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## **CHINA'S COUNTERTERRORISM LAW: A NEW PEOPLE'S WAR AGAINST TERRORISM**

*Most developed countries in the world, of various political or religious persuasion, are suffering from violent, militaristic attacks against the state and innocent citizens, especially since the conflagration in Iraq and Syria in 2014. To maintain the sanctity and security of their State and progress towards further beneficial socio-economic development, States are increasingly required to devote financial, human and military resources into counterterrorism measures. This paper examines the legislative changes to enhance contingencies for counterterrorism introduced by the People's Republic of China in 2016, and responds to western world criticisms of the provisions of the measures. The new law is analyzed in detailed and then set against similar legislation in western countries to compare the scope and ethos of relevant statutes and regimes. The actual provisions of the legislation appear to be in a "like-for-like" format although differences in political and societal context should be factored in to establish the eventual outcomes of the legislative objectives.*

**Key words: China, terrorism, counterterrorism law, people's war**

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## 1. Introduction

Terrorism is the common enemy of mankind that endangers the world. The People’s Republic of China (PRC) made a major step in the process of combating terrorism when, on January 1 2016, the Counterterrorism Law (CTL) was put into effect. Before the promulgation of the CTL, China did not have counterterrorism legislation, though related provisions feature in the Criminal Law, Criminal Procedure Law, Emergency Response Law, as well as various National People’s Congress Standing Committee decisions. China was also facing an increasing number of terrorist attacks for example, three people were killed and 39 others injured when a sports vehicle plunged deliberately into crowds near the Tian’anmen Square in Beijing on October 28, 2013; and 31 people were killed and 141 injured by knife-wielding assailants at a railway station in Kunming City, Yunnan province on March 1, 2014 (Liu, 2015, March 13). The ever-growing threats from terrorist and separatist attacks made it necessary for China to review relevant legislation.

Although this article will be examining CTL in China, it is important to place these changes within a global perspective to identify the potential level of threats and the measures that other countries have placed on their citizens and so-called “foreign fighters”. The threats from home-grown terrorists have been called *the enemy within* (Beckley, 2014) and this phenomenon has been examined by several observers. For example, in 2014, an estimated 15,000 foreign fighters from 80 countries were fighting on behalf of ISIS (Islamic State of Iraq and Syria) in Syria and Iraq (Wroe, 2014, October 14). In 2015, the number of foreign fighters was 30,000 (Schmitt & Sengupta, 2015), but recently numbers have been reducing, and research is highlighting the mental health issues and the difficulty of rehabilitation in returning fighters (Entenmann, van der Heide, Weggermans & Dorsey, 2015). Foreign fighters were identified as one type of “enemy within” of the three types discussed (Roessler, 2011): (i) “Jihadists” attending foreign conflict, dubbed foreign fighters in Australia (Allard, 2014, October 24), fighting for ISIS in Syria and Iraq; (ii) Protagonists who work entirely on their own are sometimes called a “lone wolf” or “low-tech, lone actor” operative (Bakker & de Graaf, 2011). (iii) A “self-starter cell” (Goodwin & Gaines, 2009). The types of attack in (ii) and (iii) are often called “black swan” events, that is they are not foreseen and, consequently, more difficult for security authorities to prevent them happening (Pate-Cornell, 2012). It is necessary for states to protect their citizens against all these and other emerging terrorist threats.

The CTL declares that China opposes all forms of extremism that seek to instigate hatred, enflame discrimination and advocate violence by distorting

religious doctrines and other means, to eliminate the ideological basis for terrorism. The CTL for the first time in Chinese legislation gives a definition to terrorism and stipulates the leading bodies, principles, penalties, and other provisions related to prevent and investigate terrorism. The promulgation of the CTL is a milestone in the cause of combating terrorism in China that may also have some impact on counterterrorism operations worldwide, and while most Chinese scholars and statesmen applauded the CTL, a number of countries and enterprises had voiced concerns about certain provisions in the law.

