Is there an Appetite for Information Sharing in NATO?

It may come as a surprise, but the nations do not think the idea of sharing information is off-limits or taboo. In fact, they have the capacity to share information and legal issues are not the main impediment.

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Background

In 2008, the Military Committee tasked the Strategic Commands to develop the NATO Maritime Situational Awareness (MSA) Concept Development Plan (CDP). In simple terms, MSA is awareness in the maritime operating environment at any given moment. During development of the MSA CDP, the Supreme Allied Commander Transformation (SACT) MSA working group determined that an essential part of MSA is information superiority (IS) - the ability to create and monitor a comprehensive picture of maritime movements and to share this information within NATO to enable better collective and/or individual responses. The MSA CDP also theorised that if information was shared not just between the NATO nations themselves but with other nations and entities as well, NATO’s Recognized Maritime Picture (RMP) would be significantly enhanced during both steady-state operations and during times of increased danger. This, in turn, would have a direct impact on NATO decision-making in the maritime environment.

MSA Legal Study

This insight was the impetus for launching the MSA Legal Study (LS) to review the legal and policy constraints of sharing information in the maritime domain. During the 18-month LS, a series of Information Requests were sent to each of the 28 NATO nations asking what essential facts were needed for information superiority in the maritime environment, whether the nation could share that information with other NATO nations and the Alliance, and what, if any, barriers prevented the nations from sharing the identified information. In late 2010, LS analysts distilled these national responses into a report that identified several items of interest and made specific recommendations regarding how NATO could capitalise on existing information sources to enhance its MSA. Portions of that report were included as an annex to the Bi-SC proposal for Maritime Command and Control (C2) MSA Capability Development. After both the International Military Staff and North Atlantic Military Committee approved the proposal to include MSA in the maritime C2 capability development, the Secretary General ended silence procedure in March 2012.

Findings

The LS report might surprise some people as many expected the idea of information sharing to be off-limits or taboo. On the contrary, all 28 NATO nations said they have the capacity to share some MSA information (assuming they actually possess relevant information). Additionally, the LS determined that NATO is missing information that many of the 28 NATO nations currently possess that would increase MSA and ensure NATO has a more accurate RMP. Further, two patterns emerged from the LS: Some nations are more prone to cite constraints while others only mentioned constraints or caveats regarding specific types of information (i.e., actual ship involvement).
In sum, the LS found that legal issues were not the most significant barrier to sharing information. Rather, policy choices, based on national priorities and long-standing internal processes, were oftentimes the main impediment. Classification issues were highlighted as well but it was determined that regulations concerning classification fell into the policy category. Regarding legal issues, most arose from privacy and data protection laws, legal obligations acquired through contracts, and limitations due to civil or criminal investigations/litigation. None of the noted legal issues are insurmountable. Regarding policy issues, most of the responses were related to the need for reciprocity and transparency, the need for specific agreements to be in place before information could be shared, and sharing information only based upon a need to know. Again, none of these issues are insurmountable. In other words, nations understandably want information sharing to be fair, mutual, necessary, and with identified limits. These factors all play to the institutional strengths of NATO, which offers a platform for communal action on pressing security issues while preserving national autonomy.

Challenges and Recommendations

The LS noted several challenges in the MSA information sharing arena: Lack of communication, lack of coordination, and mind-sets oriented towards prohibition. One pattern that emerged from the LS is that nations without an identified MSA lead, or nations that disperse MSA functions among multiple agencies, tend to lag in terms of MSA flexibility and responsiveness. Additionally, there must be a desire on the part of NATO to want this increased flow of information and to ensure that it is in a format that makes it easy to integrate into the existing systems. So, how does NATO move forward to overcome these challenges? The LS suggests that each nation’s MSA effort needs to have a designated team lead, that there must be a new commitment to information sharing (a push instead of a pull system), and that NATO has a useful catalytic role to play in brokering both formal and informal arrangements to share (and protect) information within the 28 members of the Alliance and also with selected non-NATO nations and outside entities. Consideration also must be made concerning the necessary programs and equipment for optimal integration of this information into NATO’s systems.

Latest and Greatest

Following one of the recommendations in the LS, hard work has gone into negotiating, drafting, and signing an Exchange of Letters (EoL) between Supreme Headquarters Allied Powers Europe and INTERPOL. The EoL went into effect in October 2012 establishing a 3-month information sharing pilot programme relating to the exchange of MSA information (at the unclassified level) between NATO (via Maritime Command Northwood) and INTERPOL. Participants have been meeting and communicating with one another during this pilot period to determine if the programme works (i.e., information is actually flowing), that the information is of value to the participants, and necessary modifications in order to accomplish the stated objectives. At the end of the pilot programme, which was just extended for another 3-month period, there will be a recommendation to the Military Committee as to whether this type of arrangement should be continued beyond the testing phase. Additionally, a working group at the Maritime Information Services Conference in April 2013 will be drafting a Maritime Concept of Operations (CONOPs) relating to C2. The necessity for more formalized information sharing agreements between the NATO nations and Maritime Command Northwood will be emphasized in the proposed CONOPs.
The Way Ahead

Information is out there. Information that would be helpful to NATO such as Vessels of Interest (VOI), Automatic Identification System (AIS) information, and land-based radar sensor data is currently being kept up-to-date by many nations and Allies but is not in NATO’s possession. Additionally, entities like the Virtual Regional Maritime Traffic Centre (VRMTC), the Helsinki Commission, and the Sea Surveillance Coordination Baltic Sea (SUCBAS), all possess information that could support NATO activities and operations. Information sharing commitments with INTERPOL and other law enforcement agencies are available to those who are willing to ask and those who are willing to provide. If NATO obtains information and successfully integrates it into its systems and operations, the Alliance will have a more current and precise RMP and, in turn, this more robust picture can help the 28 nations, along with other nations and entities, in their efforts not only to suppress piracy and illegal activity at sea but also to enable more rapid responses when maritime issues arise. So, why isn’t NATO taking advantage of the information that already exists? If NATO can share information in the maritime domain, could NATO also share it in land, space, cyber, and Counter-Improvised Explosive Device domains? There are challenges and there are barriers but, as the LS showed, neither are insurmountable - they just may take time, effort, and a desire to obtain the information and to share information in return. So the question is, with whom can NATO share information next? I suggest that is it with far more nations and entities than one might think!