

# The National Counterterrorism Centre: Critique and Recommendations

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## Introduction

The proposal to create a National Counterterrorism Centre (NCTC) is sound, but the mandate and structure of this organisation should differ from that presently suggested.<sup>1</sup> At present, the NCTC proposal (under review due to objections from some state governments) tries to fuse two distinct intelligence systems into a common framework. These are –

- (a) A warning intelligence system and,
- (b) A counter intelligence system.

However, each system has different objectives. By combining them in the same organisation, without clear separation of tasks or delineation of responsibilities, the proposed NCTC risks losing focus. It would end up being scapegoated for failing to prevent attacks, since it would have the mandate but not the method to fight terrorism.

## Warning Intelligence System

In counterterrorism, a warning intelligence system aims to predict outlier events such as unconventional, mass casualty attacks, the execution of which require considerable planning and coordination. Warning intelligence tracks the organisational learning and doctrinal innovation of terrorist groups. It is best suited to the 'war model' of counterterrorism, which is driven by specific events rather than ongoing processes. It functions on the premise that all information necessary to prevent a terrorist attack has already been gathered, and just needs to be pieced together. A telling example is the US National Counterterrorism Center, which was conceptualised, post 9/11, to serve as the apex of a warning intelligence system. Its operational role is virtually non-existent.<sup>2</sup>

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## **The US National Counterterrorism Center**

From open sources, it appears that the US NCTC duplicates the strategic analysis and assessment function of other intelligence bodies that have ground-level source networks, such as the Central Intelligence Agency. It has no mandate to collect intelligence independently. Neither can it order other agencies to follow-up on its assessments and recommendations. Its role is confined to advice-giving and agenda-setting, neither of which is binding upon sister government agencies that deal with counterterrorism.<sup>3</sup>

Thus the NCTC, which is an information-sharing hub based in Virginia, is forced to rely on second-hand data to frame assessments. Its analysts are far from the epicentre of counterterrorist action in Afghanistan, Pakistan, Somalia and Yemen. As such, they are better suited to track long-term trends in terrorist activity, rather than deliver time-sensitive 'actionable' reports to law enforcement personnel in the field. (Experience has shown that for intelligence analysts to support tactical decision-making, they must be located close to their targets and in direct personal contact with their consumers).<sup>4</sup>

The US NCTC has been designed to backstop the analytical efforts of other agencies, so that if another complex and unconventional attack such as 9/11 were planned, warning signs could be pieced together swiftly enough for preventive action to be taken. This system would offer little defence against a less sophisticated conspiracy, conceived of and executed by domestic militants operating within a much smaller space than what the 9/11 planners had. In short, a warning intelligence system makes sense against terrorists who coordinate their activities across great distances, leaving a large electronic footprint. It is less useful against self-starter modules relying mostly on verbal communications.

## **Counter Intelligence System**

A counter intelligence system on the other hand, aims to pursue the planners of smaller attacks which feature tried and tested tactics, and which can be carried out with relatively little preparation. This intelligence system serves to track the physical movements of terrorist cadres and mostly operates under the 'criminal justice model'. A counter intelligence system assumes that additional information always needs to be obtained through detainee interrogation, document exploitation and rapid follow-up action.



As with other long-term threats like espionage and subversion, a counter intelligence system treats terrorism as a police problem rather than a military one. Instead of triggering dramatic responses to an intense but isolated threat, it coordinates routine responses to a manageable but continuous threat.

### **UK Joint Terrorism Analysis Centre**

An example is the UK's Joint Terrorism Analysis Centre (JTAC). Although nominally similar to the American NCTC, it was set-up in June 2003 ie., *before* the UK was hit by Islamist terrorism in July 2005. It therefore did not have its mandate warped by the political after-effects of a massive domestic trauma such as 9/11. As a result, it has been able to develop organically from the UK's own counterterrorist tradition, which is grounded in fighting separatist militancy in Northern Ireland. Facilitating the identification, surveillance and penetration of terrorist modules through timely strategic assessment is its core function. This requires that, through its parent organisation MI5, JTAC must work closely with the Metropolitan Police's Counterterrorism Command and local Special Branch units. Although an analysis and assessment body, it receives information from MI5's eight Regional Intelligence Cells (RICs) spread across the UK. The RICs function as a *de facto* information collection grid for JTAC.<sup>5</sup>

