

## **DELICATE BALANCES**

The war on terror raises certain challenges on the liberal democratic countries; on the speeches of the Israeli Supreme Court president (Aharon Barak); it looks like fighting with a single hand while the other one is tied on the back. If the battle against terror ruins or opposes the basic principles of the democratic countries then the terrorists prevail; which means that terror combating policy in the democratic Countries and in a world's order that in it's way for globalization, where democracy is evaluating standard should try to achieve balance between effectiveness and compensation of other values representing the base of the social contract in the democratic societies. Nevertheless, the acceptance status, beside the effectiveness, as two standards that should be "balanced" in the battle against terror "encourages the opinion advocating that the problem definitely includes qualities between our values and security". In other word, "effectiveness" is a relative term and the mere reduction or prohibiting the terror's attacks is not – and should not – be the only action for the effectiveness of response; the argument that rule of law leads to decrease of terror combating effectiveness through, for instance, allowing defense for those charged on terror's crimes; doesn't cover the larger context that war on terror should work within. The rule of law could be an effective means in maintaining the democratic values in the face of terror's dangers, attacks, organized campaigns and on staying firm on the procedures and democratic principles. Democracies are spreading a form of credibility and determination facing those who wish to demolish the system itself that makes them democratic in the first place; this is also why the poll during crises is misleading potential wise; moreover, it's a dangerous practice as it opens the way before justifying the extreme procedures and self defeating policies under the name of public claims for security on the account of liberty; terror is designed to drag people towards supporting the violent and oppressive responses in order to encourage attraction to the cause and enlarge the supporting circuits; in the autocratic and comprehensive systems,

people doesn't have opinion on this regard; thus such political variant can not be subject to fraud by terrorists, determined to raise oppression.

One of the analysts uses the puzzle's metaphor, asserting that knowledge of how making the balance between variant values, mostly contradicting, represents an impasse that needs a solution<sup>3</sup> this is a suitable metaphor as puzzles, some times, got several solutions, depending on how the problem is tackled. (refer to introduction). Some time a single act should be done before being followed by another or otherwise several acts could be done in harmony as undertaking each separately would not provide solution. Such "delicate balances" includes balance between:

1. Collective security and individual liberty
2. Necessity and Relativity: Dual problems capitalized in over-reaction and lessening certain hazards and aspects of weaknesses.
3. Need for practice confidentiality and political & accountability transparency.
4. Freedom of expression and freedom of threatening and intimidation.
5. Requirements of Security and legal activities regarding rising of funds and money exchange.
6. Need for strict customs, borders control, promoting free trade and free movement for goods and services cross-borders
7. Promoting international trade, economic development, self-sufficiency for developing countries, traditional arms control, proliferation of weapons of mass destruction, spreading of other dangerous technologies.
8. State building demands, democratization, markets liberalization in poor countries and those on transition from autocratic rule to democracy, maintaining stability, respecting the cultural and political sensitivities within the targeted State.
9. Promoting the universal human rights and respecting the religion and cultural differences.

Maintaining such delicate balances is not an easy task; it's obvious that there are many obstacles facing the solution of these impasses for the benefit of the policy and decision makers, as previous chapters have tried to demonstrate. If we took them together; it's obvious that they go beyond a simple division of dual branches between the criminal justice and war's model; or between the democratic acceptance and the effectiveness. The method of how such delicate balances are developed in the universal arena and how it affects the national or internal terror combating policy, would determine, to big size, whether the danger of terror would successes in dictating the nature of democratic governance; the basic choice lays actually between a comprehensive approach admitting the full extension of the choices and comprehends when any of them would be used, how and to when. (Ref. to table Page 247) ; and the reduced approach that focuses, exclusively, on one choice and remains blind towards other choices.

### **UNIVERSAL GOVERNANCE AGAINST UNIVERSAL WAR**

The "Governance" points to groups of rules, decision making procedures and the programmed activity helpful in identifying the social practice and in guiding the interactions of those participating in the activities. The "Universal Governance" points to international rules, the procedures and programs the institution of which is completed in exemplary way as legal rules within the international organizations such as World Trade Organization, European Union, European Security and Cooperation Organization, The United Nations and Agencies of the same. The examples including:

- Refuges identifying
- Immigration laws
- Borders and Customs Measures
- Sustainable Development
- Environmental Protection

- Control of International Trade, Investment and Foreign Aids
- Human Rights and Minorities Rights (Individual and Collective Rights)
- Rule of Law
- Rules of War
- Peace making/keeping
- Disputes Resolving

The second chapter has depicted the set of international conventions on terror fighting that established along the many past decades in order to compel each State to adopt national legislation reflecting the contents of these conventions; the other chapters indicate that all the fields hereinabove mentioned are suitable for terror fighting<sup>4</sup>.

