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Before the 1960s, terrorism was seen largely as a threat to law and order inside a society. Preventing and controlling it and investigating acts of terrorism were considered as part of the normal law enforcement responsibilities of the police. It had the leadership role in counter-terrorism, whether it be in respect of intelligence collection; or investigation and crisis management after the commission of an act of terrorism. The intelligence collection cells of the Police such as the Special Branch (SB) and the Criminal Investigation Department (CID), as they were called in countries such as India, which followed the British model of police administration, had the major responsibility for the collection of the intelligence required for the prevention and investigation of acts of terrorism. The role of the armed forces and the national intelligence agencies was confined to providing back-up support to the police.

2. Terrorism was viewed as a phenomenon with political, economic, social and law and order dimensions, all of which had to be tackled in a holistic manner. Better governance, better identification and redressal of grievances, better inter-communal and inter-religious relations, better physical security, better policing and better police-community relations were all considered equally important components of any counter-terrorism policy.

3. This view of terrorism as a threat to law and order, controllable by the police, started changing from the 1960s due to the following reasons:

* Firstly, the use of terrorism as a weapon by certain States to achieve their strategic objectives, whether political, ideological or religious. Amongst such States, one could mention the erstwhile USSR, the then East Germany, Yugoslavia under President Tito, North Korea, some of the Islamic States of West Asia and Pakistan.

* Secondly, the newer and newer and the deadlier and deadlier mutations of terrorism brought into being by the Palestine Liberation Organisation (PLO) and other anti-Israel organisations, in their attempts to achieve an independent Palestine State. As examples of such mutations, one could cite hijacking of civilian aircraft, hostage-taking, blowing-up planes in mid-air through explosive devices and the increasing use of improvised explosive devices (IEDs) to intimidate the civilian population and to project the State before its citizens as incapable of protecting them. The new mutations of the virus spread from the anti-Israel and anti-US terrorist organisations to those indulging in terrorism against other states for reasons unconnected with the Palestine cause. One could cite here the example of India, which has been the victim of a large number of terrorist incidents carried out by Sikh and jihadi terrorist groups since 1981. They emulated the example of the anti-Israel organisations of West Asia.

* Thirdly, the increasing resort to suicide terrorism starting from the 1980s not only by the anti-Israel and anti-West jihadi terrorist organisations of West Asia, but also by the Liberation Tigers of Tamil Eelam (LTTE), an ethnic terrorist organisation of Sri Lanka, consisting largely of Hindus.

* Fourthly, the easy availability to the terrorists of various hues of modern arms and ammunition, detonators, timers and communication sets largely from the large stocks of them supplied to the Afghan mujahideen by the Western intelligence agencies through Pakistan's Inter-Services Intelligence (ISI) for use against the Soviet troops in Afghanistan.

* Fifthly, the increasing adeptness of different terrorists in the use of science and technology (S&T) for the commission of acts of terrorism and the flow to terrorist organisations of educated volunteers capable of adapting the discoveries of S&T for achieving their objectives.

* Sixthly, the coming into being of terrorist groups such as Al Qaeda, which advocate and practise mass casualty terrorism unconcerned over any likely negative impact of their acts on public opinion and their expressed readiness to acquire and use even weapons of mass destruction (WMD) to achieve their objective.

* Seventhly, the increasing resort to terrorism by some of these groups as a means of punishing those whom they view as their enemies or as anti-Islam. This is what is called punishment terrorism.

* Eighthly, the easy availability of funds from innumerable sources to these organisations for strengthening their capability.

* And ninthly, the trans-national networking of the jihadi terrorist organisations which are inspired by Osama bin Laden of Al Qaeda and emulate his ideas and example.

4. As a result, terrorism came to be viewed, initially, as a para-military threat to the internal security of a nation beyond the limited competence of its police and its intelligence cells and, subsequently, as a threat to national security as a whole, internal as well as external. It was felt that the enhanced threat called for large financial and human resources and sophisticated skills in intelligence collection and analysis. It also called for counter-intelligence as applied to non-State actors and for counter-terrorism methods which involved a greater use of military means for dealing with the menace.

5. In the past, counter-intelligence in its traditional sense was defined as the specialised task of pre-empting efforts at intelligence collection, subversion and sabotage by other States, whether friends or foes. Now, counter-intelligence has acquired a new non-State dimension, which calls for a capability to frustrate the attempts of terrorist organisations, indigenous or foreign, to recruit and train new volunteers and acquire modern S&T skills and equipment for use against the State.