In a small island-country like the United Kingdom, where cross-border movements can be monitored and suspects tracked physically, intelligence efforts are focused not merely on predicting conspiracies but on penetrating and manipulating them through undercover operations. While threat assessment is a routine part of JTAC's work, its primarily objective is not to anticipate one-off events originating from abroad, like the US NCTC, but to calibrate the police response to an ongoing process of domestic radicalisation.<sup>6</sup>

### **Difference between Warning and Counter Intelligence Systems**

A warning intelligence system is designed to combat terrorism in the manner adopted by the US National Counterterrorism Center. It would aim to 'watch the shores rather than the sea', since the terrorist threat would primarily emanate from abroad, and would likely be massive in its operational scope. A counter intelligence system, however, would be like that headed by the UK's JTAC, and would focus inward, on separating terrorists from their sympathisers. It would use legal instruments to neutralise plotters

after gathering evidence of their culpability. In some cases the evidence might be gathered through 'sting' operations. The main differences between the two systems are summarised below.

Warning Intelligence System	Counter Intelligence System
Aims to <i>predict</i> low probability/high impact events, such as WMD, aviation or maritime terrorism.	Aims to <i>pursue</i> the perpetrators of high probability/low impact attacks, such as firearm assaults and low-yield IED blasts.
Suited for countries located far from terrorist bases and sympathisers.	Suited for countries located close to terrorist bases and sympathisers.
Prioritises intelligence analysis to enhance anticipatory capacity.	Prioritises intelligence operations to enhance response capacity.
Requires well-rehearsed emergency protocols to deal with a one-off surprise attack.	Requires institutional liaison for continuous joint operations with local police.
Is focused on incident prevention, and is minimally affected by legal constraints.	Is focused on combating subversion, heavily shaped by legal requirements.

### **An Assessment of India's Counterterrorism Intelligence Requirements**

After Kargil, India began building a counter intelligence system to counter Pakistan-sponsored terrorist networks, but following 26/11, it abruptly switched over to the American model of a prediction-oriented warning system. (The switch might have been partially prompted by spurious American and British arguments that 26/11 was a 'rogue' operation, executed independently of Pakistani state involvement). The structural shift was not explicitly recognised as a change in organisational and operational focus. Consequently, there has been political and bureaucratic confusion as to what value-addition the NCTC would provide to counterterrorism, and what its structure should be.

### **Criticism over Purpose and Structure**

There are principally two main sticking points in the political debate.

(a) Firstly, should the Indian NCTC be placed under the Intelligence Bureau, or should it be a stand-alone organisation like its American counterpart?

(b) Secondly, should NCTC operatives be given arrest powers?

According to one expert, the answers to these two questions



are mutually opposed. If the NCTC is to be under IB control, it should not have executive powers as this could expose it to accusations of human rights violations and politically-motivated spying.<sup>7</sup>

Removing the NCTC from IB control (as is currently being considered) might be a serious mistake. The organisation has evolved from the IB's Multi-Agency Centre, which was basically set-up to guide counter intelligence efforts against terrorism. The MAC was not focused on predicting outlier events, like 26/11 (which has been the Indian equivalent of 9/11). Rather, it was supposed to pool together data held in police and subsidiary IB records across the Country; data which was vital to tracking the all-India operations of Pakistani terrorist networks. As the nodal agency for counterterrorism, the IB was a logical home for the MAC and is also a logical home for the NCTC.

By attempting to place the NCTC under IB control *and* seeking arrest powers for its operatives, the Union Home Ministry was acting correctly in a narrow operational sense. However, it politically overreached. Critics alleged that it was trying to bypass the implicit reluctance of opposition-ruled states to lend full support to counterterrorist efforts. They ignored the more plausible explanation: the NCTC must have arrest powers because many past IB operations have been frustrated by bungling and or/interference from state police forces, on whose cooperation the agency's performance depends.<sup>8</sup>

In adopting an American label – 'National Counterterrorism Centre' – the Home Ministry has created an erroneous impression that the Indian NCTC is modelled on its US counterpart. In fact, the proposed NCTC is a mismatch of two systems, one focused on counter intelligence (a legacy of the MAC) and one focused on warning intelligence (a result of the political shock caused by 26/11). These two systems both need to be fed with the latest secret information, and both need a built-in memory, in the form of a professional analytical cadre. However, the difference in their tasking means that they should be allowed to function in two distinct work patterns, rather than be intermeshed.