In 2015, US President Barack Obama expressed concern that China’s CTL might force foreign technology groups to provide the Chinese government with “back door” access to their products and other sensitive information (Shen, 2015, December 30). US State Department spokeswoman Gabrielle Price asserted that the CTL “would lead to greater restrictions on the exercise of freedoms of expression, association, peaceful assembly, and religion within China” (Li, 2015, December 24). Such opinions were refuted both by Chinese spokesmen and scholars. Hong Lei, Chinese Foreign Ministry spokesman, explained that the CTL “will not restrict companies’ lawful operations, nor will it leave a backdoor open or infringe on companies’ intellectual property rights and citizens’ freedom of expression online” (Li, 2015, December 24). He emphasized that the US should respect China’s normal legislation rather than apply “double standards”. Shen Dingli, a professor at the Institute of International Studies, Fudan University, also commented that Washington’s accusation of the CTL of “infringing on freedom of speech, without referring to its own actions, is solid evidence of its double standard” (Shen, 2015, December 30); this thought was reiterated in *Japan Today* (Romaniuk and Bobic, 2016). Li Wei, an expert on counterterrorism at the Chinese Institute of Contemporary International Relations, even considered Price’s statement as groundless and commented that “It fails to separate extremism from normal religious activity and blurred the issue with freedoms of speech and religious belief” (Li, 2015, December 24).

In fact, China has studied the US and European Union laws in the CTL which requires technology firms to assist state security authorities to prevent and investigate terrorism. Many states have made clear in their legislation the obligations of internet operators and service providers to assist counterterrorism needed and the US *Communications Assistance for Law Enforcement Act* is a case in point. This argument was strengthened by referring to the worldwide surveillance by the US National Security Agency (NSA) and US intelligence agencies’ collusion with Internet firms, which was revealed by former NSA contractor Edward Snowden (Shen, 2015, December 30).

Regardless of political and ideological divergences, it seems that the arguments of the Chinese spokesman and scholars outweigh the concerns from some observers in the western world. It is evident that China has followed some western countries as examples in legitimating anti-terrorism cooperation with all relevant technical enterprises, to safeguard social stability and their lawful business activities as well. Furthermore, terrorism is a common threat faced by all humankind; there is no reason to accuse a government's fast determination to eliminate terrorism by all legalized means. The following sections will analyze the major content of the CTL and outline the impacts it will have on China's future counterterrorism operations. In a later section the provisions will be compared with relevant legislation in several western countries.

## **2. Defining terrorism in a broad sense**

The CTL defines terrorism as “any proposition or activity - that, by means of violence, sabotage or threat, generates social panic, undermines public security, infringes personal and property rights, and menaces government organs and international organizations - with the aim to realize certain political and ideological purpose” (Liu, 2015, December 24). According to the CTL, terrorist activities refer to:

- (1) Organizing, plotting, preparing to commit, or committing activities which cause or intend to cause casualties, grave loss of property, damage to public facilities, social disorder and other serious social harm.
- (2) Preaching terrorism, instigating to commit terrorist activities, or illegally possessing articles propagating terrorism, or coercing others to wear costume or symbols propagating terrorism in public places.
- (3) Organizing, leading or joining in terrorist organizations.
- (4) Providing terrorist organizations, terrorists, the implementation or training of terrorist activities with information, funds, materials, labor services, technology, places and other support, assistance or convenience.
- (5) Other terrorist activities.

This CTL gives terrorism a definition in a broad sense which may include any activity associated with terrorist organizations or terrorists. From the research of the definition of “terrorism” contained within statutes in some states (including Terrorism Act 2000 and Counterterrorism and Security Act 2015, UK; Criminal Code Act 1995, Australia; USA Patriot Act 2001, succeeded by USA Freedom Act 2015), it is found that the constituent parts of the definition are substantially the same globally.

### **3. Stipulating principles for counterterrorism**

As a strategic countermeasure, the CTL stipulates that the state shall establish a National Counterterrorism Leading Body (NCTLB) to lead counterterrorism work nationwide. Under the NCTLB, local counterterrorism leading bodies are to be established within local people’s governments at or above the level of a city or county. The local leading bodies are responsible for leading counterterrorism tasks in their respective regions under the leadership and command of their higher levels. The CTL, however, does not stipulate to whom the NCTLB should be subordinated.