6. The terrorist strikes of September 11, 2001, in US territory by Al Qaeda and the subsequent collection of details of its terrorist infrastructure spreading over many countries and its united front tactics under the umbrella of the International Islamic Front (IIF) for Jihad Against the Crusaders (read the US) and the Jewish People (read Israel) formed by bin Laden in association with the jihadi organisations of South-East, South, Central and West Asia led to three important realisations.

7. Firstly, that the new terrorism, as represented by Al Qaeda and its associates in the IIF, poses a threat not only to the national security of individual nations, but also to regional and international peace and security.

8. Secondly, that the traditional counter-terrorism approach of viewing terrorism as a phenomenon, which could be prevented and controlled by better identification and redressal of grievances, better governance, better economic development and measures to win the hearts and minds of the people would be inadequate against it. This was because many of those who had taken to the new terrorism came from well-to-do families and economic deprivation and social injustice were not among the root causes of their terrorism. Some of their pan-Islamic objectives such as the creation of regional Islamic caliphates ruled according to the Sharia cannot be conceded by the international community. Hence, a more robust counter-terrorism approach to neutralise these organisations was called for.

9. And, thirdly, that the national intelligence agencies, by themselves, however strong and capable, may not be able to deal with this new threat of a trans-national nature. Hence, the need for a regional and international networking of the intelligence and security agencies to counter the trans-national terrorist network. The new terrorism calls for a revamped intelligence apparatus at the national level and a reinforced co-operation mechanism at the regional and international levels.

10. What has been the public perception of the counter-terrorism performance of national intelligence agencies before 9/11 and thereafter? Brilliant in investigation and detection after a terrorist act had been committed, but wanting in prevention has been a common complaint against the agencies in all countries confronted with the scourge of terrorism.

11. It would be unfair to the agencies to say that they are not able to prevent acts of terrorism through timely intelligence. For every successful act of terrorism, there are at least half a dozen which are thwarted by the agencies, either through timely intelligence or effective physical security. Details of many of these are often kept outside public knowledge in order not to compromise the sources or reveal the professional techniques followed by the agencies.

12. Despite this, it is natural that public opinion would judge the agencies not by their unannounced successes, but by their well-known failures. And failures there have been in plenty not only in India and other countries of Asia, but even in West Europe and North America despite their far better financial resources and technical and technological capability.

13. As examples of major intelligence failures of recent years, one could cite the assassination of Rajiv Gandhi, former Indian Prime Minister, by the LTTE in Chennai (Madras) in south India in May, 1991, the explosion in the New York World Trade Centre in February, 1993, the explosions in Mumbai (Bombay) in India in March, 1993, the explosions in Coimbatore in South India and in Nairobi in Kenya and in Dar-es-Salaam in Tanzania in 1998, the attack on a US naval ship (USS Cole) in Aden in October, 2000, the terrorist strikes of September 11, 2001, in US territory and the subsequent terrorist incidents in New Delhi and Mumbai in India (the attack on the Indian Parliament in December, 2001 and the twin blasts in Mumbai in August, 2003), Bali and Jakarta in Indonesia, Mombasa in Kenya, Casablanca in Morocco, Riyadh in Saudi Arabia, Istanbul in Turkey and Madrid in Spain. The continuing terrorist strikes by Chechen groups in Russia and the current wave of terrorist incidents in Iraq since May last year also speak of the failures of the Russian and the US intelligence. Different terrorist organisations were responsible for these incidents, but all of them had similar modus operandi involving the use of explosives, activated through either timers or remote control devices or suicide bombers.

14. The failures of the counter-terrorism agencies of these countries to prevent these incidents were due to either lack of precise intelligence or of follow-up action when such intelligence was available. Lack of precise intelligence contributed to the assassination of Rajiv Gandhi by the LTTE in 1991, the Mumbai blasts of March, 1993, the Coimbatore blasts of February, 1998, and many other similar incidents in Jammu & Kashmir and elsewhere in India. As examples of failures despite the availability of preventive intelligence, one could cite the abortive attempt to kill Rajiv Gandhi at Rajghat in New Delhi in 1987, the Purulia arms drop from air in India in December, 1995, and the attack on the Parliament House at New Delhi in December, 2001. The 9/11 terrorist strikes in the US were the result of partly the lack of precise

intelligence and partly the lack of the required follow-up action even on the little intelligence that was available to the US authorities.