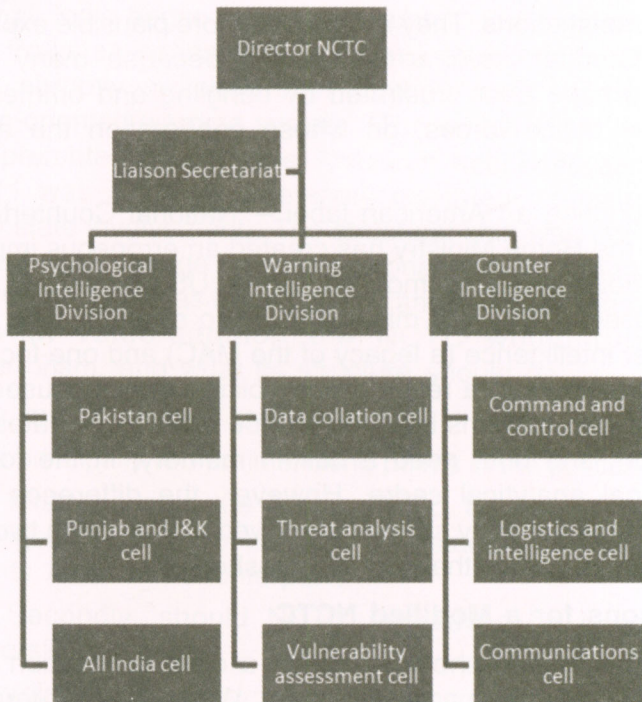
### **Suggestions for a Modified NCTC**

The NCTC structure should allow for a clear delineation of long-term versus short-term analytical tasks. Within its short-term tasks,

its working should allow a differentiation between defensive and offensive objectives.

*Defensive* analysis would focus on identifying critical vulnerabilities in the Country, assessing the probability of their being attacked, and developing crisis management protocols to minimise the damage done if an attack were to occur. *Offensive* analysis would focus on identifying critical vulnerabilities in the terrorists' command, control, communications, intelligence and logistics systems. These would then been targeted for action by the state police; action which would be calibrated by the NCTC either directly or through the local Subsidiary Intelligence Bureau.

For greater efficiency, the Indian NCTC should not have one common database on Pakistani jihadist groups but rather, three separate databases. Each database should hold only that information which is relevant to the needs of its principal consumer. This would prevent the NCTC's warning and counter intelligence analysts from each getting bogged down in irrelevant trivia and thus being unable to piece together critical inputs in time. An outline of how the NCTC could be structured is given below:





The above structure is suggested based on the following twin assumptions:

- (a) Pakistan shall remain a key base area for anti-Indian terrorism and,
- (b) Elements within the Inter-Services Intelligence may assist large-scale attacks on India through jihadist proxies.

At the moment, there seems to be little acknowledgement from the political class, and even sections of the security bureaucracy, on the enduring threat from Pakistan. Thus, it is imperative to focus the NCTC exclusively on Pakistani jihadism, with a view to raising awareness levels among strategic and tactical decision-makers.

The Director NCTC should preside over a three-part organisation, plus a secretariat dedicated to maintaining liaison with state police agencies, sister central agencies, and foreign governments. The three functional components of the NCTC should respectively deal with warning intelligence, counter intelligence and psychological intelligence.

**Warning Intelligence Division.** This division would track tactical and doctrinal innovation in jihadist groups and devise counter-measures. Should another complex attack like 26/11 be planned against India, the division would have to piece together details of the conspiracy in real time. It would however, not be responsible for predicting conventional incidents of terrorism, such as small-scale IED blasts in crowded areas. Rather, its aim would be to provide warning of one-off spectacular attacks, which would necessarily be preceded by much planning and preparation from the terrorists' side. Examples could be: attacks on energy infrastructure and commercial shipping, and mass hostage incidents at educational institutes. The division would have one cell focused simply on collating all source reports dealing with known terrorist attack plans, another cell which would analyse these reports for signs that a conspiracy is underway, and a third cell which will assess the likely damage done.

**Counter Intelligence Division.** This division would map out key vulnerabilities in the command, control, communications, intelligence and logistics networks of jihadist groups. It would identify priority targets for the state police forces to neutralise or gather further

information on. For instance, which jihadist cadres are most effective in coordinating preparations for terror attacks, which supply routes need to be shut down urgently, which communications channels need to be monitored for further intelligence leads? The CI division would employ regular tools of the trade i.e. link analyses and association models, to determine just how deep within India the striking capacities of jihadist groups reach. Ideally, it would also track ISI activities that are specifically focused on covert action, as opposed to plain espionage against military and political targets. This would involve monitoring Pakistani efforts to co-opt and manipulate Indian lobby groups and 'peace activists'.