According to the power structure of the Communist Party of China (CPC), it is anticipated that the NCTLB will be under the direct leadership of the State Security Committee (SSC). The SSC was established on November 12, 2013, currently chaired by PRC President Xi Jinping; figure 1 illustrates the structure of the counterterrorism leading bodies of China. Through such a hierarchic structure, the CPC ensures its strong unified leadership over the counterterrorism work nationwide so as to safeguard the political and social security.

The CTL defines counterterrorism as a national security strategy that requires implementing comprehensive policies and tactics to address both symptoms and root causes. Such policies and tactics involve political, economic, legal, cultural, educational, diplomatic, military, and other means. Specifically, the CTL stipulates three principles for counterterrorism that may bring some inspiration to other countries. These principles include: (i) Combining specialized forces with reliance on the masses; (ii) Giving priority to prevention of terrorism; (iii) Gaining the initiative by striking the first blow. Combining specialized forces with reliance on the masses is a tradition of the CPC in implementing the mass line in fighting crime (Li & Beckley, 2017). According to the CTL, the specialized forces include the public security organs (PSO), the People’s Liberation Army (PLA), the People’s Armed Police (PAP), militia organizations, national security authorities, courts, prosecution organs, prisons, and other relevant state organs. The “masses” include both ordinary citizens and mass organizations such as villagers’ committees, companies, schools, hospitals, and other non-state organizations.

The principle of giving priority to prevention is stipulated in Chapter 1 as one general provision. At the very beginning of Article 1, it declares that the objective of the CTL is to “prevent and punish terrorist activities”. The CTL comprises 97 Articles in 10 Chapters with Chapter 3 as a section with 26 articles focusing on preventative measures. Such measures involve education, technology, security checks, special substances control, finance control, prison and community correction, targeted institution protection, and public facility protection.

The CTL conveys the idea that preventing the occurrence and harm of terrorist attacks always outweighs punishing terrorists when the harm has been done.

However, the principle of giving priority to prevention alone cannot completely control terrorism. The CTL upholds that the principle of “gaining initiative by striking the first blow” should also be followed (Article 5). This means that preventing terrorism should be combined with punishing terrorism. Promptly stopping or striking at terrorist activities is an effective way of preventing terrorists from generating further harm to citizens and society. The CTL requires that PSO shall, in a timely action, stop anyone that preaches extremism or makes use of extremism to jeopardize public security, disturb public order, and infringe the rights of person and property. Once upon the PSO find extremist activities, they shall order those extremists to terminate immediately, forcibly take them out of the scene and register their identity, confiscate relevant articles and materials, and seal up those places where illegal activities are being conducted.

#### **4. Roles of state organs, social organizations, and individuals**

According to the principle of combining specialized forces with reliance on the masses, the counterterrorism task in China is a concerted performance involving state organs, social organizations and individuals. Among those state organs, the PSO shoulder the main tasks, since they are the largest police force in China performing major functions for maintaining social order and security. The PLA, the PAP and militia organizations provide assistance in an emergency and other state organs shall, in accordance with the law, effectively implement their powers and duties. Social organizations and individuals are obligated to provide assistance and cooperation with police and other relevant state organs in preventing and combatting terrorism.

##### *4.1. The role of state organs*

In the Chinese policing system, the PSO shoulder the major responsibility in safeguarding the security of the society. According to Article 8 of the CTL, the PSO enjoy not only investigative powers stipulated in the Criminal Procedure Law, but also special powers to obtain technical support from Telecommunications operators and Internet service providers for preventing and investigating terrorist activities. They also have the power to order Internet service providers to delete relevant terrorist or extremist information on the websites or close those

websites. They are also empowered to investigate and control crimes related to firearms or any other weapons, ammunition, explosives, infectious pathogens, or any other dangerous chemicals. Once upon discovering any extremist or terrorist activities, they shall stop them without any delay regardless of whether actual harm has been generated. Article 62 authorizes the use of force against persons who possess firearms, knives, or are using other dangerous methods when committing or attempting to commit violent acts, where warnings prove ineffective. Lethal force may be used directly by police without any warning in emergency circumstances or where giving a warning might cause more serious harm.