15. Counter-terrorism intelligence is of three categories:

- * Strategic: This is about the organisational set-up of the terrorists, their office-bearers, aims, modus operandi, source of funds, weapons and explosives at their disposal, contacts with external elements, including foreign intelligence agencies etc.
- * Tactical: This relates to their specific plans of action. This is also called preventive intelligence, which would enable the State to frustrate their plans.
- * Psychological: This covers details of the psychological warfare (psywar) propaganda of the terrorists against the State, which need to be countered, and data relating to the terrorists, which would enable the State to mount its own psywar against them. As examples of such data, one could cite indicators of discontent against the leadership in terrorist organisations, the use of coercive methods by them for the recruitment of volunteers, misuse of children for terrorist operations etc.

16. It has generally been seen that while the coverage of strategic and psychological intelligence by the intelligence agencies has been satisfactory, their collection of tactical or preventive intelligence has left much to be desired. This has been due to difficulties in penetrating the terrorist organisations for the collection of human intelligence (HUMINT) and their communications set-up for the collection of technical intelligence (TECHINT).

17. While strategic and psychological intelligence can be collected from open sources, peripheral secret sources, interrogation of captured or surrendered terrorists and scrutiny of captured documents, precise preventive intelligence can generally be obtained only from moles in key positions in the terrorist organisations and through the interception of their communications. Occasionally, such intelligence may also be forthcoming from captured or surrendered terrorists, their couriers etc, but such instances are rare.

18. Penetration of terrorist organisations is an extremely difficult task. It is easier to penetrate the sensitive establishments of an adversary State than a terrorist organisation. It poses ethical problems, which are not appreciated by public opinion. If an agency plants a mole in a terrorist organisation, its leadership would first ask him to carry out a killing or some other similar act to test the genuineness of his adherence to its cause and his motivation. If the source comes back and asks his handling intelligence officer whether he should kill in order to establish his credibility in the eyes of the organisation's leaders, the handling officer would be faced with a dilemma. He can't tell his source: "Go and kill so that we can prevent other killings in future." Setting a thief to catch a thief may be permissible for security agencies under certain circumstances, but committing a murder to catch a murderer is definitely not.

19. There is another way of penetration--by winning over and recruiting terrorists, who are already accepted members of the terrorist organisations. To be able to successfully do this, the recruiting officer should preferably be from the same ethnic or religious group to which

the targeted terrorist and his organisation belong. Intelligence agencies often tend to avoid the recruitment of operational officers from the ethnic or religious group, which has given rise to terrorism, and this comes in the way of penetration by winning over a terrorist already in the organisation.

20. There cannot be a regular flow of preventive human intelligence without the co-operation of the community to which the terrorists belong. Such co-operation is often not forthcoming, particularly in respect of jihadi terrorist organisations. Feelings of religious solidarity and fears of being perceived as betraying the cause of Islam by co-operating with the intelligence agencies come in the way of help from law-abiding members of the community.

21. Penetration of their communication set-up is the other way of collecting precise preventive intelligence. In the past, terrorist groups relied mainly on couriers for communications. This made the penetration difficult unless the courier was caught and interrogated. However, with the expansion in the area of operations of terrorists and their external networking, they have increasingly been resorting to modern means of communications such as telephones, fax, the E-mail, the use of the World-Wide Web etc. This makes them vulnerable to detection by the intelligence agencies, provided the latter could break their codes and get some details of their communications drill.

22. Many successful post-1990 counter-terrorism operations all over the world could be attributed to successful communications interceptions. But, even this is now becoming difficult due to the availability in the market for anyone with money of sophisticated concealment, deception and evasion technologies and the reluctance of the political leadership, the judiciary and human rights organisations to admit the need for the updating of our laws and procedures relating to communications interceptions in order to empower the intelligence and security agencies to deal with the new situation and to deny to the terrorists and other law-breakers the benefits of these technologies.

23. Terrorists too continuously learn from their failures and keep changing their modus operandi in order to frustrate the efforts of the intelligence agencies to collect intelligence about them. The successful use of TECHINT by the US for the arrest of some senior operatives of Al Qaeda in Pakistan during the last two years has made the jihadi terrorists more cautious in the use of modern communication gadgets such as the satellite and mobile phones and adopt better communication security procedures. One sees the results of this in Iraq.