**Psychological Intelligence Division.** This division would have the responsibility of studying terrorist recruitment patterns, organisational structures, fund-raising activities, and propaganda. It would provide medium-term forecasts about changes in the intensity and trajectory of the jihadist threat facing India. For instance, is Lashkar-e-Toiba seeking to position itself as a global successor to Al Qaeda, or is it seeking to trigger an Islamist insurgency in India? The former would suggest that more brazen i.e. Mumbai-style, attacks are likely, while the latter would suggest that LeT will outsource operations to the Indian Mujahideen to maintain plausible deniability. The psychological intelligence division of the NCTC would have to formulate assessments that look at such macro-level questions, based on data received from open sources and peripheral secret sources.

## Conclusion

At the moment, there does not seem to be a clear typology of the terrorist threats facing India and the different kinds of responses needed to counteract them. The proposed NCTC, as outlined in official statements, shall deal with everything from preventing terrorist attacks, to pursuing the perpetrators, to crisis management. The problem is, pursuit of terrorists has little value after a rare catastrophic attack like Mumbai 26/11, since the key planners would be safely ensconced in Pakistan. For smaller attacks carried out by LeT affiliates like the Indian Mujahideen, the objective should be to track down terrorists and their supporters on an ongoing basis, without waiting for evidence of a major plot. Anticipating a catastrophic attack would require the NCTC to organise drills and rehearsals with Central Paramilitary Forces and elite intervention



units like the National Security Guard and Army Special Forces. Meanwhile, pursuing second-order terrorists would require that the NCTC maintain close ties with state police.

Eventually, the Indian NCTC would have to fuse together the operating philosophies of the US National Counterterrorism Center and the UK Joint Terrorism Analysis Centre. India faces both kinds of threats: mass casualty terrorism using unconventional tactics, and small-scale attacks from locally recruited and brainwashed jihadists. It needs to have a specialist agency for counterterrorism that can look both outwards and inwards at the same time. Unlike the US, India does not have the luxury of treating terrorism as an exclusively foreign threat. Neither is it lucky like the UK, which only has to deal with disorganised terrorist modules whose trade craft is not very sophisticated.

India is under continuous covert attack from its hostile neighbour. It needs to develop both a counter-intelligence system to deal with high probability/low impact scenarios (such as small scale bombings), and a warning intelligence system to predict low probability/high impact scenarios (such as another sea-borne assault or an attack on a nuclear site). By paying lip-service to India's resilience but still refusing to denounce the main sponsor of jihadist terrorism in South Asia, the US and the UK have shown both; the extent and the limits of their friendship. It is therefore necessary for India to stop blindly emulating their counterterrorist structures, and instead, evolve a system catered to its own needs.

## Endnotes

1. See *National Counter Terrorism Centre (Organization, Functions, Powers and Duties) Order, 2012*, accessed online at [http://www.satp.org/satporgtp/countries/india/document/papers/2012/NCTC\\_2012.pdf](http://www.satp.org/satporgtp/countries/india/document/papers/2012/NCTC_2012.pdf), on 14 August 2012.
2. Todd Masse, 'The 9/11 Commission and a National Counterterrorism Center: Issues and Options for Congress', *CRS Report for Congress*, 3 September 2004, accessed online at <http://www.ndu.edu/library/docs/crs%209.03.04.pdf>, on 14 August 2012.
3. Richard A. Best Jr., 'The National Counterterrorism Center (NCTC)—Responsibilities and Potential Congressional Concerns', *CRS Report for Congress*, 19 December 2011, accessed online at <http://www.fas.org/sgp/crs/intel/R41022.pdf>, on 14 August 2012.

4. Jeffrey A Builta and Eric N. Heller, 'Reflections on 10 Years of Counterterrorism Analysis', *Studies in Intelligence*, Vol. 55, No. 3 (September 2011), p. 8.
5. Richard Norton-Taylor and Nick Hopkins, 'How the shock of 9/11 made MI5 stronger', *The Guardian*, 7 September 2011.
6. Frank Gregory, 'Intelligence-led Counter-terrorism: A Brief Analysis of the UK Domestic Intelligence System's Response to 9/11 and the Implications of the London Bombings of 7 July 2005', *Real Instituto Elcano*, No. 94/2005, 12 July 2005, accessed online at <http://www.realinstitutoelcano.org/analisis/781/Gregory781-v.pdf>, on 14 August 2012.
7. B. Raman, 'To IB or not to IB, that is the question', *The Hindu*, 23 February 2012.
8. Ajit Doval, 'Working in real time', *The Hindustan Times*, 12 February 2012.