident of gunfire apparently targeting a Sikh separatist in Canada occurred in February 2024.⁵³</p>	<i>Power Dynamic</i>	MORE POWERFUL (Canada) LESS POWERFUL (USA)
	<i>Relationship</i>	FRIENDLY
	<i>Publicity</i>	VERY PUBLIC International new story for prolonged period.
	<i>Nature of Activity</i>	MORE EGREGIOUS Involving allegations of murder and attempted murders carried out against Canadian and US nationals.
	<i>Timing</i>	NOT NOTABLE Interestingly Gupta allegedly told the hired gunman to avoid carrying out the assassination during periods of engagement between US and Indian government officials. Speculation has been that this was a reference to Modi's visit to Washington in June 2023 (but that the killing of Nijar went ahead on 18 June, accelerating the US-based plot). ⁵⁴

⁵⁰ Cohen & Kaushik 2023; Honderich 2023; Kohlenberg 2024; Lucas 2023; Miller 2023; Nawaz & Warsi 2023; Northam 2023; Onishi 2023; Panetta 2023; Tillett 2024

⁵¹ US Justice Department 2024

⁵² Panetta 2023; Reuters 2023

⁵³ John *et al* 2024

⁵⁴ Panetta 2023

<p>CONSEQUENCE FOR OFFENDER:</p> <p>Canada – CRITICAL</p> <p>Public airing of allegations by Prime Minister Trudeau after direct (and unproductive) confrontation of Prime Minister Modi at G20. Canadian efforts to enlist allies in action/statement against India. Withdrawal of consulate services in India (as result of diplomats' withdrawal -see right). Bilateral relationship effectively suspended. Canada expelled Indian official from Ottawa. In October 2024 Canada expelled the Indian High Commissioner (and five other diplomats). India retaliated by expelling six Canadian diplomats.⁵⁵</p> <p>US – MINOR</p> <p>US government raised allegations directly with New Delhi, including President Biden raising it personally with Prime Minister Modi during the G20.⁵⁶ US response described by observer as “muted”.⁵⁷</p>	<p><i>Response</i>⁵⁸</p>	<p>DENIAL (Canada)</p> <p>India called the Canadian allegations absurd and labelled Canada a haven for ‘terrorists’, and a vociferous campaign of vitriol directed by government and other sources against Canada (including personal attacks on the Canadian Prime Minister).⁵⁹ India threatened to withdraw diplomatic immunity for 41 Canadian diplomats (resulting in their withdrawal) in response to the allegation⁶⁰, and suspended visa services to Canada. India also issued travel warnings to its citizens about the dangers of travelling to Canada.⁶¹</p> <p>NEUTRAL (USA)</p> <p>An Indian official statement was quoted in November 2023 saying the US had “shared some inputs pertaining to nexus between organized criminals, gun runners, terrorist and others... We had also indicated that India takes such inputs seriously since they impinge on our national security interests as well, and relevant departments were already examining the issue,” adding that India has set up a “high-level enquiry” to look into the matter.⁶² Prime Minister Modi subsequently stated that “If a citizen of ours has done anything good or bad, we are ready to look into it. Our commitment is to the rule of law”.⁶³ In March 2024 there was media reporting that the inquiry had found ‘rogue officials’ in the Indian government responsible for the plot.⁶⁴</p>
	<p><i>Pre-disposition of target</i></p>	<p>MORE SENSITIVE (Canada)</p> <p>Reflecting strong political influence of Sikh community in Canada.</p> <p>LESS SENSITIVE (USA)</p>

⁵⁵ Miller & Shih 2024; Osman & Robertson 2024

⁵⁶ Lucas 2023

⁵⁷ Kohlenberg 2024

⁵⁸ Onishi 2023 highlights the difference in Indian responses to the Canadian allegations and US indictment, giving as an explanation the disparity of power between Ottawa and Washington, and their respective importance to India. See also Kohlenberg 2024.

⁵⁹ Ellis-Petersen 2023

⁶⁰ Newton et al 2023-

⁶¹ Australian Broadcasting Corporation 2023

⁶² Lucas 2023

⁶³ Northam 2023

⁶⁴ Sen & Antony 2024

<p>Case E - Abraham Lemma case, 2023-ongoing⁶⁵ <i>Ethiopia // USA</i></p> <p>On 24 August 2023 US authorities arrested Abraham Lemma, an IT contractor at the State Department (and separately employed at Department of Justice) and naturalised US citizen from Ethiopia. Lemma is accused of passing classified intelligence material to a foreign power (believed to be Ethiopia) at the direction and encouragement of officials from that country.</p> <p>Lemma's trial is yet to proceed (as at February 2024).</p> <p>No apparent US actions against Ethiopia linked to case (although some unverified reporting of American anger at Addis Ababa).⁶⁶</p> <p>CONSEQUENCE FOR OFFENDER: NEGLIGIBLE</p>	<i>Power Dynamic</i>	LESS POWERFUL
	<i>Relationship</i>	NEUTRAL Tempered by Ethiopia's actions in Tigray war and allegations of human rights abuses. Noting the lifting of US limitations on aid to Ethiopia in June 2023.
	<i>Publicity</i>	LESS PUBLIC Reporting largely limited to announcement of charges in September 2023.
	<i>Nature of Activity</i>	LESS EGREGIOUS
	<i>Timing</i>	NOT NOTABLE
	<i>Response</i>	UNKNOWN No identified public statement by Ethiopia.
	<i>Pre-disposition of target</i>	LESS SENSITIVE