24. The Iraqi resistance and foreign jihadi terrorist cells in Iraq avoid identifying themselves by any name, do not issue fatwas and threats like Al Qaeda and other jihadi organisations do, do not make claims of success, do not indulge in propaganda and publicity and avoid using modern means of communications, including the Internet. The result: the US agencies have been groping in the dark in their efforts to identify their real enemies and monitor their activities.

25. Barring the encounter which led to the deaths of the two sons of Saddam Hussain and the capture of Saddam himself, the US operations in Iraq till now have been marked more by intelligence failures than successes. Having had no physical presence in Iraq between 1991 and 2003 except in the Kurdish areas to the north, they are unable to collect HUMINT of even a peripheral nature. One cannot overnight create a network of human sources. It requires many months of study of the area and interactions with its people before a break-through can be hoped for.

26. Intelligence agencies themselves are conscious of their inadequacies and of the gaps in their knowledge. They are making unpublicised efforts to improve their capability and performance. Better human material with language skills and knowledge of the cultures of their non-State adversaries are being recruited. Better training methods are being used, with the agencies of different countries helping each other in producing better trained operators and analysts.

27. There is an awareness that training methods and tradecraft evolved over the years for collecting intelligence about other States with rational, predictable behaviour would not do for the collection of intelligence about non-State actors, with irrational, unpredictable behaviour. The need to build a core of analysts who could think unconventionally like the terrorists often do and visualise various scenarios is now understood.

28. A determined effort is being made to associate more scientists and technologists with counter-terrorism. An Indo-US Workshop on the use of S&T in counter-terrorism held in Goa in India in January, 2004, is but one example of such determination. More resources are being allocated for strengthening the counter-terrorism capability of the intelligence agencies.

29. The results are already evident in the capture of Abu Zubaida, Ramzi Binalshibh, Khalid Sheikh Mohammad and Walid bin Attash of Al Qaeda and Hambali and his brother Gungun of the Jemaah Islamiya (JI) of South-East Asia during the last two years, the disruption of the command and control of Al Qaeda, which is disorganised, though not yet defeated and the unearthing of the clandestine cells of jihadi organisations allied to Al Qaeda in the IIF in India, the US (the detection of a cell of the Lashkar-e-Toiba) and other countries. Clandestine remittance of funds for terrorists has been made more difficult.

30. Despite this, failures there have been and failures there will be. No intelligence agency in the world, whatever be its human and material resources and its technical and technological capability, can claim or hope to be all-knowing. Intelligence agencies were never all-knowing even in respect of conventional State adversaries. They cannot be expected to be all-knowing in respect of their unconventional non-State adversaries.

31. The resulting gap has to be made good by better analysis and utilisation of the available intelligence, however sparse it may be, better co-ordination amongst different agencies of the intelligence community, better physical security and better international co-operation. Many breaches of national security occurred in the past and continue to occur today, not for want of intelligence, but due to poor analysis of the available intelligence and inadequate follow-up action on it and co-ordination.

32. The still on-going enquiries in the US into the performance of the intelligence agencies in the months preceding 9/11 have already highlighted the weak analytical capability of the US intelligence and law-enforcement agencies in the field of counter-terrorism, their lethargic follow-up action and their persisting habit of keeping each other in the dark about what they knew and their anxieties. Questions which should have been posed, for example, as to why so many Arabs, with no commercial flying background or aspirations, were undergoing training in commercial flying, were not posed strongly enough by the analysts and an answer sought. Immigration alerts were treated casually. The Central Intelligence Agency (CIA) and the Federal Bureau of Investigation (FBI) did not share with each other all that they knew or talk to each other about all that was preoccupying them.

33. Such deficiencies are not something unique to the US. They are there in all countries of the world, including India, and the terrorists notice and take advantage of them.

34. The post-mortem in the US on the suicide attack on the US Marines in Beirut in the early 1980s brought into practice new principles of counter-terrorism management and co-ordination. Those were based on a recognition of the fact that there has been a globalisation of terrorism, that this menace can no longer be dealt with effectively if each agency of the intelligence apparatus operates independently from inside its own cocoon and that, therefore, there is a need for a multi-agency set-up under a common leadership.

35. Amongst the various models of multi-agency set-ups under a common leadership, which started functioning in the world, one could cite the Counter-Terrorism Centre (CTC) of the US, which consisted of experts from different agencies working under a common roof, with a common data-base and under the common leadership of the Director, CIA, in his capacity as Director, Central Intelligence, and national intelligence adviser to the President.