Furthermore, PSO and national security authorities, with the approval from the State Council and with agreements from concerned countries, are empowered to send personnel overseas for counterterrorism missions. The PLA and the PAP, as approved by the Central Military Commission, may also carry out counter terrorism operations overseas. The CTL also stipulates that related departments, authorized by the State Council, may cooperate with overseas governments and international organizations in holding policy dialogues, exchanging intelligence, enforcing the law and supervising international funds.

In preventing terrorist attacks, the PSO shall, together with other relevant authorities, determine key targets that are likely to be attacked by terrorists and report to the counterterrorism leading body at the same level for recording purposes. Furthermore, the PSO and relevant authorities are required to have a good knowledge of the basic information and important trends of those key targets, guiding and supervising the management units in fulfilling duties and responsibilities of defending against potential terrorist attacks. The PSO and the PAP jointly bear responsibilities for safeguarding, patrolling and inspecting those key targets. Preventing countermeasures also extend to national border patrolling and exit/entry checking. Upon identifying persons suspected of terrorist activities, the relevant authorities have the right to stop or deny their entry, even detain the person and seize articles, then immediately transfer them to the PSO or state security organs.

To prevent terrorism, the CRL also puts stress on rehabilitating individuals suspected of terrorism or radicalization. According to Article 29, if the circumstances are not serious enough to constitute a crime, the PSO have duties to organize relevant social organizations, such as villagers' committees, schools, or family members, to educate and assist those individuals being coerced or induced to participate in certain extremist or terrorist activities and encourage them to desist. Even for those terrorist or extremist convicts, prisons, jails and community correction agencies shall also strengthen educational measures to help them back into normal society.

In addition, the CTL requires local governments at all levels shall satisfy the requirements for counterterrorism work when they are making urban and rural development plans (Article 27). One case in point is that the law requires local governments to organize and urge the relevant construction entities to install public security surveillance video systems and other technical and material defense facilities for guarding against terrorist attacks on main roads, transport junctions and major public areas. The collected video and image information shall be preserved for no less than 90 days.

#### *4.2. The role of social organizations*

Social organizations refer to non-state entities that include villagers' committees, citizens' committees, companies, schools, transport companies, post, logistics operators, telecommunications, internet services, and other registered service providers. Some social organizations are under indirect leadership of local governments but they are not recognized as being public organs by law.

According to the CTL, all social organizations are obligated to assist and cooperate with the state organs in preventing and investigating terrorist and extremist activities. To be specific, financial institutions and specific non-financial organizations should, without delay, freeze the funds or assets of terrorist organizations and individuals identified by the NCTLB, and report to the PSO and other relevant state organs in a timely manner. Schools and vocational training institutions are responsible for disseminating knowledge about preventing and responding to terrorist activities in their courses. Press, Internet, television, culture, religion, and other relevant entities shall also conduct pertinent counterterrorism education to the public. Villagers' and citizens' committees at rural areas and urban communities shall assist governments in enhancing counterterrorism publicity and education. Postal entities, express delivery entities, and other transport companies are responsible for checking clients' identities and the security of goods to be transported or delivered, registering information of their clients and articles to be delivered. Prohibited articles, articles with serious potential safety hazards or articles for which clients refuse to be examined shall not be transported or delivered.

Telecommunications and Internet service providers are required to play more technical roles in providing assistance in fighting terrorism. For the purpose of crime prevention, they are responsible for monitoring terrorist and extremist information within their business operations. They are obligated to put into practice network information supervision rules and technical measures to avoid the dissemination of terrorist or extremist information. Once discovering



any information with terrorist or extremist content, they shall immediately block the transmission, preserve relevant records, delete relevant information, and report to public security authorities or the relevant departments. In the course of investigation, they have responsibilities to provide technical interface, decryption and other necessary technical support and assistance to public security authorities and national security authorities.