⁶⁵ AP 2023-B; Barr & Date 2023; Hsu 2023; US AG's office 2023; US DoJ 2023-A

⁶⁶ Biru 2023

<p>Case F - Manuel Rocha case, 2023-ongoing⁶⁷</p> <p><i>Cuba // USA</i></p> <p>Rocha, former US Ambassador to Bolivia and 2nd most senior US officer in the US Interests Section of the Swiss Embassy in Havana, was arrested and charged on 1 December 2023 with acting as an illegal agent of the Cuban Government. Alleged to have spied for Cuba throughout his State Department career (since 1981).</p> <p>No specific actions identified on the part of the US towards Cuba. Noting that Rocha's trial date was set for late March 2024⁶⁸ on 29 February Rocha told the presiding judge that he had indeed been an agent of the Cubans and intended to plead guilty. Sentencing expected in mid-April.⁶⁹</p> <p>CONSEQUENCE FOR OFFENDER: NEGLIGIBLE</p>	<i>Power Dynamic</i>	LESS POWERFUL
	<i>Relationship</i>	ADVERSE
	<i>Publicity</i>	<p>PUBLIC</p> <p>The case has featured regularly in US media since December 2023.</p>
	<i>Nature of Activity</i>	<p>NEUTRAL</p> <p>While apparently standard HUMINT case, involves recruitment of a US Ambassador. US Attorney General said this was "one of the highest-reaching and longest-lasting infiltrations of the US government by a foreign agent".⁷⁰</p>
	<i>Timing</i>	NOT NOTABLE
	<i>Response</i>	<p>NEUTRAL</p> <p>Cuban Government eschewed opportunity to comment. Member of ruling Council of State claiming only to know what they had read in the media. Retired Cuban intelligence officer quoted as saying that continued "terrorism" directed against Cuba necessitated spying against US.⁷¹</p>
	<i>Pre-disposition of target</i>	LESS SENSITIVE

The first observation to be made is that there again appears to be relatively limited consequences for bilateral relations as a consequence of these specific intelligence operations being compromised. Again, no 'catastrophic' cases were identified. Half of the new cases were assessed to be 'negligible' in consequence (Linke, Lemma and Rocha).⁷² One (Malinov) was assessed as 'minor', and one other as 'significant' (Chinese spy balloon). Interestingly the case of alleged Indian directed assassination plots split as 'minor' for the United States but 'critical' for Canada.

Another, more general, observation is that our earlier conclusion about the limited consequences for significantly smaller nations spying on the US remains apt – reinforced by the circumstances of the Lemma case and the apparent targeting of the US by Ethiopia (to little apparent bilateral cost to date).

This sample of post-2020 cases also appears to reinforce the observation made previously that whereas there is a clear correlation between the degree of publicity accorded a compromise and its bilateral consequence, it remains the case that publicity is a function of consequence - not the other way around.

Identification of a positive relationship between the egregiousness of a case and the bilateral consequences

⁶⁷ Allen 2024; Goodman & Mustian 2024-A; Goodman & Mustian 2024-B; Grant 2024; Litz 2023; Liy 2023; Londoño 2023; Tait 2023; US DoJ 2023-B

⁶⁸ Allen 2024

⁶⁹ Goodman & Mustian 2024-B

⁷⁰ Grant 2024

⁷¹ Grant 2024

⁷² The three associated criminal cases were yet to be concluded at the time of this update (as are proceedings for the 'minor' case Malinov.)

ensuing does seem to be confirmed by the Indian assassination case in Canada. And to a lesser extent by the Chinese spy balloon incident over North America - where egregiousness stemmed from the unavoidable obviousness of the saga, evident in the very sky above.

But what about the apparent oddity of egregiousness and the muted US response to Indian assassinations (compared to Canada)? Yes, the planned assassination in New York City was disrupted before it could be undertaken (unlike the assassination in British Columbia) but might this difference in consequence between India-Canada and India-USA require us to reconsider the explanatory utility of power difference between protagonist and target? And also a factor I had not really considered in the original survey – the dialectic between perpetrator response and the target's own response. The critical deterioration in Indo-Canadian relations was as much an Indian counter-reaction to the form and tenor of Canada's originally outraged reaction.

The other characteristic at play is less that of power difference as rather the strategic realities of mutual US-Indian interests and their absence in the case of Canada and India. So not power so much, as differing manifestations of interest.

Hints of this too in the muted response by Germany to the Linke case (although it also reminds one of the earlier muted response by Berlin to the use of German passports in the 2010 assassination of Mahmoud al-Mabhouh). Maybe the identified German predisposition towards sensitivity in espionage cases (so manifest during the Snowden disclosures) is perpetrator-specific? While the Canada-India case clearly does suggest an enduring explanatory power for predisposition (in this instance the unique domestic political influence of the Sikh diaspora in Canada) and might provide a further explanation for the divergence in the Canadian and US experiences.

The new cases do appear to align with previous conclusions on timing. In particular see the importance of timing in the spy balloon case, including the domestic political effect of imminent US engagement with China in forcing a hardened US response.

The explanatory power accorded perpetrator response is evident in the consequences stemming from the unusually vehement rhetorical denials made in the spy balloon and Indian assassination cases. See also the differing approaches taken by the Russians in their response to the compromise of Linke in Germany as to Malinov in Bulgaria.

There is also strong alignment with the conclusion reached on prior relations – notably the hitherto friendly India-Canada relationship. Also confirms the adversary paradox, whereby a pre-existing adversarial relationship leaves little space for deterioration as a result of a compromise – notably US-Cuba over Rocha and Bulgaria-Russia over Malinov.

Assessment of the new cases generally accords with conclusions reached in 2020. Egregiousness is still pre-eminent; timing and predisposition do matter. Power continues to have less explanatory utility – but maybe interest represents a more nuanced take than simply power differential, and in that regard the India assassination case suggests the value of future research in this space. As does the Chinese spy balloon case and a more general understanding of the cumulative effect of compromises on relations over time – beyond the impact of individual instances.