The challenges of terror fighting in the present international environment are clear; the spread of the effective parties on local, regional, national and international and the failure of the groups to act through a set of borders in a complicated structure of changes and probabilities, makes the environment where terror would take place, a complicated environment ; launching a world war against terror limited the response on certain mentality for which “the reasoning of September 12<sup>th</sup>” is a main example for it; if you are using a hummer you would see every thing a nail; and if you are using the military power and principle of preventive war you would see every challenge a ready enemy; contrary, the universal governance requires flexibility and cooperation through the numerous partitions characterizing the today’s world; it provides a framework that the effective parties in the state and the opposition parties as sell can work within; they raise challenges for sure but provide orientation and sense of a common purpose. As for the dictatorships and autocratic systems, the war on terror, they do not raise the same set of challenges. In the light of the closed nature of their political systems and societies; they can invent their own laws as the Nazis have done, ignoring the external world and the governance mechanisms that carefully installed as Myanmar (Burma) is doing nowadays;

there was not too much anti-state terror in the Soviet Union, including the remarkable approach during the periods of (glasnost) and (perestroika).

The terror fighting is an easy thing in the autocratic systems; requires only to close borders (for both citizens and aliens alike); oppressing the whole political and social opposition, providing social and economy incentives for reporting Neighbors and dissidents, establishing secret police to control the whole aspects of social and political life, centralizing the economy and inventing the national self sufficiency policy, controlling the information and denying the social visions and other party's opinion; in brief, creating an era of terror and turning into a state of terror resists or disturbs the international governance in each possible opportunity; the result is compromising the security of the mother country through autocracy & isolation.

As for democracies, the terror's fighting will be always more difficult as the states are required to respect the rule of law, signing all international conventions against terror, relevant acts, endorse and bind by the same, extraditing or prosecute the suspect terrorists, participating in the international legal systems that controlling the commerce, aids & financing, arm control, weapons of mass destruction proliferation, completing the police, military and legal control on terror (practicing the "firm power") through economic, social, cultural and environmental procedures address the root causes of the political, social and religion grievances (practicing the "soft power"); to work internally and internationally to reduce the gap between the rich and poor people and countries in order to create a better world for all human beings. in brief, to create a system established on the bases that encourage and enhance democratic systems and global governance at all any every possible opportunity; the result is home country security through the multiplicity, multi centers cooperation.

The choice is clear; if the easy path is adopted in fighting the terror, the causes of those fanatics, enthusiastic and inflexible pros who claim that their terror and violence is a legitimate response for the oppression. However, if the hard way in fighting the terror is adopted such believes will be eventually destroyed amid enormous majority of people, isolating the fanatics and hardliners and brining them to justice would be mush easier, weakening the radical societies that provide them with support. The key work in this regard is “CONSEQUENTLY” The short term solutions and “fast remedies” may be a success for a while, till the next terror’s attack or next terror’s movement; but if they were the long term efforts; the effects would sustain for a period far longer.

If the hard path is chosen, the main opportunities for effective international response towards terror reside in the factors itself that produce challenges; for instance the private sector could become partner in terror fighting and crisis management provided conformity of the same standards as on the governments and states: accountability, respect rule of law, transparency (later on if not during the crisis); the Internet could be a source of early warning and means of prompting the general comprehension for the dangerous in today’s disturbed world. The ethical paranoia condition created by paranoia’s instigators whether in governments, information or the terror supporting circuits, can be band or at least decreased. the biggest challenge that facing the terror fighting in today’s compound world capitalized in avoiding simplicities that were prevailing easily in the bipolar world- preferred too much by autocratic systems- and in rationally and efficiently dealing with the complication’s aspects that we are facing; that might not be easy but for sure it’s not impossible. The comprehension for the larger political, economical, social and cultural issues that represent the base of the delicate balances that we but it’s headlines and discussed in the previous chapters could help eventually in realizing the universal unanimity on a comprehensive strategy for terror fighting a viable issue.