### *4.3. The role of individuals*

Individuals are a third force that the CTL requires to play their incumbent roles in controlling terrorism. In countering terrorism, all individuals have the obligation to not only responsively assist and cooperate with, but also actively report any suspected terrorists, terrorist activities, materials or information advocating terrorism to the relevant authorities. Individuals can also be organized into volunteers to participate in counterterrorism rescue work, and provide expert services if they can.

The CTL stipulates that individuals should not fabricate or disseminate false terrorist incident information, not publicize cruel, inhumane scenes of a terrorist incident, not disseminate operational details of terrorist activities that may be imitated, and not disseminate any information of the responding personnel, hostages and responding actions related to a terrorist incident. In addition, individuals shall not illegally manufacture, store, transport, sell, purchase, or even possess firearms and other weapons, ammunition, explosives, and other dangerous chemicals. If any individuals discover any of these articles, they shall immediately report to the PSO.

## **5. Penalties (Criminal, Administrative, and Disciplinary Penalties)**

The CTL declares that the State fights against any forms of terrorism, legally bans terrorist organizations, and in accordance with the law, pursues the legal liability of anyone who commits terrorist activities. Neither shall the state make concession to any terrorist organizations or individuals, nor offer asylum or give refugee status to any terrorists. According to the Amendment IX of the Criminal Law of the PRC, not only those who organize, lead or participate in a terrorist organization but also whoever provides aid in any form to terrorist activities or distribute terrorism-related materials, symbols or information shall be punished.

The CTL further stipulates that any entities and individuals who fail to cooperate with the state authorities in preventing and investigating terrorist and extremist activities shall also be punished, though such punishments are more administrative than criminal in nature. To be specific, for instance, where a financial institution fails to immediately freeze capital or other assets of organization's or an individual's that the NCTLB has announced that they are terrorist organizations or terrorist activity personnel, the PSO may give that institution a fine, this can be between 200,000 to 500,000 yuan, and a fine no more than 100,000 yuan to directly responsible board directors, high level managers and other directly responsible personnel; where circumstances are serious, the fine given to the institution may be more than 500,000 yuan; and directors, managers, and other directly responsible personnel may be given a fine up to 500,000 yuan, and with 5-15 days' detention. Similar punishments may also be applied to telecommunications operators, internet service providers, railway companies, or other entities, and individuals, though the fine given may be lighter and detention is not stipulated to all. Furthermore, whoever obstructs the PSO, the PLA, or PAP lawfully performing their duties, is given harsher punishment.

Penalties may also be applied to personnel working in counterterrorism leading bodies and relevant departments if they abuse their power, neglect their duties, misuse their power for personal benefit, or have other misconducts such as disclosing state secrets, commercial secrets or individuals' private information. Where a crime is constituted, criminal responsibility shall be pursued in accordance with law; where no crime was constituted, a corresponding sanction shall be given. The CTL stipulates that all entities and individuals have the right to report or make an accusation of any conduct violating laws and discipline committed by personnel in state organs performing counterterrorism work to a competent department. On receiving a report or accusation, relevant departments shall handle the matter in a timely manner and give feedback to the informant or accuser.

## **6. Guaranteeing and protecting measures**

Financial support and assurance is indispensable for winning the war against terrorism. The CTL stipulates that costs for counterterrorism work shall be placed within the financial budget of the State Council and local governments at the county level or above. The State will particularly give necessary financial support to key counterterrorism areas for dealing with large scale terrorist incidents. The State also encourages and supports counterterrorism research and technical innovation, aiming to develop, and promote advanced counterterrorism technology and equipment.

Providing economic compensation and relevant treatment is also a necessary guarantee for encouraging all forces to fight against terrorism. The CTL stipulates that the State will grant compensation to anyone who is disabled or relatives of deceased person having implemented or assisted to implement counterterrorism tasks. Where the legitimate rights of an institution or a person are damaged due to the implementation of counterterrorism work, the State shall make compensation, and relevant entities and individuals have the right to make a request for compensation.