36. The CTC had experts from the CIA, the FBI, the Defence Intelligence Agency (DIA), the National Security Council Secretariat, the Pentagon, the State Department, the Police, the Immigration and the Attorney-General's office. They were supposed to jointly evaluate all terrorism-related intelligence, identify the gaps and advise the Director, Central Intelligence, on the action to be taken on the available intelligence and to fill up the gaps. Counter-terrorism experts in the US used to say that this did improve co-ordination and results.

37.If, despite this, 9/11 occurred, it was partly because the CTC, like the agencies constituting it, had its attention focussed on likely threats to US nationals and interests abroad and paid inadequate attention to likely threats inside US territory. The creation of the Department of Homeland Security in the US and the implementation of various new co-ordination and physical security measures are meant to remove this deficiency.

38.Intelligence collection, physical security and crisis management are the three important components of counter-terrorism management. If the intelligence machinery fails to provide early warning about an apprehended act of terrorism, the physical security apparatus should be effective enough to thwart the terrorists in their attempts to indulge in terrorism even without advance warning. In the event of both the intelligence and the physical security mechanisms failing, the crisis management infrastructure should be able to cope with the sequel. On 9/11, while the intelligence and physical security apparatus failed in the US, the crisis management machinery performed commendably, without letting itself be paralysed into inaction by the trauma of the terrorist strikes.

39. The developing international co-operation post-9/11 has been at the political as well as the professional levels, at the multilateral as well as the bilateral levels. Regional organisations such as the European Union (EU), the SAARC and the ASEAN have made counter-terrorism a principal point of their preoccupation. New organisations such as the Shanghai Co-operation Organisation have given the required political guidance to the nuts and bolts professional co-operation.

40.At the multilateral level, the UN and other international organisations have been more active than in the past in giving shape to the developing international counter-terrorism co-operation. On September 12, 2001, the UN General Assembly, by consensus of the 189 member-states, had called for international cooperation to prevent and eradicate acts of terrorism and to hold accountable the perpetrators of terrorism and those who harbor or support them. The same day, the Security Council unanimously determined, for the first time ever, any act of international terrorism to be a threat to international peace and security. This determination laid the foundation for Security Council action to bring together the international community under a common set of obligations in the fight to end international terrorism.

41.On September 28, 2001, the Security Council unanimously adopted resolution 1373 under Chapter VII of the UN Charter. This established a body of legally binding obligations on all member-states. Its provisions require, among other things, that all member-states prevent the financing of terrorism and deny safe haven to terrorists. States were asked to review and strengthen their border security operations, banking practices, customs and immigration procedures, law enforcement and intelligence cooperation, and arms transfer controls. All states are required to increase cooperation and share information with respect to these efforts. The Resolution also called upon each state to report on the steps it had taken, and established a committee of the Security Council to monitor implementation.

42.The networking at the professional level is even more important than that at the political level. Such professional networking has to be at the multilateral as well as bilateral levels. The multilateral networking would take care of development of appropriate concepts, technologies and data bases, mutual legal assistance in dealing with terrorism, exchange of training facilities etc. For this purpose, the creation of a separate International Counter-Terrorism Organisation (ICTO) is necessary, jointly funded, staffed and led by the members of the

international coalition against terrorism.

43. Sensitive operational co-operation has to be at the bilateral levels and cannot be the subject of multilateral discussions since leakages could come in the way of the effectiveness of such co-operation, which may involve ideas such as the mounting of joint operations to penetrate terrorist organisations to improve the quality of available HUMINT.

44. Trans-national intelligence co-operation has three aspects: Making available training facilities to each other; sharing of intelligence collected independently; and joint operations for the collection of intelligence through penetration and for neutralising terrorist organisations identified as common enemies.

45. The sharing of training facilities has made satisfactory progress. Intelligence-sharing has also improved though not to the desired extent. However, there is still considerable mental resistance to the idea of joint intelligence operations. Political and subjective factors such as one nation's terrorist being another's freedom-fighter and one nation's state-sponsor of terrorism being another's strategic ally against terrorism continue to come in the way of joint operations. So long as such mental resistance continues, trans-national intelligence co-operation would remain half-hearted and only partially effective. The terrorists and their State-sponsors would be the beneficiaries.

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