Particularly, the CTL stipulates specific items for protecting personal safety. According to Article 76, if the safety of an individual or their close kinsfolk face danger because they report and stop terrorist activities, bear witness in a counterterrorism cases, or undertake counterterrorism work, upon their application, the PSO and relevant departments shall adopt one or more the following protective measures: (i) Not to release details of witnesses’ / kinsfolk true names, addresses, workplaces and other personal information; (ii) Prohibit specified individuals from approaching the protected persons; (iii) Adopt special protective measures to their person and residence; (iv) Change the name of the protected person, rearrange for a residence and workplace; (v) other necessary protective measures. The provisions of the CTL in China can be compared to similar legislation in other countries.

## **7. Discussion**

When considering the CTL designed for China, it is instructive to compare this against similar legislation in western countries (see Table 1). Beckley (2014b) identified six policing operations aimed at targeting terrorist activities, but acknowledged that this was not an exhaustive list: (1) governmental; (2) intelligence / counter-intelligence; (3) securitization; (4) “militarization” of the police; (5) critical incident management; (6) liaison with military. This paper will not go into the six solutions in depth as it is mainly concentrating on the effectiveness of legislative provisions; however, some of the factors in the CTL of China, link to these solutions. Revised government policy has been found effective in some countries (Brighton, 2007), but many factors need to be taken into account in utilizing government action. For example, where multiculturalism exists (Brighton, 2007) success hinges on whether the general population is open to explore inter-ethnic, inter-racial and inter-faith relationships or revert to previous antagonisms or racism and discrimination.

**Table No. 1:** Comparison of Counterterrorism Laws: China, UK, Australia, USA.

	China - Counter terrorism law	UK <sup>1</sup>	Australia <sup>2</sup>	USA <sup>3</sup>
<b>Definition of Terrorism (Comparison)</b>	✓	✓	✓	✓
<b>Organisation of internal CT lead bodies</b>	✓	✓	✓	✓
<b>National Security strategy</b>	✓	✓	✓	✓
<b>Role of State Organs in CT</b>	✓	✓	Pending	✓
<b>Role of Social Organizations in CT</b>	✓	✓	Pending	✓
<b>Role of individual citizens in CT</b>	✓	✓	✓	✓
<b>Criminal Law penalties for Terrorism</b>	✓	✓	✓	✓
<b>Government finance for CT</b>	✓	✓	✓	✓
<b>Protection of informants or CT operatives</b>	✓	✓	✓	✓
<b>Measures against Foreign Fighters</b>	✓	✓	✓	✓
- Powers to seize travel documents	✓	✓	✓	✓
- Temporary exclusion orders	✓	✓	✓	
- Permit to return	✓	✓	Pending	
- Obligations after return	✓	✓	Pending	
<b>Terrorism Prevention and Investigation Measures (TPIMs)</b>	✓	✓		
- Overnight residence measure		✓		
- Travel measure	✓	✓		
- Weapons and explosives measure	✓	✓		
<b>Control Orders</b>	✓	✓	✓	
<b>Retention of relevant internet data</b>	✓	✓		
<b>Aviation, shipping, rail</b>	✓	✓	✓	✓
- Authority to carry schemes	✓	✓	✓	
<b>Preventing people being drawn into terrorism</b>	✓	✓	✓	✓
- duty on specified authorities	✓	✓		✓
- power to specify authorities	✓	✓		
- power to issue guidance	✓	✓		
- power to give directions	✓	✓		
- freedom of expression in universities	✓	✓		✓
- monitoring of performance, further higher education bodies	✓	✓		✓
<b>Support for people vulnerable to being drawn into terrorism</b>	✓	✓	✓	✓

1 Terrorism Act 2000 and Counterterrorism and Security Act 2015

2 Criminal Code Act 1995

3 USA PATRIOT ACT 2001, succeeded by USA Freedom Act 2015

Some countries have introduced hard-hitting policies to target foreign fighters such as enhanced travel security, cancellation of passports and travel documents or cancellation of welfare allowances (Lee & McKenzie, 2014). Increased surveillance can be introduced through legislation (Beckley, 2013; Williams, 2014) which may lead to intrusions on the accepted freedoms and privacy within society such as freedom of the press (Cozine, Joyal & Huseyin, 2014; Williams, 2014). In modern cities, the safety of the community is also linked to security systems in public places and new technology which can impact on privacy and confidentiality. Intelligence-led counterterrorism “de-radicalization” programs can be delivered through community liaison/advice (Brighton, 2007; Dahl, 2014) but these solutions can be expensive on the public purse. Links into the community can be made through informants or covert human intelligence sources facilitated through versions of Community Policing. In a research project in New South Wales, (Dunn, Atie, Kennedy & Rogerson, 2015) asked the question “Can you use community policing for counterterrorism?”, and the answer was in the affirmative; this result was backed up by a study in the USA (Schanzer, Kurzman, Toliver & Miller, 2016). The authors have identified similarities in community policing in western democracies to the mass line in criminal investigation (Li & Beckley, 2017).

In China, many of these points are specifically addressed as the CTL stipulates three principles for counterterrorism that may bring some inspiration to other countries in the world. These principles include: (i) Combining specialized forces with reliance on the masses; (ii) giving priority to prevention of terrorism; (iii) gaining the initiative by striking the first blow. As in any country, although legislation assists the fight against terrorism, the outcomes are, at best, uncertain, and, at worst, counter-productive. However, it seems that China has achieved some ideal outcomes since the implementation of the CTL. Chinese officials reported at the Forty-first Session of the United Nations Human Rights Council June 25 2019 that no terrorist attacks had occurred in the past three years in China (Xinhua News, 2019 June 25) .

The CPC as a state has three advantages in combatting terrorism. First, the PRC is a one-party ruled state, though there are eight other democratic parties, due to the role played in history, they are only participants in political life instead of leaders or deciders. The one-party ruled state may enable the CPC to concentrate its efforts more on resolving social problems, including combating terrorism, rather than competing for election. It will also ensure the continuity of the Party’s policies and political will.

Second, through more than 40 years’ reforming development, China has become the world second largest economy entity. This provides the necessary economic guarantee in implementing the required counterterrorism strategies and measures.

Third, China is a country with a long history of centralism, and the Chinese people have formed a culture of respecting and accepting the authority of the central government. Such a culture along with the top-down structure of the counterterrorism leading bodies stipulated by the CTL will ensure the CPC maintains coordination of counterterrorism measures nationwide.

## 8. Conclusion

The content of this paper has mainly outlined the provisions of new counter terrorism legislation in the PRC, while also comparing the law with the countries of Australia, United Kingdom, and the United States of America. The new legislation was criticized by several observers, but spokespersons from the PRC stated that the provisions it contained are relevant, proportionate and modelled on the criminal law in other countries. It appears, on the face of it, the counterterrorism legislation in the four countries to be very similar, although it could be interpreted or executed in different ways or contexts by the police or the courts. Indeed, there have been criticisms of China's human rights record; however, this should be balanced against the record of other countries. Examples of egregious infringements of human rights are the "temporary" detention of alleged terrorists in the Guantanamo Bay Centre by the USA which has existed for 14 years (Moss, 2016, January 21), and Australia's record on detention of asylum seekers arriving by sea in several off-shore locations (Beckley, 2014a).

Certainly, the CPC faces also some challenges both home and abroad in combating terrorism. Borrowing from an old Chinese saying, he who wins the hearts of the people wins the sovereignty under the heaven. The ongoing anti-corruption campaign reveals that the CPC wants to win back the hearts of the people. The CTL stipulates "combining specialized forces with reliance on the masses" as the first principle in combating terrorism, which shows that the CPC is determined to continue its mass line philosophy in fighting terrorism. However, whether the Chinese masses are willing to follow and support the CPC as usual will depend on whether the CPC can reconstruct a clean and effective government. If the CPC can, it can be optimistically expected that Chinese PSO and other state organs, supported by social organizations and the majority of the people, will not lose the new people's war against terrorism.

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